



An
Bord
Pleanála

Inspector's Report 29N.249200

Development	Demolish garage and boundary walls, construct 3 mews houses with dormers, roof lights and roof terraces
Location	75 Clontarf Park, Clontarf, Dublin 3
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2522/17
Applicants	MIJA
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	Clontarf Park Residents Association
Observer	Sean Haughey Td
Date of Site Inspection	13 December 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The appeal site is located at 75 Clontarf Park, Clontarf, Dublin 3, a road running eastwards from Vernon Avenue, at the back of property on Clontarf Road serving residential development at Clontarf Park. The road at Clontarf Park continues east and then north to Vernon Drive and Kincora Road and is one way westwards at the subject site. East of the site there is a small park, which the road encircles, where two storey terraced dwellings face across the road towards the park.
- 1.2. The subject site adjoins the rear of property on Clontarf Road to the south. To the west it adjoins a recently constructed block of apartments of similar scale to the subject proposal. To the east it adjoins a laneway which serves the rear of property on Clontarf Road and Clontarf Park and east of the laneway there is terraced two storey housing, set back from the road behind front gardens. On the opposite side of the road terraced two storey housing, set behind front gardens and a footpath face the site.
- 1.3. The site is irregular in shape with the largest portion a roughly rectangular shape, the long axis along the road; the site also has a narrow spur extending along the laneway. A small step forward in the mid section of the roadside boundary is accommodated within the footpath fronting the site.
- 1.4. A doorway to the site at the southern end of the spur along the laneway is matched by another at the western end of the spur, which provides access to adjoining property.
- 1.5. At the junction between the road and laneway there is a single storey shed with corrugated roofing and a vehicular opening on the front roadside elevation. The remainder of the site is undeveloped and is closed from the roadway by a concrete block wall and from the laneway by a masonry wall.
- 1.6. Two cabins for utilities are located at the front of the site along the laneway and there is a manhole cover within the laneway.
- 1.7. The stated area of the site is given as 405 m².

2.0 Proposed Development

- 2.1. The proposed development is described as the demolition of the garage and boundary walls and the construction of 3 mews houses with dormers, roof lights and roof terraces.
- 2.2. As originally submitted the dwellings are of very similar design but with a progressively larger footprint from west to east. Parallel parking for three cars is accommodated within the site in a widening of the laneway.
- 2.3. The entrance lobby in each case was at a level of 3.10m and the remainder of the ground floor at 4.00m.
- 2.4. Each dwelling has a living / dining / kitchen at ground level, a large bedroom and study at first floor with two bathrooms also at this level; a further large southward facing bedroom with a large en-suite at second floor, the front of the building at second floor comprises a steeply sloping roof. At first floor the bedroom is provided with a brick screen outside a large window and a second window has opaque glazing. No specification is given for the large stairwell windows. At second floor the bedrooms have sliding doors to a roof terrace above the first floor bedroom. The area is surrounded by timber screening.
- 2.5. A front building line incorporates a slight forward projection at the entrance and first floor above. The site increases in depth because of a slight angle of the rear boundary, which provides for slightly larger dwelling space and slightly larger private open space eastwards.
- 2.6. Revisions were received in response to a further information request. The revisions increase the width of the eastern building, omit the parallel parking but provide for laneway widening. Parking for three cars is shown to the rear of the eastern dwelling. A bin store and a bike store is shown in the spur along the laneway with the access to the adjoining property retained.
- 2.7. The eastern dwelling has been reshaped and is wider and shallower to provide for parking to the rear, with similar accommodation as in the original proposal. Some windows have been altered and reduced in scale.
- 2.8. The height to ridge is 9.7m. Rendered walls and a slate roof are proposed.

3.0 Planning Authority Decision

3.1. Decision

3.2. The planning authority decided to grant permission subject to 14 conditions, including:

3 - prior to commencement of development the developer shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act 2000 (as amended) which shall allow for provision of shared access over the proposed access way exiting onto Clontarf Park. This shared access shall make provision for facilitating the possible future development of lands to the south of the proposed development.

Reason: In the interests of co-ordinated development.

4 - All landing lights above ground floor and all WC/bathroom opes shall be permanently fitted with opaque glazing. All opaque glazing used in the development shall be of the opal type of sand blasted type.

Reason: in the interests of residential amenity.

7 - If during the course of site works and construction archaeological material is discovered, the City Archaeologist shall be notified immediately. Further, it is obligatory under the National Monuments Amendment Act 1994 that such discovery is brought to the attention of the National Monuments Service and the National Museum of Ireland.

