



An
Bord
Pleanála

Inspector's Report ABP 306095-19.

Development	Demolition of existing industrial units and vacant house. Construction of Twelve houses with access from Mountain Avenue.
Location	Mountainview Avenue, Harold's Cross, Dublin 6.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	2409/19
Applicant	New Grove Property Ltd.
Type of Application	Permission
Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Niall Carroll
Date of Site Inspection	22 nd February, 2020.
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.4. Third Party Observations	5
4.0 Planning History.....	5
5.0 Policy Context.....	5
5.1. Development Plan.....	5
6.0 The Appeal	6
6.2. Applicant Response	8
6.3. Planning Authority Response	9
7.0 Assessment.....	10
8.0 Recommendation.....	Error! Bookmark not defined.
9.0 Reasons and Considerations.....	17
10. Conditions.....	17

1.0 Site Location and Description

- 1.1. The site is brownfield, has a stated area of circa 7,370 square metres and is that of four vacant industrial and residential properties which have frontage onto the edge of the street. Mountainview Avenue a cul de sac which joins the western side of Harold's Cross Road extends westwards, perpendicular to it along the northern boundary and the western boundary of the site. The site of the former Clery's Signs and Design Shop is located to the south and properties facing onto Harold's Cross Road which are mainly in commercial use are to the east. There is a mix of commercial and residential properties with access off Mountainview avenue which include an apartment block, mews houses, and industrial premises. The carriageway width is circa five metres in width is marked with double yellow lines.
- 1.2. There are two relatively recently permitted mews house developments with access off Mountain Avenue, (P. A. Reg. Ref. 2988/14 and P. A. Reg. Ref. 2282/18 refer.)

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for:
 - Demolition of the four industrial units and the unoccupied dwelling.
 - Construction of a three storey, seven bay, hipped terrace block providing for four three-bedroom townhouses, three two bed apartments and five one bed apartments.
 - Internalised parking spaces, private amenity space to include east facing courtyard and east facing ground level terraces and balconies and west facing balcony and west facing terrace at first floor level and east facing balcony at second floor level and west facing balcony/terraces which have access to a service area for refuse storage,
 - Twenty-three cycle spaces, three car spaces, (two car sharing) and communal amenity area.
 - Boundary treatment and a new public footpath,
 - SUDS drainage and,

Ancillary site preparatory and development works.

- 2.2. Further submissions were lodged with the planning authority on 9th August 2019 and on 15th October, 2019 in response to multiple item requests for additional information and for clarification of additional information regarding access arrangements, traffic and parking, protection of amenities of adjoining properties and construction management.
- 2.3. The application submission includes written consent to the lodgement of the application by the title holder, a flood risk assessment report, transport and traffic impact assessment reports, engineering report for drainage and water supply calculations and arrangements, daylight analysis and overshadowing reports and a planning report.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 12th November, 2020 the planning authority decided to grant permission subject to conditions which include the following requirements in addition to requirements of a standard nature.

Condition no 3: Submission of construction management and mobility management plans for agreement with the planning authority prior to commencement of development. and restriction of parking spaces to use associated with the dwellings.

Condition No 4: Submission of revised site layout plans for the drainage layout for agreement with the planning authority indicating separate foul and surface water systems within the site with combined final connection to the public combined sewer system. A two-stage treatment approach is required for SUDS management of surface water which is to be attenuated to two litres per second.

Condition No 6: requirements for compliance with noise control standards for construction and demolition stages.

Condition No 7: requirements for archaeological monitoring.

Condition No 8: requirements for a management agreement with a legally constituted management company following completion of the construction stage.

3.2. Planning Authority Reports

- 3.2.1. The planning officer, further to the request for and, consideration of the supplementary submissions indicated satisfaction with the proposed development. The internal technical reports of the Drainage and Conservation Officer indicated no objection whereas the Transportation Planning Division 's original report indicated recommendations for a request for additional information with its final report subsequently indicating acceptance of the proposals subject to conditions.

