

An Bord Pleanála



Inspector's Report

Appeal Reference No: PL 29N.246249

Development: The development will consist of permission to erect an extension to the rear of existing ground floor shop and for permission to extend the first floor, second floor and third floor of existing dwelling to form a one bedroom self contained apartment unit on each floor with private balconies to the rear of each unit and associated works. At 148 Parnell Street, Dublin 1.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 3750/15
Applicant: Alan Mathews
Planning Authority Decision: Grant Permission with conditions

Planning Appeal

Appellant(s): (i) 26 North Great Georges Street Management Company
(ii) Eamonn Doyle & Brendan Doyle/Doyles Stores Ltd.
Type of Appeal: Third Party – V - Grant
Date of Site Inspection: 1st June 2016

Inspector: Tom Rabbette

1.0 SITE LOCATION AND DESCRIPTION

The site is located on the north side of Parnell Street in Dublin city centre. The site is narrow, being c. 5 m wide at its frontage with Parnell Street, and it is also a long/deep site, being 35 m from the front of the site to its rear. There is a 4 storey building located at the southern end of the site fronting onto Parnell Street. This building forms part of a terrace. There is a retail unit located on the ground floor of the building but it appears it has not be in use for a number of years. The upper floors of the building would appear to have been last in use as residential, however, the upper floors are dilapidated. The building is of some architectural interest, dating from the early years of the C19th. There is a two-storey betting shop adjoining to the west. There is a 4 storey building adjoining to the east, this has a café/deli use at ground floor level and it would appear to have residential use above. The site also adjoins a residential and commercial development along its north-east boundary, this commercial/residential development is accessed off North Great Georges Street. The application site backs onto the surface car park serving a residential development that also fronts onto North Great Georges Street.

2.0 PROPOSED DEVELOPMENT

The applicant is seeking permission to extend an existing structure that fronts onto Parnell Street in the centre of Dublin. It is proposed to extend the structure to its rear. At ground level it is proposed to extend an existing shop unit. The existing dwelling above the shop is also to be extended to the rear at its first, second and third floor levels and, with these extensions, a one-bedroom residential unit is to be created on each of these upper levels i.e. 3 apartments to be created above an extended ground floor retail unit.

The application was subject of an FI request by the p.a. An amended scheme was submitted in response, however, while the layouts of the floors were changed the overall proposal remained the same i.e. 3 apartments over an extended ground floor shop unit. In the FI response communal open space in the rear garden area of the existing structure is now proposed, as is a bin and bicycle storage area at the rear of the site. There is a small basement area to the existing structure, this is to be utilised for storage for the apartments, plant room and a maintenance storage area.

3.0 PLANNING HISTORY

I am not aware of any directly relevant planning history pertaining to the application site.

4.0 PLANNING AUTHORITY DECISION

4.1 Planning and technical reports

Planner's Report dated 17/11/15:

- Further Information request recommended.

Report dated 03/02/16:

- FI response considered, permission recommended subject to conditions.

Archaeological Report dated 23/10/15:

- Condition recommended.

Engineering Department Drainage Division Report dated 06/11/15

- No objections subject to conditions.

PAC0310/15 & PAC0495/15: Pre-application consultation meetings, issues raised include: new extension to rear; depth of extension, additional floor; provision of apartments; impact on streetscape; height; design; location within ACA, and impact on adjoining residential units.

Observations/objections: Observations/objections on file addressed to the planning authority make reference to the following: impact on neighbouring residential amenity; impact on adjacent properties; compliance with CDP guidelines & recommendations; site within ACA; architectural heritage conservation; inaccurate and limited information submitted.

4.2 Planning Authority Decision

By Order dated 05/02/16 the planning authority decided to grant permission subject to 11 conditions.

5.0 GROUNDS OF APPEAL

26 North Great Georges Street Management Company

The contents of the third party's grounds of appeal can be summarised as follows:

- The proposed development adjoins the third party's building.
- 26 North Great Georges Street is a mixed use development of basement and ground floor office, and architecture gallery, and four no. apartments on the 1st to 4th floors, all owner occupied.
- No 148 Parnell Street was never in use as bed-sits but instead was lived in as a single family dwelling house for over 100 years.

