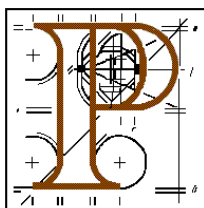


An Bord Pleanála



Inspector's Report

PL. 29S 246383

DEVELOPMENT: Demolition of two storey building and construction of a five storey building with a retail unit at ground floor level and seven apartments with access from Castlewood Terrace.

LOCATION: 206 Lower Rathmines Road, Rathmines, Dublin 6.

PLANNING APPLICATION

Planning Authority: Dublin City Council.
P. A. Reg. Ref: 2023/16
Applicant: Gregory McCambridge
Decision: Refuse Permission.

PLANNING APPEAL

Appellant: Gregory McCambridge.
Type of Appeal: First Party Against Decision to Refuse Permission.
Observers: 1. Sawbridge Ltd.,
2. Rathgar Residents' Association.

Date of Site Inspection: 20th July, 2016.

Inspector: Jane Dennehy.

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The site which has a stated area of 294 square metres is on the east side of Lower Rathmines Road and is that of a two storey nineteenth century two bay, brick faced building with a small enclosed yard at the rear. The existing building has a total stated floor area of 215 square metres. The width of the site is circa 6.3 metres and the depth ranges from seventeen to eighteen metres. The ground floor unit is in use as a charity shop which extends throughout the front and back rooms which are open plan and there is a small office storage area to the rear. The retail unit has a false ceiling and laminated flooring. There is a shopfront and separate entrance to the front opening onto a hall and staircase to the vacant residential unit overhead on the first floor level.¹
- 1.2 There is a vehicular access lane Castlewood Terrace from Castlewood Avenue across the service yard and around to the north side of the Swan shopping Centre and Cinema complex. The rear yard space is enclosed along the boundaries by a rubble stone wall.

2.0 THE PROPOSED DEVELOPMENT.

- 2.1 The application lodged with the planning authority on 11th January, 2016 indicates proposals for demolition of the existing structure in entirety and for construction of a five storey building. A retail unit is to be located at ground floor level and seven apartments (six two bed units and a one bed unit on the four upper floors each with a balcony and shared access to a communal courtyard. Also included is a sedum roof with an area of sixty square metres and solar panels, a cycle and refuse storage space with access to the rear and separate waste storage facilities for the ground floor retail unit. The total stated total floor area is 955.5 square metres of which the allocation to the proposed ground floor retail unit is one hundred and fifty square metres gross.
- 2.2 The application includes a Design Statement, an Engineering report on Storm and Foul Drainage arrangements inclusive of attenuation calculations and a specification for a sedum roof installation.

¹ Internal access in the course was confined solely to the ground floor retail unit at the time of the inspection.

2.3 Technical Reports:

The report of the Roads and Traffic Planning Division indicates a recommendation for additional information to be requested regarding confirmation of a right of access over Castlewood Terrace at the rear of the Swan Centre, and arrangements for cycle storage. There is no objection in the report to the absence of parking provision to serve the proposed development.

The report of the Environmental Services Drainage Division indicates no objection.

The application was not referred to the Architecture Department/Conservation Officer or other internal departments.

2.4 Third party objections

Objections were received from several parties in which the main issues of concern raised include:

Land Ownership – and right of access at the rear.

Conservation of historic character of Rathmines village – red brick commercial buildings – Demolition should be avoided.

Excessive height,

Excessive density and site coverage,

Substandard internal layout, floor to ceiling heights and private open space– residential units

Impact of lack parking facilities for the development.

Limited cycle storage facilities.

3.0 **PLANNING HISTORY:**

- 3.1 **P. A. Reg. Ref. 2006/94:** Permission was granted on 22nd December, 1994 for a retail unit on the ground floor and four one bed apartments, four studio units, two, two bed duplex apartments and a penthouse, (in a new building) on the site and residential development comprising a retail unit at ground floor and eight apartments above. (The third floor and roof level were omitted by condition further to with a total of eight units were permitted.) This grant of permission expired without being taken up.

