



An
Bord
Pleanála

Inspector's Report ABP 302514-18

Development	Demolition of existing buildings at Nos 1-3 The Crescent and construction of Six storey over basement, (16 metres high) Seventy-Eight Room, contemporary hotel development.
Location	Nos 25-27 Donnybrook Rd & Nos 1-3 The Crescent, Donnybrook, Dublin 4.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4494/17
Applicant	Kouchin Holding Unlimited Company
Decision	Grant Permission.
Appellant (1)	Residents of The Crescent and Beech Hill Drive. (C/O Brendan Tangney
Appellant (2)	Donnybrook Tidy Towns
Appellant (3)	Barra Hanrahan
Appellant (4)	Paula Murphy
Observers	(1) Councillor Frank Kennedy. (2) Herbert Park Area Residents Association.
Date of Site Inspection	20 th December, 2018.
Inspector	Jane Dennehy

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1.0 Site Location and Description

- 1.1. The site has a stated area of 860 square metres and is located on the south west side of Donnybrook Road at the junction with The Crescent and it has frontage onto Donnybrook Road. The buildings within the site on The Crescent are single storey commercial units. To the east is Donnybrook Fire Station, to the south are terraced brick faced houses and the south west boundary adjoins two storey houses at Nos 12-15 Donnybrook Manor.
- 1.2. Part of the site area, at the perimeter is under the control of the Dublin City Council and a letter of consent to the inclusion of the lands within the application site has been provided with the application.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing single storey buildings at Nos 1-3 The Crescent and for construction of a six storey over basement seventy-eight-bedroom hotel building on the site.
- 2.2. A vehicular access and egress and a 'set down' space is to be provided on the Donnybrook Road frontage and a services yard is to be accessed directly from The Crescent. No on-site parking facilities are to be provided for the development.
- 2.3. The application was subject to a request for additional information in respect of which a response, was lodged with the planning authority on 19th July, 2018 indicating proposals for some modifications to include:
 - reconfiguration of the internal layout,
 - increases to the original setbacks at upper levels and,
 - modifications to the external facades.

In the modified proposal the total number of rooms is reduced by seven comprising:

- omission of one room at second floor level and replacement with a flat roof access to which is confined to maintenance purposes on the south elevation:

- Omission of one room at fifth floor level on the south elevation
- Reconfiguration of six bedrooms into three bedrooms with terraces on the east facing elevation and.
- Omission of two bedrooms at first floor are with the floor are incorporated into the bar and restaurant

3.0 Planning Authority Decision

3.1. Decision

By order dated, 15th August, 2018 the planning authority decided to grant permission subject to fifteen conditions most of which are of a standard nature.

Condition No 3 is a Security Bond Condition.

Condition No 5 contains a requirement for the bamboo screening proposed to be in place and to be at the height of five metres indicated in the further information submission prior to the opening of the hotel.

Condition No 6 (ii) contains a requirement for the finished floor level of 11.27 to be provided for as indicated in the further information submission.

Condition No 6 (v) contains a requirement for basement level drainage to be lifted by pumping to a maximum depth of 1.5 metre below the ground level before discharge by gravity to the public sewer as indicated in the further information submission.

Condition No 6 (ii) contains a requirement for the proposed SUDS arrangement and Green Roof shown in the Roof plan drawing No 15 lodged with the further information submission to be included as part of the development to the satisfaction of the Drainage Division as indicated in the further information submission.

Condition No 11 (i) contains a requirement for preparation of a Construction Management Plan to include traffic management plan details following appointment of a contractor for written agreement with the planning authority.

Condition No 6 (ii) contains a requirement for servicing arrangements to accord with the details in the Hotel Operations/Service report with the further information submission.

Condition No 6 (iii) contains a requirement for ongoing monitoring of the 'set down' area at the front of the hotel.

Condition No 14 contains the requirement for new signage, (to be individually mounted lettering in a material such as stainless steel to be mounted directly onto the façade to be subject to a separate planning application.

Condition No 15 contains the requirement for the bar and restaurant facilities to be open to the public during normal operational hours.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning officer having considered the original application and the further information submission submitted in response to the additional information request confirms that the proposed development is considered to be in accordance with the zoning objectives and satisfactory.

3.2.2. Other Technical Reports

The initial reports of the Roads and Traffic Planning Division and the Drainage Division indicates recommendations for additional information to be requested. The supplementary reports on the further information submission indicated satisfaction

with the proposed development with the Roads and Traffic Planning Division making a recommendation for provision for linkage to public carparks to be considered. The Drainage Division required some further clarification on flooding risk and the proposed attenuation tank.

3.2.3. **Third Party Observations**

Objections were received from the four appellant parties whose appeal submission and supplementary submission are outlined in detail in Section 6, indicate serious concerns about the design, height and scale of the proposed building and its visual impact on the existing village streetscape relative to existing village buildings, overlooking, overshadowing and disturbances due to the twenty-four operation and nature of use of the proposed development and the arrangements for servicing off The Crescent, traffic and parking, impact on structural stability of existing development, impact on traffic flow and safety of all road users at the blind corner on Donnybrook Road, (R132) and potential obstruction of emergency services vehicles.

4.0 **Planning History**

4.1. The application site has been subject to three prior applications for major development, outline details of which are provided below.

P. A. Reg. Ref. 2275/09 (PL 235703): the planning authority decision to grant permission was upheld following appeal. The application was for demolition of the existing structures and construction of two five-storey over-basement buildings, connected by a bridge link for use in seven retail units, sixty-eight carparking spaces and forty-four cycle spaces at basement level, a landscaped square and access off Donnybrook Road and through the development for Donnybrook Station

P. A. Reg. Ref. 1721/07 (PL 2235721): Following appeal, the planning authority decision to grant permission was overturned following appeal. The application was for demolition of the existing structures and construction of a six-storey over-basement building for retail and office use. Thirty-six carparking spaces and eighteen cycle spaces at basement level, a new vehicular access at The Crescent, and ancillary landscaping and site works. The reasoning for the refusal of permission relates to scale, design, height and mass and visual impact on the surrounding area

and overlooking and overbearing impact on adjoining properties resulting in serious injury to the amenities of the area and the residential amenities of adjoining properties.