11 - shared access.

14 - details of materials, colours and finishes to be agreed and samples to be provided.

3.3. The decision was in accordance with the planning recommendation.

3.4. Planning Authority Reports

3.4.1. Planning Reports - Z1 zoning.

3.4.2. A small south west corner area of the site comes within the site of Archaeological Interest.

- 3.4.3. Development Plan Policies objectives – QH1 QH 13 QH 11, QH 21, QH22. Standards 16.10.2 – houses, 16.10.10 – infill, 16.10.16 – mews. Appendix 5 Road standards.
- 3.4.4. The block is aligned with a 2-2 ½ storey infill apartment building to the west (2469/07). There is not any particular streetscape character for this section of the street and noting the relatively extensive frontage it is considered that the subject infill can set its own character as well as providing a more solid edge to the streetscape. The proposal comes within the Development Plan's height restrictions for the outer city (16m) as well as its indicative plot ratio, and indicative site coverage tolerance (0.5-2 & 45% - 60%). The use of the infill mews sites for residential use would subscribe to the overarching development frameworks for the NSS, RPG and Development Plan in promoting the physical consolidation of the metropolitan area, maximising the efficient use of land, which will become an increasingly scarce resource.
- 3.4.5. The development would meet the minimum floor area requirements and internal floor area requirements set out in the DECLG's 2007 accommodation guidance document Quality Housing for Sustainable Communities. It is noted that the proposed 1st floor studios could be used as single or double bedrooms.
- 3.4.6. The applicant should provide an outline masterplan to indicate that proposal will not sterilise potential development.
- 3.4.7. Access to sunlight and daylight – it would be useful to have an assessment of impact.
- 3.4.8. Overlooking – first floor windows overlook the public realm and presentation / defensive space of dwellings 17m away. It is recommended that the front landing well light is reduced in scale to reduce potential sense of over dominance. Eastern side gable landing lights to be permanently fitted with opaque glazing.
- 3.4.9. Obviation treatments are proposed to the rear/southern 1st and 2nd floor windows due to the limited separation distance to boundaries. First floor windows to be fully fitted with opaque glazing including the perforated brick screen. 2nd floor terraces to have solid or opaque screens or to be made non-accessible.

3.4.10. The ground floor rear garden areas will be higher than the ground levels to the south. It is recommended that adequate screening be provided between adjoining amenity areas.

3.4.11. The development will provide an opportunity for passive surveillance of the laneway.

3.4.12. Private Open Space – 10m² per bedspace is recommended (suburban) and 60-70m² rear garden area is sufficient for a family house: 40 sq m, 43 sq m and, 49 sq m provided. No storage sheds shown, which will reduce the usable open space further. Additional information recommended - Roads & Traffic Planning Division and Drainage Division requests and issues raised in planner's report.

3.5. Other Technical Reports

3.6. Engineering Department – Drainage Division, 12/4/2017, due to lack of adequate proposals for storm water management it is not possible to state that satisfactory drainage can be provided for this development. Satisfactory drainage information to be submitted and approved. The applicant shall consult with the Drainage Division Dublin City Council prior to the submission of revised plans to ensure all issues related to storm water management are addressed. A revised Site Specific Flood Risk Assessment to be submitted, to address third party objections on flooding issues.

3.7. Roads & Traffic Planning Division Report, 20/4/2017, - the proposal would result in haphazard reversing out onto Clontarf Park due to the layout of the car parking; additional information to be requested.

3.8. **Further Information Request**

3.9. A further information request issued on 10 points:

Car parking arrangements not considered acceptable, revise.

Provide an indicative masterplan that shows that the proposal would not sterilise potential development.

Demonstrate that there would be no undue impact on 3rd parties access to sunlight, preferably using BRE 2011.

Reduce potential overlooking and potential sense of over-dominance.

Limited private open space, address the potential for conversion of study space to bedrooms.

Clarify use of space within the southern spur area.

How is external storage to be accommodated?

Update the map to show No 76.

Liaise with City Archaeologist.

Provide adequate proposals for storm water management.

