



An  
Bord  
Pleanála

## Inspector's Report ABP-304514-19

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<b>Development</b>	Revisions to the granted residential apartment development Reg. Ref. F16A/0541 (An Bord Pleanála Ref. PL06F.249130).
<b>Location</b>	Lands adjacent to and to the rear of no. 17 Station Road, Sutton, Dublin 13
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F18A/0387
<b>Applicant(s)</b>	G. Gallagher
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party (1 no.)
<b>Appellant(s)</b>	David Smeed
<b>Observer(s)</b>	Hillwatch (Ciara Ní Laoi)
<b>Date of Site Inspection</b>	20/08/2019
<b>Inspector</b>	Conor McGrath

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on Station Road, Sutton, approx. 300m northwest of Sutton Cross and 160m south west of Sutton Dart Station. The site has a stated area of 0.3563ha and comprises overgrown lands generally to the rear of no.'s 17 and 18 Station Road and no.'s 18A and 18B. The lands are bounded to the north by the Dart line and an intervening public pedestrian walkway. To the west of the site is a three-storey apartment development, Saffron House. A stone wall of varying height divides the two sites. To the east of the site is the rear garden of no. 16 Station Road.
- 1.2. No.'s 17 and 18 are protected structures, comprising substantial semi-detached Victorian houses, which originally occupied large sites. Two modern infill houses, no.'s 18A and B have been constructed to the west of no. 18.

## 2.0 Proposed Development

- 2.1. The proposed development comprises modifications to a previously permitted apartment scheme on this site, which comprised 22 no. apartments over three floors (PL06F.249130) with access from Station Road over part of the original site of no. 17. The proposed development involves the insertion of an additional floor, to provide a four storey over basement block on the site.
- 2.2. The application was amended following a further information request from the planning authority, with two options proposed for redesign of the third-floor level.
  - Option 1 provides for 6 no. 2-bed units at third floor level, with the height of the block reduced to 12.85m and minor reduction in floor area to increase the separation of third floor apartments from site boundaries. The overall development would provide 30 no. apartments at a density of 84.2 / ha.
  - Option 2 provides for a reduction to 4 no. 2-bed units at third floor level, resulting in the provision of 28 no. apartments on the overall site and overall density of 78.5 unit / ha. The height of the block is reduced to 12.85m and reduced floor areas increases separation of third floor apartments from site boundaries.Planning Authority Decision

## **3.0 Planning Authority Decision**

### **3.1. Decision**

In considering the application, the planning authority sought modifications to the scheme by way of further information to the address visual impacts. The planning authority subsequently decided to grant permission for the proposed development subject to 9 no. conditions including the following:

2. The development shall be constructed in accordance with Design Option 2 submitted on 29<sup>th</sup> March 2019.
3. Permission shall be valid up to 4<sup>th</sup> March 2023 to coincide with F16A/0541.
- 6.b Amendments to the access roadway to include widened footpath.
7. Financial contribution of €17,608 toward additional open space.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

Initial reports noted that increased densities may be appropriate but raised concerns regarding the design and visual impact of the proposal. Previous ridge height did not exceed that of the protected structures. The concerns of Conservation Officer were noted but the overall simplicity of the design could act as a suitable backdrop to the ornate Victorian gothic revival dwellings. The setback from the front boundary could mitigate the marginal increase in height. Separation distances are sufficient to mitigate overlooking and overbearing impacts. Orientation will not give rise to undue levels of overshadowing. The layout of apartments is in compliance with guidelines. Significant effects on a European site are not considered likely. Option no. 2 (submitted at FI stage) would be more acceptable, providing greater set-back on all elevations at third floor level. Permission recommended.

#### **3.2.2. Other Technical Reports**

**Conservation Officer:** Concerns had been expressed in regard to the height of the scheme under PL06F.249130 and reductions in height had been sought. The current proposal is contrary to the previous recommendation on that application. The proposal increases the mass and dominance of the development to the detriment of the adjoining protected structures.

**Water Services:** No objection

**Parks:** The additional dwelling units give rise to additional open space requirements and an increased public open space levy was recommended.

**Transportation Planning:** Amendments to the access road could provide an improved footpath. No objection subject to conditions.