3.3. Third Party Observations

- 3.3.1. Submissions from two parties, including the appellant party indicated objections relating to impact on residential amenities due to overshadowing, overlooking, noise and disturbance, future development potential at adjoining properties, traffic capacity and safety, parking, drainage capacity and flooding risk.

4.0 Planning History

- 4.1.1. There is no recent planning history for the site.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective: *Z4: To provide for and, improve mixed service facilities.*

Objective QH 8 provides for higher density development which respects the character of surrounding development on vacant or under-utilised sites.

Development Management Standards for residential development are set out Chapter 16 with guidance and standards for residential quality in section

16.10.2 and guidance and criteria for infill developments in sections 16.10.8 and 16.10.10.

The site location comes within Zone 3 for Parking Standards and according to Table 16.1 the maximum requirement is 1.5 space per dwelling. Standards for communal and public open space are set out in section 16.10.1

5.2. **Statutory Guidance.**

Policies and standards for apartment development issued under Section 28 of the Planning and Development Act, 2000 as amended are in, “*Sustainable Urban Housing: Design Standards for New Apartments*” (2015) which most recently was updated and superseded in, “*Sustainable Urban Housing: Design Standards for New Apartments*” (2018) (Apartment Guidelines, 2018) These guidelines also take precedence over standards within the CDP.

6.0 **The Appeal**

6.1. An appeal was received from Niall Carroll on his own behalf on 6th December 2019 in which it is stated that the appellant is the owner of the property at No 226 Harold’s Cross Road, which is to the east side of the site with frontage, end on curtilage parking and access onto Harold’s Cross Road. He states the he operates his business as Quantity Surveyor and Insurance Loss Adjustor at No 226 Harold’s Cross Road, According to the appeal:

- The proposed development is excessive in density, height and size and is overdevelopment and it will have negative impact on residential amenities of surrounding properties. Approximately 1,000 apartment units in two developments have recently been permitted at locations within two hundred metres of the site.
- The rear garden of No 226 Harold’s Cross Road will be affected by an “overly obstructive mass”. The block is out of character with existing development and it’s twelve metres height will dwarf properties facing onto Harold’s Cross Road and Mountainview Avenue. The appellant property it will be subjected to significant overshadowing and it will be overlooked from the dwellings and their balconies.

- Future development potential at No 226 Harold's Cross Road, which at present is underdeveloped will be affected.
- The attenuation tank is to be located to close to the boundary and building at No 226 Harold's Cross Road. Leaks may occur and the boundary wall and adjoining properties be damaged by the drainage installation. The Poddle River is within one hundred metres of the appellant's property. Mr Carroll states that he is very aware of the inadequacies of the old drainage infrastructure serving the area and of flooding during heavy rainfall in that the system cannot accept the flow from attenuation tanks. More recent permitted constructed and part constructed developments, including basements in the environs have added to the flooding risk. The flooding report is incorrect in describing the site is greenfield as it is brownfield and the proposed development will have minimal soft landscaping. The density of the proposed development and the proximity to the Poddle river raises potential flooding risk and risk to adjoining properties including the appellant property.
- There is traffic congestion on Mountainview Lane which is narrow resulting in vehicles having to give way to vehicles approaching in an opposite direction and there is and there is a ninety-degree bend at the corner. Increased traffic generation will increase this problem and would be hazardous for pedestrians. It is not agreed that traffic generation and conditions on Mountainview Avenue would be reduced as a result of the development, as concluded in the traffic impact assessment report.
- Six spaces for the development is insufficient, resulting in increased pressure on demand on the limited parking facilities in the area. The spaces internally within the courtyard area will be relatively inaccessible due to difficulty in accessing them and the necessity for vehicles from these spaces and from the spaces to the front of the houses to reverse out into Mountainview Avenue, close to the ninety degree corner which would also causing traffic hazard and risk to pedestrian safety.
- As there is very little turning space on Mountainview Avenue due to the narrow width, vehicles including services vehicles need to enter on private

properties to turn and or reverse up and down the cul de sac exacerbating traffic congestion.

