An Bord Pleanála

Inspector's Report

PL06S.244732

DEVELOPMENT:

10 Year Permission for development at a site located south of Scholarstown Road, west of Stocking Lane, north of Ballyboden Waterworks and east of Woodfield, Ballyboden, Dublin 16.

The proposal is for a residential development consisting of 317 no. dwelling units (247 no. houses and 70 no. apartments) and a 223 square metre crèche, including two vehicular accesses from Scholarstown Road and one vehicular access from Stocking Lane, all associated site and infrastructural works including foul and surface water drainage, 599 no. car parking spaces (534 no. surface and 65 no. underground), landscaping and public open space, boundary walls and fences, roads, cycle paths and footpaths, all on a site area of approximately 9.77 hectares.

The development consists of 247 no. houses (detached, semi-detached, terraced and end-terrace two and three storey units) and 70 no. apartments (Block A, B and C), to be provided as follows:

(i) 6 no. 2 bed terrace and end-terrace houses (Type 3C and 3D).

(ii) 124 no. 3 bed terrace, end-terrace and semi-detached houses (Type 1A, B & C, 3A, B & E and 4A, B & C).

(iii) 102 no. 4 bed terraced, end-terrace, semi-detached and detached houses (Type 2A, B, C, D & E and Type 5).

(iv) 15 no. 5 bed detached houses (Type 6).

(v) 14 no. 1 bed apartments, 51 no. 2 bed apartments and 5 no. 2 bed with study apartments in 3 no. 4 storey apartment blocks (Blocks A, B (both over basement) & C).

(vi) A ground floor crèche with a gross floor area of 223 square metres within Block C.

PLANNING APPLICATION

Planning Authority:	**South Dublin County Council**
Planning Authority Reg. No.:	SD15A/0017
Applicant:	Broadcrest Limited
Application Type:	10 Year Permission
Planning Authority Decision:	**GRANT PERMISSION** subject to 35 Conditions

APPEAL

Appellants:	A. Sinead Lemass and Matt Barnes B. David McShane and Others C. Rathfarnham Area Residents Associations D. Denis Ryan and Others
Type of Appeal:	**THIRD PARTY (4)**
Observer:	Prospect Manor Residents Association
DATE OF SITE INSPECTION:	18th June, 2015.
INSPECTOR:	Dermot Kelly

REPORT FORMAT

This report follows my examination of this appeal including reading the documents on file, and follows a Site Inspection on 18th June, 2015 which included the Photographs in Appendix B of this report. These Photographs were taken with an Olympus OM2 SLR film camera fitted with a 50mm fixed-focus standard lens approximating actual views available in short distance views at the subject site.

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APPENDICES

APPENDIX A - LOCATION MAP

APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)

APPENDIX C - DEVELOPMENT PLAN / GUIDELINES

1. SITE LOCATION

The subject site in the Ballyboden area in Dublin 16 is bounded on the north by Scholarstown Road and by the Boden Park residential estate (off Scholarstown Road); and bounded on the east by Stocking Lane (R115). The subject site is bounded on the west by the Woodfield residential estate and on the south by the Ballyboden Reservoir – and by the Prospect Manor residential estate off Stocking Lane to the south-east, as indicated on **APPENDIX A - LOCATION MAP**.

2. SITE DESCRIPTION

2.1 The subject site lands at Scholarstown Road/Stocking Lane, Ballyboden, Dublin 16 are approximately 9.77 hectares in area and comprise agricultural grazing lands and a derelict farmyard and outbuildings proposed to be demolished, and the former garden lands of a demolished house. The subject site rises gently upwards towards the south from its frontage onto Scholarstown Road.

2.2 The Planning Authority Planning Report under 'Site Description' stated: 'The subject site consisting of undeveloped land is located at Scholarstown Road to the north of the M50, bound on the east by Stocking Lane, to the south by Dublin City Council Ballyboden Waterworks and to the west by Woodfield, an established residential estate. The site slopes gradually upward from north to south. The boundaries of the site comprise a hedgerow, mature trees and a low rubble stone wall to the north and is bounded by a wooden post and rail fence and a combined cycle and pedestrian path along Stocking Lane to the east. The western boundary abuts the Woodfield Estate and is made up of a dense wooded area. Scholarstown Road and Stocking Lane are semi-rural in character. Existing development in the vicinity is characterised by suburban residential estates and larger dwellings on Scholarstown Road and Stocking Lane'.

2.3 The submitted Landscape Report described the 'Existing Boundaries': 'The site boundaries vary significantly. The north-western and parts of the western boundary is open to the public open space adjacent, whereas the northern boundary at Scholarstown Road is enclosed and comprises hedgerow vegetation and/or fencing. The eastern boundary at Stocking Lane is a simple post and rail fence with infill wire mesh. A large hedgerow forms the main southern boundary, but the south-western boundary includes concrete block walls, ditches and hedgerow vegetation'.

2.4 The attached Photographs in **APPENDIX B – PHOTOGRAPHS** (including Key Plan which indicates the approximate Photograph locations) illustrate the nature of the subject site and its context.

3. PROPOSED DEVELOPMENT

3.1 Planning Application

- The proposed development comprises as specified in the Public Notices: 10 Year Permission for development at a site located south of Scholarstown Road, west of Stocking Lane, north of Ballyboden Waterworks and east of Woodfield, Ballyboden, Dublin 16.
  The proposal is for a residential development consisting of 317 no. dwelling units (247 no. houses and 70 no. apartments) and a 223 square metre crèche, including two vehicular accesses from Scholarstown Road and one vehicular access from Stocking Lane, all associated site and infrastructural works including foul and surface water drainage, 599 no. car parking spaces (534 no. surface and 65 no. underground), landscaping and public open space, boundary walls and fences, roads, cycle paths and footpaths, all on a site area of approximately 9.77 hectares.
  The development consists of 247 no. houses (detached, semi-detached, terraced and end-terrace two and three storey units) and 70 no. apartments (Block A, B and C), to be provided as follows:
  (i) 6 no. 2 bed terrace and end-terrace houses (Type 3C and 3D).
  (ii) 124 no. 3 bed terrace, end-terrace and semi-detached houses (Type 1A, B & C, 3A, B & E and 4A, B & C).
  (iii) 102 no. 4 bed terraced, end-terrace, semi-detached and detached houses (Type 2A, B, C, D & E and Type 5).
  (iv) 15 no. 5 bed detached houses (Type 6).
  (v) 14 no. 1 bed apartments, 51 no. 2 bed apartments and 5 no. 2 bed with study apartments in 3 no. 4 storey apartment blocks (Blocks A, B (both over basement) & C).
  (vi) A ground floor crèche with a gross floor area of 223 square metres within Block C.

- The drawings submitted with the Planning Application on 26th January, 2015 are noted. The submitted Landscape Report and Arboricultural Assessment are noted as also the submitted Traffic and Transport Assessment and Infrastructure Design Report and Design Statement Architectural Visualisation.

4. NOTIFICATION OF DECISION OF PLANNING AUTHORITY - Submissions and Relevant Reports

4.1 Notification of Decision of Planning Authority

- The Planning Authority, South Dublin County Council, issued a notification of decision to **GRANT PERMISSION** for the proposed development subject to 35 Conditions including Condition No. 2:
  - ‘Permission is hereby granted for a period of 5 years from the date of the Final Grant of Permission.
    Reason: In the interest of clarity and to ensure completion of the proposed development within the duration of the life of this permission’.
  - Condition Nos. 5 and 7 relating to a revised Site Layout Plan relating to Roads and Parking in accordance with the requirements of the Planning Authority Roads Department.
  - Condition No. 6 relating to Pedestrian and Cycle Links.
  - Condition No. 8 relating to Urban Design, and Conditions No. 9 including requiring regarding *Block B* a *revised layout*:

‘9. (a) Relocation to the western elevation of the balconies to Apartment 303 on the first floor, Apartment 307 on the second floor and Apartment 310 on the third floor to Apartment Block B’ – and Condition No. 10 requiring regarding *Block C*:

’10. (a) Avoidance of direct overlooking of Apartment 313 on to the play area to the north of the crèche building and the rear private amenity space of dwelling 003.

(b) Avoidance of the overlooking of the balcony of Apartment 215 (315) on the roof terrace of Apartment 313 and the rear private amenity space of dwelling 003.

(b) Avoidance of the overlooking of the balconies to Apartments 312, 314 and 316 on the first, second and third floor on the play area to the west of the crèche.

Reason: In the interest of residential amenity’.