### 3.3. **Prescribed Bodies**

**Irish Water:** No objection. Standard condition.

**Iarnród Eireann:** Comments received relating to boundary treatment, construction works impacting on track stability, set-back from the boundary, overhang of the railway line and operational lighting impacts.

### 3.4. **Third Party Observations**

The planning authority received a number of third party submissions which generally reflect the content of the appeal and observations on the file, including:

- Impacts on the setting of houses on Station Road, including protected structures.
- Excessive height and density
- Impact on the adjoining walkway to the north.
- Misleading photomontages.
- Impact of basement construction on trees on adjoining sites.

## 4.0 **Planning History**

**PA ref. F16A/0541 ABP ref. PL06F.249130**

Permission granted for a part 2 / part 3 storey block of 22 no. apartments on the subject site, to include basement car parking and access from Station Road.

**PA ref F161/0540 ABP ref PL06F.249121**

Permission granted for construction of a detached dwelling to the east of no. 17 and the access road serving the development permitted under PA ref. F16A/0540, ABP ref. PL06F.249130.

**PA ref. F14A/0368 ABP ref. PL06F.244406**

Permission refused for the development of 6 no. houses on the subject site on the basis of inadequate density, layout and visual impact.

**PA ref. 09A/0505 ABP ref. PL06F.235622**

Permission refused for a 3-storey nursing home plus penthouse on the subject appeal site based on visual impact due to scale, massing and removal of trees, and potential flooding impacts.

I note also other previous applications on these lands, PA ref. F16A/0305 and F16A/0304 which were withdrawn, and other minor applications under reg. ref. F14A/0196, F06A/0719, F06A/0006 and F05A/1250.

## **5.0 Policy Context**

### **5.1. Development Plan**

Fingal County Development Plan 2017 - 2023

The site is zoned RS 'to provide for residential development and protect and improve residential amenity' where residential development is permitted in principle.

Vision: Ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenity.

This area is identified as an ACA.

Chapter 2 notes that Sutton lies within the defined Consolidation area within the Metropolitan area. Development Plan Objectives for Sutton include:

- Improve and consolidate the village of Sutton including the retention and protection of local services.
- Enhance traffic management in Sutton Village and the immediate environs.

Objectives of the plan encourage consolidation of urban areas and increased densities where appropriate, subject to the character of the area being protected.

Section 10.3 deals with Architectural Heritage. Objectives include the retention of the form and structural integrity of the Protected Structure in any redevelopment and conservation of the relationship with any complex of adjoining buildings, designed landscape features, or designed views or vistas from or to the structure.

Objective DMS157 seeks to ensure that any new development or alteration of a building within or adjoining an ACA positively enhances the character of the area and is appropriate in terms of the proposed design, including: scale, mass, height, proportions, density, layout, materials, plot ratio, and building lines.

Chapter 12 sets out development management standards and Tables 12.1 - 3 and 12.6 set out Dwelling and Apartment Standards. Objective DMS57A requires a minimum 10% of a proposed development site area for use as public open space.

Objective PM42 notes the requirement for the planning authority to apply the provisions of Guidelines for Planning Authorities 'Sustainable Urban Housing: Design Standards for New Apartments'.

The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities.

## 5.2. National Policy

### 5.2.1. Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2009)

The guidelines encourage higher densities on residential zoned lands, particularly on inner suburban and infill sites and along public transport corridors, identifying minimum densities of 50 / ha in such corridors, subject to appropriate design and amenity standards.

In the case of large infill sites or brown field sites public open space should be provided at a minimum rate of 10% of the total site area. Section 4.21 encourages a more flexible approach to quantitative open space standards with greater emphasis on the qualitative standards. Close to the facilities of city and town centres or in proximity to public parks or coastal and other natural amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution towards public open space or recreational facilities in the wider area in lieu of public open space within the development.

#### **5.2.2. Sustainable Urban Housing: Design Standards for new Apartments Guidelines for Planning Authorities (March 2018)**

Specific Planning Policy Requirement 3 sets Minimum Apartment Floor Areas. The majority of all apartments in any proposed scheme shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.