3.10. Further Information Response

3.11. A further information response includes:

Letter from agent and drawings indicating:

- Revised parking accessed from the laneway; per item 1.
- Providing a widened laneway of 4.8m (minimum width) to facilitate further development, per item 2.
- Sunlight daylight analysis per item 3.
- Revisions showing front landing / well light is reduced in scale to reduce potential sense of over-dominance, per item 4 a. Other revisions per items 4 b, c, d, e, f and g.
- Revisions showing study space provided with high level glazing, any glazing below 1.8m will be opaque and fixed, per item 5.
- Revisions showing southern spur area to be used for storage of bins and bikes, per item 6.
- See revisions showing southern spur area to be used for storage of bins and bikes, per item 7.
- Updated drawings, per item 8.
- City Archaeologist has indicated that they do not require any information at present, per item 9.

- Further to discussions between consulting engineer and Drainage Division report enclosed, per item 10.

Attached to the response are:

Revised drawings,

Copy of e-mail from City Archaeologist indicating the applicant has liaised with that section.

Consulting Engineers report proposals for storm water management.

3.12. **Third Party Observations**

Observations on the file have been read and noted.

4.0 **Planning History**

0088/17 - SHEC granted

79 Clontarf Park adjacent:

2469/07 - planning permission granted for demolition of existing 2 storey house and construct new 2 storey dwelling with a 2 bed apartment at ground level with a 3 bed house over, with its living area in the attic space entering onto a roof garden terrace to rear.

5.0 **Policy Context**

5.1. **Development Plan.**

The Dublin City Development Plan 2016-2022 is the operative plan. Relevant provisions include:

Site is zoned Z1 - to protect provide and improve residential amenities.

Mews

Corner/Side Garden Sites (16.10.9) - The planning authority will have regard to the following criteria in assessing proposals for the development of corner/side garden sites:

- The character of the street
- Compatibility of design and scale with adjoining dwellings, paying attention to the established building line, proportion, heights, parapet levels and materials of adjoining buildings
- Impact on the residential amenities of adjoining sites
- Open space standards and refuse standards for both existing and proposed dwellings
- The provision of appropriate car parking facilities, and a safe means of access to and egress from the site
- The provision of landscaping and boundary treatments which are in keeping with other properties in the area
- The maintenance of the front and side building lines, where appropriate.

Infill Sites (16.10.10) - Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed. Infill housing should:

Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings

Comply with the appropriate minimum habitable room sizes

Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

Mews Dwellings (16.10.16) Potential mews laneways must have a minimum carriageway of 4.8 m in width (5.5 m where no verges or footpaths are provided). All mews lanes will be considered to be shared surfaces, and footpaths need not necessarily be provided.

5.2. **Development Contribution Scheme 2016 - 2020**

5.3. €86.40 per square metre of residential development.

5.4. **Natural Heritage Designations**

5.5. The South Dublin Bay and River Tolka SPA, site code 004024, is the nearest Natura Sites located some 250m away.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.2. The third party appeal from Clontarf Park Residents Association against the decision to grant permission includes:

- Impact on established character of the area. Cottages opposite should have architectural protection.
- No 76 does not establish a precedent, its height is based on commercial building adjoining. Decision on No 76 did not accord with assessment.
- Open space is inadequate. No permission has been given by the residents of Clontarf Park, who own the park, for its use.
- A roof garden was previously refused in the area. Proposed roof garden should be refused.
- Noise from the beer garden of the nearby pub has given rise to complaint and enforcement, proposed roof gardens will cause similar noise issues.
- Very little planting.
- No masterplan.
- Existing trees planted in front may be bulldozed.

- Loss of view.
- Overshadowing.
- Overlooking, opaque glazing is not suitable.
- Potential conversion of study to bedroom is not adequately addressed.
- Underground river & underground well not addressed, massive flooding is not addressed.
- Flood protection measures are not yet in place along Clontarf seafront and may take some years. In the interim any new development will be unprotected.
- The proposed development has no garden to protect against pluvial flooding, or overflow from sea flooding.
- They question the use of the lane and its ownership. It is owned by the residents who have objected to its use.
- Design is out of character.
- Archaeological protection.
- Concerned at construction work:
 - Saturday work and from 7am weekdays.
 - Land is infested with rats.
 - Heavy goods vehicles and one-way system and children.
 - Traffic blockages.
- Right to make the application queried. Probate letter not on Council's file.
- Height.
- Overdevelopment.
- EIS.

6.3. Photographs are enclosed together with other attachments.

6.4. **Planning Authority Response**

6.5. The planning authority have not responded to the grounds of appeal.

6.6. **First Party Response**

6.7. O'Neill Town Planning have responded on behalf of the first party to the grounds of appeal, including:

6.8. The site is within 150m of a bus stop on Clontarf Rd on a Quality Bus route. All applicable standards have been met.

