



An  
Bord  
Pleanála

## Inspector's Report ABP300972-18

---

### Development

Demolition of building and construction of 26 Apartments (reduced to 24 Apartments and 1 commercial unit by way of Further Information) in two blocks over basement car parking and all ancillary works.

### Location

23 to 25 Old Kilmainham Road, Dublin 8.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

3188/17.

### Applicant

Derek Beahan Limited.

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

Third Party -v- Grant.

### Appellant

Peter Keenahan.

### Observers

None.

### Date of Site Inspection

26<sup>th</sup> June, 2018.

### Inspector

Paul Caprani.

## Contents

1.0 Introduction .....	3
2.0 Site Location and Description .....	3
3.0 Proposed Development .....	4
4.0 Planning Authority Decision .....	5
4.1. Decision .....	5
4.2. Documentation Submitted with the Application .....	6
4.3. Initial Assessment by the Planning Authority .....	7
5.0 Further Information Response .....	8
6.0 Further Assessment by Planning Authority .....	9
7.0 Planning History.....	10
8.0 Grounds of Appeal.....	10
9.0 Appeal Responses.....	11
10.0 Development Plan Provisions .....	12
11.0 Planning Assessment.....	13
12.0 Appropriate Assessment .....	16
13.0 Conclusion and Recommendation .....	16
14.0 Decision .....	16
15.0 Reasons and Considerations .....	16
16.0 Conditions .....	16

## 1.0 Introduction

ABP300972-18 relates to a third-party appeal against the decision of Dublin City Council to grant planning permission for the demolition of an existing building and the construction of 26 apartments in two blocks over a basement apartment at 23 to 35 Old Kilmainham Road, Dublin 8. The grounds of appeal argue that, to the best of the appellant's knowledge, the building which is to be demolished to make way for the proposed apartment block dates from the late 17<sup>th</sup> century and is of obvious inherent historical value. Dublin City Council have offered scant regard to the prospect of carrying out a proper robust and independent evaluation of the historical importance of the structure.

## 2.0 Site Location and Description

- 2.1. The appeal site is located on the northern side of the Old Kilmainham Road in the western environs of Dublin Inner City, approximately 3 kilometres west of Dublin City Centre. The appeal site is rectangular in shape fronting onto the Old Kilmainham Road and stretching back to the River Camac which runs along the northern boundary of the site. A row of small two-storey terraced dwellings with small rear yards run along the eastern boundary of the site. These dwellings are collectively known as Shannon Terrace. A pair of semi-detached two-storey buildings front onto the Old Kilmainham Road to the immediate south of Shannon Terrace (Nos. 22a and 22b Old Kilmainham), and to the immediate east of the subject site (No. 22b adjoins the eastern boundary of the subject site). Nos. 22a and 22b accommodate commercial units at ground floor level (currently vacant) and residential development overhead.
- 2.2. The subject site has a road frontage of c.26 metres. On the eastern side of the site directly fronting onto the Old Kilmainham Road an old vacant and somewhat derelict structure is located. The structure is currently vacant but has recently been painted and incorporates a relatively new corrugated iron roof. It is this structure, according to the grounds of appeal that, may date from the 17<sup>th</sup> century. To the rear of this structure a commercial garage is located. It appears that the garage in question is

involved in the recovery and servicing of commercial vehicles. A large area of hardstanding/car parking is located around the garage. Lands to the immediate west of the subject site accommodate a three-storey commercial building which provides wholesale supply of hairdressing and beauty products.

