



An
Bord
Pleanála

Inspector's Report ABP - 310508-21.

Development

Demolition of existing buildings and construction of eleven apartments in two four storey buildings, Driveway, carparking, bin storage, cycle stands, landscaping and associated site works.

Location

No. 5 Wellpark Road, Galway.

Planning Authority

Galway City Council

P. A. Reg. Ref.

20/293

Applicant

Marguerite Gavigan.

Type of Application

Permission

Decision

Grant Permission

Type of Appeal

Third Party X Grant

Appellant

Julie Sammon

Observer

Date of Site Inspection

10th August, 2021

Inspector

Jane Dennehy

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 1,459 square metres is located on the north side of the Wellpark Road to the east of the Galway Community College and the College Sports halls adjoin the northern boundary. The “G” Hotel and Wellpark Retail Park are on the south side of Wellpark Road opposite the site and bungalows on deep individual plots with direct frontage and access onto the north side of Wellpark Road are located to the east of the application site.
- 1.2. The ground level within the site which is deep and narrow rises upwards in a northerly direction from the level of road. There is a bungalow, chalet and some outbuildings to the rear at the northern end to the front of which there are front gardens and curtilage parking along with a driveway and vehicular access onto the Wellpark Road at the southern frontage.
- 1.3. The Wellpark Road, (R339) is a main distributary road along which there are unbroken double yellow lines at the footpath edge on both sides of the carriageway. An entrance to the Wellpark Retail Park is directly opposite the site.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority on 16th November, 2021 indicates proposals for the demolition of the existing house and a chalet the total stated floor area of which is 288 square metres and for construction of two four storey apartment blocks with vehicular access off Wellpark Road. The development provides for six one bed units and five two bed units: Block A contains four two bed units, one on each floor and Block B one two bed unit and six one bed units. The total stated floor area of the two blocks is 991 square metres and plot ratio is 0.679:1 providing for density of seventy-five units per hectare.
- 2.2. The site layout indicates vehicular access and twelve surface carpark spaces at the front of the site with the two blocks, each with landscaped space to the front located on behind the other into the site.
- 2.3. The applicant lodged, on 24th April, 2021, a response to a request for additional information issued on 15th January 2021 in respect of:

Details relating to means of escape (Fire) from the buildings and access for

fire tenders and personnel,

Dwelling mix whereby one bed units represent twenty seven percent of the units in the revised scheme in that the number of one bed units in Block B is reduced to three and two bed units is increased to three. SPPR 1 in the Apartment Guidelines. having a requirement for a maximum of fifty per cent in one bed units.

A statement that the application site comes within “Central or Accessible Urban Locations” having regard to the Apartment Guidelines as opposed to Established Suburbs having regard to Section 2.6 of the CDP (Neighbourhoods Established City Suburbs and ‘Infill’ as referred to in the planning officer report and revisions to design to address impacts on adjoining residential properties, revisions to the carparking layout, materials and finishes, refuse storage and setback to address overlap with a bus lane on Wellpark Road.

A shadow cast analysis drawing for 21st March, 21st June, 21st September and 21st December.

3.0 **Planning Authority Decision**

3.1. **Decision**

By order dated, 18th May, 2021, the planning authority decided to grant permission subject twenty-four conditions all of which are of a standard nature.

3.2. **Planning Authority Reports**

- 3.2.1. The report of the **Planning Transportation and Physical Development** and the **Environment** Sections indicate no objection subject to conditions.
- 3.2.2. The report of the **Chief Fire Officer** indicated recommends for a request for additional information with regard to means of escape and access for fire tenders and fire personnel, reference being made to the requirement for Fire Safety Certificate at a later stage.

- 3.2.3. The **Planning officer** recommended a request for additional information and having considered the response submitted to the planning authority on 24th April, 2021 indicated satisfaction with the proposal and a grant of permission. The applicant's case as to the location coming within "Central or Accessible Urban Locations" as defined in the Apartment Guidelines is accepted on the basis that the location is in evolving in characteristics. It is therefore stated that a plot ratio of 0.679:1 and a density of seventy-five units per hectare is acceptable having regard to section 2.22 of the Apartment Guidelines given the location (described as "in transition") abutting a mixture of various building types and sizes and land uses, the main distributor road, public transport and the proximity to the city centre and to employment. It is further stated that a suburban density such as 0.46:1 in the CDP is not responsive to the location's context, would be contrary to sustainable use of serviced lands near the city centre and the interest of consolidation and a compact city.

