

An
Bord
Pleanála

Board Order
ABP-319121-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD6034/23-S3.

Appeal by Malclose Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 30th day of January, 2024 by Dublin City Council to refuse a permission to Maclose Limited.

Proposed Development: The proposed development will principally consist of: the demolition of the existing two-storey office/ warehouse building and outbuilding (5,172 square metres); and the construction of a development in two blocks (Block 1 (eastern block) is part two number storeys to part 15 number storeys over lower ground floor and basement levels with roof plant over and Block 2 (western block) is part nine number storeys to part 11 number storeys over basement with roof plant over) principally comprising 941 number student accommodation bedspaces (871 number standards rooms, 47 number accessible studio rooms and 23 number studios) with associated facilities, which will be utilised for short-term lets during student holiday periods. The 871 number standard rooms are provided in 123 number clusters ranging in size from three number bedspaces to eight number bedspaces, and all clusters are served by a communal living/ kitchen/ dining room. The

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development also provides: ancillary internal and external communal student amenity spaces and support facilities; cultural and community floor space (1,422 square metres internal and 131 square metres external) principally comprising a digital hub and co-working space with ancillary café; a retail unit (250 square metres); public open space; the daylighting of the culverted River Camac through the site; an elevated walkway above the River Camac at ground floor level; a pedestrian bridge link at first floor level between Blocks 1 and 2; vehicular access at the south-western corner; the provision of seven number car-parking spaces, two number motorcycle parking spaces and two number set down areas; bicycle stores at ground and lower ground floor levels; visitor cycle parking spaces; bin stores; substations; hard and soft landscaping; green and blue roofs; new telecommunications infrastructure at roof level of Block 1 including antennas and microwave link dishes, 18 number antennas and six number transmission dishes; together with all associated equipment; boundary treatments; plant; lift overruns; and all associated works above and below ground. The gross floor area of the development is 33,140 square metres comprising circa 30,386 square metres above lower ground and basement level. The application is for a seven-year permission for a large-scale residential development principally comprising student accommodation. Works to upgrade the access road to the west of the site on an area measuring circa 0.081 hectares are also proposed comprising new surfacing to the carriageway, the provision of inbound and outbound bicycle lanes from the development entrance to the Naas Road, the provision of a controlled pedestrian crossing on the access road at the Naas Road junction, and the provision of a further uncontrolled pedestrian and bicycle crossing linking the subject site with the approved Concorde SHD development (An Bord Pleanála Reference.: TA29S.312218) to the west. On the Naas Road, works are proposed on an area measuring circa 0.086 hectares comprising the realignment and widening of the existing pedestrian footpath along the westbound carriageway of the Naas Road and the provision of linkages from the realigned footpath to the development site, and the provision of new controlled pedestrian crossings across the eastbound and westbound

carriages of the Naas Road and the provision of a new uncontrolled crossing of the Luas tracks. The development site area and roadworks areas will provide a total application site area of circa 1.13 hectares, all at Gowan House, Carriglea Business Park, Naas Road, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to:

- (a) the site's location on lands with a zoning objective for: to seek the social, economic and physical development and/or regeneration of an area with mixed use, of which residential would be the predominant use.
- (b) the policies and objectives of the Dublin City Development Plan 2022-2028,
- (c) the nature, scale and design of the proposed development,
- (d) the pattern of existing and permitted development in the area,
- (e) the National Student Accommodation Strategy issued by the Department of Education in July 2017,
- (f) the Guidelines on Residential Development for 3rd Level Students (Section 50 of the Finance Act 1999),

- (g) Circular PL 8/2016, APH 2/2016 issued by the Department of Housing, Planning, Community and Local Government in July 2016,
- (h) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,
- (i) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018,
- (j) the submissions and observations received in relation to the planning application and the appeal, and
- (k) the report of the Planning Inspector

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

The Board decided not to accept the Inspectors recommendation for refusal. The Inspectors report outlined four reasons for refusal, each of which the Board considered:

1. With regard to the land use zoning that applies to this site;

the Board considered the Z14 zoning objective, and the extent of the area identified as SDRA 5 in the development plan. The Board noted the Inspector's interpretation of the zoning limiting the use to primarily residential and that the Inspector did not consider student accommodation as a

residential use that accords with the zoning objective as it is listed as a separate use in the uses permissible in this zone.

The Board noted that the Inspector's assessment aligned with the planning authority's. The Board did not concur with this conclusion for the following reasons.