Specific Planning Policy Requirement 4 contains provisions relating to the provision of dual aspect apartments. The guidelines set minimum standards for ceiling heights and number of apartments served by a core. The importance of well-designed communal amenity space is noted. Section 4.6 notes that Communal or other facilities should not generally be imposed as requirements by the planning authority in the absence of proposals from and / or the agreement of an applicant.

Appendix 1 identifies minimum standards for apartment design as well as both communal and private amenity space.

#### **5.2.3. Urban Development and Building Heights - Guidelines for Planning Authorities**

It is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings



of increased height in our town/city cores and in other urban locations with good public transport accessibility. The Guidelines identify broad principles to be considered for buildings taller than prevailing building heights in urban areas and criteria for consideration at the level of the City / town, district / neighbourhood / street and the site / building.

#### **5.2.4. Architectural Heritage Protection Guidelines**

The guidelines note that with regard to development proposals within Architectural Conservation Areas, the design of the structure will be of paramount importance. The visual impact of a structure on its setting should be minimised.

The guidelines note that curtilage of protected structures can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure. The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation.

The relationship between the protected structure and the street should not be damaged. New works should not adversely impact on views of the principal elevations of the protected structure.

#### **5.3. Natural Heritage Designations**

Baldoyle Bay SPA and Baldoyle Bay SAC extend to the shoreline on the opposite / northern side of the Dart line, approx. 20m north of the appeal site.

The southern side of the peninsula is bounded by the North Dublin Bay SAC and North Bull Island SPA, approximately 280m south of the appeal site.

#### **5.4. EIS Screening**

Notwithstanding the proximity of the proposed development to Baldoyle Bay Special Area of Conservation (000199) and Baldoyle Bay Special Protection Area (004016), the nature and scale of the development would not result in a 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. One third party appeal against the decision to grant permission for the proposed development has been received from David Smeed, St. Lawrence Lodge, 18 Station Road, which makes the following points:

- The development plan is the relevant governance document and there is over-reliance on the 2018 Design Standards for New Apartments Guidelines.
- The area is zoned *RS*, where residential development should have minimal impact on existing residential amenity.
- The development materially contravenes the development plan zoning objective, policies and development control standards, or is at least premature pending amendment of the development plan to take account of the Guidelines.
- The development is contrary to S.37 of Act and the Board is precluded from granting permission.
- The development plan seeks a high standard of design and avoidance of abrupt transitions in scale and use and does not identify this area for dense, high-rise development.
- The development fails to provide sufficiently high quality design and is contrary to the principles for development within the Coastal landscape character type.
- There will be significant overlooking of no. 18 Station Road from 3<sup>rd</sup> and 4<sup>th</sup> floors with devaluation impacts. Separation distances are inadequate.
- The previously permitted development was inadequate in terms of open space provision. Additional units without additional open space is inappropriate due to the lack of public open space in the area.
- The development can only be assessed against the architectural heritage protection guidelines.

- There was no regard to the impact on protected structures in this instance and the development would have an overbearing impact on no. 18.
- The site is part of the historical garden of the adjoining protected structures, whose setting must be protected by refusing permission.
- The development is contrary to the recommendation of the Conservation Officer, who raised concerns with the previous 3-storey development within this ACA.

## 6.2. Applicant Response

In response to the third party appeal, the first party make the following comments:

- The design and principle of the development at this strategic location has already been established. It will contribute to housing provision in the county.
- Examples of cases where permission has been granted adjoining protected structures are cited, PA ref. 5067/06, ABP ref. PL29N.220871.
- Precedents for higher density infill apartment development on Station Road are cited. PA ref. F10A/0058 ABP ref PL06F.236710 (2010).
- The design was amended at further information stage to meet planning authority requirements.
- The development provides for an increase in densities from 63 to 78 units /ha.
- The proposal accords with National, Regional and Development Plan policies with regard to increased residential densities and heights in such locations and provision of more apartment type dwellings.
- Design Option 1 is an efficient and appropriate use of the lands.
- Option 2 still represents a modest scale of development. The significant set-back on all elevations ensures no adverse impact on views, adjoining amenities or protected structures..
- The development accords with development plan zoning objectives and objectives with regard to protected structures, as well as other development management standards.
- Prior to designation as a protected structure, the first party invested significantly in the restoration of no. 17.