P. A. Reg. Ref. 5485/03 (PL 209301): The planning authority decision to grant permission was upheld following appeal. The application was for demolition of the existing structures and construction of mixed use development comprising a twenty-six-storey glazed tower structure, with access onto Donnybrook Road and a four-storey building accessed from the Crescent, thirty-eight carparking spaces and fifteen cycle spaces. The reasoning for the refusal of permission relates conflict with the development plan policies for high rise development and the Z1 and Z2 zoning objectives owing to overdevelopment, incompatibility with and overbearing impact on the existing surrounding development.

The written submission accompanying the application contains a detailed account and review of these prior applications.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan 2016-2022 (CDP) according to which the site location is subject to the zoning objective: “Z4: *“District Centre: to provide for and improve mixed services facilities”*. Hotel Development is permissible in principle. For Z4 zoned lands the indicative plot ratio is 2.0 and indicate site coverage is 80 per cent.

Development at The Crescent and Belmont Park come within an area zoned *and Z2: “residential conservation area”*. Donnybrook Manor, to the south east is subject to Z1 *“to protect, provide for and or improve residential amenities*

(Formerly, under preceding development plans the application site was subject to Z1 “to protect, provide for and or improve residential amenities” and Z2: “residential conservation area” zoning objectives.)

According to Table 1.0 and section 16.7.2 on the building height policies the Donnybrook area is categorised as “low rise” and within “Outer City” and a

maximum height for development of sixteen metres for commercial or residential development is therefore applicable to the site location.

The site location is within a zone of archaeological Interest for part of Donnybrook area and the River Dodder.

For Z4 zoned lands the indicative site coverage at 80 percent and plot ratio at 2.0 are provided for in Section 16.5.

Policies and objective for Transitional zone areas are set out in section 24.7 and advice avoidances of abrupt transitions.

6.0 The Appeals

There are four appeals which have been lodged by the following third parties are outlined below.

Residents of The Crescent and Beech Hill Drive (C/O Brendan Tangney)
Donnybrook Tidy Towns.
Barra Hanrahan
Paula Murphy

6.1. Residents of The Crescent and Beech Hill Drive. (C/O Brendan Tangney) (Fourth Third Party.)

The appeal was lodged by Brendan Tangney on behalf of occupants of five residential properties on 10th September, 2018. According to the appeal:

- The proposed development is over dominant and out of proportion to and out of character with the surrounding built environment of Donnybrook. It is excessive for the small sized site.
- Privacy and residential amenity at the properties on The Crescent would be adversely affected.

- Egress from the Crescent is too difficult and traffic flow between the Crescent and Donnybrook Road would be hazardous and significantly hampered. Traffic generated by the hotel would be high and it would hinder the flow of traffic in the area.
- The Goods entrance which would be used frequently by vehicles and deliveries and storage area location is not suitable because it is adjacent to the residential properties on The Crescent.
- The location is also too close to the entrance to Donnybrook Garda station and Garda vehicles enter and exit via the Crescent on a twenty-four basis. Traffic and parked vehicles relating to the proposed hotel would obstruct the access and use of the route and would adversely affect emergency traffic.
- The location is also too close to the entrance to Donnybrook Fire station and traffic could affect access to and from the Fire station.
- There is insufficient public parking for residents at The Crescent (about twelve spaces) at present. Parking generated by the proposed hotel, especially having regard to turnover cannot be accommodated.
- The nature of use of the hotel especially late at night with noise and light pollution, and delivery and removal of goods and waste is incompatible with the residential use of properties on The Crescent and along will affect residential amenities at The Crescent.

6.2. Donnybrook Tidy Towns.

The appeal was lodged by Sean Brennan, on behalf of Donnybrook Tidy Town on 7th August, 2018. According to the appeal:

- It is not clear that the six-storey building's height can be restricted to sixteen metres. Even if each floor's height is kept at three metres with an additional four metres at ground level, (having regard to section 16.7.2 of the CDP) the sixteen metres limit must be exceeded. Any floor height less than three metres would need to be queried.

- The modifications in the further information submission would not address overdevelopment and the exceedance of the 2.0 standard for the plot ratio. Site coverage at 98 percent is well in excess of the district centre maximum standard of 80 percent. The plot ratio and site coverage breach the standards for “Z6” zoned lands set out in Section 16.5 of the CDP.) These exceedances are also unacceptable because the location is transitional. It is directly adjacent to development in Zone 1 and Zone 2 which are more sensitive zonings than Zone 4 zoned lands. A reasonable distance should be maintained from the edge of the adjoining areas.
- The development is overbearing and visually obtrusive in the streetscape especially given the sensitive location adjacent to the Z2 zoned house on the Crescent and the ACA designated corner of Belmont Avenue. This is contrary to policy objective CH4 of the CDP. It will tower over the Z1 zoned lands at Donnybrook Manor.
- There is no daylight study which is needed for assessment of true impact on the surrounding two storey houses, included in the shadow analysis submitted with the application.
- There is no provision to accommodate car users among the projected 680 daily visitors to the hotel and the goods vehicles. The location at a pinch point on a busy road, a major artery of the N11, would cause significant additional pressure on the road network and on the village, which is not capable of absorbing the additional traffic flows.
- The proposed development breaches Objective 8 on the CDP for protection of archaeological monuments and architectural heritage. Donnybrook is sensitive due to archaeological and architectural heritage. It is adjacent to the Donnybrook Graveyard and close to the protected structure on the site of the Magdalene laundries and subsurface archaeological may be disturbed. There is no archaeological assessment in the application.
- The proposed removal of three mature trees and the landscaping at the land to be acquired from Dublin City Council and Donnybrook Fire station would be unfortunate because Donnybrook has little scope for street landscaping. The Plaza area (Public Carpark was refurbished and re-

landscaped in February 2018. It was made into a focal point and is the last remaining green space in the village. Four village events are held at this space annually. The hotel development would overshadow the area and reduce its biodiversity potential and functionality as a vibrant local hub.

- The materials and finishes are not sympathetic to the buildings nearby. And the large scale of the development is insensitive to the traditional Victorian and Edwardian terraced houses and contrary to section 14.4.4o of the CDP.

