



An  
Bord  
Pleanála

## Inspector's Report ABP-302295-18

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<b>Development</b>	Construction of 6 storey building for retail and residential use.
<b>Location</b>	58-59 Meath Street and 27 Carman's Hall, Dublin 8.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3985/17
<b>Applicant(s)</b>	Carman Developments Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Carman Developments Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	5 <sup>th</sup> October 2018.
<b>Inspector</b>	Brid Maxwell

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of .237ha and is located on the eastern side of Meath Street, comprising 58-59 Meath Street in the Liberties, Dublin 8. The site is occupied by two derelict boarded up buildings to first floor level which includes a flat felt roof in place of former upper floors and adjacent recently constructed four storey mixed use development incorporating commercial at ground floor and residential apartments overhead.
- 1.2. No 58 and 59 Meath Street have been identified as representing the remains of late 17<sup>th</sup> or early 18<sup>th</sup> century “Dutch Billy” houses which were a common building type for the area during this time, and which have been highly modified over time. With modern structural steel holding them together. Application documents indicate that the structural condition of the existing buildings are poor having suffered from years of neglect and sustained water ingress with significant evidence of timber decay. Stabilisation works carried out in the 1960s reportedly involved demolition of parts above first floor level and large reportedly no 58 was almost entirely rebuilt as part of these works.
- 1.3. Each building has a shop front access the width of the ground floor façade and a wide doorway between provides access to the laneway formerly known as Flag Alley. The façade of No 58 is two bay and is faced with a yellowish brick with some red brick, laid in English bond and appears to be of later 19<sup>th</sup> century date. Window cills are of concrete and a concrete beam runs across the window heads. The upper part of the façade is of concrete brick. No 59 is a three-bay building and the first-floor façade of no 59 is a mix of brick, with yellow brick, possibly of late 19<sup>th</sup> century date, above the base over the shop front, up the left-hand side of the façade and below the parapet. Window heads are canted and are of a dark brick, probably also of late 19<sup>th</sup> century date with a single course of similar brick at window head level. The rest of the façade appears to be of earlier brick. The southern flank of no 58 Meath Street faces onto Caman’s Hall, Wal is rendered with sand and cement and topped with a parapet with precast concrete copings. A large horizontal side facing window is concealed behind steel roller shutters. Interiors of the buildings are reportedly in very poor order, characterised by small rooms with evidence of many alterations over a prolonged period.

- 1.4. Site is within the zone of archaeological potential for the historic core of Dublin  
\*DU018-020 and within the Thomas Street & Environs ACA.

## 2.0 Proposed Development

- 2.1. The application as initially set out involves the partial demolition of existing structures and construction of a six storey building of 1033 sq.m to contain:
- Retail unit at ground floor level. Amalgamating the ground floor retail unit of 27 Carman's Hall to create a retail unit of total 360 sq.m; and
  - 9 apartments at upper floors (8 x 2 bed and 1 x one bed)
  - A private balcony to each apartment and a communal terrace at fifth floor of 51 sq.m.
- 2.2 Following a request for additional information, amendments to the proposal resulted in the removal of the top floor and amendments to the façade treatment to Meath Street. This resulted in reduction in the number of apartments to 8.
- 2.3 I note that within the grounds of appeal the first party has requested that the Board assess the development of the 6 storey height as originally lodged. An alternative Option 2 Six storey scheme which provides for additional setbacks at third and fourth level creates an alternative staggered elevational treatment.
- 2.4 Application details note that the proposal seeks to retain the majority of the extant structure of no 59 and modern insertions will be minimal and sympathetic to the existing building. New build elements aim to complement existing structures rather than create a pastiche of Dutch Billy and Victorian styles. The proposed structure will be executed in contemporary aesthetic using a palette of modern materials.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following a request for additional information and subsequent response thereto Dublin City Council issued notification of its decision to refuse permission for the following reason.

