



An
Bord
Pleanála

Inspector's Report ABP-316335-23

Development

(i) Demolition of existing commercial buildings (ii) Construction of a 5 storey mixed use building, comprising 2 no. commercial units and 7 no. apartments. (iii) All ancillary site, landscaping, lighting and engineering works necessary to facilitate the development.

Location

23-27 Glasthule Road, Glasthule, Co. Dublin.

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D22A/0766

Applicant(s)

Klathule Developments Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission with conditions

Type of Appeal

First Party and Third Party

Appellant(s)

Klathule Developments Ltd.

Niall O’Horain

Observers

Ritika Callow

Date of Site Inspection

12th October 2023

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. This corner site comprises a rectangular shaped plot with a stated area of 0.029 hectares located on the southern side of Glasthule Road at its junction with the lane leading to Glasthule Buildings. The Glasthule Road side of the site has frontage of c 10 m while eastern side of the site has frontage of approximately 31 m.
- 1.2. The site, which in the past was used as a fuel filling station, is currently occupied by a number of single storey workshops at its southern end and by a café/diner at its northern side including a canopy covered outdoor dining area fronting on to the Glasthule Road.
- 1.3. The site is bound to the west by a number of two storey buildings including 2 no. houses (Nos. 21-22) which accommodate a commercial bakery to the rear, and other adjoining buildings which are in retail and commercial use. At the southern boundary the site abuts a small single storey building which is constructed up to the common boundary and affixed with a plaque indicating its use as a community hall. Further south stands the 3 storey apartment development of Glasthule Buildings constructed in 1909. To the east of the site, on the opposite side of the lane leading to Glasthule Buildings, stands a 2 storey pitched roof building (Quinns) which operates as a funeral home. Adjoining that premises to the east is a 3 storey building at 29-31 Glasthule Road, with a supermarket operating at ground floor level. To the north, on the opposite side of Glasthule Road there are a number of two storey commercial and retail buildings along with a 5-6 storey apartment development (Seabank Court) located north-east of the site and set back from Glasthule Road.
- 1.4. Glasthule Road is served by the hourly No. 59 Go Ahead bus service between Dun Laoghaire and Killiney and also by the No. 111 Go Ahead bus service, also hourly, between Brides Glen and Dalkey. There is a bus stop near the front of the appeal site on the Glasthule Road (Stop 3065). Glasthule DART station is located approximately 350m to the north-west of the site.

2.0 Proposed Development

The proposed development of this site, with a stated area of 0.029 hectares, consists of:

- The demolition of existing single storey commercial buildings on the site with a stated floor area of 172 sqm.
- The construction of a 5 storey mixed use building with a stated floor area of 1,044 sqm. The building is to accommodate:
 - 2 no. ground floor commercial units comprising a café (40 sqm) with outside dining area and workshop (55 sqm).
 - 7 no. apartment units at 1st to 4th floor levels (each with private balcony) with a total stated floor area of 952 sqm. The units comprise:
 - 6 no. two-bedroom units (2 no. 2 bed units on Floors 1 to 3 inclusive)
 - 1 no. three-bedroom unit on Floor 4
 - Site density is 241 units per hectare.
- The front commercial unit is accessible from Glasthule Road while the apartments are accessed from the existing access laneway off Glasthule Road leading to Glasthule Buildings.
- 2 no. car share spaces and 18 no. bicycle spaces are proposed along with bin storage area for the apartments.
- A separate refuse storage area for the commercial unit is provided.
- All ancillary site, landscaping, lighting and engineering works necessary to facilitate the development.

Condition No. 2 of the Planning Authority's decision required the following:

- (a) Omission of the fourth floor (uppermost) level – comprising Unit G – 1 no. apartment unit and
- (b) Omission of the remaining 1 no. shared car space for residents.

Following receipt of further information, the ground floor café unit was increased to c 60 sqm.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of further information, the Planning Authority decided to grant permission for the proposed development subject to 22 conditions. The conditions are generally standard in nature.

- Condition No. 2 (a) requires the submission of revised drawings and plans demonstrating omission of the 4th floor (uppermost) level comprising Unit G, 1 no. apartment unit.
- Condition No. 2 (b) requires omission of remaining 1 no. annotated 'Shared Complimentary Car for Residents'. Revised drawings to include a modified ground floor layout showing an alternative use for this space. 'The space may be used for extension of the café unit, or bin store, bike store, or plant room, or other appropriate alternative layout and use(s).'
- Condition No. 3 requires that no additional development take place above roof parapet level.
- Condition No. 4 sets out permitted operation hours for both the café and workshop, Condition No. 5 relates to signage and Condition No. 14 relates to, inter alia, the submission of a detailed and site specific Construction Management Plan to the Planning Authority for approval prior to commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report dated 28th March 2023 reflects the decision to grant permission subject to conditions. A further information request raised a number of issues as follows, in summary:

1. To submit revised proposals to address concerns regarding the overall height, bulk, massing and layout of the proposed development, with the proposed 4th

floor level specifically identified as problematic in terms of the overall height of the proposal.