- The p.a. has failed to recognise the real intent of this application which is to sub-divide a single family dwelling to a multi-unit development.
- The application should have sought permission for a subdivision from a single family dwelling unit to a multi-unit structure.
- The proposed development will severely impact on the residential and commercial uses of No. 26 North Great Georges Street through overshadowing, overlooking, and impact on daylight/sunlight, due to the scale, massing, height and depth of the proposal.
- Concerns raised in relation to the proximity of the proposed development to the third party's property.
- The Board is referred to drawings submitted by the appellant.
- The Board is referred to a submitted Daylight and Sunlight Report attached to the appeal.
- The proposed building blocks almost all south-westerly light from the lower floors of the appellant's development.
- The drawings submitted by the applicant show very little information on the impact of the proposed development on the neighbouring buildings.
- The proposed terraces are north-facing and extremely deep, with opaque glazed screen sides.
- There will be extreme overshadowing and a substantial impact on the light to the offices in the appellant's building.
- The proposed development is extremely invasive in regard to the existing historic building.
- It is an application of major concern, involving the substantial modification and insensitive subdivision of a late Georgian house into multiple one-bedroom apartments.
- The subject structure is an important component of an intact inner city mid-scale terrace situated within the O'Connell Street ACA meaning the whole exterior envelope is effectively protected.
- Given the wholly destructive impact on one of the last intact historic buildings in this ACA it is questionable and a cause for concern that no conservation report was submitted with the application.
- The current proposal involves the gutting of the building (removal of all interior walls and floors, removal of rear wall) leaving only the façade of the existing building.
- The proposed 3rd floor (4th storey) of the extension extends to run into the eaves/roof line of the building and it would appear to extend even higher than this in order to achieve the 2.4 m floor to ceiling height.
- No. 148 Parnell Street is one of the last intact merchant houses over shop surviving anywhere in the north city centre.
- Constructed c. 1810 it is an elegant example of a late Georgian merchant house of attenuated classical proportions.
- Its interior is remarkably intact, with handsome rooms, lime plastered walls, ceilings and cornices, an excellent Georgian staircase and good quality joinery such as panelled doors, shutters and ribbed architraves.

- Due to the age, elegant proportions and good Georgian detailing of this building, there is little question that the entire property should be a Protected Structure and added to Dublin city's RPS.
- The proposed demolition and repositioning of the central spine wall of the house, the effective demolition of the rear wall of the house and the loss of original rear sash windows with historic hand-blown glass, and the proposed array of balconies and additions to the rear of the property, all conflict fundamentally with statutory provisions to protect the special character of the ACA and buildings contained therein.
- The proposals radically alter the original shape, form, footprint, proportions and authentic character of the building.
- The subdivision and conversion of a single family house which has been so occupied for over 100 years until 2014, to now be subdivided into 3 apartments is a loss of a single family dwelling unit in the city centre.
- Section 17.9.9 of the CDP is cited by the appellant.
- Section 17.9.1 of the CDP is cited by the appellant.
- It must be questioned why this building should be compromised by the provision of a sub-standard conversion from a single dwelling unit to multiple one-bed apartments and why the poor quality of the units being provided is being permitted.
- Concern raised about construction hours as permitted by the p.a. by way of condition.
- The Board is requested to refuse permission.
- The appeal is accompanied by, *inter alia*, a Sunlight, Daylight and Overshadowing Report, photographs, and plans and sections indicating the appellant's property relative to the proposed development.

Eamonn Doyle & Brendan Doyle, Doyle Stores Ltd., 147 Parnell Street, Dublin 1.

The contents of the third party's grounds of appeal can be summarised as follows:

- The appellants own the adjoining No. 147 Parnell Street and the top apartment at 26 North Great Georges Street.
- The appellants concur with the appeal submission by 26 North Great Georges Street Management Company
- There will be extreme overshadowing and a substantial impact on the light to No. 147 Parnell St.
- The proposed wall would completely block in the appellants' outdoor space, which is landscaped for residential amenity and represents the private open space for their residents.
- The appellants refer to drawings submitted with the appeal illustrating the impact of the proposed development on their building.
- The proposed terraces are north-facing and extremely deep, with opaque glazed screens.