- Construction stage disruption to residents could be severe due to the scale of the development and the narrow road width and this could continue for eighteen months.

6.2. Applicant Response

6.2.1. A submission was received from the applicant's agent on 21st January, 2020 in which it is stated that the applicant has cited eleven reasons to support his case for refusal of permission, seven of which, it is contended are addressed in the planning officer report. According to the submission:

- Site coverage at 54%, and plot ratio at 2.1 are below the indicative range for 'Z4' zoned lands provided for in the CDP and appropriate to the existing built form and scale height and density in the context of the overall development of the site. Private amenity space is at or above the minimum requirements and the apartments have shared communal amenity space of sixty-seven square metres.
- The daylight analysis and overshadowing report shows some overshadowing, but it is without undue impact on residential amenities. The private amenity space for the townhouses were relocated to the front to ensure no overlooking of adjoining properties and proposed angled windows on the rear elevation will mitigate overlooking. (Drawings NGP/P/AI/P2 and NGP/P/AI/P3 refer.)
- The 12.4 metres height is in accordance with the height limits for low and id rise and taller developments according to section 16.7.2 of the CDP. The proposal provides direct precedent for increased height in the area and it will not affect the visual amenities for the Harold's Cross road streetscape.
- The development potential of No 226 Harold's Cross Road would not be affected. There has already been extensive development to the immediate south and no parties have objected on these grounds.
- At present the site is entirely impermeable with surface water discharging to the combined sewer. Surface water runoff will be reduced by the proposed

attenuation measures involving a flow restrictor, attenuation tank and permeable paving along with management of on-site drainage. The tank is proposed to be located four metres away from the eastern boundary, with the appellant property but this distance can be increased to five metres and the applicant is willing to accept a condition to this effect. (An additional explanatory technical note prepared by the applicant's consulting engineers is included in appendix A of the submission.)

- As stated in the engineering report accompanying the application and, the technical note prepared by the applicant's consulting engineers, (included in appendix A of the submission) the site is brownfield and has less onerous attenuation requirements with regard to the rate of surface water runoff. The proposed arrangements accord with the City Council's requirements. The planning officer noted the location within a Flood Zone C area and does not require a justification test and that flood risk is extremely low and the drainage division indicated no objections at application stage.
- The traffic impact assessment report lodged with the planning authority demonstrates less traffic generation than that which has been associated with the site thus reducing the traffic impact on Mountainview Avenue.
- Onsite parking provision accords with the standards in the CDP of a maximum of 1.5 spaces per dwelling, each townhouse being allocated one space. Three spaces are allocated to the apartment units.
- Cars exiting the site have separation in that the footpath must be crossed. as a traffic calming measure mitigating any hazard at the bend on Mountainview Avenue. The height of the building was increased (in the clarification of information submission) to provide for 3.2 metres headroom accommodating refuse trucks and other services vehicles.

Condition No 9 attached to the decision to grant permission, if adhered to, ensures that no undue disruption would occur during the construction stage.

It is submitted that the proposed development on an underutilised serviced site in an established edge of centre location accords with urban

consolidation, provision of housing and sustainability and it is requested that permission be granted.

6.3. Planning Authority Response

There is no submission from the planning authority on file.

7.0 Assessment

7.1. The issues central to the determination of a decision can be considered under the following sub-headings.

- Planning Context and Development Potential.
- Density, scale, height and design. – Overdevelopment.
- Impact on residential amenities of surrounding properties.
- Qualitative Standards – Residential amenities for future occupants.
- Flooding Risk and Drainage arrangements.
- Vehicular and Pedestrian Safety and convenience, Sustainable Transport and Parking.
- Construction Stage Impacts.
- Environmental impact assessment
- Appropriate assessment.