- Condition No. 12 ‘Play Area’ and Condition No. 14 requiring: ‘A minimum of 20 childcare places per approximately 75 dwellings shall be provided. This is provided for under Policy SCR27 of the Development Plan 2010-2016 which refers to ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Condition No. 15 requiring Revised Site Layout and Landscape Plans as specified including: ‘No trees are to be felled on site until a rationale for the felling is proposed and agreed….’, Condition No. 23 relating to Part V Requirements, and Condition No. 27 requiring Archaeological Monitoring.

4.2 Third Party Submissions on Planning Application

The Third Party Submissions (32) received including from local residents in the area are noted and were summarised in the Planning Report for the Planning Authority under Pedestrian Links; Housing Mix, Density and Apartments; Traffic and Access; Trees, Hedgerows and Biodiversity; Open Space; Infrastructure and Other.

4.3 Submission of Inland Fisheries Ireland - Dublin

This submission received 19th February, 2015 is noted.

4.4 Submission of An Taisce

This submission received 20th February, 2015 stated that it was not objecting to the proposed development but noted concerns relating to traffic volumes on Scholarstown Road and the distance to local shops.

4.5 Submission of National Transport Authority

This submission dated 2nd March, 2015 included stating as follows:
'The National Transport Authority supports the proposed development as it is broadly consistent with the Authority's Key Principles for the Integration of Land Use and Transport, as set out in the Integrated Implementation Plan, which states *inter alia*, the following:…..
As the subject site is served directly by a frequent bus route, with a service every 10 minutes in the peak hour, and is located within the Metropolitan Area of the GDA, as defined by the Regional Planning Guidelines, and within the urban footprint of the city and suburbs, its development for residential use is consistent with the above principles and current planning policy', and also
'In order to cater for the increased traffic which will arise as a result of the proposed development, it is necessary to upgrade Scholarstown Road along the northern edge of the subject site to a standard more closely associated with the district distributor function it will perform, in order to cater safely for all modes. It is recommended that the Local Authority explore options to undertake this in advance of the completion of the proposed development. This should include the redesign of the Scholarstown Road/Stocking Lane junction to cater for increased numbers of pedestrians and cyclists'.

4.6 Submission of Department of Arts, Heritage and the Gaeltacht

This submission received 4th March, 2015 included specifying an Archaeological Monitoring Condition to be included in any decision to grant permission for the proposed development.

4.7 Urban Design Report

This report dated 4th March, 2015 included stating under 'Conclusion':
'In general, the proposed development is of a very high quality and responds well to the characteristics of the site. There are however a number of issues relating to pedestrian access/egress, parking, street interfaces and other details for which amendments/clarification is required' as specified under 'Recommendation' – which were the subject of Conditions in the notification of decision of the Planning Authority.

4.8 Housing Department Report

This report, dated 9th February, 2015 stated that a 'Part V condition' as specified should be attached to any decision to grant permission.

4.9 Roads Section Report

This report, dated 5th March, 2015 recommended Conditions to be included in any grant of permission for the proposed development.

4.10 Parks Department Report

This report, dated 13th March, 2015 included stating that there was no objection in principle to the proposed development but that there were concerns as specified. Conditions as specified were recommended to be included in any decision to grant permission for the proposed development including requiring submission of a revised Site Layout and Landscape Plan and a revised Arboricultural Report, and in regard to Implementation of the Revised Landscape Plan.

4.11 Planning Report

- This report, dated 20th March, 2015 included noting the 'Residential' zoning of the subject site under the Development Plan. The Technical Reports and Third Party Submissions received were noted and summarised as also the Relevant Planning History and Relevant Development Plan Provisions.

- Under ‘Assessment’ it was considered that a 10 year permission as requested was not appropriate as stated. The proposed development to a net residential density of 36.6 residential units per hectare was considered appropriate with reference to Policy H8 of the Development Plan requiring ‘…the provision of net residential densities in the general range of 35-50 dwellings per hectare’, as also specified in the Sustainable Residential Development in Urban Areas Guidelines (2008) relating to ‘Outer Suburban Greenfield/Site Densities’.

- The submitted Design Statement was noted having regard to the Urban Design Criteria in the Sustainable Residential Development in Urban Areas Guidelines, and also the Planning Authority Urban Design Report which included stating: ‘In general, the proposed development is of a very high quality and responds well to the characteristics of the site. There are however a number of issues relating to pedestrian access/egress, parking, street interfaces and other details for which amendments/clarification is required’. It was considered that the issues raised in this Report could be dealt with by conditions. It was also considered that the Mix of Dwelling Types/Dwelling Sizes and Private Open Space Provision were acceptable subject to Conditions as stated.

- Under ‘Overlooking/Overshadowing/Overbearing Impact’ was stated: ‘Having regard to the location of Apartment Blocks A & B from existing two-storey dwellings in Woodfield at a distance greater than 22 metres and proposed two-storey dwellings as well as the overall design and layout of the Blocks in addition to the existing natural screening, it is considered that, subject to conditions relating to the relocation of proposed balconies to Block B as set out above, that no issues of overlooking or overbearing impact would occur’. Conditions as specified would address overlooking issues relating to Apartment Block C.

- The Planning Report under ‘Public Open Space’ stated:
  ‘The site is zoned Objective A and requires public open space to be provided at a minimum of 10% of the total site area. The planning report submitted states: The proposed development provides approximately 1.13 hectares or 11.6% of public open space throughout the development. In addition a landscape buffer is provided along the perimeter of the site, which increases the open space provision to 2.23 hectares which results in 23.4% of the total site area being dedicated to open space provision’.

- It was considered that additional Childcare Facilities should be required by Condition. Under 'Schools Capacity' was stated:
  '…. regard is had to the proximity of the site to three large second level schools and one primary level school. In addition, a further two schools as part of proposed residential development to the west of the site are currently being progressed by the Department of Education, which could cater for additional demand in the area', and that 'It is considered that the proposed development would be adequately served by the existing and proposed schools in the surrounding area'.

- In regard to 'Access and Parking' the Submission of the National Transport Authority was noted and the Conditions as recommended of the Roads Department Report were considered appropriate. Under 'Boundary Treatment' was stated as follows: 'The scheme has been designed to sit within the existing external boundary treatments. It is proposed to retain a significant section of existing trees and hedgerow boundaries. It is proposed to retain and make good the existing stone boundary wall to Scholarstown Road to the north. In addition to the retention of this existing stone wall and hedgerow boundary to Scholarstown Road, a 6 metre wide cycle and pedestrian path/landscape buffer strip is proposed'.

- It was stated that a Condition relating to Social and Affordable Housing and compliance with Part V of the Planning and Development Act 2000 as amended was appropriate as also a Development Contribution as calculated.
  Permission was recommended subject to the Conditions as stated in the notification of decision of the Planning Authority.

5. APPEAL GROUNDS

A. Appeal of Sinead Lemass and Matt Barnes

The Third Party Appeal Grounds including stating as follows.
'Stocking Lane used to be a rural road with all the houses served by septic tanks. Some of these septic tanks are still in use in Rookwood Lodge and Coolamber. It is submitted that in the interests of proper planning and development of the area that septic tanks in an urban context is inappropriate.

We would be grateful if An Bord Pleanála included a condition, if it is decided to Grant, that the 'developer provides at their own cost, a foul connection from A to B to the existing shared septic tank for Coolamber and Rookwood Lodge. This connection should be made before the first dwelling is sold'.

B. Appeal of David McShane and Others

- The Third Party Appeal on behalf of residents of Scholarstown Road included noting that 'the Parks Department requested a revised Site Layout Plan and Landscape Plan by condition, while the Roads Department requested 15 no. conditions be attached, including for the preparation of a Road Safety Audit. We respectfully submit that these are not minor issues that can be dealt with by condition. They are fundamental to the proposal at hand and can impact on the surrounding residents', and also
'The National Transport Authority's advice does not appear to have been given any consideration by the Planning Authority. Of note are their recommendations to upgrade the Scholarstown Road and junction with Stocking Lane to safely accommodate the increased traffic and to take measures to prevent through-movement of vehicles from Stocking Lane to Scholarstown Road via the residential development'.

- It was submitted that a Phasing Condition in accordance with Condition No. 22 in the notification of decision of the Planning Authority should be included in any decision to grant permission for the proposed development. There was also agreement with Condition No. 2 (five year period) in the notification of decision.

- Under 'Grounds of Appeal' under 'Traffic' the submissions included:
'We also note that the previously permitted development only proposed 1 no. entrance directly onto Scholarstown Road and not the 2 no. entrances proposed under the current scheme. The adoption of the Design Manual for Urban Roads and Streets 2013 sets out the hierarchy principle for the design of such roads and access points. We submit that the provision of two access points from a local link road such as the Scholarstown Road, which has 15 no. existing detached houses with individual entrances directly onto the road, and another entrance to Stocking Lane is wholly contrary to the basic principles of the DMURS. This is in addition to the fact that the visual quality of the road will be further diminished by opening up the road to unnecessary entrances'.