- 2.3. Lands on the southern side of the Old Kilmainham Road accommodate a wholesale building suppliers and a two-storey bricked derelict building with associated single-storey sheds on either side. The recessed area to the front of the building is currently used for informal parking.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for the construction of two blocks of apartments with the larger block located to the front of the site facing directly onto the Old Kilmainham Road with the smaller block located to the rear of the site c.10 metres from the rear boundary and the Camac River. A landscaped internal courtyard is proposed to be developed between the two sites.
- 3.2. The basement area is to extend between the footprints of both blocks and is to incorporate 25 car parking spaces together with bicycle parking and a bin storage area. A vehicular ramp area linking the basement car park with the ground floor is to be provided along the western boundary of the site.
- 3.3. The Block to the front of the site is to accommodate an own door office unit adjacent to No. 22b. It is also to accommodate at ground floor level 1 two-bedroomed apartment and 1 studio apartment. The block to the rear of the site is to accommodate 1 three-bedroomed apartment and 1 two-bedroomed apartment at ground floor level.
- 3.4. At first floor level the apartment block to the front of the site is to accommodate three units – 2 no. three-bed units and 1 no. two-bed unit. While the block to the rear is to accommodate 2 no. two-bedroom units and 1 no. one-bedroom unit.
- 3.5. At second floor level the front apartment block is to accommodate 2 no. two-bedroomed units and 2 no. one-bedroomed units while the rear block is to accommodate 2 no. two-bedroomed units and a three-bed duplex unit.

- 3.6. At third floor level the front apartment block is to accommodate 2 no. two-bedroomed units and 2 no. one-bedroomed unit. While the block to the rear is to accommodate a self-contained two-bedroomed unit and the upper floor of the three-bedroomed duplex unit.
- 3.7. The block to the front is also to accommodate a fourth floor accommodating 1 three-bedroomed unit and 1 two-bedroomed unit.
- 3.8. The front block rises to a height of 15.5 metres to parapet level and 16.3 metres to the top of the roof enclosure at roof level. The rear block rises to a parapet level of 12.225 metres. The front elevation ostensibly comprises of a selected red/brown brick façade with recessed balconies on the front and rear elevations. Similar finishes are proposed for the block to the rear.
- 3.9. Full details of the breakdown of the 24 apartments are contained in a report submitted in response to the additional information request by Fitzsimons and Doyle and Associates. The 24 apartments are broken down as follows:
- 6 one-bedroomed apartments.
  - 13 two-bedroomed apartments.
  - 5 three-bedroomed apartments.
- 3.10. The apartment floor areas range between 55.3 square metres to 118.3 square metres.
- 3.11. A total of 761 square metres is provided for communal open space. According to the information submitted on file, this represents 46% of the total site area. Both car and bicycle parking are provided at a rate of 1 space per unit.

## 4.0 **Planning Authority Decision**

### 4.1. **Decision**

Dublin City Council issued notification to grant planning permission subject to 17 conditions.

## 4.2. Documentation Submitted with the Application

- 4.2.1. The application was submitted on 16<sup>th</sup> June, 2017. The following documentation was submitted with the planning application.
- 4.2.2. A **Covering Letter/Planning Report** which sets out details of the proposed development and the existing site (the Board will note that the original planning application sought permission for 26 units and this was revised down to 24 units by way of additional information). It also sets out the design principles and it states that the massing has been broken down with balconies, terraces and irregular shaped window openings which it is argued contributes to the visual impact and human scale of the elevations. Details of boundary treatment, landscaping and public open space are also set out. The proposal is also assessed in the context of standards for residential accommodation set out in national and development plan guidelines.
- 4.2.3. Also submitted is a **shadow analysis assessment** which assesses the existing and proposed development on site in terms of shadow casting from 9 a.m., noon, 3 p.m. and 6 p.m. for the 21<sup>st</sup> March, 21<sup>st</sup> June and 21<sup>st</sup> December.
- 4.2.4. Also submitted is **An Assessment of Architectural and Historical Significance** of No. 23 and 23a Old Kilmainham. It notes that the properties in question are not protected structures nor are they located within an architectural conservation area as designated in the development plan. The properties are not recorded on the National Inventory of Architectural Heritage. The report states that building activity on the site of No. 23 Old Kilmainham dates from approximately 1757 onwards. Due to the loss of so many original architectural features, it is not clear if the current building fabric of No. 23 dates from this early period or whether the structure originates from a much later date in the early 19<sup>th</sup> century. The report goes on to describe in some detail the condition of the building. It states that the building dates for the earlier Georgian period. It formed part of a street terrace however, due to major removal of the historic fabric and detailing, it fails to make a positive contribution to the architectural streetscape of Old Kilmainham. There is no work of a known distinguished architect, engineer, designer or crafts person attributed to this property. It concludes that Nos. 23 and 23a Old Kilmainham can be considered a historic building of limited local importance only.

