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## **Planning and Development Acts 2000 to 2019**

### **Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 5<sup>th</sup> day of February 2020 by Ruirside Developments Limited care of Stephen Little and Associates, 27/27 Upper Pembroke Street, Dublin.

#### **Proposed Development:**

A planning permission for a strategic housing development on a site (circa 0.82 hectares), formerly known as Hickey's Fabrics and Parkgate House, at 42A Parkgate Street, Dublin 8.

The site is principally bounded by Parkgate Street to the north, the River Liffey to the south, an existing electricity substation and the junction of Seán Heuston Bridge and Parkgate Street to the east, and existing Parkgate Place office and residential development to the west. The application site includes areas of public footpath and roadway on Parkgate Street and a small landscaped area at the junction of Seán Heuston Bridge and Parkgate Street, subject of proposed associated public realm enhancement and drainage works.

There are protected structures on site.

The proposed development comprises mixed use residential and commercial redevelopment (circa 43,353 square metres gross floor area) of a brownfield site,

accommodated in six number blocks ranging in height from eight to 29 storeys with basement and undercroft, and including:

- 481 number 'Build to Rent' apartments (66 number studio units, 298 number one-bed units and 117 number two-bed units);
- ancillary residents' amenity rooms and facilities, including co-working spaces, one of which (circa 119 square metres) to be made available to the public for hire for cultural uses/ events;
- commercial office (circa 3,698 square metres), retail (circa 214 square metres) and café/ restaurant (circa 444 square metres) uses; and
- all associated and ancillary conservation and site development works.

Proposed block description as follows:

- 1) Block A (circa 12,207 square metres gross floor area): 29 number storeys with setback at 25th floor, accommodating one number café/restaurant (circa 208 square metres), residents' amenity areas and 160 number apartments. Residents' roof gardens at 9th and 25th floors. Ancillary plant / storage at ground floor level.
- 2) Block B1 (circa 10,520 square metres): 10 to 13 number storeys with setback at 7th floor, accommodating one number café/restaurant (circa 236 square metres), one number retail unit with ancillary café (circa 134 square metres), residents' amenity areas, including co-working spaces made available to the residential community within the proposed development, and one of which (circa 119 square metres) to be made available also to the public for hire for cultural uses/ events, and 141 number apartments. Residents' roof gardens at 9th floor. Ancillary plant /storage at basement and ground floor level.
- 3) Block B2 (circa 3,698 square metres): eight number storeys with setback at 6th floor, including six storeys of commercial office floorspace (circa 3,698 square metres) over entrance foyer and site entrance. Residents' garden on the roof. Ancillary plant / storage at basement level.
- 4) Block C1 (circa 4,207 square metres): nine number storeys, accommodating 58 number apartments. Ancillary plant / storage at undercroft and ground floor level. Link with 'River Building' at undercroft level.
- 5) Block C2 (circa 2,520 square metres): nine number storeys, accommodating residents' amenity areas and 40 number apartments. Residents' roof garden at 8th floor.

- 6) Block C3 (circa 6,274 square metres): 11 number storey building over partial basement with setback at 7th floor, accommodating one number retail unit (circa 80 square metres), residents' amenity areas and 82 number apartments. Residents' roof garden at 7th floor. Ancillary plant / storage at ground floor level.

Associated and ancillary conservation, site development, infrastructure, landscaping and boundary treatment works, including:

- (a) Public open space (circa 1,409 square metres), including a plaza and riverside walkway.
- (b) Residents' communal open space, including courtyard at ground level and residents' roof gardens at 7th, 8th, 9th and 25th floor levels. Residential apartment balconies on south, east and west elevations of all residential buildings and on north elevation of tower.
- (c) Conservation, refurbishment, repair and adaption of existing protected structures, including:
  - (i) Entrance stone archway (protected structure) to be conserved, refurbished, repaired and adapted for use as pedestrian access to proposed residents' communal open space, entrance foyers to Block B1 and Blocks C1, C2 and C3 and ancillary amenities.
  - (ii) Riverside stone wall (protected structure) to be conserved, refurbished, repaired and adapted, including partial demolition comprising the enlargement of existing opes and creation of new opes and lintel treatments for incorporation within the riverside stone wall, as part of the proposed riverside amenity walkway.
  - (iii) Turret (protected structure) at the eastern end of the riverside stone wall to be conserved, refurbished, repaired and adapted as an integrated part of riverside stone wall and proposed amenity walkway.
  - (iv) Square Tower on riverfront (protected structure) to be conserved, refurbished, repaired and adapted as an integrated part of riverside stone wall proposed and amenity walkway.
- (d) Conservation, refurbishment, repair and adaption of the larger of the two riverfront gabled building ('River Building') for use as gym for residents of the development, accessible from Block C1 undercroft and residents' courtyard at

ground level, and incorporation of building as integrated part of riverside stone wall and proposed riverside amenity walkway.