2. To submit a shadow cast analysis of the proposed development given that it is unclear from the submitted Daylight and Sunlight Assessment what the shadow impacts of the proposals may be.
3. Concern expressed that the detail of the eastern elevation at ground floor level to the access road (Glasthule Buildings) would have an unsatisfactory relationship to the access road in visual terms, noting the extent of vehicular entrances to the proposed car parking spaces. To submit a revised ground floor plan whereby the 2 no. car parking spaces are omitted and an alternative layout proposed which may include increased commercial floor space.
4. To submit any potential alternative layouts, materials for proposed new shared surface areas on the boundaries and boundary treatments.
5. To submit further details of the proposed front corner commercial unit fronting Glasthule Road. Provide details of proposed vents/ducting etc. to serve the proposed commercial units. Submit signage details if any to the proposed commercial units.
6. Submit revised details for a Travel Plan / Mobility Management Plan to include a Cycle Statement as required by the Development Plan.
7. To provide further information to demonstrate the proposed development meets the requirements of Drainage Planning.
8. To provide a detailed Construction Management Plan, a Construction and Demolition Waste Management Plan (CDWP), and an Operational Waste Management Plan (OWMP).

The applicant submitted a detailed response to each point of further information.

The Planning Authority was not satisfied with (i) proposed measures to retain address the overall height, massing and bulk of the building and overshadowing impacts (ii) proposals to retain 1 no. car parking space and (iii) insufficient detail provided on construction waste management. However, it was considered that these concerns could be addressed by way of condition.

3.2.2. Other Technical Reports

Transportation Planning: Further information was requested in relation to the submission of a Travel Plan/Mobility Management Plan, demonstrate that the proposed car parking spaces have the required visibility to safely enter and exit the proposed development and provision of a detailed construction management plan to include, inter alia, a traffic management plan and where it is intended site staff will park during the construction process. On receipt of the further information response, the Transportation Planning Section reported no objection subject to conditions.

Environment Section (Waste): Further information was requested in relation to the provision of a Construction and Demolition Waste Management Plan, a Construction Management Plan and an Operational Waste Management Plan. On receipt of the further information response, the Environment Section reported no objection subject to conditions.

Drainage Planning – Municipal Services Department: Further information was requested in relation to the surface water outfall discharge rate, compliance with the Greater Dublin Strategic Drainage Strategy (GDSDS), whether a green roof is proposed, hardstanding areas to be shown as permeable surfaces, an updated drawing of the flow control device chamber and provision of dimensioned plans and sections of the attenuation system. On receipt of the further information response Drainage Planning reported no objection subject to conditions.

Housing Department: Noted that the applicant had been granted an exemption certificate from Part V of the Planning and Development Act 2000, as amended.

3.2.3. Prescribed Bodies Report

None.

3.2.4. Objections/ Observations

4 no. objections/observations were received in relation to the application, prior to receipt of the significant further information. The Planning Report provides a summary of the issues raised as follows:

- Overdevelopment.
- Out of scale.

- Almost identical to recent proposal refused, question why proposed again.
- Poor orientation, and no shadow analysis, will darken street and out-door seating to surrounding premises.
- Agree with previous reasons for refusal.
- Negative impact on heritage streetscape character of village.
- Height of proposal to have negative impact on Victorian heritage and character surroundings.
- No sense of place in proposals, and infill not cognisant of surroundings.
- Insufficient car parking proposed.
- Obstruction of road access to existing properties to rear.
- Insufficient provision for bins and clutter, question if conditions to be applied.
- Poor level of natural lighting to apartments due to blank north façade.
- Right to renewal of lease of existing car repair unit, appropriate provision not made for existing user including insufficient size / dimensions etc.
- Removal of existing car repair service to area.
- Retention of use already rejected under D20A/0929, submitted details incorrect.
- No evidence of acceptable provision for sewage and water.

2 no. further objections/observations were received following the receipt of the significant further information. The Planning Report provides a summary of the issues raised, as follows:

- Concerns concur with concerns voiced by DLRCC in FI request.
- Concerns of height, bulk and massing.
- Shadow impacts.
- Excessive height.
- Overbearing in Glashule streetscape.
- Nothing in further information (FI) submission mitigates concerns.
- Significant concerns that raised FI items, and defects and issues originally raised, not addressed.

- Height increased in FI submission, from 22.67m to 22.77m.
- 4th floor excessive, inconsistent with permitted proposed D21A/0076 AT Quinn's which respected Spar existing 19.088m height, and at 3.68m higher, negative impact on consistency of Glasthule roof line.
- Negative precedent.
- Building massing FI changes very small, not significant, and cosmetic e.g., addition of 3rd floor balustrade, bushes/greenery on third floor, and third floor pergola on Quinn's building side.
- No comparison before/after FI 3D images from front.
- Limited time to study FI and make FI observations.
- Development not fit for purpose, substandard for garage premises replacement, will remove workplace and valued commercial part of Glasthule village.
- Garage premises occupant has lease agreement, rights of renewal, intends to stay.
- FI for the redevelopment again fails to provide for the garage premises operation.
- Proposed garage only 1 bay, inadequate 2.57m height not appropriate for either residential, particularly not for commercial use or car hoist, no work facilities, etc.

4.0 Planning History

Appeal site

Planning Authority Ref. V/078/22 refers to a November 2022 decision in which the applicant was granted an exemption certificate from the provision of social and affordable housing (Part V of the 2000 Act as amended refers).