- 4.2.5. Also submitted is a **Drainage Report** from Fitzsimons Doyle and Associates. It states that the proposal will increase foul water discharge from the site. However, this is compensated for within the inclusion of attenuation system. The foul and surface water are separated prior to discharge to the public combined sewer. Existing drains will need to be surveyed in order to accurately locate and inspect prior to the commencement of works.
- 4.2.6. In terms of **flood risk**, the site itself and the immediate surroundings have historical reports of flooding. A separate report contains a flood risk assessment. This report concludes that the site lies outside the 0.1% contour for flooding associated with flooding. The site lies within Zones A and B where the probability of flooding is moderate (Zone B) to high (Zone A). Floor levels have been raised to 200 millimetres above the predicted flood levels in a 1:100-year event. Details of a flood event that took place at Kearns Place to the west of the subject site are detailed in the report. This flooding event did not affect the site in question. Details of a flooding event that took place at Lady Lane approximately 200 metres further west of the subject site are also set out.
- 4.2.7. Finally, an **AA Screening Report for Appropriate Assessment** was submitted which concludes that the project has been screened for AA under appropriate methodology and it is found that significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in any significant effects on Natura 2000 sites in the wider area.

### 4.3. **Initial Assessment by the Planning Authority**

- 4.3.1. A report from the Waste Management Division states that the proposal is required to comply with various waste management protocols.
- 4.3.2. A report from the Engineering Department Drainage Division stated that there is no objection to the proposal subject to standard conditions.
- 4.3.3. A report from the Roads, Street and Traffic Department requires additional information with regard to site visibility lines, access to disabled parking and further details in relation to cycle spaces and servicing the development.
- 4.3.4. A report from the City Archaeologist notes that the site is located within a zone of archaeological potential for the Record of Protected Monuments. The site is also

located within a zone of archaeological interest in the Dublin City Development Plan. In this regard it is recommended that an archaeological impact assessment be undertaken and the impact assessment will pay special attention to the materials, construction techniques and possible age of surviving buildings at Nos. 23/23a Old Kilmainham Road. A condition is recommended to be attached in order to reflect the above requirements.

4.3.5. The planner's report concludes that the subject site is suitable for an apartment scheme due to its proximity to public services, employment and local transport. However, there are a number of concerns in relation to the height of the front block in the context of adjoining two-storey dwellings. Also concerns are expressed in respect of the lack of active street frontage associated with the development. It is therefore recommended that additional information be requested.

4.3.6. On 10<sup>th</sup> August, 2017 Dublin City Council requested the following additional information in relation to the following:

- Further information with regard to visibility lines at the proposed entrance/egress to the apartment development.
- Further details in relation to access to the proposed disabled parking spaces at basement level.
- Further details in relation to cycle parking and servicing arrangements for the development.
- Concerns are expressed in respect of the height of the overall development in the context of surrounding two-storey development. The additional information also requests various minor design changes in the layout of the scheme.

#### **4.4. Further Information Response**

4.4.1. Further information was submitted on behalf of the applicant on the 20<sup>th</sup> December, 2017.

- Further drawings were submitted (Drawing No. SK-01) illustrating sightlines from the proposed entrance.



- A revised basement plan was submitted (PL-200) showing a revised basement plan which includes unrestricted access to disabled car parking spaces. The same drawing also sets out cycle parking spaces.
- A separate document (provisions for servicing of the apartment development 23/25 Old Kilmainham Road prepared by Fitzsimons Doyle and Associates) was also submitted addressing all service issues.