- Under ‘Scholarstown Road Character’ the submissions included:
  ‘The setback distance of the existing units along the northern side of Scholarstown Road should be mirrored along the southern side. This will allow the hedgerow and green space on either side of the road to be maintained and avoid the proposed units overbearing onto the Road, thereby protecting its rural character. We submit that this approach would greatly improve views into the site.
  In order to achieve this a number of units must be omitted from the proposed scheme. We have identified the units….’ as per Map.

- Under ‘Design and Layout’ the submissions included:
  ‘The style, design and choice of materials for this proposed development are generic, unsympathetic to the local context and more suitable to/akin to a town centre/suburban sprawl location. It is essential to the character of the area that the proposed development reflects and maintains the existing semi-rural character’, and that the Planning Report for the Planning Authority noted regarding the two-bedroom with study unit (Unit A06 in Block A) that ‘the study does not comply with the minimum bedroom floor area of 7.1 square metres for a single bedroom at 6.6 square metres and would not be acceptable for use as a bedroom. This should be dealt with by condition’.

- The Appeal Grounds also included stating as follows:
  ‘Our clients are extremely concerned that their homes, at a lower level to the sloping subject site, will be susceptible to flooding if the proposed development progresses’, and also ‘We note that the applicants have provided the absolute minimum of amenity open space, meeting the general Development Plan standards for countywide developments. However, we submit that in the context of the semi-rural character of the surrounding area it is not acceptable to achieve minimum standards’.

C. Appeal of Rathfarnham Area Residents Associations

- The main grounds of the Third Party Appeal are as follows: ‘Impact on the character of Scholarstown Road by an increase in traffic.
  Location of four storey apartment blocks too close to existing houses in Woodfield and existing trees in the open space area.
  Loss of trees and hedgerows as a result of the proposed development in particular in the north-west portion of the site.
  Need to address phasing of the development.
  Ensure high quality of public open space in the development.
  Avoid too many small apartment units.

It is recognised that the land is zoned for residential development and that there are no objections to the principle of development on the site. Two design modifications are suggested for consideration by the Board in order to address these appeal grounds'.

- Under 'Historic Landscape Character of Scholarstown Road' the submissions included relating to 'an alternative site layout':
  'This alternative site layout was to develop the site in two halves; an eastern and a western section. The eastern half could have a single vehicular access point from Stocking Lane (R115) and the western half could have a single vehicular access point from Scholarstown Road but at the most western corner of the site where it is close to the existing roundabout on the R113. There should be no internal connection between these two internal roads on the site in order to prevent through traffic across the site. By providing such a layout and system of vehicular access, car movements would be distributed equally between the two regional roads. Given the number of dwelling units (317), a third access point is considered unnecessary. As capacity on the regional roads and Scholarstown Road is largely determined by the capacity of the junctions, this alternative road layout should have no impact on traffic congestion compared to the layout that is proposed'.

- Under 'Location of Apartment Blocks' the submissions included:
  'The apartments are provided in the form of three blocks near the western extremity of the development site. Blocks A and B are four storey in height and are in relative close proximity to the existing houses in the adjoining Woodfield development which are of traditional two storey design. The proximity ranges from ca. 25 metres (Block B) to 53 metres (Block A) from the existing houses. In the case of Block B, the existing house in Woodfield nearest to the development would face an elevation of 13.725 metres high at a distance of ca. 25 metres from the house', and also
  'In order to adequately recognise the amenity value of the existing public open space area that serves the residents in the Woodfield development it is suggested that the apartment Blocks A and B should be set back in eastern direction by a minimum of 20 metres. This can be done without radically altering the site layout'.

- Under 'Loss of Trees' the submissions included: 'A detailed analysis of the tree survey reveals that of the 336 trees that were surveyed, almost two thirds (206 trees in total) will be removed. In addition to the loss of individual trees and lines of trees, the

existing hedgerow which currently forms the eastern boundary of the public open space area of Woodfield, will be removed.
The trees that are proposed to be retained between the apartment blocks and the existing houses to the west will be vulnerable to the excavation that will be necessary to provide foundations for the apartment blocks and the basement car parking. It is suggested that by moving the apartment blocks to the east, the damage to the trees will be reduced and new tree planting will have a better chance of success'.

- Under 'Other Issues of Concern' the submissions related to Phasing, Open Space, Dwelling Unit Mix and Pedestrian and Cycle Links and Changes to Site Layout.

D. Appeal of Denis Ryan and Others

- The Third Party Appeal of residents of Woodfield under 'The Apartment Blocks' included stating as follows:
'Without prejudice to our general objection to the inclusion of apartment blocks in the proposed development and in particular the fact that the apartment blocks proposed are four storey, we submit that if the Planning Authority is going to find their inclusion acceptable and if moreover their location close to the existing public open space in Woodfield is to be approved, the applicant ought to be required to provide an equivalent area of public open space at the boundary with Woodfield which is separate from the proposed private open space around the apartment blocks'.

- Under 'The Arboricultural Assessment' the submissions included that there were concerns as stated regarding the future of trees located within the Woodfield residential estate – the removal of which would reduce screening of the proposed Apartment Blocks.

- Under 'Traffic' was stated as follows: 'All current traffic improvement proposals of South Dublin County Council should be completed before any development takes place. The development of the apartment blocks will disproportionately increase the volume of car users in the area and exacerbate the existing traffic problems. Notwithstanding the provision for parking in the proposed layout, experience has shown that inevitably apartment dwellers find themselves obliged to park in surrounding areas'.

6. APPEAL RESPONSES

6.1 Appeal Observation of Prospect Manor Residents Association

- This Appeal Observation received 17th April, 2015 included stating that there was no objection in principle to the proposed development. and that 'the proposal for a shared pedestrian/cycle track along the northern boundary of the site adjoining Scholarstown Road' was welcomed, though there were reservations regarding the proposed four storey apartment blocks. The major concern related to 'the traffic implications of the proposed development' in particular on Stocking Lane. It was stated that traffic exiting onto Stocking Lane was difficult at morning peak times as indicated on the attached Photographs.

- A single bus service (Route 15B) passed the site and 'the primary mode of transportation for residents of the proposed development will be private cars'. It was also submitted as follows: 'The junction between Stocking Lane and Scholarstown Road is an oblique junction. The layout of the junction impedes traffic turning left from Stocking Lane onto Scholarstown Road resulting in slower traversing of the junction by traffic. Buses have very severe difficulties in using the junction. This results in less traffic getting through the junction than a normal T-junction. The Assessment carried out takes no account of such difficulties. In addition, the proposed development does not provide for any upgrading of the junction'.

- 'There are several proposed large residential developments which have been granted planning permission and where the traffic generated by these developments will also utilise Stocking Lane and Scholarstown Road. The Traffic Impact Assessment has not taken account of many of these proposed developments. There are significantly more zoned lands in the areas which will impact traffic-wise on the roads which will serve the proposed development and no allowance has been made for same'.

- 'The proposed development does not warrant three access locations for 317 no. dwellings. Prospect Manor, which has almost the same number of dwellings has only one access. We submit there should be only one access location for the proposed development and that same be located off Scholarstown Road. The proposed access from the proposed development onto Stocking Lane should be omitted'.

- The attached Traffic and Transportation Report included stating as follows in regard to 'Adequacy of the proposed traffic mitigation measures (including those requirements in Condition 5 of the SDCC Grant of Permission)':
  'It is submitted that the proposed linking of the Stocking Lane and Edmondstown Road traffic signals will not be an adequate measure to mitigate traffic queuing on this section of the network, and there should be measures to upgrade the capacity of these junctions.
  At the Stocking Lane junction, there should be minor widening of the western approach on Scholarstown Road, to allow eastbound traffic to pass a waiting right turner in the right turn 'box'.
  There should also be widening of the Stocking Lane approach to provide a left-turn lane approaching the traffic signals…..'.

6.2 Planning Authority Appeals Response

This Appeals Response received 29th April, 2015 made no further comments.

6.3 Applicant's Appeals Response

This Appeal Response received 7th May, 2015 included stating:

- 'Block A is a four storey apartment block located in the north-west of the application site to the east of Woodfield residential estate and associated open space. Block B is a four storey apartment block located to the south of Block A and also to the east of Woodfield residential estate and associated open space. These two apartment blocks contain 34 and 30 units respectively with a good mix of 1 and 2 bed units, and 5 no. 2 beds with study apartments also being provided. One level of underground car parking is provided for each apartment block (65 no. underground spaces) in addition to surface car parking.
  Block C is a four storey (three storey plus penthouse level) apartment block with a crèche provided at ground floor level. Six no. apartments are proposed in Block C and it is served by surface car parking. The crèche is located at the ground floor of Block C. In total 94 no. car parking spaces are provided for Block A, B and C'.