Planning Authority Ref. D22A/0323 refers to a July 2022 decision to refuse permission for development consisting of: (i) demolition of the existing commercial building on site; (ii) construction of a 5-storey mixed use development comprising of 1 no. commercial unit with outdoor dining area at ground floor level and 7 no. apartments (6 no. 2 bedroom apartments and 1 no. 3 bedroom apartment) at upper floor levels. The proposed apartments to be accessible via an access laneway

leading to Glasthule Buildings and are served by 2 no. share cars, 18 no. bicycle spaces and a bin storage area. A separate bin storage area is provided for the commercial unit; and (iii) All ancillary site, landscaping, lighting and engineering works necessary to facilitate the development. Refusal reason:

1. Having regard to the restricted nature of the subject site, and to the layout, height, density, design and the under provision of communal space; it is considered that the proposals would represent over-development of the site. It is also considered that the proposed third, and fourth floor roof additions by reason of their design, layout, height, bulk and scale, would be incongruous, discordant, overbearing and visually obtrusive when viewed from the surrounding properties and streetscapes. The proposed development would detract from the visual amenity of the area, would provide a poor level of amenity for future residents, and would set a poor precedent for similar type development in the area. Furthermore, it is considered that the proposal would represent an abrupt transition in scale at this location contrary to Section 13.1.2 Transitional Zonal Areas of the Dún Laoghaire-Rathdown County Development Plan, 2022 - 2028. The proposed development would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

Planning Authority Ref. D21A/1108 – Application withdrawn for demolition of existing commercial building and construction of a 5 storey mixed use building.

Adjacent / Nearby sites

Planning Authority Ref. D21A/0901 (21-22 Glasthule Road, adjoining sites to west): This application relates to an August 2022 grant of permission for a change of use of 2 no. existing dwellings to provide for change of use from residential use to restaurant/takeaway use, including outdoor seating with single storey flat roofed open sided enclosure with new signage and all associated works.

Planning Authority Ref. D21A/0076 (site of Quinn's Funeral Home, No. 28

Glasthule Road, east of appeal site): This application relates to a March 2021 grant of permission for the demolition of single storey storage area to the rear of Quinn's Funeral Home; Internal reconfigurations of existing funeral home; Construction of a 4-storey extension, including reconfiguration of the funeral home and an apartment development to the rear of Quinn's Funeral Home to accommodate: At ground floor, 3 no. viewing rooms for use by the funeral home, entrance lobby, bicycle parking and bin storage for the apartment development; At first to third floors, 3 No. 1-bed dwelling units and 3 no 2-bed dwelling units; balconies, landscaping and all associated site works and services.

Planning Authority Ref. D19A/0395 (site of Quinn's Funeral Home, No. 28

Glasthule Road, east of appeal site): This application refers to an August 2019 decision to refuse permission for demolition of single storey storage area to the rear of the Funeral Home; Internal reconfiguration of existing 2-storey Funeral Home; Construction of a part 4-storey, part 5-storey build to rent apartment development to the rear of the Funeral Home to accommodate:- At ground floor: 3 no. viewing rooms for use by the Funeral Home and associated side entrance, Entrance lobby, bicycle parking and bin storage for the apartment development. At first to fourth floors, 3 no. studio units, 6 no. 1-bed units, 1 no. 2-bed unit, shared residential amenity facilities including a communal living space, laundry room and communal balcony. Balconies, landscaping and all associated site works and services. Refusal reasons:

1. Policy UD1: 'Urban Design Principles' of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 states that it is policy to ensure that all development is of high quality design that assists in promoting a 'sense of place' and seeks to ensure that development proposals are cognisant of the need for the proper consideration of inter alia context, variety, layout, public realm, amenity and detailed design. This policy is considered reasonable. The proposed development, by reason of its design, scale, height, form and massing, its prominence to the Glasthule Road

streetscape and adjoining laneway, and its juxtaposition to the rear of two-storey period commercial premises, would be visually incongruous in this context and would thereby adversely impact on the visual amenities of the area. Furthermore, the proposed development, by reason of its overall scale, would constitute overdevelopment of a restricted site, and would result in a form of development that is visually overbearing to its surrounding context. The proposed development would not, therefore, be in compliance with Policy UD1 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the size, location and layout of the resident support facilities and resident services and amenities, to be provided as part of the Build-to-Rent development, and notwithstanding the limited number of residential units proposed in this scheme, the proposed development would not provide adequate provision for such support facilities, services and amenities as required under Specific Planning Policy Requirement (SPPR) 7 of the Sustainable Urban Housing - Design Standards for New Apartments Guidelines (2018). Furthermore, as the proposed development does not meet the minimum standard for private amenity space for the majority of residential units, nor for communal open space provision in accordance with Appendix 1 of these Guidelines, and as there is a limited amount of fully dual aspect residential units within the scheme, the proposed development would result in sub-standard level of residential accommodation for future occupiers of the proposed development. The proposed development would not, therefore, be in compliance with Sustainable Urban Housing - Design Standards for New Apartments Guidelines and would be contrary to the proper planning and sustainable development of area.

An Bord Pleanála Ref. PL06D.243143 / Planning Authority Ref. D13A/0671 –

Permission granted for two-storey and part three-storey mixed use development consisting of offices, apartments and retail units at 35/37 Glasthule Road, Glasthule, County Dublin.