6.3. Barra Hanrahan, No 12 Donnybrook Manor.

An appeal was received from Barra Hanrahan on his own behalf on 11th September, 2018. According to the appeal:

- The rear wall of the garden is 13.4 metres from the rear wall of the house and the proposed hotel would tower over Mr Hanrahan's property. The rear garden abuts the site. Light and sunlight to the house and garden would be obstructed. The Fire station is on one side of Mr Hanrahan's property and the hotel at the end would box it in.
- Noise and dust pollution would adversely affect the amenity and use of the rear garden during construction and it would be overlooked by the hotel afterwards when it is operational. There will also be noise, odours and light pollution. Views towards the Poolbeg chimneys from the rear of the house would be lost. The proposed bamboo screening is unfit for purpose and would not offer privacy. Overlooking would still occur from the upper floors of the hotel. As a result, both the residential amenities and the value of Mr Hanrahan's property would be devalued.
- The scale is such that the proposed hotel is very out of character with the buildings in Donnybrook which are predominantly two storey buildings in a particular architectural style.
- The proposed hotel is huge and cannot even be considered as a replacement for two storey buildings for the small site and the narrow, congested street. It is more suited to the Docklands.

6.4. **Paula Murphy. No 5 The Crescent.**

An appeal was received from Paula Murphy on her own behalf on 7th September 2018. According to the appeal:

- The scale height and mass are totally out of character with the two-storey and three storey village buildings. A four-storey hotel building such as the one constructed in Ranelagh is more appropriate. Sites are awaiting development in Donnybrook. As there is no plan for the village, and haphazard construction is to the detriment and destruction of the character of the village.
- The site location is at the most narrow and congested point on the road through the village. The extra traffic and arrivals and departures, including taxi set-downs especially on approach from the city centre where right turning is required would be detrimental to the flow and of traffic and safety. There is at present a lot of difficulty experienced by residents when entering and exiting the Crescent from and to Donnybrook Road. And increased traffic generated by the hotel will escalate danger to pedestrians and cyclists as well.
- Residential amenities of properties on The Crescent will be adversely affected by the open terrace introducing noise pollution, smoke pollution and late-night disturbance.
- The servicing of the hotel at the location adjacent to the houses on The Crescent and especially No 5 resulting in noise and nuisance is unacceptable. The breakdown of figures in the operations servicing report included in the further information submission are questionable and there is no way that the hotel would be obligated to adhere to the proposed servicing arrangements within the report, including the six s long vehicles that deliver during off peak hours. Vehicles that are 2.7 metres wide will block the narrow road with of 3.65 metres on the Crescent which in addition to causing obstruction increases risk to the safety of other road users.

- Ms Murphy's house (at No 5) will be would particularly badly affected during construction and afterwards. The houses on the Crescent are over 100 years old and are small and unable to withstand major construction beside them. Although some attention was given to this in the revisions and omission of bedrooms in the further information submission. Overlooking of the house and garden will occur from the area shown as inaccessible on the floorplans but it is likely that they will not remain inaccessible. The six-storey structure will significantly reduce access to light and will be like a fortress wall along the length of the house and gardens.

6.5. Applicant Response

6.5.1. A submission was received from the applicant's agent, Hughes Planning on 9th October, 2018 attached to which are four appendices. The submission contains an outline of the planning background and context and the planning application followed by accounts of the objections in the appeals on several issues along with the applicant's response under several subheadings. The responses to these appeal issues can be outlined as follows:

- Height:

the sixteen metre height accords with the maximum height for the location within the Outer city which is low rise allowing for a height up to sixteen metres for commercial and residential development provided for in Table 10 and section 16.7.2 of the CDP. The proposed hotel is at a landmark site and is not out of context for Donnybrook. The village core has a range of buildings, not just two storey building which include the retrofitted Donnybrook House. (former AIB branch.) The site of Kiely's pub is being marketed as a high-profile redevelopment opportunity at a prime location. The reference to a four-storey hotel in Ranelagh in one of the appeals is irrelevant.

- Bulk and Scale.

The revised design (in the further information submission) takes full account of the existing built form in the village and the current standards of residential amenity.

The modifications in the further information submission, in which seven bedrooms are omitted considerably aids in reducing the perception of scale and bulk. The carefully considered revised design and screening measures address the concerns of the planning authority and the residents.

Hotel use is permitted in principle within “Z4” zoned lands. The site coverage of the existing buildings is circa 89 percent. The plot ratio at 3.92 for the original proposal is above the indicative ratio for “Z4” zoned lands but is suitable for the site location. References to the “Z6” zoning in one of the appeals are erroneous and incorrect interpretations about plot ratio and site coverage in the appeals have resulted in a negative understanding of the proposed development.

- Urban Design

The proposed contemporary design for the hotel adds to the value of the built form of Donnybrook village. The glazed entrance façade frames the approach to the village from the city.

The stone plinth, up to the first-floor level enhances the public realm surrounding the hotel and strengthens the Village Centre.

The proposed bamboo hedge softening the western elevation is an informed continuation of the existing landscape at Donnybrook Manor.

The widening of the footpath at the northern end, replacement planting taxi drop off space at the entrance and potential for a sculpture of public art to be displayed enhances the pedestrian experiences and the public realm.

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It is confirmed that there is no access to the flat roofs at first and second floor levels adjacent to No 5 The Crescent other than for maintenance purposes. An appropriate condition would be acceptable to the applicant in this regard.

West elevation balconies are angled and screened and use of additional timber screens (detains of which are include in appendix 2 of the appeal is also included to prevent overlooking to the rear of the properties at No 12-15 Donnybrook Manor.

- Overshadowing.

The revised design addresses the potential impact on adjoining residential properties. It is concluded in the commissioned Sunlight, Daylight and Shadow Assessment included in Appendix D of the appeal that No 5 the Crescent and No 12 Donnybrook Manor will not be materially affected. The impacts were tested in accordance with the standards in BRE 209 '*Site Layout Planning for Daylight and Sunlight: A guide for good practice*'. 2011 Paul Littlefair. All windows at No 5 The Crescent and six of the twelve widows at No 12 Donnybrook may exceed the VSC minimum standards. On site vegetation at No 12 Donnybrook Manor obscures light to window Nos 5 and 7 at No 12 Donnybrook Manor. Amenity space exceed minimum standards for overshadowing impact.