*“The proposed development by virtue of its scale and massing would be visually obtrusive and would result in a loss of grain and character on this portion of Meath Street and would therefore be seriously injurious to the visual amenities of the area. The proposed development offers and inadequate transition between the historic fabric of 58 and 59 Meath Street and the new development above and would be contrary to the Thomas Street and Environs Architectural Conservation area and the development strategy set out in the Liberties Local Area Plan. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.”*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.1.1 Planner’s initial report notes that previous decision determined that a six storey structure at this location not appropriate. The proposal would result in the tallest building on Meath Street with the exception of the spire of St Catherine’s Catholic Church. Furthermore, the amalgamation of sites generally discouraged. A more sensitive planning and design approach is required to compliment the fine grain of the established streetscape.

3.2.1.2 A request for additional information issued seeking a detailed archaeological impact assessment, and requesting revisions to the proposed design to provide for a reduction in height from 6 storeys to 5 storeys. More traditional type shopfront and rationale for amalgamation with approved shop unit was sought. Consideration required for maintaining maximum built fabric of no 58 Meath Street and alternatives to proposed open balconies to Meath Street sought.

3.2.1.3 Following response to request for additional information report expressed concerns remain regarding the bulk to the streetscape because of the stairwell above and lack of separation between the old fabric and new fabric. Shopfront proportions were deemed not to be in keeping with the character of the area of the subject building.

In relation to plot ratio and site coverage the exceedance considered acceptable in the context of the central accessible location of the site Density also considered appropriate. Overall impression of the building reads as bulky and incongruous in the streetscape. Development of this height and nature at this location would conflict with the Liberties LAP such that the scale and fine grain of Meath street would be irreparably damaged. Refusal was recommended.

### 3.2.2. Other Technical Reports

3.2.2.1 City Archaeologist report notes location within zone of Archaeological Constraint for Recorded Monument DU018-020 Dublin City. Although both No 5 and No 59 Meath Street have been heavily altered in the 19<sup>th</sup> and 20<sup>th</sup> centuries, significant archaeological structural remains possibly dating to the 17<sup>th</sup> century survive in situ.

Archaeological assessment fails to properly address the specific historic of the two buildings and full impact of the proposal on the fabric of the buildings. Given the location of the proposed site within the historic core of Dublin City, the extreme rarity of upstanding possible 17<sup>th</sup> century structures within the city and the proposal for partial demolition, it is recommended that a detailed Archaeological impact assessment to include a full measured building survey to Historic England Level 4 Standard, be carried out to determine the age, form and building techniques of the structures. Detailed requirements set out in request for additional information.

Following submission of additional information report recommends conditions to attached to any grant of permission including archaeological monitoring.

3.2.2.2 Roads and Traffic Division report indicates no objection to lack of parking provision. No objection subject to construction management plan, cycle parking.

3.2.2.3 Engineering Department Drainage Division. No objection subject to compliance with Greater Dublin Regional Code of Practice for Drainage Works.

### 3.3. Third Party Observations

3.3.1 Submission from Mrs Teresa McKenna and Mr Christy McNamara, 14 Ash Grove, object to the proposal on grounds of overshadowing, dust and disturbance. Bicycle parking considered hazardous.

3.3.2 Mr Denis Murphy, 2 Gray Street, off Meath Street. Notes the historic importance of the street to the Liberties area, largely composed of two or four storey buildings of similar design and character. Allowing a building greater than 4 storey will dramatically alter the built environment, take from the historic character and cast a shadow over the junction of Gray Street. Development welcome in principle however should be restricted to no more than 4 storeys in height.

3.3.3 James Madigan, 8 Gray Street objects to the development. The structures on the site are of historic importance to the Liberties and within an ACA. Development should be restricted to 3 to 4 stories in height. Reasons for previous refusal remain valid. Injury to the skyline of the Meath Street Area. Overshadowing of Ash Grove.

## 4.0 Planning History

There is an extensive planning history in the vicinity including the following:

**3799/17** Invalid

**2217/17** Refusal of Permission for modifications to permission for four storey mixed use building under 4214/16. Modifications include a 6 storey mixed use building to amalgamate with the permitted 5 storey development 4214/16 and nos 58 -59 Meath Street and 27 Carman's Hall demolition of two two storey terraced buildings 58 and 59 Meath Street. Refused on grounds of impact on historic fabric injury to visual amenities of Meath Street. Adverse impact on the Thomas Street and environs ACA.