4.0 **DECISION of the PLANNING AUTHORITY.**

4.1 By order dated, 2nd March, 2016, the planning authority decided to refuse permission for the reasons outlined in brief below:

- 1 Contravention of the Dublin City Development Plan 2011-2017 provisions: Policy SC 17 providing for Dublin as a low rise city with taller buildings in limited designated locations, the height restrictions in Section 17.6.2 and Variation 14 for residential and commercial development in “Outer City” Areas.
- 2 Contravention of Dublin City Development Plan 2011-2017 provisions by exceeding plot ratio, site coverage and density standards, resulting in overdevelopment, notwithstanding the availability of good transport facilities.
- 3 Overdevelopment and serious injury to residential amenity for future occupants due to substandard provision for private and community amenity space, lighting aspects ventilation storage internal layout children’s play facilities and cycle storage as provided for Dublin City Development Plan 2011-2017 and *Sustainable urban Housing Design Standards for New Apartments Guidelines for Planning Authorities* DOECLG, Dec. 2015.

5.0 **THE APPEAL**

5.1 An appeal was received from CDP Architecture on 30th March, 2016 on behalf of the applicants on 12th November, 2015. It includes proposals for revisions to the original application, accompanying images and drawings, a paving and landscaping report and a design statement to address the issues in the reasons for refusal and an account and comments on the planning background, context and assessment of the application.

5.2 An outline of appeal including the proposed modifications follows:

- Precedent: The proposed development should maximise potential as a five storey building because there are several precedent for ‘mid-rise buildings’ in the Rathmines area. Mid-rise mixed use buildings are evident in Rathmines. Six examples are identified and described.
- The setbacks at third and fourth levels reduce visual impact and the building relates well to characteristic of existing buildings. - The

redline site outline has been revised and is corrected in the appeal submission. The revised site area is 246 square metres.

- A vehicular access – to provide for parking on site would pose safety concerns. Residential development potential is maximised without on-site parking and public transport facilities benefit the site.
- Existing morning waste collections are to be continued.
- The site coverage and plot ratio are appropriate given that the site is dwarfed by surrounding buildings, the grant of permission in 1994 under P. A. Reg. Ref 2006/94 for eight units over a retail unit and Local Area plan objective to promote Rathmines as an urban centre.
- Use of brick on the facade at first and second floor levels, soldier course over the windows and timber sash windows both relate to and complement surrounding buildings. The contemporary louvered timber features provide connection between the brick face and balconies. The zinc and plaster in the materials used for recessed walls and balconies match the extension to the Swan Cinema.
- The residential units are dual aspect so there is no requirement for the floor to ceiling heights to exceed 2.4 metres. The units have light on the east and west elevations along with the balconies.
- As there are less than twenty five units a play area is not required according to the development plan and 2015 Apartment Guidelines.
- Overshadowing is not at issue. Glazed screens at fourth level addresses overlooking concerns.
- The section of the chimney is to be removed with remedial works making good the remaining section for the adjoining property.

5.3 The revised proposal lodged with appeal which incorporates modifications to address the reasons of refusal is outlined below:

- The site area is reduced to 246 square metres and the red line boundary revised accordingly to overcome land ownership issues. Rear access originally proposed is omitted.
- Ground floor: An improved internal layout for the ground floor communal apartment access and services space for the apartments which includes pedestrian and cyclist access from Lower Rathmines Road, covered cycle storage, separate refuse space. A reduced retail unit, (public floor space: 113 square metres) and reduced size separate ancillary space storage ancillary space and refuse.
- First Floor, Second and Third Floors: Substitution of two one bed apartments for two, two bed apartments with modifications to the

internal layout providing for open plan living areas to the front and rear. The units are accessed off a landing by the stairs and lift core and overlook an internal courtyard 15 square metres in area. Balconies over the courtyard are omitted and substituted with a balcony to the front or rear off the open plan living spaces. (5.3 square metres) The balcony to the front at third floor level incorporates a setback from the front. The total floor areas for the apartment unit range from 66 to 81.5 square metres.

- At fourth floor, an apartment similar to those facing the rear on the lower floors and a and a sedum roof garden (communal open space), setback from the front building line with a zinc canopy over the third floor balcony and opaque glazed screen on the north side boundary.

6. OBSERVER SUBMISSIONS:

6.1 **Rathgar Residents' Association.** An outline of the objections in the submission received on 25th April 2016 from Phillip O'Reilly on behalf of the Rathgar Residents' Association follows:

- Demolition of an important historical structure adjacent to the former town hall and a replacement building will detract from the historical streetscape in which too many original buildings have already been lost. Priority should be given to the retention and refurbishment of existing building stock.
- The proposal is overdevelopment lacking compatibility with surroundings in design, scale and height. The accommodation to be provided is of an inferior standard.
- The reasons cited for the decision to refuse permission by the planning authority are fully supported.

