



An
Bord
Pleanála

Inspector's Report ABP-310542-21

Development

- (i) The change of use of 18 apartments in Block A from existing use as holiday apartments to use as residential apartments,
- (ii) Provision of a bin and bicycle storage shed with ancillary storage facilities for residents, and
- (iii) Provision of ground level private amenity spaces for ground level apartments with associated hard and soft landscaping works to include for provision of communal open space area and associated site works.

Location

Block A, Wild Atlantic Way
Apartments, adjacent to Hotel
Killarney, Park Road, Killarney, Co.
Kerry.

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

21/332

Applicant(s)

Octavius Property Company Limited

Type of Application

Permission

Planning Authority Decision

Grant, subject to 8 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

Shelia O'Sullivan

Crimmins Hotels & Leisure Ltd

Observer(s)

None

Date of Site Inspection

12th August 2021

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located in the eastern suburbs of Killarney, 1.3km from the town centre. This site lies within the north-western portion of what was originally an exclusively tourism campus comprising the Hotel Killarney, the Three Lakes Hostel, and other holiday accommodation. This Hotel is to the east of the site and beside the Park Road Roundabout, which forms the junction between the Killarney By-pass Road (N22) and Park Road (R876)/Upper Park Road. Other uses along Park Road include residential, commercial, and community/ecclesiastical ones.
- 1.2. The site itself is roughly regular in shape and it extends over an area of 0.303 hectares. This site is accessed from Park Road by means of the road network, which serves the wider campus. It presently accommodates a freestanding three-storey holiday apartment block of elongated form that extends on a north/south axis back from the site's frontage with Park Road. This block, which is denoted as Block A, is composed of 18 holiday apartments (2028 sqm) with 6 on each floor served by a central passageway under an atrium. Each holiday apartment is served by either a privacy strip or a balcony. Car parking areas are sited to the front and rear of the block with 9 spaces in the former and 15 spaces in the latter. The longer eastern and western side elevations are accompanied by areas of open space: The former is grassed with a row of trees running through it and the latter is gravelled and bound to the south by a brick wall with railings over and a row of trees alongside. The roadside boundary is denoted by a low-rise brick wall. The other boundaries to the site are open.

2.0 Proposed Development

- 2.1. The proposal is for the change of use of the 18 apartments in Block A from their existing use as holiday apartments to use as residential apartments.
- 2.2. The proposed change of use would be accompanied by several physical developments, which would facilitate this change of use. These developments would be as follows:
 - The provision of a bin and bicycle storage shed, which would include ancillary storage facilities for residents, over a floorspace of 37.5 sqm. This shed would

be sited adjacent to the north-western corner of Block A and it would replace the existing bin shed.

- Provision of ground level private amenity spaces for ground level apartments.
- Provision of 177 sqm of communal open space area on the western side of Block A.

2.3. Internally, built-in storage spaces would be provided in the kitchen, hallway, and bedrooms of each apartment

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 8 conditions, including ones prohibiting use of residential apartments for the provision of overnight commercial guest accommodation, prohibiting the installation of satellite dishes, requiring that Part V obligations be met, and requiring that the formation of a legally constituted management company to oversee future maintenance of services and communal areas.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Previous reasons for refusal in the case of Block A deemed to be overcome.

3.2.2. Other Technical Reports

- TII: No observations to make.
- Irish Water: No objection, subject to condition with respect to a connection agreement.
- Kerry County Council:
 - Housing Estates Unit: Revisions requested to the external surface areas of the site and associated conditions.
 - Kerry NRO: No observations to make.

4.0 Planning History

Overall site, which includes the current application site:

- 03/4042: Extension to existing hotel comprising 40 residents' suites + 4 blocks containing 63 holiday apartments and 5 terraces containing 24 holiday homes: Permitted, subject to conditions including the following one, denoted as No. 20:

The proposed commercial tourist accommodation development and the existing hotel shall remain as an integral unit and under the one ownership, as indicated on particulars received by the Planning Authority from the applicant on 04/09/03. Any proposed change to the existing planning unit shall be the subject of a separate planning application.