- The impact on the adjoining protected structures was considered by the PA and in the previous application on the lands.
- These lands are not part of the curtilage or attendant grounds of the protected structures and do contribute to their significance.
- Separation of a minimum of 30m from no. 18, along with an additional landscape buffer / screen will ensure that there will be no overlooking.
- The increase in height from the approved development is only 2.8m so that there will be no visual or overlooking impacts.
- The application of an open space levy is appropriate given that this application relates to revisions to an approved scheme.

### 6.3. **Planning Authority Response**

The planning authority note that the application was assessed against the provisions of the development plan. It is requested that the decision to grant permission be upheld and that conditions no. 7, 8 and 9 be included in such decision.

### 6.4. **Observations**

#### 6.4.1. Hillwatch (Ciara Ní Laoi)

- The increased height is such that the building will loom over no.'s 17 & 18 and will have an overbearing and dominating impact on the street.
- The scheme compromises the setting of protected structures, noting the report of the planning authority Conservation Officer.
- There would be significant adverse impacts on views from the north. No photomontages are provided on the approach from Strand Road and from the Dart, where the design would be out of character with the area.

## 7.0 Appropriate Assessment – Screening

- 7.1. The appeal site is located within an established urban area immediately south of Baldoyle Bay SAC (000199) and Baldoyle Bay SPA (004016) and is separated therefrom by the Dart suburban rail line and a coastal walkway. North Dublin Bay SAC (000206) and North Bull Island SPA (004006) are located on the southern side of the peninsula and separated from the site by rugby club lands, roads and established urban development.
- 7.2. The previous application and appeal on the site was the subject of a Natura Impact Statement (PA ref. F16A/0541, ABP ref. PL06F.249130). In deciding to grant permission in that instance, the Board completed an appropriate assessment of the implications of the proposed development for affected European Sites and was satisfied that the proposed development would not adversely affect the integrity of the European Sites, in view of their conservation objectives.
- 7.3. The subject development comprises modifications to that development. The area of the site and footprint of development are not materially different from that previously considered under PL06F.249130. Construction methodology and impacts would not be different from that previously considered. The main change relates to an increase in the height of the apartment block. Operational impacts would not be significantly or materially different from that previously considered.
- 7.4. There are no direct physical pathways between the appeal site and the receiving SAC / SPA. It is likely that disturbance during construction activities would be the most likely source of disturbance from noise and vibration. These impacts were considered previously and found not to be likely to cause adverse impacts on the integrity of the sites.
- 7.5. It is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on European Site no. 000199 or 004016, or any other European site, in view of the site's conservation objectives, and a stage 2 appropriate assessment (and submission of a NIS) is not therefore required.

## 8.0 Assessment

Having reviewed the correspondence on the file and the planning history relating to the site, it is proposed to consider the development under the following broad headings:

- Land use and Development Principle.
- Visual impacts
- Protected Structures
- Residential Amenities
- Access and Parking
- Other Matters Arising

### 8.1. Land Use and Development Principle

The appeal site is zoned for residential use and the proposed development comprises modifications to a previously permitted residential development. The proposed development is therefore considered to be accepted in principle. The site is located in close proximity to a high capacity public transport corridor and to public facilities and services. The coastal amenities in the area also serve to make this an attractive residential location. In this regard, the proposed densities of 78.5 / ha are considered to be acceptable in principle and in accordance with the provisions of the development plan for the area and relevant national policy guidelines.

### 8.2. Visual Impacts

The appeal site is located to the rear of no.'s 17, 18, 18A and 18B Station Road. The site of no. 18 has already been subdivided with the development of two detached dwellings to the west thereof (no.'s 18A and B). These houses and existing vegetation restrict views into the site on the approach from the west. The detached dwelling granted to the east of no. 17 under PL06F.249121 will result in subdivision of the site and further restrict views from Station Road into the appeal

site. The principle view into the site is therefore from the front of no. 17, opposite the proposed entrance roadway.