3.3. **Third Party Observations**

- 3.3.1. Objections were lodged by the appellant party on both the application and further information submissions and by the occupants of No 9 Well Park Road indicating objections on grounds of excessive height and scale, overlooking and intrusiveness with regard to existing residential properties, excessive density and additional traffic generation and exacerbation of traffic hazard and risks to public safety

4.0 **Planning History**

- 4.1. There is no relevant recent planning history for the application site.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. The operative development plan is the Galway City Development Plan 2017 – 2023 (CDP) according to which the site is within an area subject to the zoning objective: "R": *"To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods".*

- 5.1.2. The location is within the “Established Suburbs Neighbourhood Area”. According to Section 2.6 development proposals in an “Established Suburbs - Neighbourhood Area” must not adversely affect the character and infill should be at a scale that does not represent a major addition to or redevelopment to existing fabric and it should have regard to existing patterns of development. In addition, demolition in favour of higher density apartment development is not acceptable except on recently zoned lands and undeveloped lands where there is no established pattern of development or on main distributor roads where there is mixed use development.
- 5.1.3. Development management standards are in Chapter 11. For residential development in Established Suburbs there is a requirement for one parking space per dwelling and one visitor space per three dwellings or, one space per dwelling if the layout is grouped. (Section 11.3.2.(g) refers.) For Established suburbs there is a maximum plot ratio of 0.46:1
- 5.2. A fifteen percent of site area is required for communal recreational and amenity space provision.
- 5.3. Guidance on urban design is in section 8.78 providing for high quality development and protection of existing distinctive characteristics of the city.
- 5.4. **Strategic Guidance.**
- 5.4.1. **Sustainable Urban Housing Design Standards for New Apartments, 2020,** (Apartment Guidelines) issued under Section 28 of the Planning and Development Act, 2000 as amended. (Updated from 2018.)

The Apartment Guidelines provide for the following:

- To enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas.
- Make better provision for building refurbishment and small-scale urban infill schemes.
- Address the emerging build to rent and shared accommodation sectors.

- Remove requirements for car parking in certain circumstances where there are better mobility solutions to reduce costs.

According to the Apartment Guidelines: the most suitable locations for apartment developments are those that can be defined as “central and/or accessible urban locations” as these locations are generally suitable for small to large scale higher density development that may wholly comprise of apartments such as within walking distance of the principle city centres or significant employment locations that may include hospitals and third level institutions, sites within reasonable walking distance (i.e. up to 10 minutes or 800 metres to 1,000 metres) to/or from high capacity urban public transport stops such as Dart or Luas and sites within, easy walking distance (i.e. up to five minutes to and from high frequency urban bus services).

- 5.4.2. **“Urban Development and Building Heights: Guidelines for Planning Authorities”**, (The Building Height Guidelines) issued under Section 28 of the Planning and Development Act, 2000 as amended.

According to Special Planning Policy Requirement (SPPR1) it is government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, Planning Authorities shall explicitly identify through the statutory plans, areas where increased building heights will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

According to SPPR 2, in driving general increases in building heights, Planning Authorities shall also ensure appropriate mixtures of uses, such as housing, commercial and employment development, are provided for in the statutory plan context.

- 5.4.3. **‘Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas’** and the accompanying **‘Urban Design Manual’**, DOEHLG, 2009.
- 5.4.4. **‘Design Manual for Urban Roads and Streets’** 2012 (DMURS)

6.0 The Appeal

6.1. Grounds of Appeal

An appeal was received from Julie Sammon, owner/occupier of No 7 Wellpark Road the property to the east side of the appeal site on her own behalf on 14th June, 2021. Ms Sammon considers that the assessment by the planning authority is flawed and it is requested that permission be refused. She states that she has no objection in principle to redevelopment but the subject proposal is not acceptable.

6.2. According to her appeal: -

- With regard to Reason No1:

The four storey buildings, with parapet heights for Block A of 20.749 metres with the lift shaft at 23.040 metres towers over the adjoining dwelling by 4.4 metres and by the lift shaft at 6.7 metres. The parapet height of Block B at 22.290 with the lift shaft at 25.080 metres towers over the adjoining dwelling by six metres and by 8.7 metres for the lift shaft.