- Noise

The hotel development would not cause undue noise impact as the receiving environment is typically urban. The external wall to No 5 The Crescent is to be clad with stone and 215 mm reinforced concrete will be provided to the service yard and these measures are appropriate. (Drawing No 24 refers.)

- Traffic and Hotel Servicing.

The proposed servicing arrangements are adequate. It is not accepted that the servicing arrangements are inadequate and that they will

adversely affect the residential amenities of The Crescent. The scepticism and dubiousness about the contents of the Hotel Operations Servicing Report in the appeals is rejected and it is contended that it is due to failure on the part of the appellant parties to understand the in-depth consideration in the design team in provision adequate servicing arrangements. The existing loading bay on The Crescent is to be used solely by transit vans and wheel-based trucks. Some difficulties are experienced at present with deliveries to the existing businesses at Nos 1-3 the Crescent and this is uncoordinated and unmanaged whereas the proposed hotel is a single entity with most deliveries occurring between 10.00 am and 12.00 pm with unloading and loading at the service bay. Vehicles will not enter the service yard. Alcohol is to be provided by way of a bottle bar eliminating the need for keg delivery from lorries. (Drawing No 9 Appendix B refers.)

In agreement with the Fire Service bollards will be used to prevent vehicles from drifting into the Fire Station's forecourt. Reference is made to the revised swept path analysis in the initial and further information submissions.

- Parking.

Non-provision of parking for the development is not uncommon or unreasonable in that it is not regarded as a vital necessity for contemporary hotel developments in urban areas. A comprehensive account of the alternative modes of transport available is provided in support of the claim that comprehensive and frequent public transport facilities will adequately service the hotel. In the submission there is a statement that guests will be advised in advance that no parking is available. It is pointed out that the report of the Roads and Traffic Planning Division indicates no objection to the proposed arrangements.

- Landscaping and the Public Realm

It is recognised that Donnybrook is much built as regard the availability of public amenity space. The three trees to be removed will be replaced by suitable trees at three metres spacing, with 1.5 m root balls

allowing for a height of six metres. (Drawing No 20 in Appendix B refers.) The applicant is willing to accept a condition if any alternative tree species or planting arrangements are required.

The hotel will enhance the public realm and act as a focal point for future village activities on the plaza.

- **Structural Stability**

It has been fully appreciated that the structural stability of the property at No 5 The Crescent is a concern and it was addressed at design stage by incorporating a cast in-situ concrete piling foundation. It is not disruptive to soil and existing foundations or involve vibration at would disturb adjacent structures. A best practice approach is to be applied as per BS 5228-2009 *Parts 1 and 2 Noise and Vibration Control on Construction and Open sites*. A separate response prepared by Fearon O'Neill and Rooney addressing the engineering concerns is included in Appendix C.

No 5 The Crescent is circa 3.5 metres to the south of the basement. The construction method is commonly used in built up areas as it reduces risk. A survey will be undertaken of adjoining structures with photograph records of existing defects in advance.

The revisions in Drawing No 17 in Appendix B shows the south elevation and the relationship with the rear garden of No 5 The Crescent. Updated details include the rear extension at No 5 and revisions to the stone wall garden boundary which is to be retained.

There is to be independent weekly reports on certifiable monitoring of noise, dust and vibration.

- **Archaeology**

It is acknowledged that the location is within a Zone of Archaeological Interest. The site has been previously developed and the planning authority has raised no concern about sub surface features. In view of the prior approval of a five-storey development under P. A. Ref. Ref.

2275/09 for five-storey over basement buildings detrimental impact is not anticipated.

- **Property Value**

With regard to the contentions as to loss of a view from the rear windows of No 12 Donnybrook Manor it is noted that there is no guidance or regulation on entitlement to a view. The contention that the property value of No.12 Donnybrook Manor would be reduced is not accepted.

There is no protected view of prospect that would be affected.

6.6. Planning Authority Response

6.6.1. There is no submission from the planning authority on file.

6.7. Observations

6.7.1. Submissions which are outlined in summary form below were received from the following two parties:

Councillor Frank Kennedy

Herbert Park Residents Association.

6.7.2. Councillor Frank Kennedy

According to the submission of Councillor Kennedy received on 17th September, 2018 in which he states that has consulted with residents: -

- The proposed height is out of character with that of the existing buildings in the village,
- The proposed development will adversely affect the amenities of the adjoining residential properties on the Crescent, Donnybrook Manor and Belmont Avenue through overlooking and obstruction of light and disturbance due to the twenty-four-hour nature of hotel operations. Development on the site should be restricted to two storeys so that residential amenity can be protected.

- The proposed development will affect the existing severe traffic flow and parking problems in the vicinity of the site and Donnybrook.

6.7.3. **Herbert Park Residents Association.**

According to the submission received from Colleen Joye on behalf of the Association in which it is requested that permission be refused.:

- There is no local area plan for Donnybrook and the Association is very concerned that the proposed development would set undesirable precedent for multi storey development which is disproportionate to and towers over the adjoining two storey buildings especially the houses on the Crescent.
- There would be additional challenges at the blind corner of the major arterial route through Donnybrook for civilian and emergency transport and cyclists and pedestrians.
- Construction and (at operational stage) waste management, noise, smoke and odour pollution would seriously affect residents' quality of life in the vicinity. It is unlikely that the conditions attached to the grant of permission would be enforced.
- The proposed development would generate significant additional demands for parking in the area, there being no on site provision in the application. It is a 24-hour operation and there will be staff parking requirements even if no guests used private cars.

