

# An Bord Pleanála



## Inspector's Report

<b><u>Appeal Reference No :</u></b>	<b>PL29S.246073</b>
<b><u>Development :</u></b>	<b>Permission for the Subdivision of existing 2-storey Commercial Unit into 3no. separate units – 2no. Commercial Retail Units and 1no. Apartment, with all associated site works</b>
<b><u>Location :</u></b>	<b>61 Cork Street, Dublin 8</b>
<b><u>Planning Application :</u></b>	
<b>Planning Authority :</b>	<b>Dublin City Co.</b>
<b>Planning Authority Reg.Ref.No. :</b>	<b>3883/15</b>
<b>Applicant :</b>	<b>Ali Khalil</b>
<b>Planning Authority Decision :</b>	<b>Granted, with Conditions</b>
<b><u>Planning Appeal :</u></b>	
<b>Appellant(s) :</b>	<b>61 Rock Street Management Ltd.</b>
<b>Type of Appeal :</b>	<b>3<sup>rd</sup> Party</b>
<b>Observers :</b>	<b>None</b>
<b><u>Date of Site Inspection :</u></b>	<b>01<sup>st</sup> April 2016</b>
<b><u>Inspector :</u></b>	<b>Leslie Howard</b>

## 1. **SITE LOCATION AND DESCRIPTION :**

The stated 93m<sup>2</sup> application site is located on the south side of Cork Street, Dublin City, within a recently constructed 7-storey mixed use building, approved under **Reg.Ref.No.3207/04**. Specifically, the application site unit comprises an existing ground floor retail unit with a mezzanine level. Located to the side of the central entrance to the apartments, the unit is setback (indented) from the public footpath (ie. approx. 1.5m along the entire frontage of approx. 10.6m). The unit appears as unoccupied to date. The internal ground floor area of the commercial unit is stated as approx. 70m<sup>2</sup>. An internal stairwell connects the ground floor to the mezzanine level above. Further entrance exists off the internal 1<sup>st</sup> floor central corridor serving the other apartments.

Adjacent, and to the southwest of the application site is Vintage Court, a former Dublin Corporation housing estate. Vintage Court comprises generally 3-storey, red brick houses, facing onto Cork Street behind a tall railing and dwarf wall boundary.

Cork Street passed No.61 is well trafficked. On-street parking and service delivery space is restricted along both sides of Cork Street.

## 2. **PROPOSED DEVELOPMENT :**

The sub-division of an existing two storey commercial unit into three separate units, comprises 2no. elements –

- subdivision of the ground floor into 2no. retail units. Unit No.1 (50m<sup>2</sup>) is understood intended as a clothes shop / grocer shop. Unit No. 2 (19m<sup>2</sup>) is understood intended as a video shop / photographer. An additional door is to be inserted in the shopfront enabling individual, access into each retail unit. Each retail unit is proposed with its own, separate signage and shopfront treatment. The floor to ceiling height for each retail unit is 2.7m; and
- construction of a floor in place of the void over the ground floor, enabling creation of a 1-bedroom apartment with a stated floor area of approx. 70m<sup>2</sup>. It is proposed to construct a balcony on the front façade onto Cork Street. The finished floor to ceiling height is 2.45m. Access is proposed from the 1<sup>st</sup> floor central corridor. The existing designated car parking space located in the Basement is intended as the car parking for the residential unit.

In addition, the development includes associated internal material alterations and external material alterations to front elevation of shop front and associated

signage including all associated site development works and service connections.

### 3. **PLANNING HISTORY :**

**Reg.Ref.No.: 2758/15** Permission 'refused' for development including the subdivision of the existing 2-storey commercial unit, with the material change of use at ground floor to takeaway use, and at 1<sup>st</sup> floor to a 1-bedroom apartment, for 2no. stated 'refusal reasons', as follows –

1. the resultant development “would be substandard with regard to the minimum requirements for floor to ceiling heights ... for residential development and for ground floor commercial development respectively”;
2. the proposed 'takeaway' use “would be seriously injurious to the residential amenity of existing residents”;

**Reg.Ref.No.: 3207/04** 'Parental' permission granted (29/07/2004) for development consisting of the demolition of existing warehouse and construction of a 7-storey mixed use development, subject to 21no. Conditions.