This is massive relative to the single storey dwellings on Wellpark Road including Ms Sammon's adjoining property which would be dwarfed and overshadowed (as demonstrated by the submitted shadow study) by Block A especially its roof elements. The rear garden of Ms Sammon's property would also be overlooked from balconies at Block B. The proposal is therefore in conflict with section 11.3. 1. (d) of the CDP and Section 2.5 with regard to Outer Suburbs / Established Residential Areas.

- With regard to Reason No 2:

The proposed development is contrary to the CDP' policy for outer suburbs in which demolition and replacement and for higher density development is not generally acceptable with the exception of recently zoned undeveloped lands where no pattern of development is established and to have regard to relevant criteria.

The proposed development is in contravention of the CDP' policy to section 2.6 (Established Suburbs) according to which infill should not be of a scale

that represents a manor addition to existing urban fabric with higher density apartment development not being acceptable subject to exceptions where there are recently zoned undeveloped lands where no pattern of development has been established or on major distributor roads where there is mixed use or where development will not reduce residential amenity. The proposal is contrary to the CDP policy not to allow demolition of existing dwellings in favour of replacement dwellings and in favour of higher density apartment development.

- With regard to Reason No 3:

The site area is 1459 square metres; the gross floor area of the apartment development is 991 square metres increasing to 1013 square metres with twenty-two square metres for bin storage included and the density (*sic*) is at 0.69:1 is excessive so the proposal is overdevelopment. The CDP allows for 0.46:1 according to section 11.3.1.(a) Established Suburbs. This allows for a gross floor area of 671 square metres whereas the development has a floor area of 1013 square metres including bin storage.

- With regard to Reason No 4:

There is sufficient carparking. According to section 11.3.1. (g) 21 spaces are required whereas only twelve are provided so the proposed development is overdevelopment.

- With regard to Reason No 5:

A road safety audit is required for the application. The entrance is direct to the R339 within 100 metres of the Moneenageeshia Road's four route intersection and college where there have been several road accidents.

- With regard to Reason 6:

A traffic impact assessment should have been submitted. Seventy-seven traffic movements onto the roadway would be generated increasing hazardous conditions hazard and likelihood of accidents.

6.3. Applicant Response

There is no submission from the applicant on file.

6.4. **Planning Authority Response**

6.5. There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The issues central to the determination of the decision, having regard to the appeal can be considered below under the following subheadings:

Development in principle.

Dwelling Mix.

Scale design and height and visual impact.

Overlooking

Overshadowing.

Density and intensity overdevelopment.

Carparking

Traffic Safety and Convenience on R 339.

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

7.2. **Development in principle.**

7.2.1. While according to section 2.6 of the CDP new developments and infill developments should not be of a scale to reflect major additions to and or redevelopments of the pattern of development the site of the subject proposal is transitional, at the western edge of individual residential properties on deep plots to the east fronting onto the main distributor road close to the Moneenageeshia junction where there has been a radically evolving built environment, characterised predominantly by commercial and institutional development as discussed in the applicant's submissions and the planning officer report. The site location is relatively close to the city centre and is at highly very accessible and convenient location with regard to available services and facilities. As such with regard to the CDP provisions in section 2.6 the exceptions provided for consideration with regard to nature and intensity and with regard to

demolition of the existing dwelling are reasonable having regard to the transitional location close to the city centre and at the edge of the established low density residential area.

- 7.2.2. In this regard, consideration of the proposed development in the context of “Central and/or Accessible Urban Locations” having regard to the Apartment Guidelines, as contended on behalf of the applicant, notably, section 4.20 providing for locations within or within circa fifteen minutes walking distance of city centres and employment centres and having regard to SPPR 1 within the Building Height Guidelines is appropriate and reasonable.
- 7.2.3. As has also been discussed, it is arguable that some precedent can be taken from the grant of permission been granted for demolition of a dwelling and construction of a fourteen-unit apartment development in two blocks on lands close to the site subject of the current application and appeal. (P. A. Reg. Ref. 17/382 refers.)
- 7.2.4. To this end, subject to satisfactory qualitative and technical standards being achieved and having regard to national policy consolidation of inner urban areas and to the policies and objectives of the Building Height Guidelines and the Apartment Guidelines, the proposed demolition of the exiting dwelling and construction of a multiple unit apartment development in nature and is considered reasonable and acceptable in principle.