4.5. In respect of design issues the response has redesigned the building as follows:

- The proposed development has been modified in height to provide a transition in height between Block A and house nos. 22a and 22b Old Kilmainham. This has resulted in the omission of one apartment (Apartment No. 26). The depth of Block A has also been reduced. Other requirements of the additional information request have also been incorporated into the revised design.
- A separate comprehensive archaeological and historical report has also been submitted. This report sets out archaeological text excavations carried out on site. The results of the archaeological assessment to date have not identified remains that would preclude the granting of planning permission on archaeological grounds. In respect of the existing building on site it states that the derelict street front buildings located within the site appear to be remains of a stone and red brick domestic/rural farm dwellinghouse dating from the 18<sup>th</sup> and 19<sup>th</sup> century.

#### 4.6. **Further Assessment by Planning Authority**

4.7. A report from the Roads, Traffic Planning Division notes the additional information response and considers it to be satisfactory. The division has no objection to the proposed development subject to seven standard conditions.

4.8. The final planner's report notes that the applicant has indicated that the existing structure on site is probably mid-18<sup>th</sup> century. However, there is no conservation report or archaeological report indicating any objection to the demolition of the structure. In the absence of a report from either the conservation section or the archaeological section it would be untenable to refuse planning permission for the demolition of this historic structure at this juncture. With regard to design changes

the report states that the applicant has addressed each of the issues “to a vary degree of satisfaction”. It is noted that the separation distance between the proposed development and neighbouring residents have been improved. The housing quality assessment indicates that the proposed development is consistent with the minimum provisions for apartments as set out in national guidelines. The Planning Authority has received an objection to the proposed development where the principle of demolition of the historic structure on site has been challenged. With no reports to support the protection of the historic house in principle, a recommendation to refuse planning permission is inappropriate. It is therefore recommended that planning permission be granted. Dublin City Council granted planning permission for the proposed development on 25<sup>th</sup> January, 2018 subject to 17 conditions.

## **5.0 Planning History**

There are no files attached and the planner’s report states that there is no record of planning history on the subject site.

## **6.0 Grounds of Appeal**

- 6.1. The decision of Dublin City Council to grant planning permission was initially the subject of 2 no. third party appeals. However, one of these appeals was subsequently withdrawn (appeal by Sean and Mary Bates). A separate appeal was submitted by Peter Keenahan. The grounds of appeal are outlined below.
- 6.2. This appeal argues that the existing structure at 23/23a Old Kilmainham almost certainly dates to the late 17<sup>th</sup> century and as such has obvious inherent value making it worthy of retention and incorporation into any redevelopment of the larger site behind. While it is not included in the City Council’s Record of Protected Structures, it should be at the very least. The local authority should research as to whether or not a particular structure merits inclusion on the Record of Protected Structures. This is especially the case where the structure in question predates 1700.
- 6.3. It is noted that the additional information request omitted a recommendation of the City Archaeologist who sought information on the materials and construction techniques and possible age of 23/23a Old Kilmainham Road by way of a historic

building survey. The omission of a request for further information specifically on a historic assessment of the structure is inappropriate. The applicant engaged an out of town archaeologist with no local knowledge and completely ignored the issue of reassessing the existing building on the site.

- 6.4. The appellant's concern is that a very rare surviving structure dating from the late 17<sup>th</sup> century is in danger of being demolished and none of the people who have a duty of care towards it appear to be doing their job. It is also argued that the archaeological profession has not training in the assessment of upstanding buildings. It is further suggested that No. 23/23a Old Kilmainham may be the last substantially unaltered house dating to that period still standing within the canal ring. All other 17<sup>th</sup> century houses recently identified in Dublin on Aungier Street and Thomas Street are concealed behind rebuilt 18<sup>th</sup> and 19<sup>th</sup> century facades. It is therefore recommended that this scheme should be revised to incorporate the conservation and retention of the existing structure in a way that does not overwhelm it in scale.
- 6.5. Also submitted is the original letter submitted to the Planning Authority which sets out evidence which the appellant relies on in coming to conclusion that the building is late 17<sup>th</sup> century in origin.