### 4. **PLANNING AUTHORITY DECISION**

#### (1) **Planning Authority Decision :**

**GRANT PERMISSION** for the proposed development, subject to 10no. stated Conditions. In the context of the 3<sup>rd</sup> Party Appeal, the most noteworthy are considered as :

- C.3 :** The development restricted to 1no. retail unit only, at ground level (ie. no subdivision). The exact use of the unit for the written agreement of the Planning Authority. The approved use shall be for the purposes of this grant of planning permission;
- C. 4 :** The balcony to the residential unit shall match the size (length, width, height) of the existing balconies above;
- C.6a :** Permanent allocation of 1no. car parking space to the apartment / residential unit;

#### (2) **Planning Reports :**

The Planning Officer's report dated 16/12/2015, recommends a grant of planning permission, generally consistent with that set out in the

Manager's Order above. This recommendation was made having regard to :

**Planning Assessment of Key Issues :**

(a) **Zoning Objective Z4 :**

- (i) Confirm relevant Zoning Objective Z4 – ‘District Centres’, which seeks “To provide for and improve mixed-services facilities”;
- (ii) Emphasise the encouragement of active uses at ground floor level;
- (iii) Getting the activity onto the street would achieve the Z4 Objective;

(b) **Commercial Units :**

- (i) Consider the existing unit is too small to subdivide;
- (ii) Consider the proliferation of signage associated with creating 2no. units, as being visually intrusive;
- (iii) Conclude a Condition to be imposed, retaining one shop unit;

(c) **Apartment / Residential Unit :**

- (i) The proposed 70m<sup>2</sup> floor area satisfactorily exceeds the 55m<sup>2</sup> for 1-bed apartments;
- (ii) The north-east facing, single aspect apartment, has a floor to ceiling height of 2.45m
- (iii) Size, scale and proportion of the apartment considered as Sub-Standard, creating precedent for similar developments;
- (iv) The inclusion of a balcony considered as a security risk, being only 3m above the pavement;
- (v) However, consider that the proposal must be considered in the context “of this building only, where the apartments above have the same floor to ceiling heights and the same aspect”;
- (vi) In regard to the proposed balcony, conclude that “it should match the size (length, width and height) of the existing balconies above”;

(d) **Conclusion :**

Having regard to the fact that the proposed development

- is situated within an existing building; and
- is a conversion;

consider that subject to Conditions, the proposed development is acceptable and in accordance with the proper planning and sustainable development of the area;

(e) **Recommendation :**  
That planning permission be granted, subject to Conditions, consistent with the Managers Order above;

(3) **Departmental Technical Reports :**  
**Roads and Traffic Planning Division :** No objection subject to Conditions  
**Engineering Dept. – Drainage Div. :** No objection subject to Conditions

(4) **Prescribed / Statutory Bodies :**  
No comments apparent.

(5) **3<sup>rd</sup> Party Objections / Submissions:**  
Two 3<sup>rd</sup> party objections received.

**5. 3<sup>rd</sup> PARTY GROUNDS OF APPEAL – 61 Rock Street Management Ltd. (c/o Brock McClure Planning and Development Consultants – 21/01/2016) :**

(1) **Grounds of Appeal :**

(a) **Failure to Overcome Reason for Refusal – 2758/15 :**

- (i) The proposed 1<sup>st</sup> floor apartment displays no material differences from that refused planning permission under **Reg.Ref.No.2758/15.**
- (ii) Reference the Planning Officer assessment that –
  - the proposed apartment contravenes several Dublin City Development Plan 20011 policies regarding residential accommodation.
  - the creation of a poor quality apartment unit would set a precedent for similar subdivisions in the vicinity.
- (iii) Trust that the Board will give weighted consideration to the Planning Authority's previously established opinion on this issue, and refuse permission for substandard development that has not changed materially from that previously refused permission; and
- (iv) The Planning Authority have provided no justification as to why the current application for a single apartment unit is now acceptable.