- The terraces would overlook the 3 apartments at No. 147 and their private outdoor space.
- The proposal involves the gutting of the subject building leaving only the façade of the existing building.
- The appellants raise serious concerns relating to the potential of structural damage to their property.
- The appellants refer the Board to a Sunlight, Daylight, Overshadowing Report & Assessment submitted with their appeal for detailed analysis of the impacts imposed by the proposed development.
- The proposal radically alters the original shape, form, footprint, proportions and authentic character of one of the last intact merchant houses in the north inner city.
- The Board is asked to overturn the p.a. decision.
- Appeal submission includes, *inter alia*, photos of a physical model of the city block illustrating 'before' and 'after' scenarios in relation to the proposal.

6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL

6.1 Planning Authority response

In a letter to the Board dated 09/03/16 the planning authority indicated that they have no further comment to make and consider that the p.a. planner's report on file adequately deals with the proposal.

6.2 First party response

The contents of the first party's response to the grounds of appeal can be summarised as follows:

- Seeks to respond to concerns raised about impact on No. 147 Parnell Street.
- The right to light is not a right or ongoing guarantee.
- In relation to overlooking of the existing apartments at No. 147, the proposed balconies face north-westerly towards the rear of the application site.
- The proposed balconies are set back 1.35 m from the boundary with No. 147.
- The balconies shall be fitted with an opaque screen 2 m high making it impossible to view the adjacent No. 147.
- The existing building on the application site is in immediate need of structural stabilisation to prevent it becoming a danger from collapse whereby its historic significance may be lost forever (the applicant refers to two steel angle restrains being added to front and rear walls to prevent the front wall from leaning further outward over the street).
- Parnell Street runs south-west to north-east hence the streetscape buildings will shade out sunlight from mid-morning to early afternoon.

- The existing front and side walls of the property will be retained including the brick external chimneys, brick façade which will be repointed with a lime mortar in accordance with traditional conservation techniques.
- The applicant refers to a number of indicators in the property to justify the contention that the property was let out as bedsit units at some stage in the past.
- The proposed development is located in the city centre and is ideally located to provide a commercial retail unit at ground floor with residential accommodation over.
- Many of the properties in this area and other city centre locations are generally underutilised with the upper floors remaining for commercial storage in poor condition and mostly unoccupied.
- The applicant seeks to respond to the concerns raised in relation to potential impact on No. 26 North Great Georges Street.
- Reference is made to the changes introduced following the FI request by the p.a.
- The impact on No. 26 North Great Georges Street is minimal as the proposed balconies face directly to the rear of the site and the private balconies to No. 26 are diagonally opposite, not directly opposite.
- The orientation of the buildings onto Parnell Street do not lend themselves to availing of unlimited sunshine.
- The proposed development does not materially alter the external appearance of no. 148 Parnell Street.
- The scale of the proposed development is only visible from the rear of the properties that face onto Parnell Street.
- The applicant refers to The Dublin Civic Trust study titled 'Parnell Street east. A Vision for an Historic City Centre Street'.
- The properties at no. 146 and 149-151 Parnell Street have been extended in the past with large rear extensions, the scale and bulk of these extensions are far greater and higher than the proposed extension to 148 Parnell Street.
- One of those named as being part of the appeal by No. 26 North Great Georges Street Management Company was the architect of that neighbouring scheme, and the applicant in that application, 'Doyle Stores' is the other appellant in the current case. That application was the subject of appeal by the former owner of the current application site, issues raised included overlooking, loss of privacy and protection of boundary walls, the appeal was withdrawn following revisions to the scheme (ref: 1440/01 PL29N.125911).
- The Board is requested to uphold the p.a. decision and grant permission.

7.0 POLICY CONTEXT

The operative plan for the area is the Dublin City Development Plan 2011-2017. The site is located in an area where the land use zoning objective is Z4. The following sections are also of direct relevance to the current appeal:

- Section 7.2.5.3 Conservation Areas (incl: Policies F41 and FC42 concerning ACAs)
- Section 15.10.4 Land Use Zoning Objective Z4 '*To provide for and improve mixed-use facilities.*'
- Section 17.4 Plot Ratio
- Section 17.5 Site Coverage
- Section 17.9 Standards For Residential Accommodation
- Section 17.9.1 Residential Quality Standards
- Section 17.9.7 Infill Housing
- Section 17.9.8 Extensions and Alterations to Dwellings
- Section 17.9.9 Subdivision of Dwellings
- Section 17.10.5 Retention and Re-Use of Older Buildings of Significance which are not Protected
- Section 17.10.8 Development in Conservation Areas and Architectural Conservation Areas

Copies of relevant extracts of the above are in the attached appendix for ease of reference by the Board.