I note the concerns expressed by the planning authority at further information stage with regard to the visual impacts of the development arising from the proposed increase in height. Two options were submitted to the planning authority by the applicants at further information stage and the planning authority decided to grant planning permission for Option 2. Having reviewed the options, and in line with the planning authority decision, I would consider that option 2 is preferable from a visual amenity point of view.

Within the view from Station Road, the proposed development will be visible to the rear of no. 17, however, the block is located approximately 75 - 85m back from the road edge which would significantly reduce its visual impact. In this regard, I do not consider that the marginal increase in height would have a material adverse impact on views from Station Road.

There are clear views to the appeal site from the north, from the private road serving the golf course off Burrow Road. The northern elevation faces the railway and the sea and this context has capacity to accommodate increased height. While the development will constitute a new and modern insertion into this view, I do not consider that design Option 2 would give rise to unacceptable impacts on the visual amenities or landscape character of the area. Views from the adjoining pedestrian route and the Dart line, and from Burrow Road toward the site are more limited and the proposed increase in height would not materially impact on same.

Having regard to the location of the site and the planning history relating thereto, the form and design of the proposed development, and the criteria set out in relevant Ministerial Guidelines, I do not consider that the proposed increase in height would be unacceptable or have undue impacts on the landscape character or visual amenities of the area.

### **8.3. Protected Structures**

No.'s 17 and 18 Station Road are identified as protected structures in the current Development Plan for the area and are identified in the NIAH as being of regional importance. I note that development within the original curtilage of these houses has

previously been undertaken or approved and the proposed development comprises modifications to a previously permitted scheme. In that instance the Board did not consider that the development would detract from the character and setting of the protected structures. It is not considered that the issue of subdivision of curtilage arises as an issue for consideration in this case.

The principle consideration is the increase in height (+2.8m) and potential impact on the character and setting of the structures. The proposed parapet height is approx. 2.2m higher than that of no. 17, however, as noted above, the block is set back a considerable distance from the public road. Views into the site are limited and the development does not interfere with or obstruct views to the protected structures from Station Road. Some revision to the western stairwell at third floor level serving units no. 1-4, 9-12, 17-20 and 25-26 might be considered, setting this back projection slightly. This would reflect the design of the eastern stairwell.

Having regard to the set-back from the road and from no.'s 17 and 18 and in the context of the adjoining permitted development, it is not considered that this increase in height would materially detract from the setting of these protected structures or the character of this Architectural Conservation Area.

#### **8.4. Residential amenities**

The development comprises the provision of 6 no. additional apartment units on the site (Option 2). The internal layout and design of the apartments generally reflects that of the previously permitted development on the site and the apartments accord with the design standards set out in the Guidelines on Design Standards for New Apartments.

The proposed development lies to the northeast of Station Road and the original application was accompanied by a shadow impact assessment. The report demonstrates that there will be minimal impacts on adjoining residential properties in terms of overshadowing.

The proposed application comprises the insertion of an additional floor to the previously approved development. At second and third floor levels there will be some additional windows and balcony space on the southern elevation. The development maintains minimum separation from adjoining properties of approx.



30m which in conjunction with the landscaping proposals under PL06F.249130 would generally address overlooking impacts. I consider, however, that the third floor balcony serving apartment no. 25 should be relocated to the western elevation with final design to be agreed. I consider that this can be achieved without additional impacts on the amenities of properties in Saffron House.

There will be additional third floor windows on the eastern and western elevations. Given the set-back of windows from the parapet edge, however, significant impacts on the residential amenities of no. 16 Station Road and Saffron House are not expected.

There are no significant amendments to the footprint or layout of the development on the site from that previously approved, including the level or design of public open space. The applicant states that the proposed development provides 1,700m<sup>2</sup> of public open space, which equates to approx. 47% of site area. While this calculation is generous, the level of provision exceeds the development plan and apartment guideline standards.

Permission granted under PL06F.240130 included a S.48(2)(c) special development contribution toward public open space provision. The planning authority has applied a similar condition in this instance (no. 7), requiring a payment in lieu of public open space in accordance with the Fingal Development Contribution Scheme and as provided for under the Guidelines for Sustainable Residential Development in Urban Areas. This condition has not been subject to appeal by the first party and in their appeal response, they have noted that the application of such a levy is appropriate.