- (b) **Residential Unit Contravenes City Development Plan :**
- (i) The proposed apartment would result in substandard living accommodation for future occupants.
  - (ii) Whilst the City Development Plan 2011 encourages infill development and increased urban density, these objectives must not be achieved at the expense of the residential amenity of existing and future residents.
  - (iii) Relaxation of Development Plan Standards is only acceptable, where a unit of exceptional quality is being provided.
  - (iv) The proposed apartment does not warrant any relaxation in residential standards.
- (c) **Inadequate Floor to Ceiling Height :**
- (i) The proposed 2.45m floor to ceiling height, is notably below the minimum Development Requirement of 2.7m.
  - (ii) whilst noting existing residential units in the block have similar proportions, emphasise importance of new residential units being assessed against current Standards, which have evolved in the best interests of future occupants.
- (d) **Poor Single Aspect :**
- (i) The proposed apartment is single aspect and NW facing.
  - (ii) Single aspect units should be either South or West facing.
  - (iii) The Plan prohibits fully North or East facing single aspect apartments, particularly when not facing onto a major amenity area.
  - (iv) The DoEC&LG Guidelines “Design Standards for New Apartments” advocate that a NW facing unit is unacceptable and should be refused planning permission;
- (e) **Unsafe Balcony :**
- (i) the proposed balcony is located only 3m above street level.
  - (ii) this 3m proximity results in –
    - an unacceptable security risk for future occupants.
    - renders delivery of a balcony at this level unviable.
  - (iii) the proximity of the proposed balcony to the public realm raises serious concerns -
    - with regard to privacy and security.
    - would set an undesirable precedent.

(2) **Conclusion :**

- (a) Request An Bord Pleanála have regard to the following :
- (i) that the proposed ground floor retail uses are welcomed.
  - (ii) the proposed residential unit / apartment –
    - is substandard.
    - would give rise to a poor level of amenity for future occupants.
    - would set an unacceptable precedent in terms of design and residential amenity.
  - (iii) that the applicant has failed to overcome the refusal reasons stated under **Reg.Ref.No.: 2758/15**.
- (b) For the reasons argued in the appeal, request that the Board refuse permission for the residential element of the proposed development.

**6. RESPONSES TO THE 3<sup>rd</sup> PARTY GROUNDS OF APPEAL :**

(1) **Planning Authority Response – 26/01/2016 :**

The Planning Authority respond as follows :- “The observations of the Dublin Planning Officer on the grounds of appeal have been sought and these will be forwarded to you as quickly as possible”.

(2) **Applicants Response (01/02/2016) :**

(a) **Floor to Ceiling Height :**

- (i) The existing unit has a 2.45m floor to ceiling height.
- (ii) Para.17.9.1 – ‘Residential Quality Standards’ A1.5 – ‘Ceiling Heights’, requires a minimum floor to ceiling height of 2.7m, to be applied to proposed new apartments.
- (iii) However, the existing 28no. units in the block have similar 2.45m heights, approved under the parent 2006 Permission.
- (iv) At the time of the 2006 Parent Permission, “there was no requirement for the provision of 2.7m floor to ceiling heights”.
- (v) Request the Board consider this consistent 2.45m height in its own deliberations’.

(b) **Aspect :**

- (i) Confirm apartment as single aspect and northwest facing.
- (ii) Whilst not technically prohibited, this is not ideal.
- (iii) However, consider it acceptable from a design point of view –

- noting proposed 1no. bedroom size.
  - location within a large scale apartment block, with a mix of different unit sizes.
- (iv) The proposed apartment is part of an existing block –
- 4no. units exist directly above.
  - each have “very similar 1 bed”.
  - each have “single aspect and north-west facing”.
- (c) **Balcony :**
- (i) Situated over 3m high off ground level, the proposed balcony is almost impossible for access.
- (ii) Security for the proposed apartment and the entire block will be improved via the CCTV camera and monitor alarm system, to be installed and attached to the front shop.
- (iii) Balcony heights to the next apartment block along the street, are similar to that proposed.
- (d) **Dublin City Development Plan 2005-2011 Compliance :**
- (i) Compliance with requirements’ has been achieved “fully”.
- (ii) Reference this compliance confirmed by the City Council planner.
- (e) The proposed 1-bed apartment is in compliance with –
- DoEH&LG – “Residential Density Guidelines for Planning Authorities – 1999”.
  - DoEC&LG – “Sustainable Urban Housing : Design Standards for New Apartments Guidelines for Planning Authorities – 2015”.
- (f) Request An Bord Pleanála Grant Permission.

## 7. POLICY CONTEXT :

### Dublin City Dev. Plan (2011 – 2017):

#### 15.10 Primary Land-Use Zoning Categories:

The application site is designated with the Land-Use Zoning Objective ‘Z4’ – ‘District Centres’ – “To provide for and improve mixed-services facilities”.

The General Objective incl. – “... new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted, to maintain their vitality throughout the day and evening. In this regard, opportunity should be taken to use the levels above ground level for additional commercial / retail / services or residential use with appropriate social facilities ...” (pg.195).