**4214/16** 27 Carman's Hall. Permission granted for demolition of existing two storey multi dwelling building and construction of a four storey mixed use building to contain two retail / café. Medical consulting / local office unit at ground level with twelve apartments on the upper floors. Private balconies to each apartment on south / street facing façade along with communal roof terrace.

**ABP300529-17 - 3986/17** The Board overturned the decision of Dublin City Council and granted permission for amendments to include the construction of 1 no three-bedroom unit of 112 sq.m to fourth floor level only with a private balcony of 41 sq.m and by reduction in area of the communal terrace at fourth floor by 3 sq.m. The refusal was on grounds of visual amenity within the Thomas Street and Environs ACA, loss of grain and character, overlooking and overbearing impact on rear of Meath Street. The Board noted the Z4 City Centre zoning objectives, height strategy of the Local Area Plan and the pattern of development in the vicinity.

**3797/17** Permission for amendments to permitted development 4214/16. Amendments to include additional floor area of 45 sq.m to the south/front of care retail unit and 7 sq.m to local office unit and revised shop fronts / elevational treatments o ground floor level only at 26 Carman's Hall.

**PL29S247548 3362/16** Carman's Hall Permission for demolition of demolition of two storey mixed use building and construct a mixed use four storey building with six apartments and 562 sq.m of offices.

## **5.0 Policy Context**

### **5.1 Urban Development and Building Height Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, December 2018.**

5.1.1 Promote an appropriate balance between enabling long term strategic development while ensuring the highest standards of urban design, architectural quality and place making outcomes. Guidelines set out government policy that building height must generally be increased in appropriate urban locations. Development Management Criteria are set out at scale of city and district, neighbourhood /street and at scale of the site / building. Specific assessment may be required to include, micro-climate effects, impact on sensitive bird/ bat areas, retention of telecommunication channels, air navigation, an urban design statement including impact on historic built environment, relevant environmental assessment including SEA, EIA, AA and ecological impact assessment as appropriate.

### **5.2 Architectural Heritage Protection Guidelines for Planning Authorities, Department of Arts Heritage and the Gaeltacht 2011**

### **5.3 Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities 2018.**

### **5.4 Development Plan**

#### **5.4.1 The Dublin City Development Plan 2016-2022 refers.**

The site is zoned Z4 City Centre. The relevant objective is to provide for and improve mixed services facilities.

Section 16.7 Building height in a sustainable city.

Strategic Development Regeneration Area 15 The Liberties

Thomas Street and Environs Architectural Conservation Area.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and



enhance the character and appearance of the area and its setting, wherever possible.

Section 6.5.3 Height Strategy. The site is not specifically reference in terms of height restriction,

Section 16.78.2 Height Limits and areas for Low Rise, Mid Rise and Taller Development. All areas considered to be in low rise category unless provisions of a LAP/SDZ/SDRA indicate otherwise.

Section 16.7.2 Height Limits and Areas for Low-Rise, Mid Rise and Taller Development. In the low-rise category in Inner City up to 24m residential.

## **5.5 Liberties Local Area Plan (extended to 20120)**

Section 5.1.5 Liberties The Coombe. Notes key characteristics including building heights generally 1 to 3 storeys. Key objectives include requirement the creation of a continuous street frontage to the urban blocks facing Thomas Street, Meath Street and Francis street built to back edge of pavement, and for new infill development to relate to the height of adjacent buildings. Infill development should avoid a tendency to pastiche whilst reflecting the scale of adjacent buildings of heritage value.

Retail objectives seek to encourage the intensification of shopping on Meath Street including bringing derelict and void retail units back into use.

6.5.5 Architectural Heritage Objectives – to improve recognition of the layers within buildings where facades may have changed in later period but where old plot sizes, interiors and rear elevations evidence their earlier origins.

Section 6.5.3 Height Strategy. Seeks to protect scale and grain.