- The Zoning objective Z14, "To seek the social, economic and physical development and/ or regeneration of the area with mixed use, of which residential would be the predominant use". The zoning requires a mix of uses and the objective is not explicit that residential has to be the predominant use within each site, having regard to the relatively small area of the site compared to the area zoned Z14 and identified as SDRA 5, the scale of residential granted on other lands within this zone, and the permitted in principle uses listed in the Z14 zoning which includes student accommodation. The Board considered Student Accommodation is not contrary to the zoning objective.
- The Board also noted that this site is not identified as a key development site in the SDRA 5 Naas Road guiding principles for the area, set out in Chapter 13 of the development plan. It is not included as a site for the purpose of achieving the estimated capacity of 3,300 units (table 13.1) for this area. The Board therefore did not agree that the proposed uses are contrary to the land use zoning objective.
- The Board also noted that Chapter 15, Section 15.8 Residential Development in the development plan states "New residential development in the city comprises of apartment schemes with some limited residential housing schemes. This section sets out the requirements for residential developments followed by more specific guidance for apartments, Build to Rent, student accommodation and houses." Section 15.13, Standards for other Residential Typologies,

provides the standards for student accommodation. Having regard to the extent of typologies that are described as residential in Chapter 15, notwithstanding the fact that both residential and student accommodation are listed as permissible uses in Z14 zones, the interpretation being given to residential in the zoning objective seems to be narrow, relative to that used to describe typologies of residential referenced in Chapter 15. Having regard to the totality of the Dublin City Development Plan the Board concluded that student accommodation on this site is not contrary to the Development Plan zoning objective Z14.

The Board also noted that this is a Large-Scale Residential application and that in the Planning and Development (Amendment) (Large Scale Residential Development) Act 2021, Section 2 states 'large scale residential development' means a development that includes "the development of student accommodation that includes 200 or more bed spaces".

2. With regard to compliance with the requirements of Policy QHSN45 - Third Level Student Accommodation of the Dublin City Development Plan 2022-2028 in terms of availability of services to meet the needs of future occupants/ students;

the need for student accommodation is set out in Chapter 5 of the development plan – Provision of Student Accommodation. The plan references the benefits to the wider community of having managed student accommodation. The plan requires a balance between not having an over concentration of student accommodation and student accommodation being appropriately located. In addition, it requires supporting documentation showing how the scheme will be professionally managed.

Policy QHSN45 requires student accommodation to be located either on campus or adjacent to high-quality public transport corridors and cycle routes – the proposed site is not on campus but is adjacent to high quality public transport corridors with the Luas line and bus service adjacent to the site. The Dublin City Council Development Plan 2022-2028, Chapter 13 includes the guiding principles plan for the SDRA 5, Fig 13-8 identifies the Naas Road Guiding Principles. Figure 13-8 identifies a public transport hub adjacent to this site.

The Board concurs with Dublin City Council that the site is not located adjacent to a high-quality cycle route, but, as described by the applicant, there is access to cycle routes which is the requirement of the Plan.

Dublin City Development Plan, Section 15.13.1 'Student Accommodation' outlines that the assessment of applications for purpose built student accommodation the planning authority will have regard to certain factors. One of these factors ensures that the development location is appropriate in terms of access to university and college facilities by walking, cycling or public transport.

On balance the Board concluded, having regard to the site's location adjacent to a high frequency public transport corridor in an SDRA, the policies and objectives in the Plan and the submission of the applicant the proposed development complies with the development plan.

The Inspector states the site is not currently served by suitable shops, amenities, or residential services. The Board considered the assessment of access to services, particularly convenience retail outlets, submitted by the applicant and concurred these will serve the future residents. The applicant also proposes an array of services and amenities to cater for residents on site. This in addition to the fact that this is an area in transition that is likely to attract further retail as the area develops and there is capacity for this to occur as identified in the SDRA 5 Guiding Principles on other lands within the SDRA

and close to this site. The Board concluded that the future occupants would have access to adequate services to meet residents needs and that the array of services available is likely to improve having regard to the transitional nature of the area.

The planning authority and the Inspector considered the proposed development did not align with the concept of a 15-minute city; the Board did not concur. With retail outlets available within a 15-minute radius, the Luas stop being approximately 150 metres from the site and the fact that the area is in transition its development being guided by principles that will further enhance the range of services available, the Board concluded the proposed development accords with policies and development standards in Dublin City Development Plan 2022-2028.