Reason: In the interests of orderly development and in order to regulate the development.

- 20/706: Change of use of holiday apartments to residential apartments in Block A (18 units), Block B (15 units), and Block D (15 units): Refused at appeal ABP-308394-20 for the following reason:

Having regard to the extent of the application site as delineated by the red line on the drawings accompanying the application, which does not include lands accommodating the integral ancillary facilities for the proposed residential use, such as car parking, bin storage and open space provision and, on the basis of the submissions made in connection with the planning application and the appeal, the Board is not satisfied that the applicant has sufficient legal interest in the lands on which the ancillary facilities necessary for and incidental to the occupation of the proposed dwellings are located, or has the approval of the person who has such sufficient legal estate or interest to enable the use of these facilities by prospective occupants.

Furthermore, and by reference to the plans and particulars submitted with the application, it is considered that the lack of identified internal storage within the proposed dwellings and the lack of allocated private amenity space for the ground floor units would adversely impact on the residential amenity for prospective occupants. On this basis, the Board is not satisfied that the proposed development would not constitute a substandard form of development or that it would provide adequate amenities for prospective occupants.

In this regard, the proposed development would seriously injure the residential amenities of prospective occupants, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Sites elsewhere within the overall site developed as a hotel with holiday accommodation:

- 17/1254: Block C – Change of use of 15 holiday apartments to residential apartments: Permitted.
- Use of 7 holiday homes in row to the south of the current application site were permitted, under applications made between 2014 – 2017, to change to residential units.

5.0 Policy and Context

5.1. Development Plan

Under the Killarney Town Development Plan 2009 – 2015 (as extended), the site is shown as lying in an area that is zoned R2, existing residential.

5.2. National Policy

Sustainable Urban Housing: Development Standards for New Apartments Guidelines

5.3. Natural Heritage Designations

- Killarney National Park, Macgillycuddy's Reeks and Caragh River catchment SAC (000365)
- Killarney National Park SPA (004038)

5.4. EIA Screening

The proposal is essentially for a change of use of an existing building and so it would not be a project for the purposes of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

(a) **Shelia O’Sullivan** of Ros Villa Guesthouse, Park Road, Killarney

- Block A is subject to Condition No. 20 attached to permitted application 03/4042.
- Block A has, allegedly, been in permanent residential use for several years (cf. declaration application EX581).
- Block A was refused permission under ABP-308394-20: The Board acknowledged that a material change of use was being proposed. The current application should be for the retention of residential use.
- Block A’s bin storage area has been in-situ for several years and so it, too, should be the subject of a retention application. This area attracts vermin, and it is a hazard to children who have no play area.

(b) **Crimmins Hotels & Leisure Ltd**, the owners of Hotel Killarney and the Three Lakes Hostel

The appellant begins by outlining the history of the campus and the role of Hotel Killarney and the Three Lakes Hostel in providing c. 750 bedspaces and 100 jobs and, thereby, contributing significantly to the tourism sector in Killarney.

The appellant acknowledges that the campus is no longer under a single ownership. It nevertheless considers that in terms of usage it should continue to be integrated. Attention in this respect is drawn to Condition No. 20 attached to permitted application 03/4042. The original ethos of the site as a holiday facility is maintained at present by the short-term holiday letting of Block A.

While the current application is for Block A only, the recent appeal ABP-308394-20 remains relevant, and the following issues of concern are raised:

- Permitted application 17/1254 does not establish a precedent for the current application, as the Board’s decision on ABP-308394-20 has occurred since then.

- The green areas and amenity spaces on the campus are in the appellant's ownership.
- There is a lack of clarity with respect to boundaries between private and public spaces.
- The proposed refuse facility would create a nuisance and it may be sub-standard with respect to waste segregation.
- Would the proposed residential apartments comply with standards in the relevant Guidelines? In this respect, no quality housing assessment has been submitted.
- The applicant has not consulted with the appellant over its proposal.