5.0 Policy and Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2022–2028, the subject site is zoned NC – Neighbourhood Centre, ‘To protect, provide for and/or improve mixed-use neighbourhood centre facilities.’ The ‘Permitted in Principle’ category of the NC zoning objective lists a wide range of uses including Residential, Restaurant, Service Garage, Shop-Neighbourhood, Tea Room/Café.

- 5.1.1. Chapter 4 – ‘Neighbourhoods – People, Home and Place’ of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 includes section 4.3.1.1 ‘Policy Objective PHP18: Residential Density’ which states it is policy to: ‘Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation of and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations and development management criteria...’ Policy Objective PHP18 is also to ‘Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.’
- 5.1.2. I note that the following policy as set out in Section 4.3.1.2 of the Development Plan is also relevant to this planning appeal:
- ‘Support ‘Living-Over-the-Shop’ schemes. Encourage residential use of the upper floors of existing commercial properties in retail / commercial areas including in the environs of Dún Laoghaire, Glasthule, Dalkey, Sandycove, Blackrock, Monkstown and Dundrum’
 - Support appropriate change of use of vacant commercial space into residential use in appropriate locations and having regard to the zoning objective of the area.
- 5.1.3. Section 4.4.18 ‘Policy Objective PHP42: Building Design and Height’ is also pertinent to this appeal. ‘It is a Policy Objective to:

- Encourage high quality design of all new development.
- Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).'

The Council policy in relation to building height throughout the County is detailed in three policy objectives as set out in the Building Height Strategy (BHS) (Appendix 5):

- Policy Objective BHS 1 – Increased Height.
- Policy Objective BHS 2 - Building Height in areas covered by an approved Local Area Plan or Urban Framework Plan (UFP must form part of the County Plan).
- Policy Objective BHS 3 – Building Height in Residual Suburban Areas.

5.1.4. Under section 4.3.2.3 'Policy PHP27: 'Housing Mix' 'It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and the Housing Need Demand Assessment (HNDA) and any future regional HNDA'.

5.1.5. Section 13.1.2 Transitional Zonal Areas.

5.1.6. Chapter 12, 'Development Management' in the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 refers to 'Principles of Development' and the following are relevant to the subject development:

12.3.7 'Additional Accommodation in Existing Built-up Areas' – with particular reference to section 12.3.7.7 'Infill' and section 12.3.7.8 'Living over the shop.'

5.2. National Guidance

- The National Planning Framework (NPF) includes a specific Chapter, No. 6 - '*People Homes and Communities*' which is relevant to this development. This

chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:

- National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages'.
- National Policy Objective 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.
- National Policy Objective 35 seeks to 'Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.'

Chapter 4 of the NPF 'Making Stronger Urban Spaces' is also pertinent to the proposed development and it includes:

- National Policy Objective 13: 'In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.'
- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHLGH, 2022).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (DoHPLG, 2021) applies to developments comprising 5 or more houses or duplex units. As the proposed development comprises apartment units (7) the requirements set out in these guidelines are not applicable in this instance.
- Quality Housing for Sustainable Communities (DoEHLG, 2007).

5.3. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are Dalkey Island SPA located c 2 km south-east, Rockabill to Dalkey Island SAC located c 2.2 km east, South Dublin Bay and River Tolka Estuary SPA located c 2 km north-west and South Dublin Bay SAC located c 2.3 km north-west.

5.4. EIA Screening

See completed Form 2 on file. Having regard to the nature of the proposed development comprising the demolition of existing commercial buildings and the development of a mixed use apartment / commercial development on a brownfield site, in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Both a first party appeal and a third party appeal have been lodged in respect of the proposed development.

First party appeal

The applicant, Klasthule Development Ltd. through their agent Hughes Planning Consultants, has appealed Condition No. 2 of the grant of permission made by Dun Laoghaire-Rathdown County Council.

The grounds of appeal can be summarised as follows:

Condition 2a

- The height, design and scale of the proposed development are considered acceptable having regard to the prominent location of the site and the provisions of national policy guidance.
- The Design Changes Report, submitted as further information, detailed a number of design changes which would soften the appearance of the building and mitigate overbearing impacts.
- A revised Daylight and Sunlight Assessment was submitted as further information. Reference by Planning Authority to shadow impact on the street is trivial and its inclusion represents a general inclination to restrict height at this location.
- The applicant cites two decided SHD applications which are considered to provide direct precedent for buildings of increased height relative to adjoining built form.
- In terms of the mix of uses proposed, the applicant would welcome the inclusion of a condition to provide additional commercial space at ground floor level if deemed necessary by An Bord Pleanála.
- Proposed development accords with the National Planning Framework and its objectives. The proposal provides an appropriate balance in terms of the need to increase density while safeguarding residential and visual amenity impacts.

- Proposed building height and associated residential density is aligned with Government policy and guidance. It is appropriately scaled and provides a precedence for similar compact and sustainable development. It will increase the vibrancy of the area and provide residential units within easy access of employment centres and also contribute to the target of delivering new homes as identified in the National Development Plan 2018-2027.
- Reference is made to SPPR 1 as set out in the Urban Development and Building Heights: Guidelines for Planning Authorities (2018). In this context the site has excellent access to public transport systems with the DART station and bus stops in close proximity to the site.
- Existing/approved building heights in the immediate vicinity are noted at 12-13m; the proposed development with a height of 16.1m does not represent an undue departure from established building heights in the area.
- Proposed development satisfies the criteria as set out in the Building Heights Guidelines for development at a set of scales i.e., town / district / street. The positioning of the 5 storey element provides visual interest given the site's position in the streetscape. External materials are appropriate to the receiving environment.
- Omission of uppermost floor will compromise the viability of the proposed development.
- If Condition 2a is retained Board is requested to consider the precedent it could set for others seeking to make similar proposals for marginal increases to building heights on main streets within the Dun Laoghaire Rathdown County Council area.