7.2. Planning Context and Development Potential.

7.2.1. It is reasonable for the appellant to have concerns as to the future development potential at his property. The rear garden space extends as far as the western site boundary of the appeal site adjoining the existing industrial structures. The appellant states that the property is his business premises at which his quantity surveying and Insurance Loss adjustment business is based. There is no evidence of permitted development or proposals for development or at the appellant's property.

7.2.2. Both the appellant party's property, adjoining properties, the entire site area and adjoining lands to the south site come within the area subject to the zoning objective Z4: *'To provide for and, improve mixed service facilities'* according to the CDP. Given the development objectives of the 'Z4' mixed services facilities zoning objective, and, the pre-existence of commercial/light industrial use of most or the premises on the appeal site, it would be unreasonable at both the application site and at the appellant's property for there to be an expectation as to attainable residential amenity which are comparable standards to those which would be applicable within areas zoned specifically for residential development. Instead, some flexibility and balance between competing interests is warranted with a major consideration being for the land uses to be mutually compatible whereby residential elements would not conflict with or obstruct facilitation and enhancement of current and future mixed service facilities development appropriate to the area. Consideration as to impacts on the development potential of the appellant party's property should therefore be considered with this context in mind.

7.3. **Density, scale, height and design. – Overdevelopment.**

7.3.1. Based on solely on reference to the site coverage and plot ratio, which fall well within the indicative ranges in the CDP for development on 'Z4' zoned lands, it is not agreed that the development is overdevelopment. However, the proposal does represent a significant change in that a three-storey block in multiple residential units, directly to the rear of the appellant's property is to replace the four vacant single storey, low profile industrial units and the vacant two-storey house. Having considered the potential impacts on the residential amenities of adjoining residential development and, the qualitative residential standards of the development itself in conjunction with current statutory standards as set out in the Apartment Guidelines 2018, it has been concluded that the proposed development is of an acceptable density, form, scale and height. Furthermore, there is no objection to the proposed design detail, materials and finishes final details of which can, by condition be agreed with the planning authority. The proposed development is consistent with delivery of compact sustainable urban infill residential development in the city as prescribed in current national policy and strategic guidance. There is no question as to adverse visual impact on the established streetscape character of Harold's Cross Road.

7.4. Impact on residential amenities of surrounding properties.

Mountainview Avenue, a cul de sac has been in mixed use development comprising residential and commercial and light industrial development. A terrace of four town houses are located on Mountainview Avenue to the north side adjacent to the existing vacant house which is to be demolished, and further residential development is on the opposite, north side of Mountainview Avenue To the south side are the mews dwellings of relatively recent construction and opposite the site there is an apartment block. The three storey, 12.4 metres height is proposed for the development is significantly higher than greater than the single storey industrial structures and the house to be demolished. As such, concerns as to overshadowing has warranted consideration, as is addressed in the daylight analysis and overshadowing studies provided at application stage.

- 7.4.1. Notwithstanding existing and proposed footprints and site coverage, it is considered that the revised proposals for the development, which incorporate angled fenestration and omission of balconies prevent adverse impact on the amenities of the residential properties to the north on Mountainview Avenue. The proposed development would not give rise to undue overlooking or adverse impact on the amenities of the surrounding residential properties or the amenities of the appellant party's property although it is noted that some increase in overshadowing of residential properties as demonstrated in the sunlight and daylight study would occur. The views of the planning officer on the original and supplementary submissions at application stage are concurred with in this regard.

7.5. Qualitative Standards – Residential amenities for future occupants.

- 7.5.1. It is contended in the appeal that the proposed development is overdevelopment, and while the focus relates to scale and intensity and impact on adjoining developments and the surrounding built environment, considered separately, the qualitative standard for future occupancy have been reviewed.
- 7.5.2. Notwithstanding the somewhat enclosed nature of the site location and orientation of the proposed development consistencies demonstrated in the submitted Daylight Analysis and overshadowing study with BRE standards with regard to Average Daylight Factors (ADF) for the internal accommodation which are noted it is also agreed with the planning officer that the proposed development is broadly consistent

with relevant Specific Planning Policy Requirements, (SPPR) and general qualitative standards and guidance within the Apartment Guidelines, 2018. There is no objection, given the location and the size and nature of the development to the waiver of requirements for public open space provision. The communal open space provision, shown on the south side of the development within the site has acceptable amenity value.