7.3. Dwelling mix.

- 7.3.1. Having regard to the higher density for the proposed development, the dwelling mix as provided for in the further information submission whereby the total number of one bed units is reduced from six in the original proposal to three which represents twenty seven percent of the total, the one bed units in the original proposal exceeding fifty percent of the total. This revised proposal is consistent with the provisions of the Apartment Guidelines and is considered appropriate and acceptable having regard to the characteristics of the site location as discussed above.

7.4. Scale design and height and visual impact.

- 7.4.1. Notwithstanding the additional height attributable to the housing for the lift shafts at the development it is considered that in the presentation of the blocks towards Wellpark Road, the proportions whereby there is relative slenderness and vertical

emphasis offsets any potential excess in massing in views towards the blocks from the south in which the visual impact within the streetscape is positive in complementing the College buildings and in the step up from the adjoining residential properties to the east.

- 7.4.2. Even though Block A's footprint is slightly forward of the front building line of the adjoining property, it is considered that the 3.8 metres metres' separation distance from the east site boundary and adjoining dwelling which increases to 6.2 metres towards the rear is sufficient to ameliorate potential overbearing impacts. In this regard it is of note that there is no projection beyond the rear building line or the adjoining dwelling.
- 7.4.3. Block B to the rear of Block A at over fifteen metres to the northwest of the adjoining dwelling to the east, would not give rise to undue dwarfing or overbearing impact on the adjoining dwelling although the footprint is relatively close to the lower, northern end of the rear garden impact from which it, notably the site elevation would be conspicuous. It is noted that there are some existing structures es adjacent to the east boundary at the northern end of the site the removal potentially benefits the amenities of the adjoining property.

Details for the proposed materials and finishes can be finalised by compliance with a condition of permission is granted low maintenance finishes being desirable. IT is indicated in the design statement that the blocks are to be constructed in rendered blockwork with cladding panels and glass

7.5. Overlooking.

- 7.5.1. There is no potential for overlooking of adjoining properties from the windows for Block B's east elevation shown in the further information submission in which opaque glazing is proposed and in which some, some of which are fixed and others for bathrooms with openings which can be conditioned to be top hung pivot only. Screening for the balconies and design for the decking to direct use towards the southwest would overcome potential for overlooking. While the proposed development in replacing a single, low-profile dwelling may give rise to perceptions of overlooking and intrusiveness into private open space at the appellant party's property.

7.6. Overshadowing.

- 7.6.1. A shadow cast analysis was included in the further information submission showing diagrams for 21st March, 21st June, 21st September and 21st December. Notable shadowing is shown for the later afternoon evening times at the rear of the adjoining property of the Appellant year-round. The analysis does not include a shadow cast analysis demonstrating the pre-development impact, that is the shadow cast by the existing development including cast by the structures within the appellant property. As such it would be advisable for the applicant to be requested to submit a study the methodology for which could be guided by the recommendations and standards within *Site Layout Planning for Daylight and sunlight. A Guide to good practice*. (BRE 209) P Littlefair.

7.7. On-site Parking.

- 7.7.1. Given the site location's proximity to the city centre as discussed under para 7.2 above and the availability of services and facilities in the immediate vicinity including public transport the quantum of on-site parking which is equivalent to one space per unit is considered reasonable. This quantum is considered reasonable for the proposed development and is consistent with the CDP standards whereas it could be substantially reduced having regard to section 4.19 of Apartment Guidelines which allows for substantial reduction or even elimination at some Central and/ or Accessible Urban Locations."
- 7.7.2. The position and layout at the lower, southern end of the site, with landscaping, is optimal in benefiting the amenity potential of the communal open space areas upslope to the front of each block and in addition the residential amenities of the adjoining property as well as the proposed units would be protected from impact from lights and disturbance by vehicles circulating within the site. The development as modified in the further information submission provides satisfactory arrangements for fire tenders or similar emergency services and for refuse collection.

7.8. Traffic Safety and Convenience on R 339.

- 7.8.1. The appellant submits that a road safety audit and a traffic impact assessment should have been included in the application for assessment. However, given the small scale of the development overall an assessment of trip generation and traffic impact assessment and a road safety audit are unwarranted. The impact on traffic

flow attributable to additional turning movements into and out of the site would be relatively insignificant.

- 7.8.2. It is noted from the further information submission drawings that provision has been made for a one metre setback to facilitate future road alignment works along with a centrally positioned and widening of the entrance. While dimensions and sightlines are not annotated in the submitted drawings, it is considered that final design could be addressed by compliance with conditions. It is noted that the design is stated to be acceptable to the Transportation Department and the proposed speed development is acceptable to it subject to conditions.