6.2. Applicant Response

The applicant has responded to appellant (a) as follows:

- With respect to Condition No. 20, the Board's attention is drawn to the planning history of the campus wherein Block C has been permitted for a change of use to residential apartments and 7 holiday homes have, likewise, been permitted for a change of use to residential units.
- With respect to declaration application EX581, this application dates from 2017 and so is historic. Neither the applicant nor its lease operator was consulted by the Planning Authority on it. The failure to consult is significant in the light of the Supreme Court's decision that the Board was correct to refuse to consider referral 25.RL.2815 on the basis that all the relevant parties had not been consulted.

The applicant states that the lease of Block A is for the sole purpose of short-term holiday lets.

- With respect to a material change of use, this is not in dispute, i.e. the proposal would constitute development.
- With respect to concerns over the existing bin storage facility, these would be fully addressed by the proposed replacement facility.

The applicant has responded to appellant (b) as follows:

- With respect to Condition No. 20, the Board's attention is drawn to the planning history of the campus wherein Block C has been permitted for a change of use to residential apartments and 7 holiday homes have, likewise, been permitted for a change of use to residential units.

Furthermore, the Planning Authority's assessment of applications 20/706 and 21/332 deemed the proposal to be acceptable under the residential zoning of the site and the case inspector raised no objection to the principal of the proposal under ABP-308394-20.

- With respect to green areas shown within the application site, these are within the applicant's ownership. Furthermore, green areas associated with Blocks B, C and D could be used by future residents on an ancillary basis, due to easement rights over these areas granted on 18th November 2003. Ultimately, case law has established that disputes over such rights are not matters for the planning system to resolve, e.g. *McCallig v An Bord Pleanala* (2011). Section 5.13 of the Development Management Guidelines echoes this point.
- With respect to boundaries, existing landscaping is to be retained and ground level apartments would be provided with dedicated private amenity areas. If additional landscaping is deemed to be necessary, then the Board is invited to condition the same.
- With respect to bin storage facilities, these would be purpose-built, and they would cater for the "3-bin system" of waste segregation.
- With respect to apartment standards, a housing quality assessment table is submitted, which shows that the minimum total floor area of 73 sqm for two-bed units would be exceeded and compliance achieved to the fullest practical extent. In this respect, Section 3.15 of the relevant Guidelines recognise that in building refurbishment schemes some flexibility in the application of standards can be entertained.

Attention is drawn to the Planning Authority's acceptance of the proposed floorspace provision and to its previous acceptance in the equivalent permission granted to Block C under application 17/254.

- With respect to consultation, the Board will note that the applicant is under no obligation to undertake the same prior to making a planning application.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the Sustainable Urban Housing: Development Standards for New Apartments Guidelines, the Killarney Town Development Plan 2009 – 2015 (as extended) (TDP), relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Planning history, legal, and procedural matters,
- (ii) Land use,
- (iii) Residential amenity,
- (iv) Traffic, access, and car parking,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Planning history, legal and procedural matters

7.2. Both appellants draw attention to the planning history of the site. They cite Condition No. 20, which was attached to the permission granted to application 03/4042 for amongst other things, Block A. This Condition requires that the permitted development and the Hotel Killarney remain as an integral unit under one ownership

and that any proposed change to the existing planning unit shall be the subject of a separate planning application. While appellant (b) acknowledges that the tourism campus in question is no longer under single ownership, it maintains that this campus should continue to be used on an integral basis and so Block A should remain in use as holiday apartments.