6.2 **Sawbridge Ltd.** In the submission received on 26th April 2016 from Magahy Broderick Associates on behalf of the Sawbridge Ltd., owners of the Swan Shopping Centre it is stated that the rear access to the site is onto Swan Centre property which is in the private ownership of Sawbridge Ltd. According to the submission, there is no right of way or authority for penetration of the rear wall at the appeal site property. The applicant does not have consent to the application for the access onto Castlewood Terrace. The application is invalid.

7.0 RESPONSE TO APPEAL BY THE PLANNING AUTHORITY.

7.1 The planning officer in a submission received on 29th April, 2016 confirms that there is no change to the assessment in the report on the application and decision of the planning authority. It is requested that the decision to refuse permission be upheld.

8. FURTHER SUBMISSION OF THE APPLICANT/APPELLANT.

8.1 A submission was received from CDP Architecture on behalf of the applicants on 23rd May, 2016 in which the response to the observer submissions is outlined below:

- The density is appropriate for the site which is a Key District Centre adjacent to transport, shops and facilities and close to the city centre.
- The revisions proposed in the appeal submission omit access of the laneway a Castlewood Terrace. Concerns over the right of way are no longer valid. The public notices are accurate and adequate.
- As the access from Castlewood Terrace is removed in the revised proposal submitted with the appeal any concern about access to bicycle storage and refuse storage has been addressed.

7.2 It is requested that permission be granted for the proposed development which is modified to in the appeal submission to address concerns of the planning authority and Sawbridge Ltd.

8.0 DEVELOPMENT PLAN.

8.1 The operative development plan is the Dublin City Development Plan, 2011-2017 according to which the site location is:

- Within an area subject to the zoning objective: “Z4: *to provide for and improve mixed services facilities.*”
- One of eight Key District Centres: According to s15.10.4 principles for Key district centres with Z4 zones include establishment of a significant residential population in a diversity of unit types and household formation capable of establishing integrated communities. It seeks to consolidate high quality mixed use urban districts with high density development capable of sustaining quality public transport and services and distinct architectural or historical features influencing urban form, character and scale.

- Section 17.6.2 Building Height standards: The site location is within a 'low-rise' area and within the "Outer City" for which a maximum of four floors and a maximum height of 13-16 metres is permissible for commercial and residential development according to table 17.6.2
- Section 11.4.6 an apartment scheme should be designed as an integral element of a neighbourhood with standards that provide for high level of amenity within individual units and within the overall development, inclusive of communal facilities.
- The indicative plot ratio is 2.0 and indicative site coverage at 80 percent for development in Z4 zoned land according to section 17.4 In certain circumstances a higher plot ratio can be considered.
- Natural light, Ventilation and Sunlight, and Dual Aspect Ratios are set out in section 17.9.1 (and s 3.11 of the 2015 guidelines)
- Private Open space standards are set out in section 3.24-3.27 of the 2015 guidelines and the appendix.
- Several buildings in Rathmines are on the record of protected structures and the former Town Hall to the north of the Rathmines College and the Library on the west side of Rathmines Road Lower opposite the appeal site.
- Public open space standards are in section 19.9.1 B1 of the development plan which provide for ten per cent of site area. Location off site and financial contributions can be considered where constraints to on site provision exist.
- Policies QH15, QH16 and Q 17 provide for high quality standards and supporting infrastructure service and facilities, optimum supply to facilitate and meet the needs of various households.
- Standards for dual aspect units, natural lighting and ventilation are set out in section 3.11
- The Rathmines Local Action Plan is included on a list of non-statutory plans within Appendix 1

8.2 STATUTORY GUIDELINES.

- *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* published by the Department of the Environment, Community and Local Government in December 2015. (2015 Guidelines) This recent statutory guidance provides for revisions to the previously published guidance.

- Minimum standards some of which are at variance with those set out in the Dublin City Development Plan for apartment developments. As section 28 statutory guidance the recommendations take precedence over the provisions of the development plan.
- Minimum floor areas are 45 square metres for one bed units and 73 square metres for two bed units.
- Private open space standards are provision for five square metres for one bed units and seven square metres for two bed units. (Sections 3.24 to 3.27 refer)
- Dedicated play facilities for children are not required for apartment developments unless the number of dwellings exceeds twenty five units.