Condition No. 2b

- The Planning Authority omitted car parking in favour of additional commercial use. However, provision of 1 no. shared car parking space is appropriate at this location. The space gained from the reduction of the initially proposed parking area from 2 to 1 spaces was already added to the proposed café premises. Not logical to remove the car space.

Third party appeal

On behalf of Niall O Horain, Nigel Motors, Glasthule Road, Glasthule, Co. Dublin, O Mahony Pike Architects has submitted the third party appeal in relation to the decision of Dun Laoghaire-Rathdown County Council to grant permission for the proposed development on this site.

The grounds of appeal can be summarised as follows:

- The appellant is the working owner of Nigel Motors, an independent car repair garage operating from the subject site for 26 years. The appellant has occupied the premises under a lease agreement, which has rights of renewal.
- The proposed garage / workshop, which is assumed to be a replacement for Nigel Motors, must be fit for purpose and meet the appellant's current / minimum requirements. Its proposed configuration is substandard in terms of its size, restricted door width, absence of a high bay for operation of car hoist, with no provision made for welfare facilities, office or WC and no petrol / grease interceptor trap or equivalent device.
- The proposed development does not adequately provide for the continued operation of the business at the appeal site. As such it will remove the appellant's place of work, livelihood and damage a longstanding and valued part of commercial and community life in Glasthule.
- Request that permission is refused or alternatively that significant modifications are made to the proposed development to accommodate the continued operation and viability of the appellant's business.
- The appellant has submitted Drawing No. 01 which shows the existing floor plan and section through the car repair garage. Drawing No. 2 shows amended redevelopment proposals which would provide a fit for purpose workshop to facilitate the continued operation of the business at this location.

6.2. Planning Authority Response

The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

6.3. Observations

An observation from Ritika Callow of 55 Glasthule Road, Co. Dublin was made in respect of the proposed development. The submission can be summarised as follows:

- Significant visual impact of the proposed development in the centre of Glasthule village. Scale of the proposed building dwarfs the entire line of buildings at this location. The height and massing of existing residential units should be respected. External material finishes are inconsistent.
- Overdevelopment.
- Proposed development does not neatly comply with the front building line and that of adjoining development.
- Overshadowing impacts on the street due to the height of the proposed development which will affect all business premises and a residential property.
- Unclear how the proposal contributes to the public realm.
- The uniqueness and abundance of Victorian architecture in the area has not been considered.
- Inadequate parking provision; no wheelchair accessible parking space proposed; parking facilities will be lost if proposal proceeds; a condition should be included that all resident and visitor parking permits be restricted to locations off Glasthule Road.

6.4. Responses to the Appeals

The applicant has not responded to the third party appeal. Furthermore, the third party appellant has not responded to the first party appeal against Condition No. 2 of the grant of permission made by Dun Laoghaire Rathdown County Council.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to the appeals can be addressed under the following headings:

- Principle of Development
- Height and scale of proposed mixed use building
- Impact on Residential Amenities
- Impact on Visual Amenity
- Car parking
- Proposed workshop unit
- Other issues
- Appropriate Assessment Screening

7.2. **Principle of Development**

7.2.1. The subject site is zoned 'NC' for neighbourhood centre development. 'Residential,' 'Restaurant,' 'Tea Room/Café,' and 'Service Garage' are all listed as 'Permitted in Principle' within the zoning objective for the site. It is therefore considered that the provision of a mixed residential/commercial development on this site is acceptable in principle.

7.3. **Height of proposed development – Condition No. 2(a)**

7.3.1. The Planning Authority raised concerns regarding the overall height, bulk and massing of the proposed building along with potential negative overbearing and overshadowing impacts on the streetscape and on adjoining residential and commercial properties. In particular, the Planning Authority cited the proposed uppermost level as problematic in this context. As part of the further information response to this concern the applicant provided a Design Changes Report which proposed the addition of a pergola at 3rd floor level in order to screen the upper levels and to break up the massing; the glass balustrades were moved further back at 3rd and 4th floor levels to reduce the visibility of the overall height of the front and side façades. It was proposed that planting to the front would screen the uppermost apartment from the street. The Planning Authority considered that the proposed

changes were relatively minor and did not address the concerns raised. By way of Condition 2 (a) the Planning Authority in its decision omitted the 4th floor (uppermost level), comprising the 3 bedroom apartment unit (Unit G).