3. With regard to the height and mass of Block 1, the Board noted that the Inspector considered only the drawings submitted at application stage but not those received at appeal stage. The Board considered it appropriate to consider both.

The Board concurred with both the planning authority and the Inspector that the scheme, as proposed, was more akin to a landmark building and that this is not in accordance with the development plan, specifically figure 13.8 that identifies sites for landmark buildings within SDRA 5 Naas Road.

The Board considered the revised design, Option B, having regard to the Chapter 13 and the details regarding building height in SDRA 5 specifically, and Appendix 3 of the Dublin City Development Plan 2022-2028.

Height, density, and scale are the parameters used in the Plan to assess proposals. The Board noted that the plot ratio at three accorded with the plot ratio range provided for in SDRA's, and that the site coverage accorded with the requirements of the plan. The revised design has had regard to the context and the emerging building height that has been permitted on sites to

the south and the west. Block 1 has been reduced in height so as not to compete with what are identified as landmark sites in Fig 13.8 of the plan and the amended design that reduces the bulk, scale, and prominence of the building in the street scape by stepping the height. Policy SC16 of the development plan recognises SDRA's as having the potential to accommodate greater height. The Guiding Principles for SDRA 5 identified a location for a Landmark building up to 17 stories and locations for locally higher buildings of up to 15 stories, none of which are on the site the subject of this application. The building proposed at appeal stage, Option B, is 13 stories onto the Naas Road, a reduction of two floors with the block reduced by a further two stories (total reduction four stories) immediately behind the 13-storey element. These amendments ensure the design of the building does not undermine the status of the identified Landmark Buildings within the Strategic Development and Regeneration Area for the Naas Road.

The Board also assessed the proposal having regard to the objectives listed in Table 3 of Appendix 3, as it relates to the assessment of proposed developments with regard to Enhanced Height, Density and Scale.

Objective 1: To promote development with a sense of place and Character.

The Board Considered that:

- (i) This area is in transition, this is a brownfield site. The scheme sits within the context of the emerging built environment.
- (ii) The opening up of the river and the connections through from the Naas Road to the development behind creates a unique sense of place.
- (iii) The site is located at what is identified as a public transport hub in SDRA 5.

- (iv) The building is designed stepping the height and frontage of the blocks with the proposed finishes varied such that the building mass is broken down and is not monolithic.
- (v) The amended design provides an appropriate transition to adjoining sites.

Objective 2: To provide appropriate legibility.

The Board Considered that:

- (i) This is not a landmark site and the scaled down design addresses this.
- (ii) The width of the Naas Road benefits from a sense of enclosure provided by the proposed scheme.

Objective 3: To provide appropriate continuity and enclosure of streets and spaces.

The Board considered that the proposed design enhances the street scape, with the offset of the blocks providing for a civic space at street level. The blocks when viewed in the context of the adjoining permitted development do not dominate the street scape but neither do they result in a monolithic form. The road with four lanes of traffic and a Luas line is not overwhelmed by the design.

Objective 4: To provide well connected, high quality and active public and communal spaces.

The Board considered that the requirement for the applicant to open the culverted river Camac, is a significant requirement particularly having regard to the site's context. The river cannot be opened as it enters the

site as this is the Road, and the site to the rear is being developed without the restoration of the river.

The restoration of the river accords with development plan policy and has benefits to water quality and enhancing the area. Due to the limited area being restored the applicant has used bridges and platforms to create connectivity along this corridor and to the site behind. These open spaces are unique due to the nature of the site and enhances the sense of place.

Objective 5: To provide high quality, attractive and useable private spaces.

The Board Considered that this is student accommodation, the spaces provided are appropriate for this use.

Objective 6: To promote mix of use and diversity of activities.

The Board considered that the scheme includes 1,268 square metres of community and cultural space as well as 899 student rooms – this will add to the mix of uses within the area of lands zoned Z14.

Objective 7: To ensure high quality and environmentally sustainable buildings.

The Board considered that the revised daylight and sunlight assessment report that accompanies the appeal set out clearly the impacts the proposed development will have on adjoining property. The Board acknowledges that the scheme will have a negative impact but on balance the Board concurred with the applicant that having regard to the location of the site in a regeneration area, the benefit of opening of the river, the provision of amenities available to the wider community on site this is acceptable.

Objective 8: To secure sustainable density, intensity at locations of high accessibility.