8.0 ASSESSMENT

8.1 The issues considered central to the determination of a decision are those within the three reasons for the planning authority decision to refuse permission. In addition, some comments are also included on other issues, namely architectural heritage, car parking provision and validity of the application which are matters raised in the observer submissions.

8.2 Reason One:- Contravention of Dublin City Development Plan Taller Buildings Policies. (S 17.6.2)

The application site is not within the designated locations for which buildings other than low rise buildings can be considered. It is in a 'Z4' zoned area, is in an "Outer Area" and within one of the seven Key Districts for which there are specific policy objectives providing scope and encouragement for intensification of mixed use development and increased residential populations.

8.3 The modifications to the current proposal included in the appeal indicate building height to sixteen metres, (the maximum limit of thirteen to sixteen metres) but the five storey building exceeds the limit of four storeys provided for in Table 17.6.2 The applicant has made a valid case as to precedent for five storey buildings within the Rathmines area, although permission is likely to have been granted for most of these structures prior to the bringing into effect of the current development plan.

8.4 A principle consideration in reviewing the heights and capacity to integrate the development into the existing streetscape on Rathmines Road Lower is the setbacks at third and fourth floor levels and roof profile and structure. The fourth floor setback from the front building line is seven metres and the

third floor is two metres. A flat roof construction is proposed. As a result it is considered that the proposed development does not obscure or obstruct the views of the Town Hall tower and clock in the streetscape views along Lower Rathmines Road on approach from the south towards the city.

- 8.5 It is considered reasonable that some flexibility be allowed for in implementation of the height restrictions and to take into account consistency with all other policies, objectives and standards of a qualitative nature relating to the proposed development and the location. As such refusal of permission solely on the basis of a rigid application of the restrictions within Table 17.6.2 is not supported should it be demonstrated all other considerations are favourable and that a high standard of development can be achieved.
- 8.6 The merits of the proposed development in form, height and design detail having regard to integration into the surrounding built environment is an important consideration in conjunction with consideration of compatibility with strategic objectives in land use and qualitative considerations.
- 8.7 **Reason Two:- Contravention of Dublin City Development Plan plot ratio, site coverage and density standards. S 17.4**

A reduction in density has been achieved by way of proposal for a total of fifteen bed spaces in the modifications proposed in the appeal which provides for six one bed and one, two bed units but the changes to the plot ratio and site coverage are relatively marginal. Both the modified and original proposals exceed the indicative site coverage and plot ratio considerably having regard to the indicative ratios provided for in section 17.4 of the development plan. However it is clearly arguable that the proposed development can contribute to the viability and vitality of the area, The existing site is underutilised and the location has the benefit of good transport, close proximity to the city centre and is identified as a key district which is lagging or performing below potential. The proposed development is sustainable in that it contributes to increased residential populations, vitality and vibrancy and incorporates SUDS measures and solar energy.

- 8.8 On the basis of the foregoing, it is reasonable that the density, plot ratio and site coverage of the modified proposal should not be rejected outright. And should be considered and balanced in the context of all positive and negative planning considerations.

- 8.9 **Reason Three:- Overdevelopment and Development Standards.**

The amenity potential of private and communal open space which is in the form of balconies and an internal courtyard is restricted partly due to poor

aspect, access to daylight and sunlight in that it overlooks a service yard to the east and adjoins neighbouring buildings on each side. It should be acknowledged that the site configuration is very challenging as regards the achievement of high quality amenity space notwithstanding the extensive site coverage, building mass and density of the proposed development. The proposed apartment units are generously sized with a reasonable internal layout.

