



An  
Bord  
Pleanála

## Inspector's Report 29N.248522

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<b>Development</b>	Modifications to approved storey restaurant and café bar to include single storey extension to accommodate additional storage and staff facilities.
<b>Location</b>	Clontarf Baths, Clontarf, Dublin 3.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4196/16.
<b>Applicants</b>	Clontarf Baths and Assembly Rooms Co. Ltd
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Peter Parkin.
<b>Observer</b>	Sean Haughey TD
<b>Date of Site Inspection</b>	31/8/17
<b>Inspector</b>	Dolores McCague

## 1.0 Site Location and Description

- 1.1. The site is that of the former Clontarf Swimming Baths located on the Clontarf promenade. It projects into Dublin Bay south east side of the Clontarf Road. The former public baths were closed to the public in 1996 and are currently undergoing refurbishment. A slip road off Clontarf Road, with points of access to Clontarf Road at either end, provides access to and parking for the site. Along this side of Clontarf Road there is a footpath and a dedicated cycle lane (two directions) as well as a bus lane and a single traffic lane. Along the coastal side of the road there is a green area with a pedestrian promenade and intermittent seating. No development occurs between the road and the sea except at the subject development.
- 1.2. A small grove of trees, within the subject site, identifies the location.
- 1.3. The application site and adjoining bay area, stated to be in the applicant's ownership, comprises part of the promenade/open space area including the access road.
- 1.4. The access road is currently accessible and it being used for parking of cars and vans associated with the construction activity on site. Along the inner side of the access road the site is fenced and screened.
- 1.5. The opposite, side of the Clontarf Road has mature residential development along the road frontage and various residential roads running inland.
- 1.6. The site is given as 10,009m<sup>2</sup>/1ha.

## 2.0 Proposed Development

- 2.1. The proposed development as described in the public notice is for modifications to previously approved single storey restaurant and café bar (reg. ref. 2975/11 and PL29N.240131) to include a single storey extension to accommodate additional restaurant storage and staff facilities (37.7m<sup>2</sup>) with associated internal alterations.
- 2.2. The additional floor area involved is 37.7m<sup>2</sup>.
- 2.3. Alterations from the permitted development include alterations to the changing areas and the toilets at the bath level, including a reduction in the number of changing rooms and the substitution of open showers for shower cubicles; relocation of the

toilet facilities in the restaurant /café bar including an increase in the public toilet provision (1no. female toilet and 1 no. male toilet) and in the staff toilet provision (1no. toilet). There is an increase in floor area at this level (37.7m<sup>2</sup>), forward of the previous building line.

- 2.4. The application was accompanied by a Screening Report for Appropriate Assessment.
- 2.5. Further Information submitted includes a letter from Mark Cullen Director, Clontarf Baths & Assembly Rooms Ltd which includes:

The proposed Clontarf Flood Defence for the Clontarf Road is under review with ongoing consultation with local resident's groups and we are liaising with DCC in order that the final approved scheme will, as before, connect into the sites flood barrier and maintain a continuous flood defence scheme along the Clontarf Road. As part of this scheme review the proposed berming and flood gates located on the Clontarf Road side of the site will not be completed awaiting the revised design proposals from SCC. A review of the existing site has been undertaken and it is now proposed that the existing walls encircling the site with the addition of flood gate protection will act as an interim flood prevention measure, this proposal has been reviewed in detail and has been issued to DCC Engineer-in-Charge, Regional Projects & Flood Advisory Office for comment. He has confirmed agreement. As the interim flood prevention measures relates to the existing structures within the site this strategy will not increase the risk of flooding to any adjacent or nearby area. A copy of the Eastern CFRAM study HA09 Hydraulics Report – Clontarf model, prepared by RPS, is included in the FI response.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The planning authority decided, 20/1/2017, to grant permission subject to 7 conditions, including:

Condition no. 4 –

- a) The development shall comply with the Greater Dublin Regional code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads) for all storm drainage works.
- b) The applicant shall agree in writing with CDD's Flood Defence Unit in advance of construction commencing on the integration of the proposed applicants flood defence structures (including flood gates, walls etc) with those proposed by Dublin City Council.
- c) Given the public nature of the building, the applicant shall ensure a flood Response Plan is in place in the event of high tide alerts.
- d) That the applicant, at his own expense, shall maintain/repair any flood defences for the proposed development at the request of DCC.
- e) The developer shall comply with all the drainage conditions of the previous grant of permission, ref. no 2975/11/A.1.
- f) The drainage for the proposed development shall be designed and constructed on a completely separate system.
- g) The development shall incorporate Sustainable Drainage Systems in the management of storm water. Full details of these shall be agreed in writing with Drainage division prior to commencement of construction.
- h) Dublin City Council's Drainage records are indicative and must be verified on site. The developer must carry out a comprehensive site survey to establish all drainage services that may be on site. If drainage infrastructure is found that is not on Dublin City Council's records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed 'as constructed' drainage layouts for all diversions, extensions and abandonment of the public drainage network, in both hard and soft copy in an approved format, are to be submitted by the developer to the Drainage Division for written approval. See section 5 of the above-mentioned Code of Practice for more details.
- i) All internal basement drainage must be pumped to a maximum depth of 1.5metres below ground level before being discharged by gravity from the site to the public foul sewer. All underground structures must be constructed to be watertight and therefore eliminate the requirement to discharge groundwater.

- j) All private drain fittings such as downpipes, gullies, manholes, Armstrong junctions, etc are to be located within the final site boundary. Private drains should not pass through property they do not serve.
  - k) A Class 1 Light Liquid Separator, in accordance with the latest European Standards, shall be installed at suitable location on the private drainage system before discharging to the surface water system or direct to water.
  - l) A Grease trap shall be installed on the waste outlet from sinks of all commercial kitchens subject to Irish Water's requirements.
  - m) All surface water discharging from this development must be attenuated to two litres per second per hectare.
  - n) That the applicant or their agents shall liaise and agree in writing with Irish Water its requirements in advance of construction commencement those sections of the North City Arterial Water main Contract that cross the applicant's lands.
- Reason: In the interests of public health.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

There are two planning reports on the file, the first dated 27/1/17 recommending a request for further information on 2 points following from the Engineering Department - Drainage Division's report; and the second recommending a grant of permission.

The first report includes:

- The bay area is designated both SPA and pNHA status. To the north east along the coastline Bull Island has been assigned additional designations including Nature Reserve, Ramsar site (under the Ramsar Convention of Wetlands of International Importance), Wildfowl Sancturay, UNESCO Biosphere Reserve, and a Special Amenity Area Order.
- The S2S Sutton to Sandycove Promenade and Cycleway scheme is proximate to this site.
- The site is located in flood zone A.

- The changing-area structure has been demolished and works are underway to the bath area, and to the plinth/floor levels of the changing rooms and restaurant/café structure.
- Development Plan Policies: 2.2.7; 2.3.1; 3.5.3; 9.5.3; 6.5.3; 10.5; 10.5.5; 10.5.8; 11.1.; Appendix 11 Flood Defence Infrastructure of which 11.5 refers to Clontarf to Kilbarrack

All existing coastal defences, rock armour, sandbanks, embankments, promenades, breakwaters, North Bull and sea walls provide significant flood protection to roads, property and buildings behind them, by keeping out the tide and breaking up waves which might otherwise over-top them.

Alfie Byrne Road to Wooden Bridge. Existing sea wall, rock armour, promenade and existing walls and embankments provide significant flood alleviation to Clontarf Road, houses and businesses adjoining them. Proposals are being developed to upgrade these subject to local approval.

Dollymount. Wooden Bridge to Causeway. Existing sea walls and embankments as well as Bull Island reduce flood risk in this area. A flood alleviation scheme to protect the roadway and some buildings to a level of 4.25m Malin Head is programmed to start this year. Causeway to Kilbarrack Road. Existing seawall, promenade, cycle track, Bull Island and pedestrian wall provide flood defence to roadway up to 200-year flood event. Some wave over-topping can occur in high winds with easterly component.

The evaluation includes:

The development represents a relatively minor increase in the overall permitted floor area of the restaurant/café structure, and as the addition will be largely read against the permitted block the subject proposal will not result in any significant material impact upon the visual amenities of the area over and above the permitted baseline impacts. It is also considered that the incursion into the open space area to the front will not significantly reduce the openness of the setting. Existing and proposed landscaping to the front will also further screen the impacts.

While not included in the current proposal it is noted that the actual bathing area shown on the subject proposal appears to be a revised and reduced area from that previously shown. Some amendments to the upper terrace area with a slight split level being introduced. A rearrangement and reduction in the number of changing rooms. The western canopy over the restaurant café terrace area has been retracted. The proposed finishe in granite is superior to that originally detailed but there is no condition for the change.