- (e) Conservation, refurbishment, repair and adaption of the southern façade of the smaller riverfront gabled building as part of riverside wall and incorporated with the amenity walkway. Demolition of the remainder of the building fabric.
- (f) Demolition of all other structures within the former Hickey's Fabrics site, including the large single storey warehouse building with curved wall to Parkgate Street and all warehouse internal walls and partitions including the southern brick wall running parallel to the interior of the riverside stone wall, a small two storey building adjacent to the entrance stone archway and the former two-storey detached house (Parkgate House) at the north west corner of the site, and other miscellaneous structures.
- (g) Two number new pedestrian site entrances at Parkgate Street, connecting to proposed public plaza and the proposed riverside amenity walkway.
- (h) One number new vehicular access via Parkgate Street to surface and basement parking areas at western edge of the site.
- (i) 26 number car parking spaces (total) at surface and basement levels.
- (j) 551 number bicycle parking spaces (total) at surface, undercroft and basement levels.
- (k) Ancillary plant, bin storage and remote storage at ground and basement levels.
- (l) Ancillary plant and telecommunications antennae at roof level.
- (m) Solar panels on the roof of proposed Blocks B and C.
- (n) Ancillary works along the southern footpath on Parkgate Street and in the public roadway, including new loading bay, removal of recycling bins and Dublin Bikes Station Number 92 and surface water drainage works including new sections of pipework.

## **Decision**

**The Board decided to make a split decision, to**

**(1) refuse permission for the proposed Block A for the reasons and considerations marked (1) under**

**(2) grant permission for the remainder of the above proposed development for the reasons and considerations and subject to the conditions set out below and marked (2) under, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations (1)**

Policy SC25 of the Dublin City Development Plan 2016-2022 seeks to 'promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate'. In addition, the guiding principles of Strategic Development and Regeneration Area 7 Heuston Station and Environs (SDRA 7), together with the Assessment Criteria for Higher Buildings, as set out in the Dublin City Development Plan 2016-2022, refer to architectural designs of exceptional high standard and architectural excellence for high buildings.

Having regard to the prominent and sensitive location of the subject site by reason of its important gateway location for the city; its relationship to the River Liffey; together with its connection to Heuston Station and the Phoenix Park; it is considered that the proposed development, due to its architectural design quality and materiality, does not successfully address the opportunities provided by the site; does not protect nor enhance the skyline at this location nor does it make a positive contribution to the urban character of the area. It has not been adequately demonstrated to the Bord that a building of exceptional architectural design has been proposed in Block A and, if permitted, it would seriously detract from the setting and character of Heuston station, one of the city's important architectural landmarks.

Having regard to all of the above, the proposal is therefore considered not to comply with Policy SC25 of the Dublin City Development Plan 2016-2022; would be contrary to the guiding principle of SDRA 7 which seeks architectural designs of exceptional high standard and would be contrary to the Assessment Criteria for Higher Buildings, as set out in the Dublin City Development Plan 2016-2022 which seeks architectural excellence for high buildings. The proposal would seriously injure the urban character and visual amenities at this pivotal location and would be contrary to the proper planning and

## **Reasons and Considerations (2)**

In coming to its decision, the Board had regard to the following:

- (a) the site's location close to Dublin City Centre, within an established built-up area and in the Heuston and Environs Strategic Development Regeneration Area and adjacent to Heuston Station (mainline rail, LUAS and Dublin Bus services) and Dublin Bus Services on adjoining streets;
- (b) the policies set out in the Dublin City Development Plan 2016-2022;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016;
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009;
- (g) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009;
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of social, community and transport infrastructure;
- (k) the pattern of existing and permitted development in the area;
- (l) the planning history within the area;
- (m) the submissions and observations received, and
- (n) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following ten European sites:

- Baldoyle Bay Special Area of Conservation (site code 000199),
- Howth Head Special Area of Conservation (site code 000202),
- Rockabill to Dalkey Island Special Area of Conservation (site code 003000),
- Malahide Estuary Special Area of Conservation (site code 000205),
- Wicklow Mountains Special Protection Area (site code 004040),
- Baldoyle Bay Special Protection Area (site code 004016),
- Malahide Estuary Special Protection Area (site code 004025),
- Wicklow Mountains Special Area of Conservation (site code 002122),
- Glenasmole Valley Special Area of Conservation (site code 001209) and
- Rye Water Valley/Carlton Special Area of Conservation (site code 001398)

in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

## **Appropriate Assessment**

The Board completed an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Natura Impact Statement submitted with the application, and the Inspector's report and submissions on file. In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that, subject to the implementation of the proposed mitigation measures contained in the Natura Impact Statement, that the proposed development, individually or in



combination with other plans or projects would not adversely affect the integrity of the relevant European sites:

- North Bull Island Special Protection Area (site code 004006);
- South Dublin Bay and River Tolka Estuary Special Protection Area (site code 004024);
- South Dublin Bay Special Area of Conservation (site code 000210) and
- North Dublin Bay Special Area of Conservation (site code 000206),

or any other European site, in view of the site's conservation objectives.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) The submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- (i) Significant direct positive effects with regard to population due to increase in housing stock.

- (ii) Biodiversity impacts mitigated by proposed landscaping strategy which will use mix of appropriate species that will attract pollinators; no direct lighting onto river; good construction management practices.
- (iii) Hydrogeology impacts to be mitigated by construction management measures including minimal removal of topsoil and subsoil, reuse of excess material within the site; assessment for possible contamination; management and maintenance of plant and machinery.
- (iv) Land and Soil impacts to be mitigated by construction management measures including preparation of Construction Environmental Management Plan; provision of silt traps; adequately securing potential pollutants; dust suppression measures.
- (v) Water impacts to be mitigated by management of surface water run-off during construction; mixing and batching activities away from watercourses; good construction management; controlled run-off.
- (vi) Neutral or negative impacts on Landscape and Visual from proposed Block A due to its elevational design and materiality which will not be avoided, mitigated or otherwise addressed by means of condition; impacts from the remainder of the development will be positive and permanent due to provision of a quality streetscape; provision of quality public open space and high quality landscaping proposals.
- (vii) Moderate permanent, negative impacts on Architectural Heritage due to loss of some historic buildings on site; significant, overall positive impacts due to proposed conservation measures to integrate remaining historic structures into the development and their quality re-use and protection into the future.
- (viii) Archaeological impacts which will be mitigated by archaeological monitoring of ground disturbance works.
- (ix) Air quality impacts which will be mitigated by dust minimisation measures.
- (x) Traffic and transport impacts which will be mitigated by the management of construction traffic; urban realm improvement works.
- (xi) Noise and vibration impacts which will be mitigated by adherence to requirements of relevant code of practice; proactive community relations; noise control techniques.

- (xii) Material Assets-Services impacts which will be mitigated by consultation with relevant service providers; final Construction Management Plan and Traffic Management Plan to be implemented; service disruptions kept to a minimum.
- (xiii) Resource and Waste Management impacts which will be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, the refusal of permission for Block A, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that a grant of permission that could materially contravene section 16.10.1 of the Dublin City Development Plan 2016-2022 in terms of floor area and unit mix would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) The Government's policy to ramp up delivery of housing from its current under-supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016;
- (b) SPPR8 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued in March 2018;

- (c) SPPR3 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued in March 2018;
- (d) Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued in March 2018;
- (e) Section 16.10.1 of the Dublin City development plan,

all of which support denser residential development consisting of apartments on public transport corridors within the built-up area of Dublin City and its suburbs, as is proposed in this case.

The Board considered that a grant of permission that would materially contravene section 16.10.1 of the Dublin City Development Plan 2016-2022, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) SPPR 3 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued in March 2018 which sets minimum apartment floor area of 37 square metres for studio units and
- (b) SPPR 8 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued in March 2018 which states no restriction on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise and that the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes; with which the proposed development would comply.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 22 of the Environmental Impact Assessment Report 'Summary of Mitigation, Monitoring and Residual Effects', shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. The number of residential units hereby permitted by this grant of permission is 321 number

**Reason:** In the interests of clarity.

4. The following details shall be submitted to, and agreed in writing with, the planning authority within six months:
  - (i) Details of all signage and shopfronts associated with the development;
  - (ii) Details of a maintenance strategy for materials within the proposed development;
  - (iii) Details of changing/toilet facilities to be provided in close proximity to the ancillary residential facilities/services;
  - (iv) Detailed drawings of the formation of the proposed wall openings in the River Liffey quay wall, including new beam and columns;
  - (v) Detailed drawings and schedule of salvaged cast iron elements from the large warehouse and how these will be incorporated into the proposed scheme;
  - (vi) Details of a piece of public art, of suitable quality, that shall be incorporated into the proposed public open space;
  - (vii) Details of greening of flat or gently sloping roofs.