7.6. Flooding Risk and Drainage arrangements.

- 7.6.1. There is no dispute as to the inadequacies in capacity and performance of the combined public sewer facilities serving the area to which the existing development, now vacant on the site is and to which the proposed development would be connected. The observations of the appellant as to impact on flooding risk of other recently constructed large scale and possible future larger scale residential developments within the vicinity are noted. In addition, it is agreed with the appellant that the site is brownfield, given the pre-existing serviced nature and commercial use of the site and its location within the established urban area. There is no objection to the proposed development having regard to flooding risk on the area. The location is within an area designated: 'Zone C' which would allow for vulnerable land uses such as residential development according to "Flood Risk Management: Guidelines for Planning Authorities. DOECLG/OPW, 2009. The site is impermeable at present, no deep excavation, to facilitate provision of a basement level is required.
- 7.6.2. With regard to the drainage layout, it is reasonable for matters such as arrangements for separate collection of foul and surface water within the site prior to discharge through to the combined public sewer. The arrangements can be modified post planning as recommended in the Drainage Division's report, if permission is granted. The approximate four metres separation distance from the site boundary at the appellant's property for the attenuation tank within the application site is considered reasonable. The applicant's willingness to accept a condition for an increase in one metre for the separation distance is noted but considered inessential but a condition can be attached if it is considered that the increase is warranted. The amendments to the drainage arrangements such as provision for separate sewers within the development, the attenuation measures in conjunction with SUDS measures, represents an improvement relative to the existing arrangements, and finalisation of

these and any other outstanding details as to surface water calculations, can be resolved by compliance with a condition.

- 7.6.3. Risk as to structural damage to boundaries or development within the Appellant's property arising from excavation works required to facilitate installation of the attenuation are not considered such as to warrant any planning considerations. However, should any issues arise between the parties, it would be open to them to resort to the legal system for resolution.

7.7. Vehicular and Pedestrian Safety and convenience, Sustainable Transport and Parking.

- 7.7.1. There is planning gain, by way of the incorporation of a public footpath at the site frontage, (there being no footpath at present), in conjunction with appropriate surface markings and, arguably be reason of reduced traffic generation which would be limited to traffic movements generated by residential development relative to the pre-existing land uses. Conditions for both pedestrians and cyclists would be enhanced by way of the footpath provision and prioritisation for cyclist on Mountainview Avenue. To this end, it is not agreed that the proposed development would lead to deterioration with regard to obstruction and hazardous conditions for all road users on Mountainview Avenue. It is agreed that the appellant that difficulties can occur for two vehicles needing to pass, in opposite directions, and as to the necessity for vehicles to enter onto privately owned space to turn and exit back along Mountainview Avenue to Harold's Cross Road. However, it is not accepted that the proposed development would be the cause of any deterioration in these conditions.
- 7.7.2. The dedicated parking provision to serve the development comes below the maximum requirement of 1.5 spaces per dwelling unit for the location according to the CDP standards, the townhouses each having on site curtilage parking and the remaining spaces being provided internally in the site parking via a built over entrance. It is noted that the application does include a written undertaking by GO CAR shared car service to provide two spaces at the development for use by residents and other members of the service. The quantum, incorporating the Go Car facility is considered satisfactory for a well serviced inner urban location and, it is in accordance with the acceptability on a discretionary basis of minimal provision or elimination in entirety of parking provision in central and accessible urban locations

as provided for in Section 4.19 of The Apartment Guidelines, 2018. It is recommended that arrangements be in place to encourage and ensure that public access to the Go Car facilities within the site curtilage is not discouraged or obstructed in any way. The cycle parking facilities, (36 spaces) which accord with the CDP standards are acceptable.