## **5.6 Natural Heritage Designations**

None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Thornton O Connor on behalf of the first party. Grounds of appeal are summarised as follows:

- Proposal was amended during the course of the application to Dublin City Council to provide for a five storey structure however it is maintained that the site is suitable for a six storey building and The Board is requested to determine the initial proposed six storey scheme.
- An alternative six storey design option (Option 2) is also provided for the consideration of The Board.
- Option 2 scheme expressly seeks to address the concerns of Dublin City Council as detailed in the planners report and provides additional setbacks at third and fourth floor level to create an alternative staggered elevational treatment. Communal garden at fifth floor level is retained however if communal amenity space at this level is not considered appropriate the applicant happy to accept a condition for this space to be utilised as private open space servicing apartment 9 and to provide a financial contribution towards public open space in the vicinity.
- Two recent decisions are of particular relevance to the grounds of appeal Firstly 3986/17 (PL29S300529) 5 storey development at 27 Carman's Hall immediately east of the site. The application sought permission to inter alia amend permitted development by increasing height to provide residential development at fourth floor level i.e. 5 no storeys. The Board overturned DCC decision to refuse permission.
- Secondly DCC ref 2827/17 Application for student accommodation development at Carman's Hall and Garden Lane which included heights of 6 storeys.
- Above precedent cases by An Bord Pleanála and Dublin City Council have previously determined that heights of five storeys immediately adjacent to the site and six storeys in close proximity are appropriate and do not conflict with prevailing heights in the area or Contravene the Thomas Street and Environs ACA.

- In addressing the specific grounds for refusal, the scale and massing of the proposed development is appropriate to the site context and responds to recent planning policy direction to achieve compact urban growth.
- The proposed development as originally designed provided maximum heights of approximately 17.8m. The option 1 drawings with fourth floor setback is in the form of a balcony that wraps around from the Meath Street frontage to the majority of the Carman's Hall frontage. The setback at fifth floor level is more substantial and provides a large communal area which significantly reduces the massing at this level. The fifth-floor level setbacks will ensure that the bulk and massing of this level are largely imperceptible from street level.
- Proposed scale and massing is eminently suitable to the site context. The corner site presents an opportunity to visually demarcate a key junction by providing additional verticality. Height variance stepping up to the corner will present a more attractive contiguous elevation to Carman's Hall than the alternative solution of exactly matching the height permitted at 27 Carman's Hall which could result in a more monotonous continuous form.
- Option 2 scheme presents the same quantum of floorspace in a revised arrangement creating a less uniform more staggered appearance in contrast to the intentional uniformity of option 1 scheme. Option 2 scheme provides a 1.7m partial set back along Meath Street and associated creation of an external terrace. Alteration at fourth floor level through the reduction in the extent and form of terrace fronting Meath Street. Elevation changes including the repositioning and alignment of all windows. Change in the texture of detailing of proposed brickwork. Changes to external finishes at fourth and fifth floor levels, and changes to proportions and layout of proposed shop front along Meath Street and Carman's Hall.
- Planning policy sets clear direction for increased height at appropriate locations.
- Notably the issue of transitional heights was recently considered by a Planning Officer in considering the appropriateness of development of midrise height part 3 to part 7 storey adjacent to low rise structures in Mary Street Little in Dublin 1 3629/17.

- National Planning Framework has recognised the importance of identifying infill opportunities in the core of the city that are much more acceptable than resorting to urban sprawl.
- Dublin City Council's concerns in respect of the potential loss to the grain and character of Meath Street are unjustified.
- Proposal provides for a considered transition between historic fabric and new development. Scheme retains the existing facades at ground and first floor level with the new development providing alternative materials in the form of dark Moroccan bricks and composite panels at set back upper levels. Historic building forms are clearly legible.
- Option 2. Scheme seeks to reflect the original proportion of the Dutch Billys without the use of pastiche replications. Setback at fourth floor level references the original storey height. Window placement on the upper floors align with those below and a set back and recessed shadow channel in the brick along the junction of no's 58 and 59 emphasises the original grain of the area.
- Proposal provides a suitable form in an ACA and accords with the development Strategy of the Liberties Local Area Plan.
- A part six storey development with a maximum height of 17.8m (with a parapet height marginally higher than the permitted and ABP at No 27 Carman's Hall) is not significant in the context of a city where 9 storeys max 28 may be considered acceptable particularly having regard to the corner profile of the site.
- Proposal ensures that the development potential of the land is maximised. Proposal is fully in accordance with the proper planning and sustainable development of the area and will assist in the rejuvenation of the Meath street Area act as a potential catalyst for further development of adjacent land and assist in the creation of a critical mass of population to support the viability of local services and commercial uses.