In addition to the above, the application site is located within the area subject of the 'O'Connell Street Architectural Conservation Area'.

8.0 ASSESSMENT

- 8.1 I have examined all the plans, particulars and documentation on file. I have carried out a site inspection. I have had regard to relevant provisions of the statutory development plan for the area. In my opinion the main issues arising are those addressed hereunder.
- 8.2 The appeal submission by 26 North Great Georges Street Management Company (hereafter 26 NGGSMC) raises concerns that the proposed extension will severely impact on the residential and commercial use of No. 26 through overshadowing, overlooking and impact on daylight/sunlight due to the scale, massing, height and depth of the proposal. That appeal submission included, *inter alia*, a Sunlight, Daylight and Overshadowing Report, as well as pictures of a scale model shadow study. That property at No. 26 adjoins the application site to the north-east.
- 8.3 The appeal submission by Doyles Stores Ltd. relating to the adjoining property to the east at No. 147 Parnell Street, likewise, raises concerns about

overshadowing of the private open space serving apartments in that building and also access to daylight. That appeal too was accompanied by a Sunlight, Daylight and Overshadowing Report.

- 8.4 It appears that appellants, Doyles Stores Ltd., were the applicants for the now constructed development at No. 26 North Great Georges Street, from which the other of the 3rd party appeals originates i.e. No. 26 NGGSMC. (ref: 1440/01, PL 29N.125911, the appeal against the decision to grant permission was withdrawn in that case).
- 8.5 I consider it reasonable to compare and contrast what is being proposed on the application site with that as existing on the adjoining sites from where the appeals originate. No. 147 Parnell Street has apartments over a retail/café outlet, not wholly dissimilar to what the applicant is proposing. There is communal open space at the rear of that neighbouring building at first floor level serving those apartments. No. 147 Parnell Street has 100% site coverage. Likewise, the apartment and office development at No. 26 North Great Georges Street has 100% site coverage (or very close to 100%). The application site is a deep site, being almost 35 m long. The site coverage, including the proposed extension, will be c. 50%, well below that of its neighbours and well within CDP guidance. Likewise the plot ratio on the application site is well within the CDP guidelines and below that of the adjoining properties. The appeal submission from No. 26 NGGSMC refers to concerns regarding scale, massing and height. The building at No. 26 North Great Georges Street is 6 storeys high adjacent the application site (the basement level in that building being close to ground level on the application site), the proposed extension on the application site is 4 storeys. Likewise, the proposed extension is well below the height of the building on the adjoining No. 147. In summary, the site coverage, plot ratio, scale, massing and height of the proposed development are below those on the adjoining sites to the east and north-east, in some cases well below those on the adjoining sites. The resultant site coverage, plot ratio, and height on the application site do not conflict with the CDP concerning those matters.
- 8.6 Given the orientation of the proposed development relative to the adjoining development at No. 147 Parnell Street, and also having regard to changes introduced following the FI request, I am satisfied that the proposed development will not adversely impact on the residential amenities of the apartments in that neighbouring development by reason of overlooking. The proposed balconies were pulled back from the shared boundary with that development by c. 1.3 m and screens installed on the north-east side of those proposed balconies to obviate overlooking of the neighbouring property. In any event, the communal open space at first floor level serving those neighbouring apartments at No. 147 Parnell Street is already overlooked from the apartments at No. 26 North Great Georges Street and also overlooked by the apartments themselves in No. 147. In relation to the 'Sunlight, Daylight and Overshadowing Report' submitted by the appellants at No. 147 Parnell