- 7.3.2. The general prevailing height of the area is 2/3 storeys. Having regard to this and the nature of the proposed development comprising a 5-storey building and given that the appeal site is located within a 350m walk of Glasthule/Sandycove DART station I consider that Policy Objective BHS 1 pertains to the site and therefore increased building height could potentially apply in this case subject to protection of existing amenities and the established character of the area.
- 7.3.3. Policy Objective BHS 1 requires that the height of the proposed building is assessed against the performance based criteria outlined in Appendix 5, Table 5.1 for increased height. I have assessed the proposed development against the criteria below accordingly, as follows:

- **County Level Considerations:**

- a. The proposal aligns with the objectives of the National Planning Framework (NPF) by providing residential units within an urban area, fulfilling targets in relation to infill development and delivering compact growth.
- b. The site is well served by public transport and is within 350m walking distance of Sandycove and Glasthule DART Station.
- c. The proposed 5 storey building would be higher than the existing 2-3 storey pattern of development in the surrounding area. Noted that there is a 4 storey development permitted (not yet constructed) to the rear of Quinn's Funeral Home east of the appeal site. There is an existing 5-6 storey apartment block north-east of the site, the setting of which has a different context to the appeal site and it is well set back from the northern side of Glasthule Road.
- d. The proposal would not disrupt any protected views or prospects.
- e. The site is located in a fully serviced urban environment which has the infrastructural capacity to serve the proposed development.

- **District / Neighbourhood / Street level considerations:**

- a. The proposal demonstrates compliance with criteria No. 1 ‘Context’, specifically pertaining to density, as set out in the “Sustainable Residential Development in Urban areas, Guidelines for Planning Authorities” 2009, accompanying Urban Design Manual (page 10) and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2022), as required under Section 12.3.3.2 of the Development Plan (2022-2028). The site is located within the centre of Glasthule and is well serviced by public transport and located near the DART station. In terms of inclusivity, the design and layout of the proposal enables easy access for all. The layout of the proposal provides an active street frontage onto Glasthule Road and the lane leading to Glasthule Buildings. Each apartment has access to an area of useable private outdoor space. Concerns raised regarding overlooking and car parking provision are addressed further below.
- b. The proposed design avoids monolithic construction, eliminating long, unbroken walls characteristic of slab blocks.
- c. The proposal uses high-quality, well-considered materials, as detailed in Section 2.3 of the submitted Design Report.
- d. The site is not in an area vulnerable to flooding, according to the OPW Flood Maps. A Flood Risk Assessment has been submitted indicating the appeal site is within Flood Zone C.
- e. The proposal would make a positive contribution through the improvement of legibility to the wider area.
- f. The proposed mixed use building incorporates residential use along with café and service garage uses.
- i. The height of the proposed development would exceed the height of the permitted four storey development to the rear of Quinn’s funeral home, exceeds the 3 storey heights of the Glasthule Buildings located to the south of the appeal site and exceeds the height of adjoining buildings of two storey design, to the west.
- j. The potential impact of the proposed development on the residential amenity of neighbouring properties is addressed below.

- **Site / building scale:**

- a. The proposal optimises access to natural daylight and sunlight as detailed in the Daylight and Sunlight Assessment Report submitted. Views from the site are also optimised.
- b. The proposal adheres to quantitative performance standards on daylight and sunlight, as per the BRE guidance “Site Layout Planning for Daylight and Sunlight.”
- c. The potential impact of the proposed development on the amenities of adjoining properties is addressed below.

- **County Specific Criteria:**

- a. A Design Report and a Planning Report have been submitted, providing a contextual analysis of the proposal. They also provide a design rationale and justification for the proposed development, detailing (inter alia) its layout, building form, massing, height, elevational treatment, and materiality.

7.3.4. Having regard to the above, I conclude that the proposed 5-storey height of the mixed use building would not be acceptable within the context of the appeal site with reference to Policy Objective BHS 1 and the performance-based criteria in Table 5.1 of the Building Height Strategy in Appendix 5 of the Development Plan.

7.3.5. The prevailing height in the immediate vicinity is 2/3 storeys with adjoining development to the west being of two storey design. While there is a 5-6 storey apartment development (Seabank Court) located to the north-east of the site its context is different in that it is located on a large site which is somewhat removed from the town centre and it is well set back from the boundary with Glashule Road.

7.3.6. I am also cognisant that the appeal site is located within a Transitional Zonal Area as referred to in section 13.1.2 of the Development Plan, given that the adjoining site to the south accommodating the 3 storey Glashule Buildings is zoned for residential use. As such it is important to avoid abrupt transitions in scale at such locations. Therefore a 5 storey building at this location would be out of character and significantly taller than existing buildings in the immediate area. I concur with the Planning Authority’s decision to limit the height at this site to 4 storeys which would correspond to the proposed height of development permitted to the rear of Quinn’s funeral home. This height would also avoid an abrupt transition in scale at this

location. I therefore recommend therefore that Condition No. 2 (a) is retained in the event of a grant of permission.

- 7.3.7. I note the applicant's appeal refers to two previous applications for residential developments at sites in Blackrock (ABP-308877-20 refers) and Dun Laoghaire (TA06D.309098 refers) and considers they constitute precedents for buildings of increased height and as such are relevant to the proposed development and the appeal site. In my view the sites referred to have their own unique and different contexts and they are much larger in size than the appeal site. As such I do not agree that these applications form a precedent for increased building heights at the appeal site.