6.9. Guidelines are cited. Development Plan is cited. The planning authority assessment is referred to.

6.10. In response to the grounds:

Height – the proposed development complies with both the letter and spirit of the guidance and represents a well thought out and future orientated sustainable development which will allow for the comprehensive development of adjoining backland sites.

Overdevelopment, Overshadowing, Overlooking – re overlooking the planning authority requested minor changes which were provided. The daylight and sunlight analysis found no appreciable loss of amenity to adjoining properties.

Traffic & parking, right of way, traffic dangers – piecemeal development is to be frowned upon. This is not the case in the present instance. Allowance has been made for the further development of lands to the south by the inclusion of part of the site in a widened access road to allow further developments to the rear. The Section 47 condition, which the first party accepts, will ensure that the proper planning and sustainable development of the area is encouraged and promoted. A similar condition used by the Board is cited.

Roof gardens, lighting & noise, inappropriate for character of area, light deprivation – comparison with noise emanating from a beer garden are not plausible, lighting and light deprivation have been covered in the Daylight & Sunlight study. The measures

taken by the first party in the additional information response have adequately dealt with any potential residential amenity issues.

Right of way – up to 12 properties could be developed if the lane is widened.

Archaeological importance – City Archaeologist has indicated that they do not require any information at present. Condition 7 covers any issues that might arise.

The provision of three dwellings on the site makes efficient use of serviced land with a design composed to minimise any potential impact on the surrounding area, in particular the amenity of adjacent dwellings.

6.11. **Observer**

6.12. An observation has been received from Seán Haughey TD, including:

- Significant overshadowing of adjacent smaller houses, Clontarf Park.
- Overlooking of houses on Clontarf Rd.
- Overdevelopment – out of scale and character.
- Flooding and sewage problems and underground river.
- Parking.
- Conformity with disability regulations, bin storage/collection and spacing of windows.

7.0 **Assessment**

7.1. The issues which arise in relation to this appeal are: appropriate assessment, character of the area, residential amenity, flood risk / surface water, legal issues and other issues 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.

7.3. Character of the Area

7.4. The third party concerns include the established character of the area, that the scale and design of the development will not compliment the houses opposite, which are old fishermen's cottages, worthy of architectural protection. It is stated that these buildings themselves were formerly single storey and have been increased to two storey. The third parties argue that No 76 does not establish a precedent, its height is based on commercial building adjoining.

7.5. The planner's report refers to this issue, including:

The block is aligned with a 2-2 ½ storey infill apartment building to the west (2469/07). There is not any particular streetscape character for this section of the street and noting the relatively extensive frontage it is considered that the subject infill can set its own character as well as providing a more solid edge to the streetscape. The proposal comes within the Development Plan's height restrictions for the outer city (16m) as well as its indicative plot ratio, and indicative site coverage tolerance (0.5-2 & 45% - 60%). The use of the infill mews sites for residential use would subscribe to the overarching development frameworks for the NSS, RPG and Development Plan in promoting the physical consolidation of the metropolitan area, maximising the efficient use of land, which will become an increasingly scarce resource.

7.6. The subject site is part of a block of land which fronts onto Clontarf Park to the rear of property on Clontarf Road and is separated from the 'cottages' opposite by the public road, and from the dwellings to the east by the laneway. In my opinion the scale and design should not to be controlled by the dwellings opposite or to the east. This area is an interface between existing higher density associated with the commercial centre and lower density residential development and the scale and design as proposed is more appropriate than two storey terraced dwellings.

7.7. The proposed development accords with standards and it is an important objective of the policy framework for the area that in the interests of the wider community efficient use be made of serviced land, particularly at locations close to public transport.