6.8. **Further Response**

Further submissions were received from all four appellant parties and the contents are outlined in brief below: -

6.8.1. **Residents of The Crescent and Beech Hill Drive. (C/O Brendan Tangney)**

According to the submission the proposed development should be rejected outright rather than modified. It is submitted that:

- The height and bulk notwithstanding the revisions to the design remain a concern

- The Crescent is not a *cul de sac* but is a small and narrow road which is not fully understood by the applicant.
- It is difficult to conceive that the Donnybrook House structure (former AIB) built in the 1970s, an eyesore, would have received a grant of permission in recent years. It should not be taken for precedent as it is a one-off aberration. Its redevelopment shows how the extensions are stepped and set back to minimise impact on the houses overlooked by it at the rear. A photograph is provided. Great care was taken to ensure the extension not impact on the residential properties. The argument that an appetite is generated by the availability of the Kiely's pub and the Donnybrook House sites.
- There is a difference between setbacks on office buildings which are used on a 9-5 basis relative to hotels which are in twenty-four-hour use.
- The concerns about overlooking and loss of light are reiterated. It is not accepted that the properties at No 12 Donnybrook Manor and No 5 The Crescent will not be materially affected.
- If there is any possibility of damage to existing buildings and foundations particularly at No 5 The Crescent and it is implied that the possibility is not eliminated in the applicant's submission, permission should not be granted. Failing that a condition should be included to allow for full structural engineering examinations to be conducted at the applicant's expense in advance of any works and that a security bond be required
- There are fourteen spaces in the public carpark and 8 or nine on The Crescent. It is unrealistic to claim that no guests or staff will use private cars and will need parking.
- There is no guarantee that kegs of beer will not be delivered and that bottled beer only would be served and there is no guarantee that trucks will not be used for deliveries.
- The applicant fails to exhibit any sensitivity to the existing surrounding area and to the residential properties

6.8.2. Donnybrook Tidy Towns. (C/O Sean Brennan)

In the submission the statement in the applicant's submission that the modified proposals for the development are satisfactory is rejected. The issues in the appeal are reiterated and reference is made to:

- The appellant's claim that there is disregard for the impact on the Z1 and Z2 zoned areas abutting the site and that the site, which is in a Z4 zone must be regarded as transitional is elaborated on.
- The contention that the development does not accord with the height standards in the CDP (section 16.6.2) contrary to the applicant's assertions is reiterated, it being submitted that the development having regard to floor to ceiling heights will be twenty- four metres and in breach of CDP standards. Minimum standards of 2.4 metres for hotel bedrooms are not being proposed. It is also contended that there will be a disproportionate amount of visible plant and equipment and service over-runs on the roof.
- The changes in the further information to address height issues are minimal and insufficient in addressing the concerns of the planning authority and the proposed canopies accentuate the scale and bulk. The precedents for height referred to in the applicant submission are purely speculative and inaccurate.
- The objection with reference to the proposed plot ratio as to overdevelopment is reiterated. The proposed development would not qualify for consideration of higher plot ratios having regard to the criteria provided for in Section 16.5 of the CDP. It does not qualify for a plot ratio of more than 2.0:1 and a ratio of 3.91:1 which it is contended is 4.0:1 according to the appellant's calculations is proposed. In this regard the 92 per cent site coverage, with no setback from the footpath edge is grossly excessive and regrettable.
- The site is in a transitional zone and this was recognised in the planning officer report on the prior application under P. A. Reg. Ref 2275/09. It adjoins areas on Z1 and Z2 zoned lands and the assessment on behalf of the applicant and by the planning officer was inadequate in terms of consideration of impacts on these adjoining areas. The reliance on the location in the

urban village in the applicant's submission should not allow for reduction in standards that are applicable. The dominant and imposing structure would dwarf the dwellings in the ACA and Residential Conservation Area, conflicting with Policy CHC4 of the CDP.

- The applicant's response to the concerns about overlooking and obstruction of daylight and sunlight are not accepted. It is not possible to comment on the findings of in the study based on the BRE guidance provide din the response to the appeal. There is a distinct diminution on residential amenities at Nos 5 The Crescent and No 12 Donnybrook Manor. The diminution is contrary to the zoning standards for these areas.
- With regard to traffic safety and capacity it is reiterated that the entrance by the Fire station, the narrow road and requirement for access to the garden station are along grounds for refusal of permission. The estimates for delivery vehicles are not accepted and absence of any parking for vehicles on the narrow road where two cars cannot pass is unacceptable.

6.8.3. **Barra Hanrahan, 12 Donnybrook Manor.**

It is reiterated in Mr Hanrahan's further submission that:

- Overlooking and loss of light and privacy will occur at No 12 Donnybrook Manor. All except one window facing in a different direction will "fail". The tree in the garden stated to obstruct light at present is a low height deciduous tree.
- Guests using balconies and the use of the service yard will cause noise pollution
- Construction stage impact on Mr Hanrahan's property particularly the patio area from the construction on the adjacent lands will be considerable.
- It is also submitted that there has been no objection from the other Donnybrook Manor properties affected because they are no owner occupied.

6.8.4. **Paula Murphy.**

According to Ms Murphy in her submission all the objections raised in her initial appeal remain pertinent. She states that:

- The response to the appeal submission cannot be taken seriously owing to errors regarding the description of the site and roads and the Crescent in that it is not a cul de sac. This suggests that there is no real understanding of the context of the site and proposed building.
- It should not be automatically assumed that the height is acceptable because it accords with the CDP standards on heights.
- The scale of the building, the nature of hotel use, and the small residential street are not taken into consideration with regard to the dismissive comment that the noise will not be detrimental having regard to the noise generated in the existing urban environment. There would be substantial disturbance to the residents on The Crescent.
- The statement as to the desire for new development being generated with reference to the Donnybrook House and Kiely's pub site which have been on the market is not persuasive as the desire for such development is not identified. The proposed development would destroy the established character of the village typified by the houses on The Crescent.
- The applicant's submission does ignore the issue of taxis being obliged to cross traffic on the main artery to access the site at a location which is the most dangerous and congested. This impact on traffic flow will be of real significance.
- Ms Murphy is not convinced or, inspired by the contents of the statement included with the submission on structural issues by Fearon, O'Neill Rooney and submits that there is no confirmation that her property would not be damaged by the works.

7.0 Assessment

7.1. The issues central to the determination the decision, having regard to the four appeals and the observer submissions are:

Local Statutory Planning Framework.

Height, Mass, Design and Scale and Intensity of Development.
Impact on Residential Amenities.
Operations and Servicing Management
Generation of Traffic and Turning Movements at the entrance.
Construction Traffic
Front Entrance and Set Down Area
Parking Demand.
Public Realm/Landscaping.
Structural stability – risk to adjoining properties
Environmental Impact Assessment
Appropriate Assessment Screening.

These issues are considered below.