### 3.2.2. Other Technical Reports

- Engineering Department - Drainage Division 14/12/16 – seek additional information. Due to the lack of adequate drainage information it is not possible to state that satisfactory drainage can be provided.
- Submit an appropriate flood risk impact assessment for the proposed development, which identifies and proposes solutions to mitigate the potential risks from all sources including coastal, fluvial, pluvial and groundwater. Reference should be made to the DEHLG/ Strategic Flood Risk Assessment as part of the new city development plan 2016-2022/OPW Guidelines on the Planning Process and Flood Risk Management, published in November 2009. Flood risk from 30-year and 100—year storms shall be addressed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding to the development has been reduced as far as is reasonably practicable, and that the proposals do not increase the risk of flooding to any adjacent nearby area over the risk of flooding from a greenfield site.
- The applicant shall note the Clontarf Flood Defence Scheme is under review and the site will need alternative flood defence works in the interim period until the public flood defence project is constructed.
- Address the requirements of the DCC Flood Defence Unit on the design of the flood defence structures proposed as part of this development to tie into the public Clontarf Flood Defence Scheme.

- Written agreement of Flood Defence Unit on the design and specification of the flood defence structures, including flood gates, walls etc
- Liaise with Irish Water on the North City Arterial Watermain.
- Engineering Department - Drainage Division 3/4/17 – following receipt of additional information:
  - No objection subject to compliance with Greater Dublin Regional code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads) for all storm drainage works.
  - Applicant shall agree in writing with DCC Flood Defence Unit in advance of construction commencing on the integration of the proposed flood defence structures including flood gates, walls etc with those of Dublin City Council.
  - All other provisions per condition no. 4 of the decision cited above.

### 3.3. **Third Party Observations**

3.4. Third party observations on the file have been read and noted.

## 4.0 **Planning History**

R240131 PA Reg. Ref 2975/11: The Board granted permission, on foot of a planning authority decision to grant permission for restoration of seawater baths, provision of restaurant, cafe bar, ancillary accommodation, 15 car parking and 47 bicycle parking spaces and all ancillary works at Clontarf Baths, Clontarf Road, Dublin 3.

PL29N.239460 (4076/10): Permission sought by Dublin City Council for alterations to existing baths and site to include a flood defence wall and link with proposed Clontarf flood defences approved by An Bord Pleanala (29N.JA0008).

PL29N.228684 (3843/07): Permission refused to Abbeybeg Ltd for demolition of existing sheds and outbuildings associated with the former outdoor pool and



construction of a day spa and all associated site works. Permission refused for one reason, which includes:

It is considered that the proposed development, by reason of its nature, scale and intensity would not come within the scope of the zoning objective for the site and that due to its considerable length (exceeding sixty metres and including a cantilever over the foreshore) taken in conjunction with its height and the associated surface car parking, the proposed development would compromise the recreational amenities and detract from the visual amenities of the public open space, especially the adjacent promenade and the views from it over Dublin Bay.

PL29N. 207328 (1498/04): The planning authority decision to grant permission for a two storey mixed use development of commercial, leisure and an art gallery was overturned following three third party appeals to the Board. Permission was refused for one reason, which includes:

The proposed development, by reason of its nature, scale, intensity and height at this prominent location on the seaward side of the promenade, would significantly detract from the character of the area, would compromise the recreational use of the promenade, would be visually obtrusive and would seriously injure the amenities of the area.

PL 29N.125174 (4219/00): Planning authority decision to grant permission for a two storey mixed use development of commercial, leisure and residential uses along with car parking and a sculpture was overturned by the Board following third party appeals.

PL29S84800 (1939/90): Outline permission was sought for the development of a two-storey building occupying the area where the change-rooms were located, and to refit the existing pool area to accommodate an indoor swimming pool and an

outdoor swimming pool. The indoor swimming pool to be enclosed in a conservatory type structure. A restaurant was also attached to this development, and the proposal also included a revised car parking area. An appeal against the planning authority decision to refuse permission was withdrawn prior to determination.

## **5.0 Policy Context**

### **5.1. Development Plan**

Dublin City Development Plan 2016-2022

5.2. The site is zoned Z9 'to preserve, provide and improve recreational amenity and open space'.

5.3. Various projects are currently underway to address areas of the city known to be vulnerable to coastal flooding during extreme events, and therefore requiring new protective works. These include: south campshires flood protection project, Sandymount promenade and flood protection project, and Clontarf promenade development and flood defence project. As part of the proposed Sutton to Sandycove promenade and cycleway project, the planned section adjacent to Bull Island has commenced and this incorporates flood protection works.