7.8. Impact on the established character of the area should not be a reason to refuse permission.

7.9. Residential amenity

- 7.10. The third party concerns refer to overlooking, overshadowing, loss of view, noise and the unavailability of public open space for the future residents; with some concerns re-echoed in the observation.
- 7.11. Overlooking – this matter has been addressed in the planner’s report where it is pointed out that there is a 17m separation between the front of the proposed development and the dwellings opposite. Nevertheless, in order to reduce potential sense of over-dominance, a reduction in the scale of some front windows was part of the additional information request.
- 7.12. The first party response to the grounds of appeal points out re. overlooking that the planning authority requested minor changes which were provided.
- 7.13. Overlooking of dwellings opposite is therefore not a reasonable concern.
- 7.14. Due to the more limited distance available between the rear of the proposed building and the property boundary, the rear elevation was designed using obviating features: brick screen, opaque glazing to windows, high level windows, and opaque glazing surrounding the terraces.
- 7.15. In my opinion the issue of overlooking has been adequately addressed during the course of the application and should not be a reason to refuse permission.
- 7.16. Overshadowing - this matter was addressed in the planner’s report and in the request for additional information where the first party was requested to demonstrate that there would be no undue impact on 3rd parties access to sunlight. In response a Sunlight and Daylight Access Analysis was prepared by ARC Architectural Consultants Limited. It states that having regard to the modest scale and to the separation distance between the proposed houses and the existing houses at Clontarf Park the potential for the proposed development to result in impacts due to overshadowing of habitable rooms is very limited. The analysis does not identify any potential for material overshadowing of habitable rooms in houses on the southern side of Clontarf Park. No 76 aligns with the rear façade proposed and extends beyond the rear façade and therefore to the south and there is little potential for overshadowing. The analysis does not identify any potential for material impact on sunlight access to habitable space in any house to the north. The lowest windows of

houses opposite were analysed with No. 8 being the worst case; the results, presented in Table 1 of the report, show an imperceptible change in probable sunlight hours to these houses north of the site. Overshadowing should not be a reason to refuse permission.

- 7.17. View - the third parties are concerned with the loss of the existing view and many of the photographs presented with the grounds seek to demonstrate the loss of view.
- 7.18. Although the existing site is underutilised, and therefore not an attractive view in itself, views of property some distance away on Clontarf Road, and views of the sky, are available across the site. The proposed development will block these views. There is no right to a view and no requirement to safeguard a view, other than a protected view, these views are not protected. The impact on the view is not a reason to refuse permission.
- 7.19. The third parties have concerns about noise, stating that a roof garden was previously refused in the area and the proposed roof garden should be refused.
- 7.20. The proposed development is a group of dwellings and no undue noise impact is envisaged.
- 7.21. The amenity of future residents – the grounds of appeal refers to the requirement for open space and that the green space at Clontarf Park is not available as the Clontarf Park residents who own the Park have not permitted its use.
- 7.22. The proposed development is provided with private open space which meets the Development Plan standards. It would not be normal practice to require public open space for a development of this size and a condition requiring a contribution in lieu of provision was not applied to the decision.
- 7.23. Although it has the appearance of a park which was provided as part of the public housing development the park at Clontarf Park is fenced and gated with notices stating that it is a private park. Its possible unavailability for the use of future residents of the subject development should not be a reason to refuse permission.
- 7.24. The proposed development should not be refused for the reason of residential amenity.

7.25. **Flood Risk**

- 7.26. The grounds of appeal refers to flood risk, that there is an underground river & an underground well in the vicinity and specific construction requirements applied in another case, and that in the absence of flood protection measures being in place along Clontarf seafront, which may be some years away, any new development will be un-protected. Some of these issues are re-echoed in the observation.
- 7.27. In response to an additional information request David Jenkins Consulting Engineers submitted a report on drainage and storm water, which included: the proposed discharges are to Dublin City Council foul and storm sewers. The storm water is limited by flow control and attenuation so will not contribute to flooding downstream. The site is within the defended area for coastal flooding and a floor level has been set in agreement with to Dublin City Council. Issues of flooding for existing property and roads along the seafront and rising damp in existing older houses are indicative of flood risk and that a floor level must be selected above the likely flood level as has been done. The development does not affect the flooding. The Consultants can find no records of any rivers at the site location on maps 200 years old, which they consider accurate.
- 7.28. I am satisfied that the design of the building addresses flood risk: the entrance lobby in each case is at a level of 3.10m, i.e. addressing road level, the remainder of the ground floor at 4.00m. The proposed development will not contribute to flood risk to other properties. The site is zoned for development, is within the defended area for coastal flooding and the floor level is set by agreement with Dublin City Council. Flood risk should not be a reason to refuse permission.

7.29. **Legal Issues**

- 7.30. The right to make the application is queried by third parties, they state that the probate letter is not on Council's file.
- 7.31. They question the use of the lane and its ownership, stating that it is owned by the residents who have objected to its use.

7.32. Determination of legal issues is not a matter for the Board. Section 34 (13) of the Planning and Development Act applies: 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

7.33. Other Issues

7.34. Archaeological protection is raised as a concern. The City Archaeologist has been consulted by the first party and had no requirements. Condition 9 of the decision refers.