7.2. Local Statutory Planning Framework.

- 7.2.1. The planning officer's remark as to a prior, now expired grant of permission for a larger six storey development is noted. The current proposal is considered independently on its own merits, and it is of note that the planning parameters provided for in the CDP may be somewhat more favourable towards such development given the current Z4 zoning objective and maximum height policies provided in section 16.7.
- 7.2.2. It is agreed with the Appellants who raise it, that the lack of a Local Area Plan which could provide a detailed and comprehensive framework facilitating and guiding the formulation of new development proposals at sites within the village is regrettable. Concerns as to precedent and as to lack of coherence in the development in the area are understandable, but, the CDP does provide guidance and there would be no justification for deferral of consideration of development on grounds of prematurity pending the availability of an LAP.

7.3. Height, Mass, Design and Scale and Intensity of Development.

- 7.3.1. The maximum 16 metres' height of the proposed development is in accordance with the provisions for building height in the current CDP. According to Table 1.0 and

section 16.7.2 on the building height policies, the Donnybrook area are categorised as “low rise” and within “Outer City”. A maximum height for development of sixteen metres for commercial or residential development is therefore applicable to the site location. As is pointed out in the appeals the height restriction is exclusive of plant and equipment and the proposal for a setback enclosure on the roof is considered acceptable. An appropriate condition can be included, if permission is granted to restrict such development to that shown in the further information submission to clarify that a further grant of permission would be required for additional plant and equipment on the roof should permission be granted to address the appellant’s concerns as to possible additional plant being mounted at roof level.

- 7.3.2. In this regard, it is considered that signage above the parapet on the front façade should not be permitted. Authorised signage throughout the village is primarily confined to the ground floor level. Steel lettering, individually mounted over the canopy at the entrance is considered adequate, acceptable and appropriate within the surrounding built environment. An appropriate condition can be included, if permission is granted.
- 7.3.3. Notwithstanding its restricted size and configuration, as previously stated, the site is at a significant landmark location in the village at a bend and at the junction with The Crescent and forward of the Fire Station where the proposed structure would partially close the vista on approach into Donnybrook from the city and, where on approach from the south the eye is drawn in the direction of the site in angled views. A significant quality statement building as a feature of interest from several vantage points on approach along Donnybrook Road from both directions and within the village is to be welcomed and encouraged. Subject to omission of signage above the parapet level, it is considered the proposed structure is an appropriate and welcome addition in the streetscape views which have the capacity to carry the larger proportions and considerable glazing and detail on the elevations.
- 7.3.4. On approach along the Crescent, the proposed structure at the bend with Donnybrook Road is in marked contrast with the two-storey bricked fronted houses. Essentially the southern gable end and wall to the service yard adjacent to No 5 The Crescent closes off and terminates the streetscape of the Crescent which dictates its own character and scale on approach from the southern end at the edge of the commercial core of Donnybrook and Donnybrook Road which is reflected in the ‘Z4’

zoning objective. A satisfactory transition is achieved particularly through the graduated increase in the separation distance and amelioration of massing due to setbacks to the upper floor levels shown in the further information submission in which blank facades are also avoided. It is agreed with the planning authority that the revised mass and form is satisfactory in terms of the relationship with the properties on the Crescent, especially the adjoining property at No 5 The Crescent.

7.3.5. There is no dispute that the proposed site coverage and the plot ratio for the development exceed the indicative ranges for development at locations subject to the Z4 zoning objective as set out in section 16.5 of the CDP. It is intended in the CDP that the ranges are indicative rather than wholly prescriptive and that there is flexibility in the application of the limitations having regard to locations on major transport corridors and other criteria provided within the CDP. The appellant parties emphasise the requirement for application of particular regard to impact on the more sensitively zoned areas in new development in transitional zones.

7.3.6. The site location is at the commercial core of Donnybrook village in which there is an eclectic mix of building typologies has a separate characteristics and stands very much apart from the surrounding, primarily residential areas that under the 'Z1' and 'Z2' zoning objectives, the latter being residential conservation areas are clearly distinguishable in their own character, which is historic in the case of the 'Z2' zoned areas. It is considered that the revised proposal shown in the further information submission does not give rise to concerns as to incompatibility in visual impact with the established pattern and character of development in these areas to the west and north west and along The Crescent.

7.4. Impact on Residential Amenities.

7.4.1. The adjoining properties on Donnybrook Manor are modest sized two storey house with rear and front gardens. For the property at No 12 (in the ownership of one of the Appellants) and 13 Donnybrook Manor, the rear garden boundaries are setback and have plot configurations whereby the orientation of the footprints of the houses and the east facing windows and rear boundaries of the gardens are angled. The footprint of the proposed hotel building steps back at the upper levels at the southern end where it is parallel to the boundary with the properties within Donnybrook Manor. With the balcony screening and bamboo screen planting place, the relationship and

level of attainable privacy and amenity at the Donnybrook Manor properties is considered satisfactory.

- 7.4.2. The view that the screen planting would be ineffective and or unreliable is not persuasive, bamboo being particularly robust and suitable. Although bamboo is low maintenance it is reasonable that be a requirement for and undertaking for ongoing maintenance and replacement if in the event of any failures on the part of the applicant and an appropriate condition can be included, should permission be granted. As regard the glazed south facing 'study areas' and concern as to potential for overlooking of the gardens at No 5 the Crescent, it is of note that the range of vision would not include the rear garden at No 5 The Crescent. Instead, the range of vision would extend over above and across the garden of this property owing to the height of the vantage point in the proposed glazed 'study areas'. At all levels, bearing in mind the proposed planting screens, it is considered that undue overlooking to the south or perceptions of overlooking from the adjoining properties would be satisfactorily addressed by the design, mitigation and reciprocal relationship.
- 7.4.3. While it is acknowledged that the views towards the Poolbeg chimneys would be no longer be available to the rear windows of the property at No 12 Donnybrook Manor due to the insertion of the building on the site, there is no entitlement to views from a private property. The applicant is not obliged to take this matter into consideration.
- 7.4.4. It is considered that the projections, based on the methodology and minimum standards in, *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (BRE 2011) lodged with the response to the appeal satisfactorily demonstrates that these properties would be relatively unaffected by the proposed development. However, in this regard, the statement in the assessment that at the windows at No 12 Donnybrook Manor where minimum standards for skylight to habitable rooms are not achieved the proposed structure is not the cause of the obstruction is accepted. It is also accepted that the achievement of minimum standards for daylight access non-habitable rooms is irrelevant.
- 7.4.5. As regards the potential for impact on sunlight and daylight access at the adjoining residential properties, it is of note that the proposed development is to be located to the east and north of the appellants' properties. The windows at No 12

Donnybrook Manor do not face within ninety degrees of due south of the proposed building and minimum standards for sunlight access are achieved with, and without the proposed development in place.