- 7.7.3. The appellant has indicated concern about obstruction of other road users, potential for endangerment of public safety by reason of traffic hazard having regard to the adequacy of the access arrangements, the lack of scope for vehicles to enter and exit parking spaces in forward gear, generation of additional demand for use of parking facilities on the public road. However, in comparison with the pre-existing commercial and residential use, contrary to the view of the appellant, it is agreed that traffic generation and demand for parking is unlikely to be increased and may well, be significantly reduced, given the location. The trip generation analysis in which, for the TRICS analysis, the pre-existing land use category used is Vehicle Repair Garage and in which, for the proposed residential development four movements are projected during peak am and peak pm hours (am and pm) is considered reasonable and acceptable.

7.8. Construction Management.

- 7.8.1. It is agreed with the appellant that construction works involves inconvenience disturbance and general and adverse impact on residential amenities particularly, in surrounding developments, particularly if the access route is shared and limited in configuration regarding capacity for larger vehicles. A construction phase is of limited duration and temporary in nature with restriction on hours of construction confining noise and disturbance to normal daytime working hours.
- 7.8.2. With a comprehensive construction management plan, including traffic management proposals in place and, full compliance with the relative statutory codes for environmental protection and fully managed and adhered to by a contractor during construction there should be a reasonable expectation of acceptance of minor inconveniences. It is of note that a brief outline construction management plan incorporating some mitigation measures has been included in the transportation assessment provided by the application. It is reasonable for standard construction stage conditions to be attached if permission is granted and, a comprehensive plan

to be prepared and submitted for agreement post planning and following to appointment of a contractor.

7.9. Environmental Impact Assessment Screening.

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

7.10. Appropriate Assessment.

7.10.1. Having regard to the planning history for the site, the zoning objective, the location of the site which is on serviced land, to the existing development on the site and in the vicinity and, to the nature and scale of the proposed development, no appropriate assessment issues arise, the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In view of the foregoing, it is recommended that the planning authority decision to grant permission be upheld, and that permission be granted based on the draft reasons and considerations set out below.

9.0 Reasons and Considerations.

Having regard to:

- the Dublin City Development Plan 2016-2022 according to which the site is within an area subject to the zoning objective Z4: *To provide for and, improve mixed service facilities* and, in particular to Policy Objective, QH 8 therein which provides for higher density development which respects the character of surrounding development on vacant or under-utilised sites.
- the provisions of the *Sustainable Urban Housing - Design Standards for New Apartments – Guidelines for Planning Authorities*, issued by the

Department of the Environment, Community and Local Government in December 2015 and 2018,

- to pre-existing commercial and residential land use on the site which lies vacant, and,
- the scope for delivery of compact sustainable urban infill residential development in the city as prescribed in current national policy and strategic guidance.

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities, architectural character and residential amenities of the area or the future occupants of the proposed development, would be acceptable in terms of pedestrian and traffic safety and convenience, would not be prejudicial to public health and, would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars lodged on 9th August 2019 amended by the further plans and particulars lodged on 16th October 2019, 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. 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 construction traffic routing and management,

construction parking, materials storage, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

3. Prior to the commencement of development, a mobility management plan shall be submitted to and agreed with the planning authority. The measures, which shall include the provision within the site curtilage for the proposed car sharing facilities, shall be fully implemented so that it is ensured that future occupants comply with the measures in the plan.

Reason: In the interests of sustainable urban transport, safety and convenience and clarity.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours to 1400 hours 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels shall be erected on site for inspection by the planning authority in this regard.

Reason: In the interest of visual amenity.

6. Details of the proposed arrangements for hard and soft landscaping and boundary treatment, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the

development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenities.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water and mitigation measures against flood risk including in the basement area, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

- 10 The developer shall enter into water supply and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorized by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

1. 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.

9. Proposals for a name and numbering scheme and associated signage for the proposed development shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

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

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

10. The management and maintenance of the proposed development, following its completion, shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces, roads, parking spaces and circulation areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Jane Dennehy.
Senior Planning Inspector.
10th March, 2020.