## 6.2. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

## 7.0 **Assessment**

7.1. I consider that the substantive issues of the appeal to be

- Height, scale and Impact on streetscape and in particular architectural heritage of the Thomas Street and Environs ACA.
- Compliance with Development Plan Policies and extent to which the development meets the quantitative standards in the Development Plan and National Guidance.
- Appropriate Assessment and Environmental Impact Assessment Screening.

## 7.2 **Height, Scale and Impact on the streetscape and the Thomas Street and Environs ACA.**

7.2.1 The key basis within the grounds of refusal is the contention that the proposal by virtue of its scale and massing, would be visually obtrusive and result in the loss of grain and character and would be visually injurious to the amenities of the area. It is asserted that the proposed development offers an inadequate transition between the historic fabric of 58 and 59 Meath Street and the new development above.

7.2.2 The proposed original six storey development which extended to a height of 17.8m was reduced in response to the request for additional information by way of omission of the fifth floor. Amended design provides for building parapet height of 15.15m with stair core extending to overall height of 17.6m. I note that with the grounds of appeal the first party has maintained that the site is suitable for a six storey structure and has requested that the Board adjudicate on the 6 storey options, namely option 1 (the original proposal submitted to the Planning Authority on 4/10/17) and option 2

(modified proposal submitted to the Board with the grounds of appeal 9/8/2018). In my view however, having assessed the detail of these options, I share the concerns expressed by the Planning Authority with regard to scale, height and bulk of both 6 storey proposals. On this basis I am inclined to look towards the reduced 5 storey option as detailed in submission in response to the request for additional information 18/6/2018, which in my view results in a more appropriate form in the context of the Development Plan and Local Area Plan objectives to respect established grain and height. I consider that the five storey proposal is more acceptable and in keeping with the established urban grain. As regards the precedent case cited adjacent, 300529-17, I note that the Board in this case decided to permit additional residential development at fourth floor level (five storeys in total). As regards the stairwell I note that it is set back from the streetscape and in my view does not unduly detract in visual terms.

7.2.3 On the issue of heritage and conservation impact, I note the concerns expressed with regard to the transition between the historic fabric and 58 and 59 Meath Street. I consider that the revised proposal largely achieves an appropriate transition. On the issue of shop front detail, I note concerns raised about the excessively wide glazed panels to shopfront which are somewhat at odds with the pattern of fenestration to the building. In my view this matter can be addressed by condition. As regards the proposed amalgamated retail use with the adjoining site 27 Carman's Hall resulting in the creation of a larger unit of 360 sq.m, I have noted the concerns raised within the Council's request for additional information, however I consider that the first party has submitted sufficient justification for unit to provide for a neighbourhood shop of this scale at this location. I consider that subject to minor adjustments the proposed development sits comfortably within the evolving streetscape and is compatible with the form and character of development in the vicinity.

### **7.3 Compliance with Development Plan Policies and Quantitative Standards in the Development Plan and National Guidelines.**

7.3.1 The mixed-use nature of the proposal is in keeping with the zoning objectives pertaining to the site and the wider objectives of the Development Plan and Liberties Local Area Plan with regard to the provision of continuous street frontage and the intensification of shopping on Meath Street. Architectural heritage objectives to improve the recognition of layers within buildings are also addressed by the proposal.