- The conditions in the Notification of Decision requiring Amendments were acceptable to the Applicant including
  Condition No. 5 'Roads' and Condition No. 6 'Pedestrian and Cycle Links. In regard to Condition No. 14 'Childcare Provision' it was submitted that 'there is capacity at ground floor level to increase the size of the crèche if the Planning Authority consider necessary

without impacting on boundary trees or surrounding residents. The size and type of crèche required in this location needs to be agreed with the Planning Authority at compliance stage'.

- The Appeals Response submitted in regard to Condition 15 – 'Revised Site Layout and Landscape Plan' as follows:
  'The proposed development does not encroach on the root protection areas of the trees within the Woodfield open space, which are outside the applicant's landholding. The boundary treatment details along the western site boundary and potential for connections with the open space at Woodfield will be the subject of agreement with the Parks Department at compliance stage', and
  'The amendments arising out of the conditions attached to the grant of permission are relatively minor in nature and in any instance will have no adverse impacts on the residential amenity enjoyed by local residents'.

- Under Response to Grounds of Appeal, the submission under 'Appropriateness of Apartment Blocks' included that 'the provision of apartments on the site is necessary in order to ensure a suitable density of development in the order of c.35 units per hectare' and that other residential developments in the area included provision of Apartment Blocks adjoining Open Space. Additional Visualisations of the proposed Apartment Blocks viewed from within the Woodfield estate were submitted in Appendix 5.

- It was further submitted that 'the significant separation distances, revised balcony locations (which could be further conditioned to have a screen on the south elevation) and the orientation of the apartment block ensures adequate protection of existing residential amenities within Woodfield. As stated above the location of the apartment blocks present significant benefits in urban design terms and will result in active overlooking and interaction with the existing open space at Woodfield.
  The additional existing and proposed CGI from View 2 location illustrates the potential visual impact of the apartment blocks when viewed from the appellants' properties at 145, 146 and 147 Woodfield. These properties are located in excess of 50 metres from Apartment Block A and screened by mature planting and trees within the Woodfield open space area, which will not be impacted by the proposed development'.

- The submissions under ‘Impact on the Character of Scholarstown Road’ included that ‘the proposed residential development has been carefully designed to ensure the existing character and boundary treatment along Scholarstown Road is retained as far as is possible. This is a significant improvement on the previously permitted scheme which provided for the widening of Scholarstown Road and therefore the loss of the existing boundary treatment, which includes stone walls, hedgerows and trees’.

- Further submissions included that Condition No. 2 of the notification of decision restricting the duration of the permission to five years was acceptable. It was submitted in regard to the Third Party Appeal which ‘relates to two individual dwellings to the eastern side of Stocking Lane’ that ‘this is not a relevant planning consideration in respect of the subject planning application and relates to third party lands’. The Appeals Response concluded:
  ‘It is respectfully submitted that no significant issues of concern are raised by the third parties and the Planning Authority’s decision to grant permission, with the associated conditions, should be upheld by the Board. This is a very high quality residential development which will deliver much needed housing in a sought after area on the most substantial residential zoned site inside the M50 within South Dublin County Council administrative area’.

- The attached Appendix 2 included a Revised Site Layout Plan Drawing and Appendix 3 – Traffic Consultant’s Report included:
  ‘Any strategic upgrading of the Scholarstown Road/Stocking Lane junction that might be identified in future schemes by South Dublin County Council would be in no way restricted by the application as proposed, (i.e. development more than adequately setback from junction). In summary the applicants and South Dublin County Council are in full support of retaining Scholarstown Road in its current form and have considered same adequate in terms of future traffic levels etc’.

- It was submitted in regard to the Appeal Grounds submission that ‘the central access on Scholarstown Road be omitted and number of access points be reduced from 2 to 1’ that ‘The NTA recommended that a condition be attached to avoid the through-movement of vehicles from Stocking Lane to Scholarstown Road via the site. South Dublin County Council have acknowledged this in Condition 5(g) and the applicants will provide the additional traffic calming on the south-eastern access road as requested’.

- Appendix 4 – 'Landscape Architect's Report' including noting in regard to Condition 15(b) 'Anti-social activity': 'The site layout plan, proposed house types, and amendments likely to be required under Condition No. 8, provide an appropriate residential layout, ensure active and passive surveillance of open space and provide good quality linkages and routes through the scheme'. Appendix 5 included Additional Visualisations of the proposed Apartment Blocks to the east of the Woodfield residential estate.

6.4 Appellant Rathfarnham Area Residents Associations Response

This response supported specified Appeal submissions and stated that 'changes to the layout' as suggested would address many concerns.

6.5 Appellants Denis Ryan and Others Response

This response included stating that the proposed Apartment Blocks would overlook Open Space as specified and that the submitted Visualisation in Appendix B was 'based on summertime foliage' and that trees along the western site boundary could be demolished.

6.6 National Transport Authority Appeals Response

This response 'reiterated support for the development of the subject site in principle' and stated as follows:
'In the event of a grant of permission by An Bord Pleanála based on the information provided to date, the Authority recommends that a condition that reflects the following is attached:
That agreement is reached with the National Transport Authority on the following: The redesign of the cycle track on Stocking Lane;
The provision of filtered permeability within the site;
A scheme to upgrade the Stocking Lane/Scholarstown Road junction; and a scheme to upgrade Scholarstown Road'.

6.7 Observer Prospect Manor Residents Association Response

This response reiterated the submissions in the previous Appeal Observation.

6.8 Appellants David McShane and Others Response

This response included submitting regard 'omission of units' that 'this issue could be easily addressed through the provision of additional apartment units throughout the overall lands, so that an acceptable

level of density is maintained whilst the established character of the area is protected', and also that

'The applicant also states that the units proposed to be omitted in our appeal would have an adverse impact on the design approach which has sought to deliver active overlooking of the Scholarstown Road edge. This statement does not appear to be supported by the existing layout which sets some units back c.27 metres from Scholarstown Road and locates other dwellings 6 metres from the boundary'.

There was again reference to Unit A06 in Block A, which it was submitted should be subject to Condition.

6.9 Appellant Rathfarnham Area Residents Associations Response

This response received 9th June, 2015 included stating:

'The applicants claim that the three apartment blocks are proposed adjacent to the Woodfield open space to ensure passive surveillance, overlooking and activity along this boundary. The existing open space is attached to Woodfield Estate' and that 'there was no need for such surveillance' as 'in the current planning application the open space that adjoins the proposed apartment blocks is the public open space of the existing Woodfield housing development and most of this public open space is outside the site boundary'.

6.10 Appellants Sinead Lemass and Matt Barnes Response

This response reiterated the submitted Appeal Grounds.

6.11 Irish Water Response

This response stated agreement with Condition No. 4 of the Planning Authority notification of decision to grant permission for the proposed development.

7. PLANNING HISTORY

The following Planning History file is attached: **PL06S.218787 (Reg. Ref. SD05/0872):-** An Bord Pleanála granted permission subject to 26 Conditions on 25th May 2007 for a proposed development described as comprising a 426 residential unit development including a crèche which was reduced to 337 units in the permission granted.

The Planning Report for the Planning Authority documented the further Planning History of the subject site/area including as follows:
SD05A/0872EP – Permission refused by South Dublin County Council for Extension of Duration of Permission.

SD03A/0997 & PL06S.206576 – Permission refused by South Dublin County Council and refused by An Bord Pleanála for residential development consisting of 610 residential units, a purpose built crèche, a gymnasium/swimming pool, and a public house/restaurant.

S00A/0914 & PL06S.129068 – Permission granted by South Dublin County Council and refused by An Bord Pleanála for residential development of 355 units consisting of 151 No. 2 to 6 bed detached, semi-detached and terraced houses and 204 No. 1 and 2 bed apartments in 12 No. 3 storey blocks at this site.

8. DEVELOPMENT PLAN / GUIDELINES

8.1 The provisions of the 2010 – 2016 South Dublin County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan:-**

- The 'Objective A' land use zoning objective for the subject site: "To protect and/or improve Residential Amenity'.
- Objective – 'To protect and preserve Trees and Woodlands'.
- Policy H8 – 'Outer Suburban/Greenfield sites Densities' requiring '…the provision of net residential densities in the general range of 35-50 dwellings per hectare…'

The Planning Report for the Planning Authority documented Relevant Policy in the 2010-2016 South Dublin County Development Plan.