### **5.4. Natural Heritage Designations**

5.5. The South Dublin Bay and River Tolka SPA site code 004024 is the nearest Natura Sites, immediately adjoining the site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.2. A third party appeal has been lodged by Peter Parkin, 109 Clontarf Road, Dublin 3. The grounds of appeal includes:

- The history of proposals is that of the developer seeking to overreach. This latest is referred to by SCC as a relatively minor 37.7m<sup>2</sup> increase in permitted floor area. It is a significant area.
- Does the request for further information for a flood risk impact assessment mean that planning permission was previously granted in the absence of a proper flood risk impact assessment.
- Insufficient weight is being attached to the potential impact on flooding concerns of Clontarf village.
- The FI request included an updated AA report which has not been provided. Nevertheless the DCC report states that it would have no significant adverse affect on the adjoining Natura 2000 site. It flies in the face of reason that such be included in a FI request and ignore its non-submission.
- There is no reference to the lack of response to the requirement, to liaise with Irish Water in relation to the North City Arterial Water main and receive written confirmation from Irish Water of their approval for the proposed development.
- The deputy planning officer's comments in relation to alterations to the permitted development are cited. There is no mention in the decision to these changes which suggests that DCC did not consider these changes worthy of comment. It is concerning that DCC did not see fit to ensure that the developer stick to the strict letter of the planning he has received.
- The Board is requested to overturn the decision.

### 6.3. Applicant Response

Noonan Moran Architecture has responded to the grounds of appeal on behalf of the first party. The response includes:

- Previous decisions are no longer relevant as it is 2975/11 which is being constructed.

- The development of the design and layouts identified the need for some additional space for storage and staff facilities in order to enhance the service to customers of the café bar and pool facility.
- Re effect on Clontarf Flood Defences – the proposed development has no impact on the proposed flood defences for Clontarf coastal areas. A flood defence wall was incorporated within the 2011 proposal and this wall has now been substantially completed on the seaward side of the development, located between the pool area and the café bar. This flood defence wall will remain the same regardless of any revised flood defence for the greater Clontarf coastal area. The applicant has worked in tandem with DCC Regional Projects & Flood Advisory Office to agree the flood defence wall within the development on the seaward side of the building and the remainder of the Clontarf flood defence wall, currently being developed by DCC will tie into the defence wall constructed within the development. The proposed extension is on the landward side of the development and hence will not have any effect on the future flood defence proposals along the Clontarf coastal areas. In consultation with DCC as part of this application it has been agreed that the flood defences to the landward side of the development would not be constructed until such time as the full design of the coastal area flood defence was completed and approved. In parallel with this, temporary arrangements have been agreed with DCC that would protect the site and building in the interim (200 year flood event).
- Re AA report – a revised AA report was issued on 27/3/17. Due to the minor nature of the development and given that the extension does not contain any toilet facilities the development will not impact on the adjoining Natura sites.
- Re Irish Water – the applicant has made contact with Irish Water. It is envisaged that the proposal by IW / DCC to lay the new watermain on the Clontarf side of the development (along the public path) will still be carried as it was proposed in 2011. The proposed extension will not impact.
- Re Amendments to Upper Terrace and pool layout – there are some minor changes to the site layout around the pool area and terrace, primarily landscaping and not material and wouldn't require planning consent in

themselves (class 33) revisions to the flood wall detail separating the upper terrace and lower pool have been agreed with SCC as part of condition 7 (2011 permission) to agree flood wall materials and details.

#### 6.4. **Planning Authority Response**

- The Planning Authority has not responded to the grounds of appeal.

#### 6.5. **Observations**

- An observation supporting the grounds of appeal has been received from Sean Haughey TD.

### 7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, flood impact, liaising with Irish Water, other alterations to the permitted development, and impact on the amenities of the area, and the following assessment is dealt with under those headings.

#### 7.2. **Appropriate Assessment**

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

#### 7.2.2. **Flood Impact**

7.2.3. The third party is concerned that since flood impact was raised in a further information request it suggests that the issue was not appropriately dealt with in the previous planning permission; and further that insufficient weight is being attached to the potential impact on flooding concerns of Clontarf village.