## **7.0 Appeal Responses**

- 7.1. A response to the grounds of appeal was submitted by Stephen Ward Town Planning Consultant. It notes that the appellant does not object to the principle of the development and restricts his observation solely to the issue of the existing structure on site and in this regard it is requested that An Bord Pleanála restrict its assessment to this issue only. The response goes on to set out details of the site's location and description of the proposed development and argues that the proposed development is in compliance with local, national and regional planning policy. Details of the local authority assessment of the report is also set out. The report also sets out details on how the proposed development fully complies with development plan policy and development management standards set out in the Dublin City Council Development Plan.
- 7.2. Specifically, in response to the issues raised in the grounds of appeal, the response includes a conservation report by prepared by Roisin Hanely who is a Grade I

conservation accredited architect. It concludes that while the building may have early origins, they were extensively modified between 1830 to 1850 and 1888 to 1913. It also notes that there have been extensive modifications to the structure in the early 20<sup>th</sup> century. This view is also reflected in the architectural impact statement submitted with the planning application.

- 7.3. A structural report was also prepared. It concludes that the building is not fit for use and represents a potential risk in the long term to adjoining properties and occupiers of the site.
- 7.4. It is also noted that the City Council Archaeological Department raised no objection to the demolition of the building subject to conditions which were added in the notification of the decision to grant planning permission. Specific reference is made to Condition No. 9 of the Planning Authority's decision and the applicant does not object to this. It is further noted that the building in question is not a protected structure and is not located within a conservation area nor is it included in the NIAH survey. It is considered that the building has been subject to extensive assessment through the planning process and the applicant has completed a conservation report which does not recommend the retention of the building.
- 7.5. A Structural Survey report was also submitted with the response. It concludes that in all likelihood, attempts at structural stabilisation would require extensive demolition, intervention and even then, there would be no guarantee that the existing building could structurally withstand the amount of intervention required.

## **8.0 Development Plan Provisions**

- 8.1. The subject site is governed by the zoning objective Z1 "*to protect, provide and improve residential amenities*". The area along the northern boundary of the site, along the Camac River is also a designated conservation area. The site is also located within a zone of archaeological interest.
- 8.2. Chapter 11 of the development plan sets out policies and objectives in relation to built heritage and culture.

- 8.3. Policy CHC1 seeks the preservation of the built heritage of the city that makes a positive contribution to the character, appearance and quality of local streetscapes and the sustainable development of the city.

## 9.0 Planning Assessment

- 9.1. I have read the entire contents of the file, visited the site in question and have had particular regard to the issues raised in the grounds of appeal. I have also assessed the proposed development in the context of the general policies and provisions contained in the development plan and the standards set out therein. I am in agreement with the evaluation undertaken by the Planning Authority that the proposed development complies with the overarching policies and provisions contained in the development plan in relation to encouraging appropriate residential development on appropriate sites. I further note that the subject site is zoned for residential development and I also consider that the proposed development meets the relevant standards and guidelines set out in both the development plan and recently adopted national standards in relation to apartment development. Finally, I note that no appeals were received in respect of issues other than the sole issue raised by the appellant regarding that the alleged historic importance of No. 23 and 23a Old Kilmainham Road. I therefore consider that the Board can restrict its deliberations to the sole issue raised in the grounds of appeal.
- 9.2. The appellant asserts that Nos. 23/23a Old Kilmainham “almost certainly” dates from the late 17<sup>th</sup> century. The appellant also takes issue with the conclusion set out in the architectural assessment report submitted with the application which concludes that the structure dates from 1757 onwards. The appeal goes on to argue that Plots Nos. 23/25 Old Kilmainham was one of two plots on the northside of the street held by Richard Parsons Viscount Rosse. While Nos. 24 and 25 were demolished in the 1970s, a surviving photograph (dating from 1965 submitted with the appeal) indicated that Nos. 24 to 25 closely match the architectural detail of Nos. 23 to 23a. The appellant goes on to state that “in the absence of an opportunity to examine the interior of Nos. 23 to 23a in detail, this assessment is based on the external examination with documentary evidence”. It is argued that the external characteristics of the building including the roof profile etc. is consistent with a structure built in the late 17<sup>th</sup> century.