7.3.2 As regards the proposed residential use, an assessment of the proposal against the quantitative standards in the current development plan reveals the following :

- Orientation of the apartments are dual aspect.
- Size of the proposed residential units meet the minimum overall floor area requirements for two-bedroom and one-bedroom units (73 sq.m and 45sq.m respectively)
- Individual storage facilities meet the required size requirements.
- As regards open space provision balcony sizes meet the minimum required size.
- On the issue of communal open space, it is proposed to provide a communal roof garden of 55m sq. m. This meets the minimum requirements for communal amenity space. I note the concerns raised with regard to the potential noise or other disturbance impacts arising from this communal area however I consider that the proposal is appropriate in its context. Given the urban infill nature of the proposed development, a degree of flexibility with regard provision is appropriate in this regard. I note that the adjacent complex 27 Carmen Hall provides communal open space area at fourth floor level.
- As regards refuse storage I note that the application does not provide any detail on waste storage however this can be provided for by way of condition.
- No off-street car parking is provided which is appropriate given the sites context and availability of alternative modes of transport. Cycle parking to serve the residential units is provided for within the lobby area.

7.3.3 Having regard to the detail of the design, I consider that the proposal provides for an adequate standard of amenity and will not give rise to negative impact on the amenities of residents of established properties in the vicinity. On this basis it is considered that the quality of the apartment units are reasonable. Given policies in favour of higher residential densities the proposal would not represent overdevelopment of the site and is in my view acceptable subject to certain conditions.

#### **7.4 Appropriate Assessment Environmental Impact Assessment Screening.**

7.4.1 Having regard to the nature and scale of development and to the nature of the receiving environment, namely an urban infill and fully serviced location, 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.

7.4.2 On the issue of Environmental Impact Assessment screening I note that the relevant class for consideration is class 10(iv) "*Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*". Having regard to the size of the development site (.3148ha) and scale of the development, it is sub threshold and does not the proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an EIAR is not required.

### **8.0 Recommendation**

8.1. Having considered the contents of this application in detail, the decision of the planning authority, the provisions of the Development Plan and Liberties Local Area Plan, National Guidelines and grounds of appeal, my site inspection and assessment



of the planning issues, I consider it appropriate to recommend to the Board that a permission be granted subject to the following:

## 9.0 Reasons and Considerations

Having regard to the Z5 zoning objective of the site and the national policy favouring higher residential densities, the height strategy in the Liberties Local Area Plan, the location of the site within the Thomas Street and Environs ACA it is considered that, subject to compliance with the conditions hereunder, the proposed development would provide an acceptable standard of residential amenity, would not detract from the character of the Thomas Street and Environs ACA, and would be in keeping with the established pattern of development in the vicinity. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

### Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as amended by the further plans and submitted on the 18<sup>th</sup> day of June 2018, except as may otherwise be required 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 The proposed development shall be amended as follows
  - (i) The shopfront to Meath Street shall be revised to reflect the fine grain of the established streetscape. Wide glazed panels shall be reduced to reflect the traditional pattern of fenestration.

- (ii) Apartment entrance foyer shall be extended eastwards to provide for suitably designed and ventilated communal refuse storage facility.

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

Reason: In the interest of visual amenity.

- 3. Details, including samples, of the materials, colours and textures of all the external finishes to the building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 4. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall
  - (a) notify the planning authority in writing at least four weeks prior to commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no additional plant, machinery or telecommunications structures shall be erected on the roofs of any of the building; height shall any external fans, louvres or ducts be installed without a prior grant of planning permission.

Reason: In the interest of visual amenity.

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

Reason: To protect the visual amenities of the area.

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

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

10. 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.

11. The construction of the development shall be managed in accordance with a construction and demolition management plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound including area identified for the storage of construction refuse
  - (b) location of areas for construction site offices and staff facilities
  - (c) Details of site security fencing and hoardings;
  - (d) Details of parking / transport facilities for site workers during the course of construction
  - (e) Details of timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
  - (f) measures to obviate queuing of construction traffic on the adjoining road network

(g) Measures to prevent the spillage or deposit of clay rubble or other debris on the public road network;

(h) alternative arrangements to be put in place for pedestrians and vehicles in the case of closure of any public road or footpath during the course of site development works;

(i) details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels.

(j) Containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) Off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

12. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The

contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme.

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Bríd Maxwell  
Planning Inspector

7<sup>th</sup> January 2019