‘Z4’ Permissible Uses – Residential, Shop (District) & Shop (Neighbourhood).



## 17.9 Standards for Residential Accommodation :

### 17.9.1 Residential Quality Standards :

A1 The Unit – All Residential Development :

2. Aspect, Natural Lighting, Ventilation and Sunlight Penetration :

“North or East facing single aspect apartments will not be permitted”

A2 The Unit – Apartments only (in addition to A1 Standards);

2. Private and Communal Open Space :

Balconies should :-

- be “functional, screened, have a sunny aspect, and allow all occupants to sit outside”; and
- “face predominantly South or West”

The application site is located within the area of the Liberties Local Area Plan. No specific objectives are apparent for the site. However, several objectives relate to improvements to the public realm along Cork Street.

The DoEC&LG Guidelines for Planning Authorities – “**Sustainable Urban Housing : Design Standards for New Apartments**” (December 2015) are also relevant.

## 8. ASSESSMENT :

(1) I have examined the file and available planning history, considered the prevailing local and national policies, physically inspected the site and assessed the proposal and all of the submissions. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application.

I believe that the relevant planning issues relate to :

- (a) Principle and location of the proposed development.
- (b) Single Apartment Unit - Residential Amenity Impact.
- (c) Sub division of retail Unit.
- (d) Visual Impact / Streetscape – Cork Street.
- (e) ‘Appropriate Assessment’.

(2) **Principle and location of the proposed development :**

I believe the planning ‘principle’ of mixed use retail and residential development at No.61 Cork Street has been reasonably established. Clearly zoned “Z4 – ‘District Centres’ – To provide for and improve mixed-services facilities”, the applicable zoning matrix designates

'shop' and 'residential' land use as being 'permissible' within the zone Z4 (see para.7 above, together with the copy of the relevant section of the 'Zoning Objectives Map' attached). I do not believe that any of the PA or 3<sup>rd</sup> Party Appellant interests contest this. However, in terms of the applicable Z4 zoning objective, the primary consideration is to, whilst enabling mixed use development, ensure that new development enhances the attractiveness and safety of District Centres for pedestrians, and that a diversity of uses be promoted, thereby maintaining their vitality throughout the day and evening. I note that the proposed development maintains the active retail use at ground floor level in accordance with this objective.

(3) **Single Apartment Unit - Residential Amenity :**

In as much as I understand amenity values as referring to those natural or physical qualities and architectural characteristics of the Cork Street area, that contribute to residents and visitors appreciation of its pleasantness, liveability and its functional and aesthetic coherence, I believe that the proposed new 1<sup>st</sup> floor level, single, 1-bedroom apartment at No.61, will have no serious, or disproportionate negative impact on this prevailing contextual residential amenity.

However, on review of the specific perceived negative amenity impacts possible, consequent of the proposed single, 1-bedroom apartment itself, for future occupants specifically, I believe consideration is essential in respect of the following :

Privacy or a freedom from observation is a basic qualitative aspect of residential design, which is given weighted reference at Sect.17.9.1 – "Residential Quality Standards – A1 and A2" of the Dublin City Dev. Plan 2011, as well as in the DoEC&LG Guidelines for Planning Authorities – "Sustainable Urban Housing : Design Standards for New Apartments" (December 2015). I note the apartment is proposed with only 3no. windows and an exterior door onto the balcony, all located in the generally north-facing elevation, and overlooking Cork Street. Certainly, with no windows proposed in the west-elevation, no overlooking of the adjacent Vintage Court residential precinct is possible. Intervisibility between the proposed new apartment and the other apartments' comprising the No.61 block, as well as Comeron Court further east, is also clearly not possible. Accordingly, I conclude no undue or disproportionate overlooking and consequent loss of

privacy to future occupants of the proposed apartment, as well as contextual residents will result.

Both the Dublin City Dev. Plan 2011, as well as in the DoEC&LG Guidelines for Planning Authorities – “Sustainable Urban Housing : Design Standards for New Apartments” (December 2015), emphasise the need for proper internal space planning which ensures adequate standards in relation to overall apartment and individual room sizes. Sect.17.9.1 – “Residential Quality Standards – A1” of the Dublin City Dev. Plan 2011, requires a minimum floor for a 1-bedroom unit of 55m<sup>2</sup>. Clearly, the proposed 70m<sup>2</sup> floor area exceeds the 55m<sup>2</sup> minimum standard.