- 9.3. In response to the above assertions, the applicant commissioned a conservation architect to undertake an assessment of the internal and external fabric of Nos. 23/23a Old Kilmainham Road. It concludes on a visual inspection that the existing building including the trusses and lats are not original and most likely date from c.1830 to 1870. The report does however acknowledge (page 10) that “on closer inspection it is clear that there are two early buildings at Nos. 23 and 23a dating from c.1680 to 1700. However, the elevations have been greatly modified and altered over these years”. It is further noted that “the front elevation has been rendered with hard 20<sup>th</sup> century cement render”. The report goes on to state that a number of new openings were created in the 20<sup>th</sup> century. The windows at first floor level have also been altered possibly in the mid-19<sup>th</sup> century. It is thus concluded that any remaining internal detailing also dates from the mid-19<sup>th</sup> century. The return of No. 23a is an entirely 19<sup>th</sup> century addition to the building. Overall the report concludes that Nos. 23 and 23a were originally constructed in 1680 to 1700 however, the building was extensively modified in the mid-19<sup>th</sup> century and again in the late 19<sup>th</sup> early 20<sup>th</sup> century.
- 9.4. The conservation report submitted by the applicant in response to the grounds of appeal in many respects agrees with the appellant’s contention in establishing that the calp stone wall and corner fireplaces associated with the existing structure date from the late 17<sup>th</sup> century. However, it is noted that these are in poor structural condition and the building has undergone profound modifications in the mid-19<sup>th</sup> and early 20<sup>th</sup> century. It is stated that there is no evidence of the original building beyond the masonry walls. This is probably the reason why the building has not been included on the development plan list of protected structures nor was it included in the National Inventory of Architectural Heritage.
- 9.5. The fundamental question before the Board is whether or not the late 17<sup>th</sup> century stone masonry wall merits preservation and should be incorporated into any redevelopment of buildings on the subject site. It appears that the walls in question are of historic value rather than any inherent or intrinsic architectural value.
- 9.6. A national monument as defined in Section 2 of the National Monuments Act 1930 refers to a monument “the preservation of which is a matter of national importance by reason of the historical, architectural, traditional, artistic or archaeological interest attached hereto”. I do not consider that it can be reasonably argued that the

preservation of the masonry walls in question which are in poor condition is of **national** (my emphasis) historic, architectural, traditional or artistic value.

- 9.7. The incorporation of the masonry walls into any new structure for the sake of prosperity would in my opinion, and based on the information contained in the structural report submitted with the response to the grounds of appeal, require major and significant alteration in order to stabilise and maintain the walls. The structural report referred to states that “in all likelihood, attempts at structural stabilisation would require extensive demolition, intervention and even then, there would be no guarantee that the existing building could structurally withstand the amount of intervention required”. I can only conclude based on the above technical assessment that it would not be feasible to incorporate any of the masonry walls in question into the proposed redevelopment of the site. And where any attempts to incorporate the masonry wall would require such a significant amount of intervention that the wall in its original state could not be retained.
- 9.8. It appears therefore that it is not feasible to incorporate the existing building into any higher density redevelopment on-site. If the building is to be retained, it would most probably have to be maintained as a stand-alone refurbished structure. This would have obvious implications for redeveloping the site at appropriate densities. It is of critical importance that sites such as the subject site are redeveloped at appropriate densities as they constitute brownfield serviced sites, proximate to public transport, close to the city centre. The need to provide housing on such sites at appropriate densities in order to address the housing crisis has been highlighted in many reports and has been incorporated into many recently adopted guidelines, not least of which includes the National Planning Framework. So, any decision to retain the building must be balanced against the wider strategic aims of tackling the housing crisis.
- 9.9. It is of course open to the Board to seek independent advice in respect of the possibility of preserving and incorporating the masonry walls into any redevelopment of the site prior to determining the application before it. However, based on the information contained on file I would recommend that An Bord Pleanála uphold the decision of the Planning Authority and grant planning permission for the proposed development. Any grant of planning permission should of course include a condition that prior to any building being demolished, a full survey and record of the structure should be undertaken and recorded.