7.4. Impact on Visual Amenities

- 7.4.1. I share the concerns of the Planning Authority in relation to the proposed five storey height of the mixed use building given the existing adjoining prevailing building heights at this location which generally comprise two or three storey development. Furthermore, having regard to the submitted architectural visualisations I consider the uppermost floor to be overbearing, visually dominant and discordant with development in the area. As such it is my view that the proposed development would seriously injure the visual amenities of the area. In order to remedy the issue, the Planning Authority by way of condition omitted the uppermost floor of the proposed development and I agree with this position. I am satisfied that if Condition No. 2 (a) is retained, the contemporary building would visually integrate into its surroundings and would make a positive contribution to this area.
- 7.4.2. Elevational treatments consist of a mix of materials comprising an off-white brick, painted / self-coloured render and aluminium panels. I consider the proposed external finishes to be acceptable. Final material details can be agreed with the Planning Authority if permission is granted.
- 7.4.3. The submitted design report by DMVF Architects notes that the proposed development will re-establish the building line of the street to the front of the site; the proposed building footprint is acceptable at this location.
- 7.4.4. In response to the further information request, the applicant confirmed that the intention is to use the front commercial unit as a café/retail unit. The second proposed unit will comprise a car repair workshop. I agree that these uses are

acceptable at this location. There are other small retail units in the area, and it is appropriate, considering that the site is zoned 'NC', that commercial/retail activity be provided here. The proposed shopfront and indicative signage will integrate with the rest of the development.

7.5. Impact on Residential Amenities

- 7.5.1. Given the location of the site, the design of the proposed development including the positions of the proposed balconies and the absence of fenestration on the western elevation, the separation distances to existing residential development and the nature of development surrounding the site (including roads to the east and north) I do not anticipate any undue overlooking impacts arising from the proposed development.
- 7.5.2. I note that the Planning Authority raised concerns regarding potential impacts in terms of overshadowing and overbearing impacts on adjoining neighbouring properties including the front amenity areas of 21/22 Glashule Road, commercial spaces/buildings and properties north of the appeal site. In response the applicant provided a revised Daylight and Sunlight Assessment Report which details the existing and proposed shadow casting on 21st March, 21st June and 21st December. It is the case that for March and June the shadow analysis demonstrates additional shadows to the north and on adjacent commercial property to the front and west side of the site. This includes the front amenity space of 21/22 Glashule Road, which does not appear to be in residential use.
- 7.5.3. Having regard to the findings of the shadow analysis I am satisfied overall that the proposed development will not result in any significant adverse impacts on private amenity spaces serving residential properties in the immediate area or on other properties in the immediate vicinity.
- 7.5.4. A small single storey building indicated to be a community hall abuts the proposed development to the south. Given that this building is not in residential use I do not consider it unduly affected by the proposal and I note no objections or observations were submitted by the owners/operators of the building to the proposed development.

A pair of semi-detached houses (21/22 Glashule Road) adjoin the appeal site to the west. It is indicated that a commercial bakery operates from the site and I note the

granting of an application for change of use from residential to restaurant / take-away use (see Planning History above). I consider that provided the 5th floor element is omitted, the proposed development would not have an unduly overbearing impact on these properties.

- 7.5.5. The proposed apartments all offer a good standard of residential amenity to future residents.

4 units / 57% are either dual or triple aspect, while 3 units / 43% are single aspect. This is acceptable in terms of compliance with the Apartment Guidelines. The proposal provides for adequate room sizes and adequate storage provision is available to future occupants in accordance with the Apartment Guidelines. All units demonstrate compliance with the requirements for private amenity space, in the form of balconies. Internal bicycle storage is provided for in the ground floor bike storage area and it comprises 2 no. cargo bicycle spaces and 18 no. bicycle spaces with 2 no. charging points also available. While no communal open space or public open space is provided for in the proposed development, I consider this acceptable in this instance given the restricted nature of this infill town centre site and the easy access to existing parks in the area.

Note: The Apartment Area Schedule as set out in the submitted Design Report and Drawing PL04 Rev A provides a detailed table of room sizes, storage provision, private amenity space, etc.

7.6. **Car Parking** – *Condition 2(b)*

- 7.6.1. As part of the further information request, the applicant was requested to submit a revised plan to show omission of the proposed 2 no. undercroft car parking spaces, having regard to the 'NC' zoning of the site and noting that the eastern elevation, at ground floor level would have an unsatisfactory relationship to the access road (leading to Glasthule Buildings) in visual terms, given the extent of vehicular entrances at this location. The Planning Authority considered that the provision of additional commercial use would be more appropriate at ground floor level. In response the applicant omitted 1 no. car parking space, with its area added to the proposed floor area of the café unit. By way of Condition 2 (b) the Planning Authority in its decision removed the remaining car parking space, with the area to be used 'for

extension of the café unit, or bin store, bike store, or plant room, or other appropriate alternative layout and use(s).'