- 7.4.6. As regard noise and nuisance, it is appreciated that the nature of hotel use is an 'around the clock' use involving significant arrivals and departures generated by use of the hotel facilities which include bar and restaurant facilities and general hotel facilities in addition to rooms. It is of note in this regard that the main entrance is located at the north eastern end adjacent to the forecourt for the Fire Station and that the restaurant bar facilities address Donnybrook Road on the front road and not directly adjacent to residential properties. It is not accepted that the proposed development would give rise to noise disturbance that would significantly adversely affect the residential amenities of properties in the vicinity which it is acknowledged, come within areas subject to the 'Z1' and 'Z2' residential zoning objectives.

7.5. Operations and Servicing Management.

- 7.5.1. The concerns of residents at The Crescent as to potential for the servicing of the proposed hotel development to cause obstruction and nuisance and potential hazard to other road users is understandable. However, the site which is at busy, built up outer suburban mixed-use area the consolidation of which, in accordance with the Z4 zoning and related objectives of the CDP is the strategic policy of the planning authority comprises multiple commercial uses at present. In this context it is appropriate and reasonable that the proposed arrangements be considered relative to the existing conditions. In this regard, the details of the proposed arrangements within the further information submission's revised Hotel Operations Servicing Report and the response to the appeals are considered acceptable.
- 7.5.2. The case made as to servicing a single entity as opposed multiple businesses is of noted but this could be open to dispute if the restaurant and bar facilities are operated by third parties. However, the acceptability is subject to and dependant on effective management that ensures adherence to the proposed arrangements as to size of vehicles to be used, use of the loading bay and avoidance of alternative on street parking, hours for deliveries and collections and numbers of trips involved. Concerns of Appellant parties in this regard and about enforcement are considered

reasonable. An appropriate condition can be attached to clarify the requirement for adherence to the proposed arrangements should permission be granted.

- 7.5.3. There is no doubt that additional private vehicle trips such as trips for purposes such as maintenance, repairs and refurbishment will generate parking demand. It is anticipated that some of this parking will take place on the public road network public carparks in the area. Quantitatively the amount should be negligible. Emergency services access should be accommodated to the front and off the adjoining roads

7.6. Generation of Traffic and Turning Movements at the entrance.

- 7.6.1. The outline transportation assessment details provided in the application submission in which it is stated that trip generation would not exceeding any of the thresholds specified in Table 1. of *Traffic Management Guidelines*, DOT/DOEHLG/DTO, 2003. that indicate traffic impact assessment would be required and material changes might be anticipated is accepted. There appear to be no outstanding or unresolved issues relating to the proposed upgrade works at the junction of Donnybrook Road and The Crescent, which includes works on public lands to which the City Council has consented. These works will significantly improve facilitates for vehicular traffic accessing and egressing the hotel entrance and the loading bay on The Crescent and other destinations along The Crescent as well as pedestrian safety and convenience in the area through provision of crossing facilities. While traffic flows on the arterial route, (a Regional Route) would not be enhanced, local access would be improved.

7.7. Construction Traffic.

- 7.7.1. It is noted that details of that routing and trip generation as well as parking and deliveries and collections during construction stage are not available and that an undertaking has been given comprehensively address these matters in a construing management plan, incorporating construction traffic management on appointment of a contractor, by way of compliance with a condition. While it is regrettable that the available details, are not more comprehensive satisfactory arrangements can be proposed within a construction management pan incorporating a construction traffic management plan to be agreed by compliance with a condition.

7.8. Front Entrance and Set Down Area

- 7.8.1. The details in the further information submission which include details of a Swept Path analysis for the set down area at the front entrance to the hotel with scope for two vehicles in the set down area and adequate clearance from the carriage way and separation from the forecourt and access route for the Fire Station which are confirmed as being satisfactory by the Roads and Traffic Planning Division are considered to be acceptable arrangements. It is considered that stacking up, if it were to occur, would be the exception rather than the rule.
- 7.8.2. The final report of the Roads and Traffic Planning Division dated, 8th August, 2018 contains recommendations for inclusion of a number of conditions with regard to servicing of hotel and the operation of the forecourt and set down area at the front entrance should permission be granted on these matters which provide for clarity and future reference if required.

7.9. Parking Demand

- 7.9.1. According to the CDP the location is in 'Zone 3' for minimum parking standards and there is requirement for provision of one space per bedroom and additional parking for the restaurant and bar facilities (Table, 16.1 refers.) It is fully agreed that it has been relatively recent common practice, (accepted on a case by case basis,) for on-site parking not to be provided for city-based hotel developments and this is desirable from the perspective of optimal and sustainable use of urban land and sustainable modes of transport. It is also the norm that new developments such as the proposed development, draw up and incorporates an operational policy which disincentives private car use and parking by guests and staff and encourages use of sustainable transport. The Donnybrook area and site location which is on a Quality Bus Corridor is well served by public and privately-owned bus for a number of destinations and taxi services, including the Aircoach. However, the lack of available parking facilities at alternative locations that guests dependant on private car use could have been directed towards, further to the enquiries made in response to the additional information request, is noted and is regrettable. It is acknowledged that generation of demand for private vehicle parking would not be fully eliminated but, any reconsideration of the proposed development over this matter would be unwarranted.

7.10. Public realm/Landscaping.

7.10.1. It is agreed that Donnybrook lacks public civic and or green amenity space within the built up area other than the community amenity space to the front of the site and the trees to be removed to facilitate the development. It is considered that the final details for the proposed landscaping which include replacement tree planting shown on Drawing No 20 included and the provision for scope for a sculpture included within the response to the appeal represents a satisfactory replacement with the development in place within the village. For passive outdoor recreational amenity facilities, Donnybrook Village does have the benefit of the riverside amenity space and Herbert Park in close vicinity.