In my view, the applicant’s compliance (by 15m<sup>2</sup>) with the 55m<sup>2</sup> minimum floor area standard, is undermined by the single, generally north facing aspect and outlook of the proposed apartment unit. In itself, I believe this aspect and associated outlook to be substandard. Combined with the apartment’s lower 1<sup>st</sup> floor level location within a 7-storey block, adequate direct natural lighting is not possible, to the detriment of the residential amenity of future occupants. In this regard, paragraph “A1 – The Unit 2. Aspect” of the Dublin City Development Plan 2011, emphasises that “North ... facing single aspect apartments will not be permitted”.

Paragraph A2 – The Unit: Apartments Only 5. Ceiling Heights of the Dublin City Development Plan 2011, requires a minimum floor to ceiling height of 2.7m measured from the finished floor level to finished ceiling level. Further, emphasis is given to maximising “daylight penetration”. The proposed generally north-facing, single aspect apartment, has a floor level to ceiling height of 2.45m, significantly short of the 2.7m Standard. Together with the single north aspect and 1<sup>st</sup> floor level location, this would in my view, result in a substandard level of daylight penetration.

Private open space amenity is proposed by way of a 16m<sup>2</sup> balcony, attached to the front northfacing elevation, and which generously exceeds to 6m<sup>2</sup> minimum standard set out for a 1-bedroom apartment. However, paragraph “A2 – The Unit: Apartments Only 2. Private Open Space” of the Dublin City Dev. Plan 2011, requires that balconies “have a sunny aspect ... and face predominantly south or west”. Positioned directly off the proposed living room, whilst the proposed balcony will

certainly extend the quantity of the apartments' liveable area, no direct sunlight is possible. Notwithstanding the argued 3m separation between the ground, Cork Street level and the proposed balcony, I am inclined to the view that a balcony, even of generous area, is of no quality amenity use to potential future occupants, if the balcony was to be in shade. In my view any floor area gain, enabled by the proposed balcony is undermined by the poor, substandard amenity which will result.

These flaws are in my view, symptomatic of overdevelopment of the site and will, cumulatively, result in a substandard level of residential amenity for future occupants, contrary to the proper planning and sustainable development of the area. Accordingly, I conclude that the proposed 1<sup>st</sup> floor level, 1-bedroom apartment with balcony to the front façade, be refused planning permission. I recommend to the Board accordingly.

(4) **Subdivision of Retail Unit :**

Whereas the zoning objective "Z4" clearly enables both Shop (District) & Shop (Neighbourhood) as being 'permissible' land uses within the zone, I note that nowhere within the Dublin City Development Plan 2011 is there any prescription clearly apparent of a minimum floor area for a retail unit / shop. Neither is such a prescription clearly apparent in the DoECLG's "Guidelines for Planning Authorities: Retail Planning", April 2012. I therefore note with curiosity the conviction expressed by the Planning Authority that "The unit is considered too small to subdivide .....", particularly noting its urban District Centre location, and the fact that the existing single retail unit has been unoccupied since completion of the 'parent' 7-storey mixed use development granted planning permission under **Reg.Ref.No.: 3207/04**. Rather, I am inclined to understand that to date, the market may have had regard to the size, scale and layout of the existing retail unit as not viable. In my view, a reasonable argument is possible that the considered, specific proposal for subdivision of the existing unit, into 2no. smaller retail units, would be a planning gain for Cork Street, improving both vitality and viability, compared to the sustained vacancy of the existing single unit, which to date must be regarded as both a negative visual and functional externality along Cork Street. I make this assertion, particularly having regard to the site's location within the District Centre – Z4 zone, where active uses are encouraged at ground floor level, and fronting directly onto Cork Street, designated as "Market Streets and

Radial Routes”, at Appendix 4 – “Retail Strategy”, Section 8.5 - “Market Streets and Radial Routes” of the Dublin City Development Plan 2011.

Having regard to the discussion above, concluding that as proposed, the single apartment unit would represent a substandard form of residential development, having an adverse fatally flawed impact on residential amenity, I believe it would be reasonable to enable the subdivision of the entire existing retail unit into 2no. separate smaller units by way of supplementary Condition to any grant of planning permission made. Such a Condition should comprise submission of revised drawings showing layout and dimensions of each retail unit, separate individual access off Cork Street sidewalk, shop storage capacity, individual / shared toilets and individual / shared accessibility to the mezzanine level. Shop front design and associated signage would also be confirmed by way of appropriate Condition. Such an approach, omitting the single apartment unit proposed, would also ensure retention of the existing acceptable ground floor to ceiling height characterising the existing retail unit.