The Board considered that the site is located within 150 metres of a Luas Stop and is connected to local services. The Board also considered that the plot ratio of 3 accords with the development plan standards for SDRA's.

Objective 9: To protect historic environments from insensitive development.

The Board considered that the proposed development will not impact on an ACA, or protected structure or an historic setting.

Objective 10: To ensure appropriate management and maintenance.

The Board considers that the Applicant provides details of central management.

The Board considered that the proposed development accorded with the development plan's building height strategy, and that the proposed building made a positive contribution to its setting.

4. With regard to negative impact on the residential amenity of adjoining properties.

The Board considered that the revised daylight and sunlight assessment report, submitted with the appeal, sets out clearly the impacts the proposed development will have on adjoining property. The Board acknowledges that the scheme will have negative impacts but on balance the Board concurred with the applicant that having regard to the location of the site in a regeneration area, the benefit of day lighting the river and the provision of amenities available to the wider community on site the scheme is acceptable.

The Board concurred with the Inspectors assessment of infrastructure and flood risk and the conclusion that the de culverting of the River Camac is acceptable and in accordance with the provisions of the development plan.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European Sites and the hydrological pathway considerations, the submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and concluded that, by itself or in combination with other developments, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an Environmental Impact Assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (c) the existing use on the site and pattern of development in surrounding area,
- (d) the availability of mains water and wastewater services to serve the proposed development,
- (e) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003), and
- (f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended;

the Board considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

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 quantum and density of development in this zoned and serviced brownfield location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would not detrimentally impact on the built heritage of the area, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants of the student accommodation, and would be capable of being adequately served by wastewater and water supply networks.

The Board recognised how the proposed development contributes to a mix of uses in this zone, and the high standard of design creates an attractive place, unique to its setting, which will enliven the area without dominating the streetscape, and regenerate a brown field site in an SDRA to a high standard. The proposed development addresses the need for provision of more student accommodation, with public transport links easily accessible from the site, as identified in the application. The Board considered that the proposed development would be compliant with the provisions of the Dublin City Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars received by An Bord Pleanála on the 23rd day of February 2024, including option B as referenced in the appeal documentation, 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, or as otherwise stipulated by conditions hereunder, 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. The proposed development shall be used for student accommodation or accommodation related to a Higher Education Institute.

The proposed development shall not be used at any time for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel, tourist accommodation or similar use without a prior grant of planning permission.

Reason: In accordance with the details submitted with the planning application including the outline Delivery Service Management Plan and the Accommodation Management Plan.

3. The proposed development shall be implemented as follows:
 - (a) The student accommodation and complex shall be operated and managed in accordance with the measures indicated in the Student Accommodation Management Plan submitted with the planning application.
 - (b) Student units/apartments shall not be amalgamated or combined.
 - (c) The Cultural/Community floor space, the student amenity spaces and public open space areas shall be completed and available for

use prior to the occupation of the student accommodation, unless otherwise agreed in writing with the planning authority.

- (d) Prior to the occupation of the building, the applicants shall submit to, for the written agreement of, the planning authority the details of how it is proposed to implement the recommendations in the Cultural and Community Infrastructure Assessment submitted with the application and the timeframe for same.

Reason: In the interest of the amenities of occupiers of the units and surrounding properties.

4. Prior to commencement of development, details of cycle parking and associated storage for cycling equipment shall be agreed in writing with the planning authority. The proposed cycle facilities shall be amended to provide for, a minimum aisle width of 2.5 metres and minimum floor to ceiling height of 2.7 metres in the cycle store, as per section 6.5.4 of the Cycling Design Manual 2023 or alternatively specification of stands should be provided to show that this is not required.

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

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Prior to the commencement of development:

- (a) Regarding areas proposed for taking in charge. The developer shall consult with the Roads Maintenance Division of the planning authority regarding the design and materials proposed for these roads, junctions, car parking areas, footpaths and hard landscaping areas. The details submitted shall include raised tables, shared surface areas and public lighting. After consulting with the Roads Maintenance Division drawing showing the areas proposed to be taken in charge shall be submitted to the planning authority for written agreement.
- (b) Regarding works in the public domain. The details and layout of the proposed works within the public domain should be agreed in writing with the planning authority, after consulting with the National Transport Authority and Transport Infrastructure Ireland.
- (c) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority. Boundaries and open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted with the planning application, unless otherwise agreed in writing with the planning authority, unless amended by Condition.
- (d) Public access through the site as shown in Landscape Report dated Oct 2023 submitted with the application and drawing reference 22-579-SDA-PD-DR-XX-302 (accessible open space) dated 9th October 2023 shall be available 24 hours a day seven days a week unless otherwise agreed in writing with the planning authority.