7.11. **Archaeology.**

7.11.1. The location is within the zone of archaeological interest for Donnybrook and the appellant parties have indicated concern as to potential for archaeological material to be present at subsurface level. It is noted that there are no available observations from the City Archaeologist available in connection with the application. The site will have been disturbed but in the case of the current proposal relatively deep excavation may be required. The current application does not include an archaeological impact assessment report prepared by a licensed Archaeologist. However, a desktop study was submitted with the application under P. A. Reg. Ref. 2275/09 and an archaeological monitoring condition was attached to the grant of permission. Should permission be granted, a similar condition can be included.

7.12. **Structural stability – risk to adjoining properties.**

7.12.1. The houses to the south of the site on The Crescent are over one hundred years old and No 5 adjoins the application site is the property of one of the appellant parties. It is reasonable that the appellant is concerned as to the potential risk to the structural stability of her property. However, the likely methodology indicated for excavation and for construction of the foundations and the proposed basement which is to be positioned 3.3 metres from the Appellant's property appears appropriate. It involves a cast in-situ concrete piling solution. It is noted that the site investigations were carried out which included a borehole according to the submission made in connection with the application and the statement by the applicant's structural engineers included with the response to the appeal do not eliminate risk of disturbance by vibration and confirm the proposed design method with absolute

certainty. However, the site investigations and consequent recommendation that piled foundations, involving reduced excavation, a cast in-situ concrete piling solution, reinforce ground beams and a suspended concrete ground floor slab is persuasive as being an optimal solution to mitigate risk. The requirement indicated in the submission that the contractor undertake a written and photographic survey record in advance of defects is noted and it is considered that subject to adherence to best practice, the submitted details of the proposed arrangements to ameliorate risk are appropriate.

7.13. Environmental Impact Assessment Screening.

7.13.1. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.14. Appropriate Assessment Screening.

7.14.1. The nearest European sites are the South Dublin Bay Special Area of Conservation (000210) and the South Dublin Bay and River Tolka Estuary Special Protection Area (004024) which are circa two kilometres to the east of the site location. There are no direct pathways to the sites from the site of the proposed development and a potential indirect risk is via hydrogeological connection via the River Dodder.

7.14.2. The project is a replacement of existing structures on a fully serviced urban site with a hotel development which is to be connected to public sewer network and the storm water drainage system incorporates SUDS measures.

Having regard to the nature of the proposed development and, to the serviced inner urban location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. In view of the foregoing it is recommended that the planning authority decision to grant permission be upheld with some amendment and addition to the requirements of the conditions.

9.0 Reasons and Considerations

Having regard to the Dublin City Development Plan, 2016-2021, according to which the site is within an area subject to the zoning objective, Z4: -“*to provide for and improve mixed services and facilities*”, to the location in the commercial core of Donnybrook village, and adjacent to Quality Bus Corridor; to the established pattern and character of development in the vicinity and, to the height, scale, mass and design detail of the proposed development, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the visual amenities and character of Donnybrook Village, the residential amenities of adjoining properties or the integrity of historic properties within the Residential Conservation Area in the vicinity, would be acceptable in terms of traffic safety and convenience, would not conflict with the provisions of the Development Plan and would therefore, 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 19th July, 2018 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. The construction of the development shall be managed in accordance with a and Construction Management Plan, incorporating a Construction Traffic Management Plan. which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include the following requirements:

- (a) Comprehensive details of demolition methodology.
- (b) Comprehensive details of excavation methodology.
- (c) Construction management for the development, noise and dust management measures and off-site disposal of construction/demolition waste.
- (b) Location of site offices, staff facilities and materials and storage compounds;
- (c) timing and routing of construction traffic and associated directional signage, and measures to obviate queuing of construction traffic on the adjoining road network;
- (d) Measures for management of surface water run-off and prevention of runoff of pollutants.

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

Reason: In the interests of clarity, public safety, residential amenity and orderly development.

3. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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.

4. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, excluding bank holidays and between 0800 and 1400 hrs on Saturdays. 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 amenities of property in the vicinity.

5. The proposed delivery and servicing procedures shall be conducted, as set out in the Revised Hotel Operations and Servicing Report submitted to the planning authority on 19th July, 2018 and shall include adherence with the following requirements:

(a) Vehicular access to the Service Yard shall not be permitted and all deliveries and collections services including waste and recycling materials shall be carried out from the existing dedicated loading bay space on the public road.

(b) A maximum of four servicing trips (deliveries and/or collections) per day may take place on weekdays and a maximum of two on Saturday and Sundays and bank holidays.

Reason: In the interest of orderly development and residential and public amenity and convenience.

6. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development.

It shall be fully implemented prior to the occupation of the development. The landscaping scheme shall include the following requirements:

- (a) details of all proposed hard landscaping materials and finishes, including samples of proposed paving materials at ground level.
- (b) Details of all screen planting and planting at upper levels on the proposed building to be include the bamboo screening shown in the further information sub mission lodged with the planning authority on 19th July,2018
- (c) proposed locations of trees and other landscape planting in the development, including details of proposed species;
- (d) details of proposed street furniture, including bollards, lighting fixtures and seating;

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

7. 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, or attached to the glazing unless authorised by a further grant of planning permission.

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

8. Details of the materials, colours and textures of all external finishes including signage shall be submitted to, and agreed to in writing with, the planning authority prior to commencement of development. Samples of proposed materials, which should be self finish and in suitable colours and textures shall be displayed on the site.

Reason: In the interest of visual amenity and clarity

9. 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.

10. Prior to commencement of development the applicant shall agree in writing the final details of cycle parking provision for the development.

Reason: To ensure a satisfactory standard of development.

11. Prior to commencement of development a scheme for the effective control of fumes and odours from the premises shall be submitted to, and agreed in writing with, the planning authority. This scheme shall be implemented prior to the use commences and thereafter, shall be permanently maintained.

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

12. No additional development shall take place above roof level, including, signage, lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of planning permission.

Reason: In the interest of the amenities of property in the vicinity and the visual amenities of the area.

13. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

14. 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 made under section 48 of the Act be applied to the permission.

15. 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 the 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.

Jane Dennehy
Senior Planning Inspector
31st December, 2018.