Street, that report acknowledges that the VSC at the test reference window on the appellants' site is already below the BRE 209 recommendations. While I accept that the proposed development will further impact on the VSC here, I note, based on comments on file, that the apartments in No. 147 would appear to be dual aspect with frontage facing south onto Parnell Street (similar to that proposed at No. 148 in the application before the Board). While I also accept that the proposed development will cause overshadowing of the communal open space to the rear of No. 147 Parnell Street, I consider it reasonable to note that this is a city centre site, and, as referred to by the applicant, the orientation of the street contributes to the overshadowing. The appellant's building at No. 147 Parnell Street, and other buildings fronting onto Parnell Street, overshadow the private open space to the rear for a considerable period of the day, in such circumstances it is somewhat unreasonable to restrict development on the application site so as to prevent overshadowing on this adjacent communal open space, particularly when the density of development proposed is well below that existing on the neighbouring property.

- 8.7 In relation to the 'Sunlight, Daylight and Overshadowing Report' submitted with the appeal from No. 26 NGGSMC, that report indicates that the test reference point at No. 26 North Great Georges Street is already below the BRE 209 guidance for VSC but goes on to indicate that the proposed development will not bring the VSC below the recommended secondary threshold of being not less than 0.8 times the existing VSC value. The report indicates that in relation to access to sunlight the BRE 209 recommendation of more than 25% APSH will be met but the 5% winter value target will not, the winter APSH following completion of the proposed development will be 4.05%. Overall, the proposed development does not represent a radical change for the neighbouring property at No. 26 when applying the BRE 209 recommendations, in my opinion. I would note that the BRE 209 guidance are recommendations and are not statutory. I also note that the test reference window used at No. 26 was the 'worst case' scenario, being the window at the lowest level apartment in that development. In relation to the proximity of the proposed balconies to the balconies at No. 26 North Great Georges Street, again I note that the applicant pulled the balconies back off the shared boundary and proposes to install a high level screen on the north-east side of those balconies. The proposed balconies are orientated down the applicant's own deep site and are not orientated towards the appellants' properties. The balconies at No. 26 are close to the shared boundary with No. 147 Parnell Street whereas the applicant's balconies are c. 15 m from its own rear boundary. I can not agree with the appeal submission on behalf of No. 26 NGGSMC where it describes the application site as "*a restricted site*". The scale and density of development being proposed on this site is significantly less than that existing on its neighbouring sites to the east and north-east.
- 8.8 Having regard to the forgoing, I consider it unreasonable in the circumstances to refuse permission for the proposed development on the application site due

to potential impacts on the residential amenities of the two sites adjoining to the east and north-east. In terms of: site coverage; plot ratio; height; scale, and massing, the applicant's proposed development is significantly less than that existing on those adjacent sites. The daylight/sunlight challenges on the adjacent sites are more a product of what was developed on those sites in the past and less to do with what the applicant is now proposing. In any event, I am not convinced that the proposed development would constitute an adverse impact on the neighbouring residential amenities by reason of overlooking, overshadowing or impact on access to daylight/sunlight. I consider that there is potentially significant planning gain here as the applicant's proposal will result in three apartments over a shop unit fronting onto a busy city centre street. It will eliminate the problem of underutilisation of upper floors in older structures, it should add to the vitality and viability of the street, much in the same way as was achieved at the adjoining No. 147 Parnell Street.

- 8.9 The existing structure on the site, and most of the application site itself, is located within the 'O'Connell Street Architectural Conservation Area'. The appellants have raised concerns about the extent of the works proposed to this building to facilitate the extension to the rear. The applicant is proposing significant works to the interior of this existing building. The spine wall in the centre of the structure beneath the roof valley is to be removed at all levels. Most of the rear wall of the original structure is to be lost. The internal layout of the existing structure at each level will be subject of significant change. Internally, the character of this early C19th merchant's dwelling will be affected, however, as per section 7.2.5.3 of the CDP, the ACA is intended "*to preserve the special character of streetscape...*", in that regard, I can not find that the proposed development adversely impacts on the streetscape. It should also be noted that the interior at several locations is in an advance state of dilapidation. The deterioration is such that for health and safety reasons it was not possible to access the top floor for inspection. While some of the original fittings still exist many have been changed/removed over time. The upper floors appear abandoned for some time, they can not be considered habitable in the current state, nor can the basement level. I note, *inter alia*, the positive impacts via the proposed reintroduction of sliding sash windows with balance weights to the front façade and the proposed cleaning and repointing with a lime mortar of the front brick façade. The proposed development does not adversely impact on the ACA in my opinion. The subject structure while in the ACA, is not a Protected Structure. There are other structures in this terrace that are both in the ACA and are Protected Structures, but the building subject of this application is not one such structure. As the proposed development does not adversely impact on the character or setting of the streetscape which contributes to the ACA, I can not recommend refusal on the grounds of architectural heritage protection. I would, however, recommend a number of conditions in the interests of architectural heritage protection should the Board be disposed to a grant of permission. It is not clear from a site visit what, if any, original fabric survives beneath the C20th shop frontage. Detailed proposals for the proposed sash windows should also