8.2 The 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in 2008, have also been noted including the following provisions:

- Section 5.11 – 'Outer Suburban/Greenfield sites' including "…providing net residential densities in the general range of 35-50 dwellings per hectare…"

9. PLANNING ASSESSMENT – Issues and Evaluation

Having regard to the above and having inspected the site and having reviewed all documents on file, the following is my assessment of this case where the major planning issues for consideration are as follows:

9.1 Development Plan Provisions/Guidelines
9.2 Residential Density/Residential Mix/Public Open Space
9.3 Height and Scale of Apartment Blocks
9.4 Traffic and Access
9.5 Other Issues

9.1 Development Plan Provisions/Guidelines

- The subject site in the Ballyboden area in Dublin 16 is bounded on the north by Scholarstown Road and by the Boden Park residential estate (off Scholarstown Road); and bounded on the east by Stocking Lane (R115). The subject site is bounded on the west by the Woodfield residential estate and on the south by the Ballyboden Reservoir – and by the Prospect Manor residential estate off Stocking Lane to the south-east, as indicated on **APPENDIX A - LOCATION MAP**.

- The subject site lands at Scholarstown Road/Stocking Lane, Ballyboden, Dublin 16 are approximately 9.77 hectares in area and comprise agricultural grazing lands and a derelict farmyard and outbuildings proposed to be demolished, and the former garden lands of a demolished house. The subject site rises gently upwards towards the south from its frontage onto Scholarstown Road.

- The proposed residential development comprises as specified in the public notices: '317 no. dwelling units (247 no. houses and 70 no. apartments) and a 223 square metre crèche, including two vehicular accesses from Scholarstown Road and one vehicular access from Stocking Lane, all associated site and infrastructural works including foul and surface water drainage, 599 no. car parking spaces (534 no. surface and 65 no. underground), landscaping and public open space, boundary walls and fences, roads, cycle paths and footpaths, all on a site area of approximately 9.77 hectares'.

- The proposed 317 unit residential development (247 houses and 70 apartments) is to a stated gross floor area of 38,444 square metres. The proposed crèche is to a stated gross floor area of 223

square metres. The proposed residential development would be served by existing public services in the area.

- The provisions of the 2010 – 2016 South Dublin County Development Plan have been considered, and in particular the following provisions which are attached in **Appendix C – Development Plan:-**
  - The 'Objective A' land use zoning objective for the subject site: "To protect and/or improve Residential Amenity'.
  - Objective – 'Protect and Preserve Trees and Woodlands'.
  - Policy H8 – 'Outer Suburban/Greenfield sites Densities' requiring '…the provision of net residential densities in the general range of 35-50 dwellings per hectare', and also

  The 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in December 2008, have also been noted including the following provisions:
  - Section 5.11 – 'Outer Suburban/Greenfield sites' including: "…. Providing net residential densities in the general range of 35-5- dwellings per hectare'.

- As the number of units in the proposed residential development under this planning application and the area of the application site are both beneath the thresholds – as specified in Article 94 and Schedule 6 of the Planning and Development Regulations 2001 as amended – where there is a mandatory requirement for inclusion of an Environmental Impact Statement, and noting that the application site is zoned for Residential use under the Development Plan, I consider that an Environmental Impact Assessment is not required in this case.

- I note that the proposed development to a residential density of 36.6 units per hectare as calculated in the Planning Report for the Planning Authority, as such accords with the specified residential densities of 35-50 dwellings per hectare to be achieved for such 'Outer Suburban/Greenfield sites' lands in the Development Plan and Guidelines. Having regard to the Residential zoning of the subject site lands and the proposed residential density which accords with the Development Plan and Guidelines requirements in relation to such lands, in my opinion the proposed residential development on the subject site is acceptable in principle.

- In this regard I note an Appeal Grounds submission where stated that 'It is recognised that the land is zoned for residential development and that there are no objections to the principle of development on the site'. The submissions for the Planning Authority and in the Third Party Appeals/Appeal Observation/Applicant's Appeals Response, are now considered.

9.2 Residential Density/Residential Mix/Public Open Space

- I note and concur with the Planning Report for the Planning Authority included stating that the proposed development to a net residential density of 36.6 residential units per hectare, was appropriate with reference to Policy H8 of the Development Plan requiring '…the provision of net residential densities in the general range of 35-50 dwellings per hectare', as also specified in the Sustainable Residential Development in Urban Areas Guidelines (2008) relating to 'Outer Suburban Greenfield/site Densities'.

- The proposed Houses comprise 6 x 2 Bed, 124 x 3 Bed, 102 x 4 Bed and 15 x 5 Bed units – and the proposed Apartments comprise 14 x 1 Bed and 56 x 2 Bed Units in Apartment Blocks A, B and C. The above Planning Report considered that the proposed Mix of Dwelling Types/Dwelling Sizes and Private Open Space Provision was generally acceptable and comply with the relevant requirements of the Development Plan as set out.

- I note that the proposed Residential Density/Residential Mix would be altered by the recommended revisions to Apartment Blocks A, B and C resulting in omission of Apartments and Houses as detailed below under Section 9.3 – 'Height and Scale of Apartment Blocks' but not to a significant degree.

- I note that the Planning Report for the Applicant under 'Public Open Space' stated as follows: 'The proposed development provides approximately 1.13 hectares or 11.6% of public open space throughout the development. In addition a landscape buffer is provided along the perimeter of the site, which increases the open space provision to 2.23 hectares which results in 23.4% of the total site area being dedicated to open space provision'. An Appeal Grounds submission that 'the applicants have provided the absolute minimum of amenity open space' is not factual in the context that the Development Plan requirement is that Public Open Space be provided at a minimum of 10% of the total site area.

- I note an Appeal Grounds submission that the Design and Layout of the proposed residential development was considered inappropriate in this area for reasons as stated. However in my opinion the proposed development is considered generally acceptable and in this regard I concur with the Urban Design Report for the Planning Authority where stated: 'In general, the proposed development is of a very high quality and responds well to the characteristics of the site'.

- I note an Appeal Grounds submission that 'the setback distance of the existing units along the northern side of Scholarstown Road should be mirrored along the southern side' with the suggested omission of a number of residential units as indicated on an attached Map. However by reason of the retention of the existing stone wall and hedgerow/trees boundary to Scholarstown Road as specified under the proposed development, and the provision within a 'Landscaped Buffer' of an attractive shared pedestrian/cycle track inside the northern boundary of the subject site along Scholarstown Road, in my opinion such omission of residential units as suggested is not considered necessary

- I note in this regard the Applicant's Appeals Response where submitted that 'this is a significant improvement on the previously permitted scheme which provided for the widening of Scholarstown Road and therefore the loss of the existing boundary treatment, which includes stone walls, hedgerows and trees'. I consider the proposed treatment of the site frontage onto Scholarstown Road – reflecting its 'semi-rural character' as submitted – to be appropriate in visual terms, see Architectural Visualisation *'View 4 – Proposed'* in the Applicant's Appeals Response.

9.3 Height and Scale of Apartment Blocks

- The submitted detailed drawings of the proposed development are noted including the Site Layout Plan drawing indicating the layout of the proposed apartments and houses – the former in the four-storey Blocks A, B and C within the western site boundary adjacent to the Woodfield residential estate/public open space.

- I note the Planning Report for the Planning Authority where stated: 'Having regard to the location of Apartment Blocks A & B from existing two-storey dwellings in Woodfield at a distance greater than 22 metres and proposed two-storey dwellings, as well as the

overall design and layout of the Blocks in addition to the existing natural screening, it is considered that, subject to conditions relating to the relocation of proposed balconies to Block B as set out above, that no issues of overlooking or overbearing impact would occur' – and that Conditions as specified would address overlooking issues relating to Apartment Block C (over Creche).

- I note Block A is the proposed northernmost large four-storey Apartment Block. Block B is the proposed southernmost large four-storey Apartment Block. Block C is a proposed smaller four-storey Apartment Block located adjacent and to the west of a proposed vehicular access onto Scholarstown Road.

- I note Condition No. 9 of the notification of decision of the Planning Authority required *regarding Block B,* a *revised layout*:
  '9. (a) Relocation to the western elevation *of the balconies to* Apartment 303 *on the first floor,* Apartment 307 *on the second floor and* Apartment 310 *on the third floor* to Apartment Block B'.
  I note also Condition No. 10 required *regarding Block C*:
  '10.(a) *Avoidance of direct overlooking of* Apartment 313 *on to the play area to the north of the* crèche building *and the rear private amenity space of* dwelling 003*.*
  (c) Avoidance of the overlooking of the balcony of Apartment 215 (315) *on the roof terrace of* Apartment 313 *and the rear private amenity space of* dwelling 003*.*
  (c) *Avoidance of the overlooking of* the balconies to Apartments 312, 314 and 316 *on the first, second and third floor on the* play area *to the west of* the crèche.
  Reason: In the interest of residential amenity'.