7.35. Third parties are concerned about the construction work: They have concerns about any Saturday work and the early start, from 7am weekdays. Although the specified hours are fairly standard, I consider that a start time of 8am would be more appropriate for this area.

7.36. Third parties state that the land is infested with rats. Although construction work could increase such concern in the short term, there are long term benefits from having a derelict/underutilised site developed. Any issues which arise are capable of being managed in conjunction with the HSE.

7.37. The heavy goods vehicles which will service the construction are of concern to third parties who cite traffic blockages, the one-way system and children's safety as concern. The roads which serve the development are suitable for construction traffic.

7.38. Trees - third parties are concerned that existing trees planted in front may be bulldozed; the plans show that these trees are to be retained.

7.39. Third parties are concerned that there is very little planting proposed. Planting is not a necessary requirement.

7.40. It is stated that no masterplan has been provided. The requirement for the provision of a 'masterplan' is to demonstrate that proposed development will not impede future development of adjoining lands or sterilise such lands. As pointed out by the first party in response to the grounds of appeal the potential for further development in this area is improved by virtue of the widening of the laneway.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022, the pattern of permitted developments in the area and the scale, design and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide residential accommodation of an acceptable standard in a suitable location, would not seriously injure the residential amenity of the area or of property in the vicinity and would 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 as amended by the further plans and particulars submitted on the 14 day of July 2017 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 Prior to commencement of development, the developer shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act, 2000 (as amended), which shall allow for provision of shared access over the proposed access way exiting onto Clontarf Park. This shared

access shall make provision for facilitating the possible future development of lands to the south of the proposed development.

Reason: In the interest of co-ordinated development.

3 Water supply and drainage arrangements, including the disposal of surface water, shall be in accordance with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

4 a) The drainage for the proposed development shall be designed and constructed on a completely separate system.

b) The developer shall limit storm water discharge from the site to 2 litres/second/hectare.

c) The development shall incorporate Sustainable Drainage Systems in the management of storm water. Full details of these shall be agreed in writing with the planning authority prior to commencement of development.

d) There is an existing public storm water sewer running adjacent to the eastern side of the site. A clear distance of three metres shall be maintained between sewers and all structures on site. The exact location of this pipeline must be accurately determined onsite prior to construction work commencing. No loading shall be placed on this sewer. Any damage to it shall be rectified at the developer's expense.

e) The developer shall carry out both a pre- and post- construction CCTV survey on the public sewers affected by this development, as agreed with Drainage Division. The pre-construction survey is to be submitted to the Drainage Division prior to works commencing on site. Following completion of all drainage works, the post-construction survey is to be submitted to the Drainage Division for written approval and any damage to the sewer shall be rectified at the developer's expense.

f) A connection from this development to the existing public storm water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public storm water network without written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Department must also be obtained for any work in the public roadway.

g) 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 the 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.

Reason: In the interest of orderly development.

5 All glazing indicated on the drawings submitted 14/07/2017 as opaque glazing shall be 'opal' or 'sandblasted' glass or as agreed with the planning authority.

Reason: In the interest of residential amenity.

6 Details of the materials, colours and textures of all external finishes shall be submitted to and agreed in writing with the planning authority prior to commencement of development. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals.

Reason: To protect the visual amenities of the area.

7 The trees in the public footpath to the front of the site shall be retained and measures to protect them shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

8 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including: noise management measures, number and size of vehicles accessing the site and disposal of demolition / construction waste.

Reason: In the interest of amenities, public health and safety.

9 Demolition / construction phase noise levels – shall comply with British Standard 5228 – Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.

Noise levels from the proposed development should not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place.

Reason: In the interest of residential amenity.

10 The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street and laneway are kept clear of debris, soil; and other material and if the need arises for cleaning works to be carried out on the public road/laneway the work shall be carried out at the developer's expense.

Reason: To ensure that the adjoining street and laneway are kept clean and safe during construction.

11 The site and building works associated with the proposed development shall only be carried out between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 1400 hours on Saturdays. No development works shall take place on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

12 Naming and numbering of the dwellings shall be in accordance with a scheme submitted to and agreed in writing by the planning authority prior to occupation of any unit.

Reason: In the interest of orderly street numbering and site identification.

13 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.

14 The developer shall pay to the planning authority a financial contribution of thirty three thousand seven hundred and eighty two euro (€33,782) 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.

Planning Inspector

22 December 2017

Appendices

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