be agreed with the p.a. and a methodology statement should be agree concerning cleaning and repointing of the original brick façade.

- 8.10 Noting, *inter alia*, the site location and the report from the City Archaeologist on file (dated 23/10/15) I would recommend a condition requiring archaeological monitoring should the Board be disposed to a grant of permission.
- 8.11 The site is located within the area where the s.49 Metro North Scheme applies, in the event of a grant of permission a financial contribution should apply in relation to that scheme. The increase in the dwelling units on this site as per the application is in line with sustainable densification and consolidation of the urban core as supported by the CDP. It should be noted that the Luas BXD line is under construction along Parnell Street immediately in front of this site.
- 8.12 Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

9.0 CONCLUSIONS AND RECOMMENDATION

Having regard to the foregoing 'Assessment' I do not consider that the proposed development would be contrary to the proper planning and sustainable development of the area.

I recommend that the proposed development be granted permission for the reasons and considerations hereunder.

REASONS AND CONSIDERATIONS

Having regard to the land use zoning objective for the area, the site location in Dublin city centre, the existing development on the site, and also having regard to the pattern of development in the vicinity, it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not adversely impact on the O'Connell Street Architectural Conservation Area or on the archaeological heritage of the area 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 and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11th day of January 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority the following:
 - (i) Detailed design proposals for the sliding sash windows including the balance weights proposed for the front façade of the existing structure on the site. These detailed design proposal shall also include proposals for the internal shutters and architraves to the window openings.
 - (ii) A methodology statement for the cleaning of the brick surface of the existing front façade, the repointing of the joints of this façade with a lime-based mortar, and the cleaning and re-bedding of the granite capping to the parapet of the façade.
 - (iii) A detailed survey of the shop front which shall identify any original surviving fabric and detailed design proposals for this shop frontage to include, *inter alia*, the retention where practicable of all original surviving fabric.

All of the above specified works, including at design stage, shall be supervised by a suitably qualified conservation expert. The conservation expert shall manage, monitor and implement the works on site to the written satisfaction of the planning authority. All of these works shall be carried out in accordance with best conservation practice as detailed in the 'Architectural Heritage Protection Guidelines for Planning Authorities' (Department of Environment, Heritage & Local Government 2004). The works shall retain the maximum amount possible of surviving historic fabric in-situ.

Reason: In the interests of architectural heritage protection and to protect the 'O'Connell Street Architectural Conservation Area'.

3. Prior to the commencement of works, the developer shall make a record of the existing structure. This record shall include:
 - (i) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structure, and
 - (ii) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the building.This record shall be submitted to the planning authority prior to the commencement of development and one copy of this record and a full set of drawings of the proposed works to the structure shall be submitted to the Irish Architectural Archive.

Reason: In order to establish a record of this structure that is located within the 'O'Connell Street Architectural Conservation Area'.

4. The communal open space area as indicated on the 'Proposed Ground Floor Plan' submitted to the planning authority on the 11th day of January 2016 shall be reserved for such use and shall be levelled, soiled, seeded and hard and soft landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the apartments are made available for occupation.

Reason: In order to ensure the satisfactory development of the communal open space.

5. Site development and building works shall be carried out only 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 approval has been received from the planning authority.

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

6. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

7. 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. 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.

8. The developer shall pay to the planning authority a financial contribution in respect of the proposed Metro North Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Tom Rabbette
Senior Planning Inspector
1st June 2016