The open space levy provided for in the Fingal Development Contribution Scheme is not a Special Development Contribution and I therefore recommend that any decision to grant permission in this instance should include contributions toward open space as a standard development contribution rather than a Special Development Contribution under S.48(2)(c). I note also that the planning authority condition in this instance was calculated on the basis of an additional 8 no. apartments sought, rather than the 6 no. additional apartments granted permission as Option 2.

## **8.5. Access and Parking**

The development provides an additional 9 no. basement car parking spaces to provide a total of 41 no. car parking spaces and 40 no. bike parking spaces. This equates to a rate of 1.46 spaces per unit. I note the proximity of the site to public transport services and while this may be considered a relatively high level of parking provision it is in accordance with the development plan standards.

Submissions on the file refer to potential impacts of basement construction works on the existing sycamore tree in the northeastern corner of Saffron House site. I consider that revisions to the basement layout would be feasible in order to address such concerns without negatively impacting on parking provision on the site.

I note the proposed amendments to the access road and footpath set out in condition no. 6 of the planning authority decision and consider that these amendments are of merit and should be included in any decision of the Board to grant permission in this instance.

#### **8.6. Other Matters Arising**

Condition no. 8 of the planning authority decision requires the lodgement of security with the planning authority to ensure satisfactory completion of the development. I note that the decision of the Board to grant permission under ref. PL06F.240130 specifically decided not to include such a bond condition as the development did not include roads or services to be taken in charge by the planning authority. In the interests of consistency, I recommend therefore that in any decision to grant permission in this case such a condition be similarly excluded.

The proposed development comprises modifications to a previously permitted scheme. It is considered that matters relating to drainage and flooding are adequately addressed under the parent permission.

I note the proximity of the site to the railway and the submission on the file from Iarnród Éireann. There were no conditions attached by the planning authority relating to construction activities in this regard, nor were such conditions attached by the Board under PL06F.249130. While this appeal relates to modifications to the permitted development the Board may wish to consider the application of such a condition in this instance. (see condition no. 5 below).

## 9.0 Recommendation

9.1. Having regard to the foregoing, I recommend that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below.

## 10.0 Reasons and Considerations

Having regard to:

(a) The planning history relating to the site and the nature, scale and design of the proposed development;

(b) the policies and objectives of the Fingal County Development Plan 2017-2023;

(c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

(d) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2018;

(e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(f) the proximity of the site to quality public transport services and the availability in the area of a wide range of social and community services,

(g) the pattern of existing and permitted development in the area,

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or detract from the character and setting of the protected

structures or Architectural Conservation Area. The proposed development would therefore be in accordance with the proper planning and development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29th day of March 2019 and, except as may otherwise be required in order to comply with the following conditions. In particular, the proposed development shall be constructed in accordance with Design Option 2 which was submitted to the planning authority on 29<sup>th</sup> March 2019.

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:
  - (a) The pedestrian footpath on the eastern side of the site access road shall be increased to a minimum width of 1.8m. The landscaped strip along the western side of the access road shall be reduced in width accordingly and finished in accordance with details to be agreed with the planning authority.
  - (b) The design of the basement car park shall be amended in order to obviate potential impacts on adjoining mature trees on lands to the west.
  - (c) The third floor balcony serving unit no. 25 shall be relocated from the southern elevation to the western elevation.
  - (d) The glazed southern elevation and eastern wall of the western stairwell

serving units 1 – 4, 9 – 12, 17 – 20 and 25 – 26, shall be set back approx. 1m to reflect the design of the eastern stairwell.

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 interests of visual and residential amenity

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permissions granted on 05/03/2018 under appeal reference number PL06F.249130, planning register reference number F16A/0541, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. The plan shall also include a method statement for works occurring adjacent to the railway to the north.

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

(**Note:** Further to section 8.6 above, this is a new condition for consideration by the Board.)

6. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

7. 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. In particular, such financial contribution shall include a contribution in respect of the provision of public open space by the planning authority in compensation for any deficit in public open space provision within the proposed development.

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

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Conor McGrath  
Senior Planning Inspector