7.3. The first party response to the grounds of appeal states that the proposed development has no impact on the proposed flood defences for Clontarf coastal

areas. A flood defence wall was incorporated within the 2011 proposal and this wall has now been substantially completed on the seaward side of the development, located between the pool area and the café bar. This flood defence wall will remain the same regardless of any revised flood defence for the greater Clontarf coastal area. The applicant has worked in tandem with DCC Regional Projects & Flood Advisory Office to agree the flood defence wall within the development on the seaward side of the building and the remainder of the Clontarf flood defence wall, currently being developed by DCC will tie into the defence wall constructed within the development. The proposed extension is on the landward side of the development and hence will not have any effect on the future flood defence proposals along the Clontarf coastal areas. In consultation with DCC, as part of this application, it has been agreed that the flood defences to the landward side of the development would not be constructed until such time as the full design of the coastal area flood defence was completed and approved. In parallel with this, temporary arrangements have been agreed with DCC that would protect the site and building in the interim (200 year flood event).

7.4. The Engineering Department - Drainage Division initially sought further information on issues including flood risk, and, following receipt of the additional information, they had no objection to the development, subject to certain conditions.

7.5. Condition no. 4 (b) to (d) refers to the issue of flood risk and flood defence.

b) the applicant shall agree in writing with CDD's Flood Defence Unit in advance of construction commencing on the integration of the proposed applicants flood defence structures (including flood gates, walls etc) with those proposed by Dublin City Council.

c) Given the public nature of the building, the applicant shall ensure a flood Response Plan is in place in the event of high tide alerts.

d) That the applicant, at his own expense, shall maintain/repair any flood defences for the proposed development at the request of DCC.

7.6. I am satisfied that this condition will deal with any outstanding matters in relation to flood defence and that flood risk and flood defence should not be a reason to refuse permission.

**7.7. Irish Water**

- 7.8. The third party refers to the request to liaise with Irish Water, which was among the list of requests in further information letter issued in this case. The applicant was requested to liaise with Irish Water in relation to the North City Arterial Watermain. The third party points out that there is no reference to any such liaison in the further information response submitted, and no further reference to this issue in the subsequent reports.
- 7.9. The first party response to the grounds of appeal states that they made contact with Irish Water and it is envisaged that the proposal by IW / DCC to lay the new watermain on the Clontarf side of the development (along the public path) will still be carried as it was proposed in 2011. The proposed extension will have no impact.
- 7.10. I note that the further information request arose from the first report of the Engineering Department - Drainage Division, dated 14/12/16.
- 7.11. The further information submitted states that the applicant is liaising with Irish Water relating to the North City Arterial Watermain which passes the site along the Clontarf Road side and as such these proposals will have no effect on this route. The first party has no objection to this route through the site and is agreeable that this could be dealt with by condition.
- 7.12. The Engineering Department - Drainage Division issued a further report, following the submission of the further information, stating that they had no objection, subject to condition. The suggested condition was attached as 4 (n) to the decision: that the applicant or their agents shall liaise and agree in writing with Irish Water its requirements in advance of construction commencement those sections of the North City Arterial Watermain Contract that cross the applicant's lands.
- 7.13. I am satisfied that the first party has liaised with Irish Water and that the condition as drafted adequately addresses the matter.
- 7.14. Alterations to the Permitted Development**
- 7.15. The third party has raised as a concern that alterations to the permitted development are shown in the drawings and listed in the planner's report, but not otherwise addressed.

- 7.16. Responding to the grounds under the heading 'Amendments to Upper Terrace and pool layout' the first party states that there are some minor changes to the site layout around the pool area and terrace, primarily landscaping which are not material and wouldn't require planning consent in themselves (class 33<sup>1</sup>); revisions to the flood wall detail separating the upper terrace and lower pool have been agreed with SCC as part of condition 7 (2011 permission) to agree flood wall materials and details.
- 7.17. Alterations from the permitted development, which can be identified from the drawings, include alterations to the changing areas and the toilets at the bath level, including a reduction in the number of changing rooms and the substitution of open showers for shower cubicles; relocation of the toilet facilities in the restaurant /café bar and an increase in the public toilet provision (1no. additional female toilet and 1 no. additional male toilet) and in the staff toilet provision (1no. additional toilet); the shape of the pool is also slightly altered. The increase in floor area (37.7m<sup>2</sup>) at the restaurant /café bar level is forward of the previous building line.
- 7.18. I do not accept that any of these alterations would come under class 33 as stated by the first party, however the description of the proposed development in the public notices which is 'for modifications to previously approved single storey restaurant and café bar (reg. ref. 2975/11 and PL29N.240131) to include a single storey extension to accommodate additional restaurant storage and staff facilities (37.7m<sup>2</sup>) with associated internal alterations', can be said to include these alterations. Attention was drawn to the alterations in the planner's report and the third party (or any other party) was able to see the alterations and make submissions in relation to them. In my opinion the proposed alterations are acceptable.
- 7.19. **Amenity**
- 7.20. The proposed development is located in an area zoned Z9 'to preserve, provide and improve recreational amenity and open space'.