- 7.3. The applicant has responded to the appellants by drawing attention to application 17/1254, under which the 15 holiday apartments comprised in Block C were granted permission for a change of use to residential apartments. It also draws attention to the 7 holiday homes, which were also granted permission for a change of use to residential units under applications that were submitted between 2014 – 2017. Insofar as these permissions have been implemented, the tourism campus has ceased to function in the integral manner envisaged by Condition No. 20. Insofar as these permissions were granted, precedent exists for the currently proposed change of use.
- 7.4. Appellant (b) has questioned the existence of precedent on the basis that since 17/1254 was granted the Board's decision ABP-308394-20 on 20/706 has been made. This application related to Blocks B and D, as well as A, and it was Blocks B and D that led to the Board's refusal, insofar as they were not accompanied by either any or sufficient grounds to facilitate the provision of ancillary facilities. By contrast, Block A was accompanied by sufficient grounds for such facilities.
- 7.5. I consider that Condition No. 20 does not prohibit any change of use. Instead, it makes clear that it needs to be the subject of a separate planning application. I consider, too, that 17/1254 was an example of such an application and that, in the light of the above factors, the applicant's citation of it as precedent stands.
- 7.6. Appellant (a) questions the use of Block A at present. She cites declaration application EX581, which addressed such usage. The applicant has responded by stating that this declaration dates from 2017 and so is of historic interest only. It also questions the validity of this declaration as neither the owner nor the lease operator was consulted upon it. The applicant states that Block A is in use at present for short-term holiday letting only.

- 7.7. During my site visit, I observed signage on the front elevation of Block A, which advertises its availability for use as holiday apartments on the basis of monthly, weekly, or nightly lets. Such signage supports the applicant's statement on usage.
- 7.8. Appellant (b) questions whether the green areas and amenity spaces on the campus are within the applicant's ownership. The applicant has responded by stating that the green areas within the application site are within its ownership and that future residents would benefit from easement rights over green areas associated with Blocks B, C, and D.
- 7.9. Appellant (b) draws attention to the absence of consultation on the current proposal, prior to the application for it. The applicant has responded by stating that there was no obligation upon it to consult.
- 7.10. I conclude that the planning history of the site does not preclude the Board from assessing/determining this application/appeal in the normal manner. Likewise, there are no legal or procedural matters that would have this effect.

(ii) Land use

- 7.11. Under the TDP, the site is shown as being zoned R2, "existing residential". Under this zone there is no, in principle, land use objection to the introduction of new residential use.
- 7.12. Under ABP-308394-20, objection was not raised to the principle of the proposed change of use from holiday apartments to residential apartments.
- 7.13. Appellant (b) expresses concern that the current proposal would change the ethos of the original tourism campus with detrimental consequences. As discussed above, precedent for this proposal exists, insofar as 17/1524 permits Block C to be used for residential apartments. While I was unable to confirm during my site visit that this permission has been implemented, I did note that this Block lies in a position adjacent to Blocks B and D, which remain as holiday apartments, and so the proximity/inter-relationship of permitted residential apartments and holiday apartment would be strong in this part of the original tourism campus. By contrast, Block A is sited in the north-western corner of this campus, opposite a blank elevation to Hotel Killarney's swimming pool and adjacent to 7 holiday homes which appear now to be in residential use. It is relatively self-contained and so any implications for the

campus of a change of use in Block A would appear, therefore, to be of a lower order than for Block C.

7.14. I conclude that the proposed change of use would be acceptable in principle.

(iii) Residential amenity

7.15. Under the Board's decision ABP-308394-20, application 20/706 was considered to be deficient insofar as the apartments in Block A lacked internal storage space and the ground floor apartments in this Block lacked private amenity space. The applicant has addressed these deficiencies under the current application by proposing a total of 6 sqm of internal storage space within each apartment, by means of built-in storage units in the kitchen, hallway, and bedrooms, and by proposing enclosed privacy strips to each of the ground floor apartments, which would accompany each of their sitting rooms. Supplementary storage for each apartment would be incorporated in the proposed freestanding bin/bike store, which would be sited adjacent to the north-western corner of Block A and so close to its entrance.

7.16. The Sustainable Urban Housing: Design Standards for New Apartments address internal storage and private amenity space. Under Paragraphs 3.34 and 3.39 they allow for the relaxation of normal requirements in refurbishment schemes, subject to overall design quality.