**Reason:** In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

5. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

**Reason:** In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

6. Prior to the commencement of development, the developer shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

**Reason:** In the interests of proper planning and sustainable development of the area.

7. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

8. The proposed 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 and facilities, for the benefit of the occupants of the proposed dwellings.

9. 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 surface water management.

10. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In particular, the following information shall be submitted to the planning authority for their written approval, prior to the commencement of any works on site:

- (a) Mobility Management Plan and Car Parking Strategy.
- (b) Details of works to the public road to facilitate the proposed development. All works to the public roads / footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the planning authority.
- (c) All car parking spaces at basement level serving the development shall be designated for car share use.

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



12. A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

13. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the planning authority at all times.

**Reason:** In the interest of residential amenity and to secure the integrity of the proposed development including open spaces.

14. The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter

his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby permitted.

**Reason:** In the interests of residential and visual amenity.

15. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars, submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:
- (a) The developer shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least five weeks in advance of site clearance works
  - (b) All demolition works shall take place outside of the bird nesting season (March 1st to August 31st)
  - (c) Prior to commencement of development, details of locations of appropriately placed, replacement bat roosts shall be submitted for the written agreement of the planning authority. Damage to roosts can only be undertaken under derogation licence from the National Parks and Wildlife Service.
  - (d) No moss, lichen and vascular plants shall be removed from the river wall, with the exception of that located on the wall elements proposed for removal, without the prior written agreement of the planning authority. In the case of proposed removal of any legally protected species, a licence will be required from the Department of Culture, Heritage and the Gaeltacht.

**Reason:** in the interests of protection of biodiversity.

16. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Render shall not be used as an external finish.

**Reason:** In the interest of visual amenity and durability.

17. No development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenity of property in the vicinity and the visual amenity of the area.

18. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

**Reason:** In the interest of residential amenity.

19. Prior to the commencement of the development the applicant shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection. Details of a suitable marking and lighting scheme as agreed with the Irish Aviation Authority shall be submitted to the planning authority prior to the commencement of construction. Additional information regarding crane type (tower, mobile), elevation of the highest point of crane, dimensions of crane, ground elevation and location co-ordinate shall also be required by the Authority to allow for an aviation safety assessment.

**Reason:** In the interests of clarity and proper planning and sustainable development of the area.

20. (a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.
- (b) No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of clarity.

21. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

22. Proposals for a development name, office/commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

23. All works to the protected structure, shall be carried out under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise (RIAI Grade 2 or higher). The following shall also be complied with:

- (a) All works to the protected structure and other historic buildings to be retained shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (b) All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works.
- (c) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (d) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.
- (e) Provide detailed survey drawings and photographs of all historic buildings and fragments of buildings to be demolished as part of the works to the planning authority prior to the commencement of any works on site.

- (f) Provide interpretive information panels within the public realm that illustrate and recount the history of the site. Details to be agreed with the planning authority prior to the commencement of works.

**Reason:** To secure the authentic preservation of this protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 24. Site development and building works shall be carried only out between 07.00 to 18.00 hours Mondays to Saturdays inclusive, 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 amenities of property in the vicinity.

- 25. 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.

- 26. 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 carry out site testing and monitor all site investigations and other excavation works,

- (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, and
- (d) agree in writing the archaeological method statements for mitigation with the Department of Culture, Heritage and the Gaeltacht, prior to commencement of any works on site

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 (in situ or by record) of any remains that may exist within the site.

27. 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.

28. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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 and, in particular recyclable materials, in the interest of protecting the environment.

29. 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.

30. 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 interest of sustainable waste management.



31. (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
- (b) All windows and roof lights shall be double-glazed and tightly fitting.
- (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenity of property in the vicinity.

32. 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.