Reason: In the interest of orderly development and to ensure the development integrates with the wider setting.

7. No construction or site preparation work may be carried out on the site until all archaeological requirements of the planning authority are complied with.
- (a) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, for example boreholes and engineering test pits, carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues.
- (i) The archaeological and historical background of the site, to include industrial heritage.
 - (ii) A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, or other relevant elements.
 - (iii) The nature, extent and location of archaeological material on site by way of archaeological testing and/or monitoring of the removal of overburden.
 - (iv) The impact of the proposed development on such archaeological material.
- (b) The archaeologist shall submit to, for written agreement, the planning authority, their Method Statement prior to commencement of development.
- (c) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all elements including foundation structures, ground beams, floor slabs, trenches for services and drains. The assessment shall be prepared on the basis of a

comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only.

The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.

- (d) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the planning authority in advance regarding the procedure to be adopted in the assessment.
- (e) One hard copy and one digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the planning authority. The planning authority, in consultation with the City Archaeologist and the National Monuments Service, Department of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.
- (f) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.
- (g) The developer shall make provision for archaeological excavation in the project budget and timetable.

- (h) Should archaeological excavation occur the following shall be submitted to the planning authority:
- (i) A biweekly report on the archaeological excavation during the excavation and post excavation period.
 - (ii) A preliminary report on the archaeological excavation not later than four weeks after the completion of the excavation.
 - (iii) A final report on the archaeological excavations not later than twelve months after the completion of the excavation
- (i) Before any site works commence the developer shall agree the foundation layout with the planning authority.
- (j) Following submission of the final report to the planning authority, where archaeological material is shown to be present the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council), and lodged with the Dublin City Library and Archive.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

8. The car and motorcycle parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the proposed development, a Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority. This plan shall provide for the permanent retention of the designated parking spaces and shall indicate how these and other spaces within the development shall be

assigned, segregated by use, and how the parking shall be continually managed.

Reason: To ensure that parking facilities are permanently available to serve the proposed development.

9. The recommended measures as detailed in the Road Safety Audit should be implemented and drawings updated. A Stage 2 Road Safety Audit should be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Prior to the occupation of the building, or as otherwise agreed with the planning authority, a Road Safety Audit 3 and a Road Safety Audit 4 shall be completed and the finding of these audits with any measures to be implemented submitted to the planning authority for written agreement.

Reason: In the interest of road safety.

10. Electric charging facilities shall be provided for bicycle parking within the scheme. Plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable travel and residential amenity.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.

Reason: To protect the amenities of property in the vicinity and the visual amenities of the area.

12. Proposals for naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names.

13. 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 interest of visual and residential amenity.

14. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

15. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the

planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority, for written agreement, a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development, a Stage 3 Completion Stormwater Audit, to demonstrate that Sustainable Urban Drainage System measures have been installed and are working, as designed, and that there have been no misconnections or damage to storm water drainage infrastructure during construction works, shall be submitted, for written agreement, to the planning authority.

Reason: In the interest of public health and surface water management.

16. (a) Noise Control – Operational

- (i) The LAeq level measured over 15 minutes (daytime) or five minutes (night-time) at a noise sensitive premises when plant associated with the development is operating, shall not exceed the LA90 (15 minutes day or five minutes night), by five decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.
- (ii) There shall be no speakers located externally or in such a way that music played on the premises is audible outside the premises.

(b) Air Quality Control – Operational

- (i) A scheme shall be in place for the effective control of fumes and odours from the proposed café. The scheme shall be implemented before the use commences and thereafter permanently maintained.

- (ii) A suitably qualified and experienced person should undertake the design and installation of the ventilation system serving the proposed café.

Reason: In the interest of public health and the amenity of residents.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

18. A plan containing details for the management of waste within the proposed 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.

19. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction

and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

20. The construction of the proposed 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 all intended construction practice for the proposed development, including the off-site disposal of construction/demolition waste..


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

21. 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 planning authority of roads, footpaths, watermains, drains and other services required in connection with the development, coupled with an agreement empowering the planning 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.

22. 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.



Mary Henchy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 13th day of June 2024.