- 7.6.2. The applicant considers that provision of the parking space will not present any undue impacts on the users of the access laneway and provides an appropriate aesthetic befitting the site's 'NC' zoning objective.
- 7.6.3. I note the appeal site is located within Parking Zone 2 as set out in the Dun Laoghaire-Rathdown County Development Plan. This Zone comprises areas which are generally characterised by access to a good level of existing or planned public transport services, a good level of service accessibility, existing and planned, by walking or cycling and a capacity to accommodate a higher density of development than surrounding areas.
- 7.6.4. I note that Section 12.4.5.2 of the Dun Laoghaire-Rathdown County Development Plan confirms the Planning Authority may deviate from the maximum or standard number of car parking spaces specified in Table 12.5 – Car Parking Zones and Standards or may consider that no parking spaces are required. Small infill residential schemes or brownfield/refurbishment residential schemes in Zones 1 and 2 are specifically referenced in this context.
- 7.6.5. The appeal site is very well served by public transport and Glasthule DART Station is near the appeal site (less than 10 minutes on foot). As such I concur with the Planning Authority's decision to omit car parking provision as referenced in Condition 2(b). This shall facilitate an increase in the size of the proposed café and the text of the condition gives scope for more appropriate uses or uses to benefit future residents of the scheme in this town centre location, which is subject to the 'NC' zoning objective. As such I recommend that Condition 2(b) is retained.
- 7.6.6. I note the observer has raised concerns in relation to the lack of car parking serving the proposed development and the wider impacts this may have on on-street parking availability. As referred to above, this town centre site is well served by public transport and I consider it unlikely that all future residents will require a car parking space. I note that 20 no. internal bicycle spaces are proposed for residents. Furthermore, there is parking on-street, an option to obtain parking permits and a number of car parks in the immediate vicinity of the proposed development, just off Glasthule Road, which are available for use by visitors, tradespersons, or other

callers. I have considered the other comments raised in the observation regarding traffic/parking facilities, and the majority of these issues refer more to current difficulties than anything that will result from this development.

7.7. Proposed workshop unit

- 7.7.1. The third party appellant operates a car repair garage trading as Nigel Motors from a commercial unit at the appeal site and has indicated there is a lease agreement in place with rights of renewal. The appellant is not satisfied that the proposed workshop unit, which he assumes is to replace Nigel Motors, complies with his minimum requirements and is therefore concerned that continuation of the car repair business would be prevented.
- 7.7.2. While I acknowledge the appellant's concerns in this regard, it is open to the applicant as the owner of the site to decide the composition of the development proposal and the content of the planning application. The applicant is not necessarily required to consult or liaise with other parties on this issue. It is my view that the matters raised in the third party appeal fall to be resolved between the landowner and the leaseholder and that they are outside the scope of the appeal process.
- 7.7.3. I consider the mix of proposed commercial units at this town centre location zoned Neighbourhood Centre comprising a café and a workshop to be appropriate and acceptable.

7.8. Other issues

- 7.8.1. I note the applicant has raised the issue of viability in the context of omitting the uppermost floor from the proposed development. This is not a planning matter and is not for consideration in the appeal process.
- 7.8.2. In the first party appeal the applicant requested that if Condition 2 (a) is retained, consideration be given to the precedent it could set for similar proposals for increases to building heights on main streets in the Dun Laoghaire-Rathdown County Council area. It is my view that all appeal cases must be assessed on their own merits having regard to the sensitivity of the receiving environment and the specifics of the particular appeal site and the proposed development. As such I do not agree

that inclusion of a condition to omit the uppermost floor of the proposed development would set a precedent for proposals on different sites within the Dun Laoghaire-Rathdown County Council administrative area.

7.9. Appropriate Assessment Screening

- 7.9.1. Having regard to the nature and scale of the proposed mixed use development and the location of the site in a serviced urban area and the separation distance to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028, relevant National Guidelines and the NC – Neighbourhood Centre zoning of the site, to the location of the site in an established urban area within walking distance of public transport and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 12 th of October 2022 and as amended by the further plans and particulars submitted on the 1 st March 2023, except as may otherwise be required in
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	<p>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 development shall be amended as follows:</p> <p>(a) Omission of the fourth floor (uppermost) level comprising Unit G.</p> <p>(b) Omission of the remaining 1 no. car parking space. The resultant space shall have a façade to harmonise with the surrounding facades and opes. The space may be used for extension of the café unit, or bin store, or bicycle store, or plant room or other appropriate alternative layout and uses.</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.</p> <p>Reason: In the interests of residential and visual amenity.</p>
3.	<p>This permission is for a cafe unit, a workshop unit and 6 residential units in the form of 6 no. two bedroom units.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>(a) The hours of operation of the café unit shall be between the hours of 0800 and 2300 Mondays to Sundays inclusive.</p> <p>(b) The hours of operation of the workshop unity shall be between the hours of 0700 and 2100 Mondays to Sundays inclusive.</p> <p>Reason: In order to safeguard the residential amenity of properties in the vicinity.</p>

5.	<p>The non-amenity roof areas shall not be accessible except for maintenance purposes only.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
7.	<p>Prior to commencement of development, the developer shall agree details of the external signage, associated with the 2 no. commercial units, in writing with the planning authority.</p> <p>Reason: In the interest of the amenities of the area/visual amenity.</p>
8.	<p>Security shutters, if required, shall be located behind the windows and shall be of the lattice see-through type. Full details shall be submitted to the planning authority for agreement.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>

10.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
11.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
12.	<p>The Landscape Plan prepared by Jane McCorkell Design, as submitted to the planning authority on the 12th of October 2022 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
13.	<p>Details (including samples) of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
15.	<p>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, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>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 the “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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
17.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
18.	<p>All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run</p>

	<p>underground within the site. Provision shall be made for broadband connectivity in the development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
20.	<p>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.</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.
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John Duffy
Planning Inspector

20th October 2023