7.17. Appellant (b) draws attention to the absence of a quality housing assessment from the application. The applicant has responded by submitting such an assessment at the appeal stage, which interacts with Appendix 1 of the aforementioned Guidelines. This assessment sets out how, as two-bed/four-person apartments, each would exceed the minimum floor area of 73 sqm, i.e. they would range in area between 80.1 and 82.3 sqm. Within these totals, aggregated bedroom areas would also exceed the minimum floor area of 24.4 sqm, i.e. they would range in area between 26.38 and 27.92 sqm. However, if the floor areas of the proposed built-in storage units are allowed for, then some infringement of the minimum would occur. More significantly, aggregated living/dining/kitchen areas would consistently fall below the minimum floor area of 30 sqm, i.e. they would range in area between 27 and 29.4 sqm. The Guidelines allow for a variation of up to 5%, where the overall floor area would be compliant. If this variation is applied, then only the 3 apartments with 27

sqm aggregate floor areas would be non-compliant, i.e. apartments numbered 6, 12, and 18. All of the apartments would be served by private amenity space in excess of the minimum of 7 sqm, i.e. between 7.2 and 14.6 sqm.

- 7.18. Non-area-based indicators are also included within the assessment, too. Thus, floor-to-ceiling heights would be consistently 2.5m and the ratio of single to dual aspect apartments would be 7: 11. While the Guidelines seek 2.7m for floor-to-ceiling heights, they recognise that in refurbishment schemes this may not be achievable. SPPR 4 seeks that 50% of apartments should be dual aspect and so the proposal would comfortably exceed this proportion.
- 7.19. By way of comment, the apartments were clearly designed to be holiday apartments and so it is perhaps no surprise that the need for internal storage did not formerly arise and that the balance between living and bedroom accommodation was struck in favour of the latter rather than the former. I consider that the applicant's proposals for internal storage space, along with the supplementary storage space in the bin/bike shed, would be satisfactory. I note, however, that within the aggregate living/dining/kitchen areas for each apartment roughly half of the area in each case is accounted for by kitchen/circulation space, leaving the remainder for living/dining use, i.e. the dual use of this area. In those apartments served by more generous balconies, such dual use would be capable of being eased, especially if the balconies were enclosed as winter gardens to allow their use during inclement weather. These apartments include numbers 6, 12, and 18, and they are the dual aspect ones, too. The remaining single aspect apartments are served by smaller balconies. I consider that these apartments should be reworked as two-bed/three-person ones and so their second bedrooms should be respecified as single bedrooms and the area saved thereby should be allocated to their living/dining areas. The 6 apartments that would be affected by such reworking are numbers 2, 5, 8, 11, 14, and 17. These matters could be conditioned.
- 7.20. The proposal would include the provision of 177 sqm of communal open space on the western side of the site. This level of provision would exceed the minimum required under the aforementioned Guidelines. During my site visit, I observed that a row of trees accompanies the western boundary of this site. These trees would need to be managed if the amenity value of the proposed communal open space is to be

realised in practise. Similarly, a detailed design for this open space would be needed. Both these matters could be conditioned.

7.21. Both appellants raise the issue of bin storage. Appellant (a) expresses disquiet over the existing bin store and appellant (b) questions the adequacy of the proposed bin store. The applicant has responded by stating that the existing bin store would be replaced by the proposed one and that it would be designed to cater for the “3-bin system” of waste segregation.

7.22. I conclude that, subject to the specification of winter gardens for the dual aspect apartments and the reallocation of floor area within the single aspect apartments, the proposal would provide a satisfactory standard of amenity for future residents.

(iv) Traffic, access, and car parking

7.23. If it is assumed that Block A would be occupied to a greater extent under residential use than under holiday use, then some increase in traffic generation would be forthcoming. Existing access/egress arrangements to the surrounding road network would be maintained. Any increase in traffic movements would be capable of being accommodated on this network and existing accesses/egresses would be capable of handling the same satisfactorily. The County Council’s Estate’s advice drew attention to the need to renew road markings/install road signage within the site. The car parks should also be illuminated. These matters could be conditioned.