- I note an Appeal Grounds submission where stated as follows:
  'The apartments are provided in the form of three blocks near the western extremity of the development site. Blocks A and B are four storey in height and are in relative close proximity to the existing houses in the adjoining Woodfield development which are of traditional two storey design. The proximity ranges from ca. 25 metres (Block B) to 53 metres (Block A) from the existing houses. In the case of Block B, the existing house in Woodfield nearest to the development would face an elevation of 13.725 metres high at a distance of ca. 25 metres from the house', and also
  'In order to adequately recognise the amenity value of the existing public open space area that serves the residents in the Woodfield development it is suggested that the apartment Blocks A and B

should be set back in eastern direction by a minimum of 20 metres'.

- I note an Appeal Grounds submission of residents of Woodfield objecting to the inclusion of four-storey Apartment Blocks and noting that 'the proposed private open space around the Apartment Blocks' extended to the western site boundary. There were also concerns regarding trees located within the Woodfield residential estate – the removal of which would reduce screening of the proposed Apartment Blocks.

- I note the Applicant's Appeals Response where submitted in regard to the proposed four-storey Apartment Blocks A, B and C:-
  'The proposed development does not encroach on the root protection areas of the trees within the Woodfield open space, which are outside the applicant's landholding. The boundary treatment details along the western site boundary and potential for connections with the open space at Woodfield will be the subject of agreement with the Parks Department at compliance stage', and
  'the significant separation distances, revised balcony locations (which could be further conditioned to have a screen on the south elevation) and the orientation of the apartment block ensures adequate protection of existing residential amenities within Woodfield'.

- In this regard I refer in particular to *Photographs 16-17* in Appendix B *which relate to* Architectural Visualisation *'View 1 – Proposed' of Apartment Block B* – and also to the additional *'View 1 – Proposed'* of *Apartment Block B* as submitted in the Applicant's Appeals Response. I refer also to *'View 2 – Proposed'* of *Apartment Block A* also received in the Applicant's Appeals Response.

- I have examined the submitted drawings and Visualisations. I note the proximity of the proposed Apartment Blocks A and B – in particular Block B – to the western site boundary. The submitted *Visualisations* indicate that the proposed four storey Apartment Blocks A and B would be indeed visible within the adjoining residential estate of Woodfield which is comprised of two storey dwellings. I note in this regard the difference in *the views* as indicated in *Photographs 16 and 17* and in *'View 1 – Proposed'* as referred to above – which *views* were taken from approximately the same location in Woodfield. *Photographs 16 and 17* are noted in regard to the proximity of the proposed Apartment Block B to the rear of the western boundary of the subject site.

- Having examined the submitted drawings and Visualisations, I recommend that the three Apartment Blocks A, B and C be reduced to three storeys in height to reduce visual impact on the existing Woodfield residential estate including its Public Open Spaces adjoining the subject site. I also recommend that the proposed Apartment Block B should be relocated 10 metres eastwards by reason of the proximity of this proposed Apartment Block to the western site boundary (at its closest approximately 3 metres) and to the existing houses in Woodfield to the south-west.

- In my opinion such reduction in height of the proposed Apartment Blocks from four storeys to three storeys, and in the case of Apartment Block B its relocation 10 metres eastwards, would reduce the visual impact of the proposed development on the adjoining Woodfield residential estate including in particular its existing Public Open Space areas.

- Such height reduction further to the omission of the First Floor level (area 861.2 square metres) of Block A, would result in the loss of 7 x 2 Bed and 2 x 1 Bed Apartments. The omission of the First Floor level (area 739.6 square metres) of Block B would result in the loss of 6 x 2 Bed and 2 x 1 Bed Apartments, and the relocation of Block B as specified would result in the loss of 5 houses i.e. House Nos. 30, 31, 32, 33 and 34. The omission of the First Floor level of Block C (area 178.5 square metres) would result in the loss of 2 x 2 Bed Apartments. There would thus be a total reduction of 15 x 2 Bed Apartments and 4 x 1 Bed Apartments and 5 Houses, resulting in an overall development of 242 houses and 51 Apartments where 247 Houses and 70 apartments were originally proposed in the planning application.

- In my opinion such reduced development on the subject site remains to an acceptable residential density and mix on these 'Residential' zoned lands on an Outer Suburban/Greenfield site – and in particular would desirably reduce the visual impact of Apartment Blocks A, B and C on the adjoining Woodfield residential estate and its Public Open Space areas which directly adjoin the proposed development. The proposed reduction in height and relocation of Apartment Block B is considered to be particularly necessary in this regard.

9.4 Traffic and Access

- The proposed development includes two vehicular accesses off Scholarstown Road and a single vehicular access off Stocking Lane. I note that the proposed residential development as submitted includes a total of 599 car parking spaces including 96 visitor car parking spaces – and that 80 cycle parking spaces are also proposed.

- I note the Submission of the National Transport Authority which 'supports the proposed development' and stated:
  'In order to cater for the increased traffic which will arise as a result of the proposed development, it is necessary to upgrade Scholarstown Road along the northern edge of the subject site to a standard more closely associated with the district distributor function it will perform, in order to cater safely for all modes. It is recommended that the Local Authority explore options to undertake this in advance of the completion of the proposed development. This should include the redesign of the Scholarstown Road/Stocking Lane junction to cater for increased numbers of pedestrians and cyclists'.

- The Planning Report for the Planning Authority noted this Submission and considered that the Conditions as recommended in the Roads Department Report were appropriate noting that the proposed development included retention of the existing stone wall and hedgerow/trees boundary to Scholarstown Road, and also that a 6 metre wide cycle and pedestrian path in a landscape buffer strip was proposed. I note in this regard Conditions Nos. 5, 6 and 7 in the notification of decision relating to a revised Site Layout Plan in accordance with the requirements of the Planning Authority.

- I note an Appeal Grounds submission on an 'alternative site layout':
  'This alternative site layout was to develop the site in two halves; an eastern and a western section. The eastern half could have a single vehicular access point from Stocking Lane (R115) and the western half could have a single vehicular access point from Scholarstown Road but at the most western corner of the site where it is close to the existing roundabout on the R113. There should be no internal connection between these two internal roads on the site in order to prevent through traffic across the site'.

- I note a contrasting Appeal Observation submission as follows:
  'The proposed development does not warrant three access locations for 317 no. dwellings. Prospect Manor, which has almost the same number of dwellings has only one access. We submit there should be only one access location for the proposed development and that same be located off Scholarstown Road. The proposed access from the proposed development onto Stocking Lane should be omitted'. The Appeal Observation also stated:
  'The junction between Stocking Lane and Scholarstown Road is an oblique junction. The layout of the junction impedes traffic turning left from Stocking Lane onto Scholarstown Road resulting in slower traversing of the junction by traffic'.

- I note the Applicant's Appeals Response where submitted:
  'Any strategic upgrading of the Scholarstown Road/Stocking Lane junction that might be identified in future schemes by South Dublin County Council would be in no way restricted by the application as proposed, (i.e. development more than adequately setback from junction)'., and also where submitted in regard to an Appeal Grounds submission that 'the central access on Scholarstown Road be omitted and number of access points be reduced from 2 to 1': *'The NTA recommend that a condition be attached to avoid the through-movement of vehicles from Stocking Lane to Scholarstown Road via the site. South Dublin County Council have acknowledged this in Condition 5(g) and the applicants will provide the additional traffic calming on the south-eastern access road as requested'*. (*Italics added*)

- I note in particular the National Transport Authority Appeals Response which *'reiterated support for the development of the subject site in principle'* and also stated as follows:
  'In the event of a grant of permission by An Bord Pleanála based on the information provided to date, the Authority recommends that a condition that reflects the following is attached:
  That agreement is reached with the National Transport Authority on the following: *The redesign of the cycle track on Stocking Lane;*
  The provision of filtered permeability within the site;
  A scheme to upgrade the Stocking Lane/Scholarstown Road junction; and a scheme to upgrade Scholarstown Road'.

- I note the various submissions on file including as documented above, and that the National Transport Authority raised no objection to the proposed vehicular accesses onto Scholarstown Road and the proposed single vehicular access onto Stocking

Lane, and that such vehicular accesses serving the proposed residential development have been considered acceptable by the Planning Authority subject to Conditions as set out in the notification of decision.