- 8.10 Potential for access to natural light for the bedrooms via the internal courtyard is increased owing to the removal of balconies overlooking the courtyard in the original proposal but reliance on artificial lighting for the first floor and possibly the second floor bedrooms overlooking the courtyard although this has not been measured. A reduction in the building height, possibly by omission of one floor would provide for some amelioration and increased light penetration of the courtyard and there is an option for a study to be carried out, with reference to BRE standards should be it be considered necessary, prior to determination of a decision.
- 8.11 As stated by the planning officer in her report, the amenity potential of the rear balconies on the north side of the building is very limited in that it overlooks the service area of the Swan Centre and is adjoined on the north side by the walls of the former town hall and there is limited access to sunlight and daylight to the balconies which face east.
- 8.12 While the proposed roof garden is considered to have special interest and good amenity potential, the utility value in practice to the future residents is questionable owing to the location above the street and the surrounding environment and lack of direct connectivity and access from each of the residential units proposed.
- 8.13 The statement in the appeal that dedicated play areas are not required for developments of less than twenty units according to the 2015 Guidelines is fully accepted and considered reasonable. There are dedicated play facilities available in local parks and open spaces in the area.
- 8.14 Options for external cycle and waste storage are considerably restricted owing to the lack of rear access, configuration of the suite, and necessity to maintain the building line to the front of the site onto Lower Rathmines Road. As a result internal cycle storage is necessary for cyclists and waste for the apartments. Provision these facilities with separation from the communal corridors, main lobby and entrance and segregation from the retail unit is successfully achieved.
- 8.15 Although there are some deficiencies with regards to qualitative standards the modified proposal provides a well-designed solution given the limitations posed by the site configuration. Provision for one apartment only on each of the floors above the retail unit, of the units would be of little benefit relative to the current proposal in terms of qualitative standards

and amenity potential on account of the narrow width relative to the depth of the site.

8.16 **Additional issues**

Concerns as to validity of the application, architectural heritage protection and parking provision for the proposed development were raised in the observer submissions. These issues were not included within the reasons for refusal attached to the planning authority decision. In addition comments on construction stage impacts are included in the additional observations which follow.

8.17 Architectural heritage protection:

It is agreed that demolition and replacement of the red brick Victorian buildings which are characteristic of the Rathmines historic streetscape is most undesirable and the building on the appeal site is no exception in this regard. However, having regard to all the other considerations such as the potential contribution to achievement of the other policy objectives and the quality of the front façade design there is a reasonable case for the proposed development. It is noted that there is reference to the recently constructed new façade for the Swan Cinema in the design detail, materials and finishes for the proposed front facade. Furthermore, it should also be borne in mind that the setbacks at third and fourth floor level and the roof profile are such that the context and setting of the clock tower of the Town Hall building is not adversely affected in views on approach from the south east along Rathmines Road Lower. The proposed development is considered acceptable in this regard.

8.18 Parking Provision.

Given the configuration of the site and lack of scope for vehicular access to the rear it is accepted that there is no scope for on-site parking provision. Access from the front in substitution for a retail unit would be contrary to the objectives for the local economy, retail offer and a live and interesting ground floor street frontage. Occupants of the entire development and services traffic would be therefore reliant on existing on street facilities and carparks in the area. Given the limitations of the site, the strategic objectives, public transport facilities and proximity to the city centre, to local service and facilities it would be appropriate for an otherwise satisfactory proposal accepted in spite of the lack of on site provision.

8.19 Validity of the Appeal

The issue appears to have been addressed by way of omission of access to and from to the site to the rear, for both construction and operational phases) in the modified proposals included with the appeal,. As a result the objection on grounds of validity would appear to have been nullified.

However, should there be further dispute over this matter, it would be necessary for it to be resolved through the legal system.

8.20 Construction Stage Impacts.

The proposed development will necessitate significant demolition, site clearance, excavation and construction works which gives rise to in particular to concerns as to construction and demolition management. due to the lack of rear access indicated in the modified proposal and frontage along a main route with heavy pedestrian and vehicular traffic. Minimisation of disturbance and obstruction and negative impact on adjoining properties and the surrounding area is essential. These matters can be addressed by implementation of comprehensive construction management proposals which can be subject to a compliance submission by condition.

8.21 Appropriate Assessment Screening.

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

9. CONCLUSION and RECOMMENDATION.

9.1 The existing structure at the site location which is functional to the achievement of the strategic objectives for vitality and viable mixed use development including encouragement of increased local residential populations at the centre of Rathmines is underutilised. The limitations posed by the site configuration owing to width and depth, orientation and location relative to adjoining structures is acknowledged.

9.2 It is considered that the modified proposal is of enhanced quality relative to the original proposal. Although diversity in future household formation and size maybe limited within the residential element, and there are some deficiencies in the quality of amenity space, outlook and access to natural light from within the scheme, the internal layout of the units is of reasonable quality. The lack of rear access to the site although undesirable has been addressed in so far as is possible and on site cycle and waste storage facilities, confined to the residential units are of reasonable quality. Furthermore a building design and form, especially with regard to the front façade in a satisfactory integration in to the streetscape and in particular with regard to the context and setting of the Town Hall has been achieved. The proposed retail unit for which there are separate ancillary and storage facilities is acceptable and suitable for use.