7.24. Block A is served by two existing car parks towards the front and towards the rear of the site. The former has 9 spaces, and the latter has 15 spaces. Residents would be allocated the 9 spaces and a further 9 of the 15, with the remaining 6 being allocated for visitors. Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, this level of provision could be considered to be generous. However, given the limited public transport options available within Killarney, I consider it to be reasonable.

7.25. Under the Guidelines, each bedroom should be accompanied by a bicycle parking space for residents and every two apartments should be accompanied by a bicycle parking space. Thus, 36 spaces for residents and 9 for visitors should be provided. The proposed bike shed appears to provide for 28 spaces. It should be enlarged to provide 36 spaces and the remaining 9 spaces for visitors should be provided in a freestanding facility, sited in a convenient position.

7.26. I conclude that, subject to an increase in bicycle parking provision, the proposal would be satisfactory from traffic, access, and parking perspectives.

(v) Water

7.27. Block A is connected to the public water mains and the public foul and stormwater sewerage system at present. Under the proposal, this would continue.

7.28. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk.

7.29. I conclude that, under the proposal, no water issues would arise.

(vi) Appropriate Assessment

7.30. The proposal is essentially for a change of use of Block A from holiday apartments to residential apartments. Only minor physical works would be necessary to effect this change of use. Accordingly, no effects upon a European site would arise.

7.31. Having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as 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

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Sustainable Urban Housing: Development Standards for New Apartments Guidelines, the Killarney Town Development Plan 2009 – 2015 (as extended), and the planning history of the wider campus within which the site is located, it is considered that, subject to conditions, the proposed change of use of Block A from holiday apartments to residential apartments would be permissible under the R2 zoning of the site in the Town Development Plan. The proposal would, subject to the introduction of winter gardens to the balconies of the dual aspect apartments and the re-specification of the single aspect apartments as three-person

ones, afford a satisfactory standard of amenity to future residents. Traffic generated by the proposal would be capable of being handled satisfactorily within the campus and on the public road network. Likewise, access/egress arrangements would be satisfactory. Car parking provision would be appropriate, and, subject to an increase in spaces, bicycle parking provision would be appropriate, too. No water or Appropriate Assessment issues would arise. The proposal would, therefore, accord with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 received by An Bord Pleanála on the 12th day of July, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The privacy strip or balcony of each dual aspect apartment shall be provided as a winter garden.</p> <p>(b) Each single aspect apartment shall be respecified as a two-bed/three-person unit by reducing the area of the second double bedroom to that of a single bedroom and reallocating the floor area gained thereby to the adjoining sitting room.</p> <p>(c) The proposed bike shed shall be enlarged to accommodate 36 residents bicycle parking spaces and a freestanding facility shall be provided for 9 visitor bicycle parking spaces.</p>

	<p>(d) A scheme shall be prepared to renew road markings and install road signage and lighting to the car parks within the site.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, they shall be fully implemented, prior to the commencement of the occupation of the apartments for residential use.</p> <p>Reason: In the order to ensure a satisfactory standard of amenity for future residents, to promote sustainable modes of transport, and in the interest of road safety.</p>
3.	<p>The area of communal open space shown on the lodged plans shall be reserved for such use. This area shall be soiled, seeded, and landscaped in accordance with a landscaping scheme, which shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall also address the management of the trees along the western boundary of the site, and it shall state a timeline for its implementation.</p> <p>Reason: In order to ensure the satisfactory development of the communal open space area, and its continued use for this purpose.</p>
4.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
5.	<p>Proposals for a property name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
6.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
7.	<p>The developer shall pay to the planning authority a financial contribution of €22,255 (twenty-two thousand, two-hundred and fifty-five euro) 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. The application of any indexation required by this condition 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.</p>

	<p>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.</p>
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Hugh D. Morrison
Planning Inspector

20th October 2021