- The proposed treatment of the site frontage onto Scholarstown Road – including retention of the existing stone wall and hedgerow/trees boundary – is desirable in visual terms. The provision of a shared pedestrian/cycle track alongside and within the northern boundary of the site frontage onto Scholarstown Road forms an attractive feature of the proposed development. The proposed two vehicular accesses onto Scholarstown Road – on either side of the existing vehicular access serving the Boden Park residential estate on the opposite side of Scholarstown Road – would reduce the concentration of traffic generated by the proposed development in any one location on Scholarstown Road.

- I note further that there is no internal connection between the internal roads leading to the proposed two vehicular accesses onto Scholarstown Road by reason of the intervening linear Public Open Space area between the eastern and western halves of the proposed development as indicated on the Site Layout Map.

- I recommend that permission be granted for the proposed development subject to Conditions including discouraging the through-movement of vehicles via the subject site between Scholarstown Road and Stocking Lane in line with Condition 5(g) of the notification of decision of the Planning Authority; and requiring improvements to the Scholarstown Road/Stocking Lane junction and Scholarstown Road as recommended in the National Transport Authority Appeals Response; and that the Applicant agree with the Planning Authority, the redesign of the cycle track on Stocking Lane and the provision of filtered permeability within the subject site, as also recommended in the above Appeals Response.

9.5 Other Issues

- I note the Third Party Appeal of two residents of Stocking Lane which submitted that a Condition should be included in any decision to grant permission for the proposed development requiring that ‘the developer provides at their own cost, a foul connection from A to B to the existing shared septic tank at Coolamber and Rookwood Lodge. This connection should be made

before the first dwelling is sold'. I concur with the Applicant's Appeals Response that such a Condition relating to lands in private ownership and outside the subject site, is not a relevant planning consideration in regard to the proposed development.

- I note that Condition No. 2 of the notification of decision of the Planning Authority specified a period of five years to complete the proposed development and that a 10 year permission was specified in the Planning Application. I note a 5 year period was requested in many of the Third Party submissions on file in the interest of reducing disruption in the area. I note that the Applicant's Appeals Response included stating that Condition No. 2 of the notification of decision restricting the duration of the permission to five years was appropriate, and I concur.

- I note that Condition No. 21 in the notification of decision of the Planning Authority relating to *Phasing* of the proposed development was supported in a number of the Third Party submissions. In my opinion such a Condition should be included in any decision to grant permission for the proposed development also in the interest of reducing disruption in the area.

- Condition No. 14 of the notification of decision required as follows: 'A minimum of 20 childcare places per approximately 75 dwellings shall be provided. This is provided for under Policy SCR27 of the Development Plan 2010-2016 which refers to 'Childcare Facilities – Guidelines for Planning Authorities'.

- I note the Applicant's Appeals Response where stated that 'There is capacity at ground floor level to increase the size of the crèche if the Planning Authority consider necessary without impacting on boundary trees or surrounding residents. The size and type of crèche required in this location needs to be agreed with the Planning Authority at compliance stage'.

- I consider as set out in the Planning Report for the Planning Authority that the proposed Creche building – which the Applicant submits 'would accommodate approximately 45 children' – is inadequate in view of the requirement for provision of a minimum of 20 childcare spaces per approximately 75 dwellings under the 'Childcare Facilities – Guidelines for Planning Authorities' and Policy SCR27 of the Development Plan.

- Accordingly additional childcare spaces should be required to serve the proposed development. The Applicant's Appeals Response

submission in regard to Condition No. 14 in the notification of decision of the Planning Authority proposing an extension to the proposed Creche building – which comprises the ground floor level of Apartment Block C – is noted in this regard.

- I note an Appeal Grounds submission in regard to the two-bedroom with study unit (Unit A06 in Block A) that 'the study does not comply with the minimum bedroom floor area of 7.1 square metres for a single bedroom at 6.6 square metres and would not be acceptable for use as a bedroom'. This is accepted though not that a Condition is necessary in this regard as was also submitted.

- I note an Appeal Grounds submission in regard to the number of existing Schools in the area. However the Planning Report for the Planning Authority addressed this issue in noting 'the proximity of the site to three large second level schools and one primary level school. In addition, a further two schools as part of proposed residential development to the west of the site are currently being progressed by the Department of Education, which could cater for additional demand in the area',

- I note an Appeal Grounds submission where stated that there were many issues in regard to the proposed development which were the subject of Conditions. In my opinion such Conditions may be considered acceptable in the context of the extent of the proposed residential development – which as noted in the Applicant's Appeals Response is 'in a sought-after area on the most substantial residential zoned site inside the M50 within South Dublin County Council administrative area'.

Appropriate Assessment

I note the Appropriate Assessment Screening Report submitted with the planning application which concluded as stated that there would be no significant impacts on the European Natura 2000 Sites as identified. Having regard to the location of the subject site and to the nature and scale of the proposed development and the intervening distance of approximately 4 kilometres between the subject site and the nearest identified European Site Glenasmole Valley SAC, and approximately 15 kilometres between the subject site and the identified European Sites in Dublin Bay, I consider that no Appropriate Assessment issues arise in this case. It is not considered that the proposed development either individually or in combination with other plans or projects, would be likely to have a significant effect on a European Site.

10. CONCLUSIONS AND RECOMMENDATION

In conclusion, further to the above assessment of matters pertaining to this appeal, including consideration of the submissions of each party to the appeal, and including the site inspection, I consider that the proposed development would be in accordance with the proper planning and sustainable development of the area having regard to the relevant provisions of the 2010-2016 South Dublin County Development Plan which are considered reasonable, and I recommend that permission be granted for the proposed development for the stated Reasons and Considerations in the First Schedule and subject to the Conditions as stated in the Second Schedule below.

DECISION

GRANT permission for the proposed development in accordance with the said plans and particulars based on the Reasons and Considerations hereunder and subject to the Conditions set out below.

REASONS AND CONSIDERATIONS

Having regard to the 'Objective A – To protect and/or improve Residential Amenity' land use zoning objective for the area in the current 2010-2016 South Dublin County Development Plan and the pattern of existing residential development in the area and the density provisions relating to a general range of 35-50 dwellings per hectare for 'Outer Suburban Greenfield sites' in the Development Plan and in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities published by the Department of the Environment, Heritage and Local Government in 2008, and having regard in particular to the design and layout of the proposed development including retention of the existing stone wall/hedgerow/trees along the site frontage onto Scholarstown Road, and subject to the reduction in height of the proposed Apartment Blocks A, B and C from four storeys to three storeys and the relocation of Block B eastwards within the site as set out in the Conditions below, it is considered that, subject to compliance with the Conditions in the Second Schedule, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out 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 7th day of May 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

   (a) The proposed Apartment Block A, Apartment Block B and Apartment Block C shall be reduced in height from four storeys to three storeys by the omission of the proposed First Floor levels in these Apartment Blocks.

   (b) Apartment Block B shall be relocated 10 metres further eastwards from the western site boundary with the enlargement of the Semi-Private Open Space area around the building and the omission of Houses Nos. 30, 31, 32, 33 and 34. Appropriate landscaping shall be undertaken in the intervening area between the carriageway/footpath (to the east of the relocated Apartment Block B) and the rear garden boundaries of Houses Nos. 26, 27, 28 and 29.

   Revised drawings showing compliance with this condition shall be submitted to the planning authority for written agreement prior to commencement of development.

   Reason: In the interest of orderly development.

3. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this order.

   Reason: In the interest of orderly development.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services for the benefit of the occupants of the proposed dwellings.

5. Having regard to the existing dwellings in Woodfield to the south-west and to mitigate any impacts of overlooking, no development shall commence under this permission until the developer has lodged with the planning authority a revised site layout drawing that accords with the requirements as set out below, and the agreement in writing of the planning authority obtained to the revised site layout.

The revised layout shall provide for:

(a) Relocation of the balcony to Apartment 307 on the Second Floor and of the balcony to Apartment 310 on the Third Floor to the Western Elevation to Apartment Block B, and the provision of screens along the southern side of these two balconies.

(b) Avoidance of overlooking from the balcony of Apartment 315 in Block C onto the private amenity space of Dwelling 003, and avoidance of overlooking from the balconies of Apartments 314 and 316 on the Second and Third Floor in Block C onto the Play Area to the west of the Crèche.

(c) Revised drawings including the redesign of House Nos. 99 and 115, 116 and 124, 130 and 131, 150 and 151 with the block layout and/or house typologies revised at these locations to provide passive surveillance.

(d) The rear windows at first floor level to House Types 4A and 4B shall be fitted with opaque glass.

(e) Details of the materials, colours and textures of the external finishes and details of the proposed balconies to the apartments.

(f) Details of increased variation in regard to the material and finishes applicable for areas of housing where the palette shall be varied according to the four quadrants and/or in a hierarchical manner that corresponds with the street and/or open space network.