9.3 There is little scope for further modifications to address the deficiencies and rejection of the proposed development would not be justified in the context of the limitations of the site configuration and the opportunity for potential a positive redevelopment of an underutilised site to contribute to achievement

of the strategic objectives for vitality and viability and the sustainable development of the area. To this end it is considered that a satisfactory development has been achieved in which the standard of residential amenity potential for the future occupants is reasonable and an appropriate use at a satisfactory standard is provided for at ground floor level.

- 9.4 In view of the foregoing, it is recommended that the appeal be upheld, the planning authority decision overturned and that permission be granted. A draft order is set out overleaf.

DECISION

Grant Permission on the basis of the reasons and considerations and subject to the conditions set out below:

REASONS AND CONSIDERATIONS.

Having regard to the Dublin City Development Plan, 2011-2017 according to which Rathmines is designated as one of eight 'Key Districts' within areas subject to the zoning objective ZR 4: *to provide for and improve mixed service facilities*; the policy objectives for which include the establishment of a significant residential population in a diversity of unit types capable of establishing integrated communities and consolidation of high quality mixed use urban districts with high density development capable of sustaining quality public transport and services and distinct architectural or historical features influencing urban form, character and scale, it is considered that the proposed demolition of the existing structure on the site and construction of a new five storey building containing seven apartments and a retail unit on the ground floor would satisfactorily integrate into the established pattern and character of development in the area, would not be visually obtrusive, would not be seriously injurious to the residential amenities of the future occupants and would be in accordance with the proper planning and sustainable development of the area.

CONDITIONS.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars lodged with An Bord Pleanála on 30th March, 2016 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted

to, and agreed in writing with, the planning authority prior to commencement of development and which shall include the following requirements:

- (a) Details of the location of the site compound to include areas for storage of plant and equipment, materials and waste.
- (b) (Details of the location for construction site offices and staff facilities;
- (c) Details of site security fencing, hoardings, scaffolding and arrangements for pedestrian traffic in the event of closure or obstruction of the public footpath;

- (d) Details of the timing and routing of construction traffic and associated directional signage and measures to prevent queuing of construction traffic on the adjoining road network;

- (e) Details of measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (f) Details of appropriate mitigation measures for noise, dust and vibration, and for monitoring of such levels;

- (g) Details of preventative measures for control of silt or other pollutants from entering surface water run-off

A record of daily checks that the works are being undertaken in accordance with the Construction and Demolition Management Plan shall be maintained and retained for inspection by the planning authority.

Reason: In the interest of orderly development, amenity and public safety.

3. 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. Detailed proposals for measures for the management of dust emissions to provide for the protection of adjoining properties shall be included. 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 orderly and sustainable development.

4. Site development and building works shall be confined to the hours between 0800 hrs and 1800 hrs. Mondays to Fridays excluding Bank

Holidays and 0800 hrs and 1400 hrs. Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In the interest of residential amenity.

5. Details of the materials and finishes including textures and colours for the external facades and for the roof slates shall be submitted for the written agreement of the planning authority prior to the commencement of the development. Samples shall be displayed on site.

Reason: In the interest of visual amenity.

6. Drainage arrangements shall comply with the requirements of the planning authority for such works and shall incorporate Sustainable Drainage Systems in the management of storm water.

Reason: To ensure a satisfactory standard of development and to prevent pollution.

7. The roof garden and courtyard shall be fully constructed, planted and completed prior the occupation of the development. Prior to the commencement of the development, a hard and soft landscaping scheme for these spaces shall be submitted to the planning authority for written agreement.

Reason: In in the interest of residential amenity.

8. The proposed shopfront shall be in accordance with the following requirements:-

- (a) Signs shall be restricted to a single fascia sign with either hand-painted or individually mounted lettering.
- (b) Lighting shall be by means of concealed neon tubing or by rear illumination,
- (c) No awnings, canopies, projecting or box signs, advertising structures or, external roller shutters shall be erected on the premises without a prior grant of planning permission
- (d) No adhesive material of objects shall be affixed to the inner or outer sides of the shopfront windows.

Reason: In the interest of visual amenity and orderly development.

9. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

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

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Jane Dennehy,
Senior Planning Inspector,
21st July, 2016.**