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<sup>1</sup> CLASS 33 - Development consisting of the laying out and use of land—  
(a) as a park, private open space or ornamental garden,  
(b) as a roadside shrine, or  
(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.



7.21. The proposed development is relatively small scale and the extension, although forward of the existing building line, is well screened from the public road and promenade and will blend in with the permitted development. I am satisfied that there will be no undue impact on the amenities of the area.

## 8.0 Recommendation

8.1. In the light of the above assessment I recommend that planning permission be granted in accordance with the following conditions for the following reasons and considerations.

## 9.0 REASONS AND CONSIDERATIONS

Having regard to the nature of the alterations to the permitted development and the limited scale of the proposed extension, it is considered that the proposed development would not be likely to have a significant effect on a European site or on protected species or habitats, and subject to compliance with the attached conditions, the proposed development would not seriously injure the visual or recreational amenities of the area or of property in the vicinity and would accordingly be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Other than the alterations hereby permitted, the development shall be carried out and completed in accordance with the previous permission, PL29N.240131.

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

3.
  - a) The development shall comply with the Greater Dublin Regional code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads) for all storm drainage works.
  - b) The applicant shall agree in writing with CDD's Flood Defence Unit in advance of construction commencing on the integration of the proposed applicants flood defence structures (including flood gates, walls etc) with those proposed by Dublin City Council.
  - c) Given the public nature of the building, the applicant shall ensure a flood Response Plan is in place in the event of high tide alerts.
  - d) The applicant, shall, at his own expense, maintain/repair any flood defences for the proposed development at the request of DCC.
  - e) The developer shall comply with all the drainage conditions of the previous grant of permission, ref. no 2975/11/A.1.
  - f) The drainage for the proposed development shall be designed and constructed on a completely separate system.
  - g) The development shall incorporate Sustainable Drainage Systems in the management of storm water. Full details of these shall be agreed in writing with Drainage division prior to commencement of construction.
  - h) Dublin City Council's Drainage records are indicative and must be verified on site. The developer must carry out a comprehensive site survey to establish all drainage services that may be on site. If drainage infrastructure is found that is not on Dublin City Council's records the Developer must immediately contact Dublin City Council's Drainage Division to ascertain their requirements. Detailed 'as constructed' drainage layouts for all diversions, extensions and

abandonment of the public drainage network, in both hard and soft copy in an approved format, are to be submitted by the developer to the Drainage Division for written approval. See section 5 of the above-mentioned Code of Practice for more details.

- i) All internal basement drainage must be pumped to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public foul sewer. All underground structures must be constructed to be watertight and therefore eliminate the requirement to discharge groundwater.
- j) All private drain fittings such as downpipes, gullies, manholes, Armstrong junctions, etc are to be located within the final site boundary. Private drains should not pass through property they do not serve.
- k) A Class 1 Light Liquid Separator, in accordance with the latest European Standards, shall be installed at a suitable location on the private drainage system before discharging to the surface water system or direct to water.
- l) A Grease trap shall be installed on the waste outlet from sinks of all commercial kitchens subject to Irish Water's requirements.
- m) All surface water discharging from this development must be attenuated to two litres per second per hectare.
- n) The applicant or their agents shall liaise and agree in writing with Irish Water its requirements in advance of construction commencement those sections of the North City Arterial Watermain Contract that cross the applicant's lands.

Reason: In the interests of orderly development, flood management and public health.

- 4. The developer shall pay to the planning authority a financial contribution of €2,641 (two thousand six hundred and forty-one euro) 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. The application of any indexation required by this condition 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.

**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.

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Planning Inspector

4<sup>th</sup> September 2017

- 1 Photographs
- 2 Extracts from the Dublin City Development Plan 2016-2022