(g) The boundary treatment between individual back gardens of dwellings shall be of substantial and durable construction and two metres in height. Walls, if constructed of plain concrete blockwork, shall be capped and rendered on both sides.

(h) Any timber panels for use in the rear garden boundary fencing shall be appropriately treated and of a quality so as to ensure a lifespan of 20 years minimum for garden fences.

Reason: In the interest of residential amenity.

6. No development shall commence under this permission until the developer has lodged with the planning authority a revised site layout drawing that accords with the requirement as set out below, and the agreement in writing of the planning authority to the revised site layout drawing obtained.

The revised site layout shall provide for:

(a) Construction of a signalized pedestrian crossing adjacent to the Taylors Lane roundabout at a location to be agreed.

(b) Upgrading of the proposed informal crossings on Scholarstown Road to formal crossings (either a zebra crossing or pedestrian demand signals). Each crossing point shall be incorporated into a raised platform at the adjacent junction to align with pedestrian desire lines as identified.

(c) Provision of a direct path and formal crossing point (i.e. a zebra crossing or pedestrian demand signal) from the site to the bus stop on Stocking Lane, outside of Rookwood View.

(d) Reduction in the size of the platform at the main entrance so as not to include the informal crossing area, and the provision of an additional platform on Stocking Lane adjacent to existing bus stop.

(e) Clarification of the access arrangements to the cycle path/footpath at the south-eastern corner of the site.

(f) Provision of revised visibility splays of 2.4 metres by 49 metres at all entrances with no obstacles or vegetation in the sightlines.

(g) Provision of 2.4 metres by 33 metres visibility splays at all internal roads – and measures to ensure a speed limit of 30kph, such as build outs, on the south-eastern access road.

(h) Provision of bollards between the cul-de-sacs and the footpath/cycle track running along the northern part of the site to prevent cars from accessing the track.

(i) Provision of parking signage in particular at the visitor spaces at the crèche, to designate the parking for short-term use only.

(j) In the cul-de-sac to the south-western end of the development there are a number of houses which have only one parking space. The end house No. 55 has shown one parking space and an additional private car parking space shall be provided adjacent to this space plus another two shared spaces which would provide additional spaces while also preventing parking on the turning head. An additional parking space shall be provided in the parking area opposite.

(k) Relocation of the proposed eastbound bus stop on Scholarstown Road closer to the eastern entrance and provision of a platform immediately to the west of the bus stop. The bus stop on the northern side of Scholarstown Road shall be relocated to better

serve the development and allow for direct access to/from the site (i.e. next to the proposed crossing opposite the Village Green).

(l) An additional footpath shall be constructed from the Stocking Lane entrance to the first cul-de-sac.

(m) The footpath and cycle track shall be extended from the most westerly entrance to the Scholarstown Roundabout to join in with the existing footpath and proposed cycle track on Taylors Lane as shown in the Traffic Impact Assessment.

(n) All construction details in the areas proposed to be taken in charge must be to the taking in charge standards of the planning authority.

(o) Redesign of the cycle track along Stocking Lane at the access to the development in line with the National Cycle Manual.

(p) A Stage 1 Road Safety Audit shall be carried out on the development to the satisfaction of the planning authority.

(q) A contribution of €20,000 shall be provided towards works to be undertaken between the Stocking Lane/Scholarstown Road junction and the Scholarstown Road/Edmundstown Road junction and to upgrade the signals

Reason: In the interest of amenity and traffic and pedestrian safety.

7. No development shall commence under this permission until the developer has lodged with the planning authority a revised site layout drawing that accords with the requirements as set out below, and the agreement in writing of the planning authority obtained to the revised site layout.

The revised site layout shall provide for:

(a) The omission of the southern pedestrian and cycle link. It is considered that the proposed northern and central links are sufficient to provide key links to schools, local services and public transport in the surrounding area.

(b) The proposed location of the central link to Woodfield appears to be aligned with the rear of a property. The link shall be moved to the north so that it is aligned with the existing path within Woodfield and the link shall be between four and six metres wide, paved and with adequate public lighting.

Reason: In the interest of residential amenity and in the interest of pedestrian and cyclist safety.

8. No development shall commence under this permission until the developer has lodged with the planning authority a revised site layout drawing that accords with the requirements as set out below, and the

agreement in writing of the planning authority obtained to the revised site layout.

The revised site layout shall provide for:
The redesign of the parking layout along the main circulatory road/streets so that surface parking is predominantly provided on-street for communal use (i.e. the footpath is moved behind spaces, with individual spaces being undesignated)

Reason: In the interest of residential amenity.

9. Provision shall be made for additional childcare facilities – within an extended Creche building as submitted – in accordance with the document "Childcare Facilities: Guidelines for Planning Authorities" issued by the Department of the Environment and Local Government in June 2001. An application for planning permission for such facilities shall be made prior to commencement of the development.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interests of residential amenity and of the proper planning and sustainable development of the area.

10. The proposed childcare facility shall operate only Monday to Friday between 8.00 am and 6.30 pm, and shall not operate on Saturdays, Sundays or Public Holidays. Any significant change in the hours of operation shall be the subject of a separate planning application.

Reason: To limit the scale of the development in the interest of the residential amenities of the area.

11. A secure outdoor play area shall be provided for the use of children attending the childcare facility, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Details of Play Space Activity Areas within the proposed development to the requirements of the planning authority, shall also be submitted and agreed in writing prior to commencement of development.

Reason: In the interest of residential amenity and safety.

12. No development shall commence on site until a revised site layout and Landscape Plans are submitted to and agreed in writing with the planning authority. The Landscape Plans shall be undertaken by a

qualified and experienced Landscape Architect and shall address the following matters:

(a) No trees are to be felled on site until a rationale for the felling is proposed and agreed with the planning authority. An amended Arborist's Report addressing the above shall be provided.
(b) The Landscape Plans shall:
Address issues that would result from anti-social activity.
Indicate houses fronting onto Open Spaces or providing adequate levels of passive supervision.
Provide cross-sections including through Hedgerow No. 2 and the proposed pollarding
Provide detail on the proposed Play Spaces.
Confirm universal access to the large Open Space area.
Address issues in regard to the proposed planting methodology after consultation with the planning authority.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a reasonable standard of landscape.

13. (a) The Landscape Plans shall be implemented in full within the first planting season following completion of the development (completion of works on site).
(b) All hard and soft landscaping works shall be completed in full accordance with the approved Landscape Plans.
(c) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works, shall be carried out in accordance with the requirements of BS: 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
(d) All new tree planting shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.
(e) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting, shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the agreed designs.

14. A Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works shall not compromise the agreed landscaping works and to ensure adequate protection of the existing trees agreed for retention and to supervise the implementation of the Landscape Plans.

    A certificate of effective completion for the agreed Landscape Plans shall be submitted to the planning authority upon completion of the landscape works, and such certificate shall be prepared by a qualified Landscape Architect.

    Reason: To ensure the provision of an adequate standard of landscaping works in accordance with the agreed Landscape Plans.

15. An Arboriculturist shall be retained by the developer for the duration of the project, to pay periodic site visits as appropriate to ensure that construction works shall not compromise the agreed tree protection measures and to ensure adherence to the recommendations as set out in the Arborist's Report.

    Reason: In the interest of tree protection, retention and preservation, biodiversity and amenity.

16. A Tree Protection Plan for all trees, shrubs and hedgerows specified for retention shall be compiled by a qualified Arborist and submitted to the planning authority for agreement prior to the commencement of any work on site. No development works shall be carried out within any area of protection required by the Tree Protection Plan. In particular there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil or chemicals, or lighting of fires within such protection areas.

    Reason: To protect the trees, shrubs and hedgerows specified for retention and in the interest of visual amenity.

17. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period,

coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of 3 years from the substantial completion of the development with others of similar size and species. 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.

Reason: To secure the protection of existing trees on the site

18. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car parking, shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

19. 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.

Reason: In the interest of public health and to ensure a proper standard of development.

20. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

21. Public lighting shall be provided in accordance with a scheme which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Such public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

22. 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.

Reason: In the interests of sustainable waste management.

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This Plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.
Reason: In the interests of public safety and residential amenity.

24. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

25. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
    (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
    (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.
    The assessment shall address the following issues:
        (i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

26. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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 for the area.

27. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

28. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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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DERMOT KELLY
SENIOR PLANNING INSPECTOR

15th July, 2015.

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APPENDIX A - LOCATION MAP
APPENDIX B - PHOTOGRAPHS (incl. KEY PLAN)
APPENDIX C - DEVELOPMENT PLAN / GUIDELINES