Subject to compliance with the supplementary Conditions discussed, I conclude the proposed subdivision of the existing single retail unit into 2no. smaller units, would be in accordance with the proper planning and sustainable development of the area. I recommend accordingly.

(5) **Visual Impact / Streetscape – Cork Street :**

The sense of place of the Cork Street neighbourhood is clearly influenced by the architectural style, design, and general finishing with respect to materials and colouring of the existing 7-storey mixed use / apartment block, all set in a local topographical and environmental context. All parties to the current case, in my view, understandably aspire to preserve this amenity. I have taken note of the established, contextual scale and pattern of mixed-use development along Cork Street generally, and proximate to No.61 specifically. What is certain in my view, and weighting reference to my own observations made at the time of physical inspection, is that at present, the application site presents as a negative visual externality onto the Cork Street streetscape, being unoccupied and shuttered up since completion of the original development.

Further to the discussion at 8(3) above, I note also with curiosity, the Planning Authority’s expressed conviction that “the proliferation of

signage associated with creating 2no. units is considered visually intrusive". Unfortunately, this conviction is not clearly substantiated. I do not share this conviction. Rather, I am satisfied that this issue can be dealt with by Condition, thereby ensuring compliance with relevant Dublin City Development Plan 2011 requirements.

Further, as discussed above, omission of the proposed single apartment unit from the proposed development, including the proposed balcony, would eliminate the threat of potential negative impact from this element entirely. Certainly, noting that no apartment units exist at this level at No. 61 Cork Street at present, omission of this element ensures the streetscape is no worse in this regard, than it is at present.

Accordingly, I am inclined to the conclusion of the resultant change in the prevailing Cork Street streetscape, consequent of supplementation with the proposed subdivision of the existing single retail unit into 2no. units, as minor, and subject to compliance with the relevant Conditions attached below, including the requirements for the implementation of these Conditions to be agreed in writing with the Planning Authority, would not be overbearing on the common scale and uniformity of the immediate adjacent residents, and the neighbourhood in context, with no obvious disproportionate negative impact on No.61 specifically. I believe that subject to compliance with the Conditions below, the proposed development would be in accordance with the proper planning and sustainable development of the area. I recommend to the Board accordingly.

(6) **'Appropriate Assessment' :**

Having regard to the nature and scale of the proposed development, to the location of the site in a fully serviced, mixed use urban environment, and to the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

**9. RECOMMENDATION :**

Having regard to all of the above, I recommend that permission be GRANTED in accordance with the following Schedules :

## REASONS AND CONSIDERATIONS

Having regard to the Zoning Objective “Z4” for the area and the pattern of mixed use development in the area, it is considered that, subject to compliance with Conditions set out in the Second Schedule, the proposed development would be in accordance with the relevant provisions of the Dublin City Development Plan 2011-2017; would not seriously injure the amenities of the Cork Street neighbourhood, or of the property in the vicinity; would not be prejudicial to public health; and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

- (1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of 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 proposed development shall be amended as follows :
  - (a) the proposed 1<sup>st</sup> floor apartment and balcony shall be omitted and the floor area incorporated into the two permitted retail units.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the planning authority, prior to the commencement of development.

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

- (3) The development shall consist of 2no. retail units only at ground floor level. Prior to the operation of the retail units, the exact uses shall be agreed in writing with the Planning Authority, and the specific uses thereby agreed shall be the approved uses for the purposes of this grant of planning permission. Uses such as a betting shop, takeaway, motor sales showroom, laundrette, amusement arcade and off license shall not be approved.

**Reason :** To ensure clarity of the type of retail use in the development.

- (4) Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

- (5) The development shall comply with the following requirements :-
- (a) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.
  - (b) The developer shall comply with the requirements of the planning authority in relation to such works and services.

**Reason :** To achieve a satisfactory standard of development.

- (6) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

- (7) Site development and building works shall be carried out only between the hours of 07h00 to 1800 Mondays to Friday's inclusive, between 08h00 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.

- (8) No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

- (9) The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under



Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, 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.

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**Leslie Howard**  
**Planning Inspector**  
**10/05/2016**