7.9. Environmental Impact Assessment Screening.

- 7.9.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.10. Appropriate Assessment Screening.

- 7.10.1. Having regard to the scale and nature of the proposed development and to the location, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing, it is recommended that the planning authority decision be upheld and that permission be granted. However, prior to determination of the decision it would be advisable for the applicant to be requested to submit a comprehensive daylight and sunlight study to facilitate assessment as to potential impact on the private open space to the rear of the adjoining property to the east relative to predevelopment conditions as discussed under para 7.6 above. Draft Reasons and Considerations and Conditions follow.

9.0 Reasons and Considerations

Having regard to:

- The Galway City Development Plan, 2017-2022 according to which the site is within an area subject to the zoning objective “R”: *“To provide for residential development and for associated support development, which will ensure the protection of existing residential amenity and will contribute to sustainable residential neighbourhoods”* and within the “Established Suburbs Neighbourhood Area as provided for in section 2.6 thereof.
- Sustainable Urban Housing Design Standards for New Apartments, 2020, according to which the site location comes within providing for locations within or within circa fifteen minutes walking distance of city centres and employment centres.
- To “Urban Development and Building Heights: Guidelines for Planning Authorities”, according to Special Planning Policy Requirement (SPPR1) of which it is government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores and,
- The configuration of the site and, to the evolving and established pattern and character and range and nature of uses of the existing development in the surrounding area

it is considered that subject to compliance with the conditions below the proposed development would not seriously injure the visual amenities and character of the surrounding built environment or the residential amenities of adjoining properties by reason of overbearing impact, overshadowing or overlooking, would be acceptable in terms of traffic and public safety and convenience and, would be in accordance with the proper planning and sustainable development of the area.

Conditions.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars lodged with the planning authority on 21st April, 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of the development, the applicant shall submit and agree in writing with the planning authority, full details for the proposed entrance to include details of dimensions for the entrance, its splays and sightlines in each direction and front boundary treatment as for the proposed development

Reason: In the interest of clarity, orderly development and pedestrian and vehicular safety and convenience.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including details of:

Location of the site and materials compound.

Location of areas for construction site offices and staff facilities.

Site security fencing and hoardings.

Timing and routing of construction traffic to and from the construction site and associated directional signage.

Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

Mitigation measures for noise, dust and vibration, and monitoring of such levels.

Containment of all construction-related fuel and oil and, arrangements for storage and removal of construction and demolition waste and measures for management of surface water run-off.

Arrangements to ensure that during the construction and demolition phases, works are in accordance the standards in, British Standard 5228 *'Noise Control on Construction and Open Sites, Part 1. Code of practice for basic information and procedures for noise control.'*

Arrangements for management of demolition and construction stage impacts on pedestrian facilities and circulation.

A monitoring system and record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of orderly development, public amenity and safety, and the proper planning and sustainable development of the area.

4. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with, *"Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects"*, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

5. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the protection of the amenities of the area.

6. A plan containing details for the management of waste including recyclable materials and the provision of facilities for the storage, separation and collection shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

7. Details of materials, colours and textures of all external finishes which shall include the provision of samples shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. The applicant shall obtain water and waste-water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and visual amenities of the area.

11. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 (as amended), no additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant or the erection of telecommunications equipment other than those already shown on the drawings submitted with the application, unless authorised by a prior grant of planning permission.

Reason In the interest of clarity and visual amenity.

12. Details of the proposed signage, naming and numbering scheme for the proposed development shall be submitted to the planning authority for their written agreement prior to commencement of development, any additional signage shall be the subject of a separate planning application.

Reason: In the interest of visual amenity and residential amenities.

13. Prior to the commencement of the development, fully detailed Servicing Management Plan shall be submitted to and agreed in writing with the planning authority. The implementation of the measures provided for in the plan shall be managed, monitored and reviewed by the operator of the development.

Reason: In the interest of pedestrian and vehicular safety and convenience.

14. The management and maintenance of the proposed development following its competition, to include maintenance of the communal open spaces and access routes and the external facades of the buildings shall be the responsibility of a legally constituted management company or by the local authority in the event of the development being taken in charge. Details of the proposed arrangements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure the satisfactory completion and maintenance of the development.

15. The Developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Jane Dennehy
Senior Planning Inspector
30th August, 2021.