## 10.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 11.0 **Conclusion and Recommendation**

Arising from my assessment above I recommend that the decision of Dublin City Council be upheld in this instance and that planning permission be granted for the proposed apartment development.

## 12.0 **Decision**

Grant planning permission for the proposed development based on the reasons and considerations set out below.

## 13.0 **Reasons and Considerations**

Having regard to the Z1 zoning objective relating to the site, it is considered that subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as submitted to the planning authority on the 20<sup>th</sup> day of December 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The development shall be revised as follows:

(a) The area between apartment no. 1 and the public footpath/ramp to the car park shall be enclosed by a railing boundary not exceeding 1.2 metres in height.

(b) The front elevation of the “own door office” shall be set forward in order to be consistent in footprint with the projecting balcony above.

(c) The west facing elevation shall be finished entirely of brick from Blocks A and B.

(d) The railing at parapet wall level of Block A shall be omitted and replaced with brick.

(e) The window and door surrounds of both blocks shall not be finished in uPVC.

Details of the above changes shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of residential and visual amenity.

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

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

4. Details of the proposed access/entrance point to the development including materials used, signage and road markings shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interests of traffic and pedestrian safety

5. A total of 24 car parking spaces shall be provided within the site. The layout and design of these spaces at basement level shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. One car parking space shall be permanently allocated to each residential unit and numbered as such. Car parking spaces shall not be sold, rented or otherwise sublet or leased through other parties.

**Reason:** In the interest of orderly development.

6. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

7. The flood mitigation measures as set out in the report titled "Flood Risk Assessment and OPW National Flood Hazard Mapping Report" dated June, 2017 Rev A by Fitzsimons and Doyle and Associates shall be implemented in full.

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

8. 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. 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. [The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated].

**Reason:** In the interest of sustainable waste management.

9. A full architectural survey of the building proposed for demolition shall be carried out and shall include a photographic record of all elements and shall be submitted to the planning authority prior to the commencement of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

**Reason:** In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

10. In the event that hazardous soil, or historically deposited waste is encountered during the construction phase, the contractor must notify Dublin City Council and provide a hazardous/contaminated soil management plan, to include estimated tonnages, the description of location, any relevant mitigation, destination for disposal/treatment in addition to information on the authorised waste collectors.

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

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of the archaeological

materials or features which may exist within the site. In this regard, the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report containing the results of the assessment shall be submitted to the planning authority with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. Site development and building works shall be carried out only between the hours 7 a.m. to 6 p.m. Mondays to Fridays, 8 a.m. to 2 p.m. on Saturdays and not at all on Sundays or Bank Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

13. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

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

14. Site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during the construction works in the interest of orderly development.

15. 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.

16. The naming and numbering of all dwelling units shall be in accordance with a scheme submitted to and agreed in writing with the planning authority prior to the occupation of any dwelling unit.

**Reason:** In the interest of orderly development.

17. The developer shall pay to the planning authority a financial contribution of €220,234 (two hundred and twenty thousand two hundred and thirty-four 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.

18. The developer shall pay the sum of €4,000 (four thousand euro) per residential unit (24 residential units) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of public open space. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by the 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 considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

---

Paul Caprani,  
Senior Planning Inspector.

26 June, 2018.