



An  
Bord  
Pleanála

## Inspector's Report ABP 304551-19

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|--------------------------------|--|
| <b>Development</b>             | Demolition of two storey shed,<br>Construction of four storey plus roof building with town house and roof gardens, and two-story building with two apartments at rear of existing building. With gardens and roof terrace, cycle spaces, bin storage and ancillary works. Access is onto Eastmoreland Lane |
| <b>Location</b>                | Eastmoreland Lane at Rear of No 20 Upper Baggot Street. (Protected Structure.)   |
| <b>Planning Authority</b>      | Dublin City Council  |
| <b>P. A. Reg. Ref.</b>         | 4347/18  |
| <b>Applicant</b>               | Metropolitan Properties Limited.   |
| <b>Type of Application</b>     | Permission.  |
| <b>Decision</b>                | Grant Permission   |
| <b>Type of Appeal</b>          | Third Party  |
| <b>Appellant</b>               | Mary Miley   |
| <b>Date of Site Inspection</b> | 2 <sup>nd</sup> August, 2019.  |
| <b>Inspector</b>               | Jane Dennehy   |

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## 1.0 Site Location and Description

- 1.1.1. The site subject is located on the north east side of Upper Baggot Street and it has a stated area of 228.7 square metres. It is formed from the original plot of No 20 Upper Baggot Street, an end of terrace late nineteenth century town house adjacent to the former Baggot Street Hospital building which was built as the set-piece, in between the townhouses on the north east side of the street. The plot and curtilage of the townhouse extends through to frontage on Eastmoreland Place, a rear service lane onto which historically there was access to a yard, a stable block and outbuildings, with private gardens located between the rear of the townhouse and the stable block. Calp limestone walling is located along the south west boundary adjacent to the gable end of a three-storey building forming part of the former Baggot Street hospital complex with some buildings having direct frontage onto the footpath at the north west end of the lane. Capped block walling is located along the south east side boundary.
- 1.1.2. Eastmoreland Lane is characterised on both sides by piecemeal development, vacant land, service areas and backyard spaces for the businesses operated from the houses on Upper Baggot Street, and a varied building typology comprising infills mainly in commercial use outbuildings.
- 1.1.3. The appellant party's property, No. 2 Eastmoreland Place, is opposite the application site. It is a two-storey corner site dwelling at Haddington Place which extends northwards from Eastmoreland Place parallel to Haddington Road.

## 2.0 Proposed Development

- 2.1.1. The original application lodged with the planning authority indicates proposals for:
- Demolition of existing two storey building at the rear of the Georgian townhouse with possible salvage of brick materials for re-use in the new build.
  - Construction of a four storey and two storey building with roof gardens which has a stated floor area of which is 314 square metres providing for:
    - One self-contained house over floors with access from Eastmoreland Lane, with dedicated private open space provision at second and fourth floor levels.

Two self-contained apartments, one at ground floor level with a private garden and one at first floor level with a private terrace both of which are accessed from Eastmoreland Lane off a passageway.

A courtyard garden area is shown on the plans in the space between the footprint of the proposed block and the rear of the Georgian Townhouse.

Provision is made for two cycle parking spaces and refuse storage. No on site carparking is included.

The total stated site coverage is stated to be 60% and the stated plot ratio is 1.37

- 2.1.2. The application and/or further information submissions include an appropriate assessment screening report, services report, conservation method statement and architect's design statement prepared by the applicant's architect, a building conservation assessment prepared by an architectural heritage consultant and, a sunlight and daylight study.
- 2.1.3. The application does not include any interventions to the Georgian house facing onto No 20 Upper Baggot Street.

### **3.0 Planning Authority Decision**

#### **Decision**

- 3.1.1. The planning authority decided to grant permission, further to issue of a multiple item request for and, receipt of additional information in relation to issues relating to height, scale and design arising from concern as to overbearing impact, justification for removal of original structures, integration with adjoining structures (including protected structures), materials and finishes, daylight access, entrances arrangements and provision for internal storage facilities.
- 3.1.2. The conditions attached are of a standard nature but include a requirement, under Condition No 7 for engagement of a conservation expert to oversee and monitor the implementation of works to the protected structure and, a requirement for archaeological monitoring, under Condition No 8.

## **Planning Authority Reports**

### **Planning Reports**

- 3.1.3. Having noted the recommendations in the technical reports and third-party observations and, further to review of the further information submission, (referred to under para 2.2 above) the planning officer who had initially indicated serious concerns about the original proposal, confirmed his satisfaction with the proposed development and a grant of permission subject to conditions is recommended.

### **Other Technical Reports**

- 3.1.4. The report of the City Archaeologist dated 10<sup>th</sup> December, 2018 in noting that the site location is proximate to the zone of constraint for a Recorded Monument, (DU018-055 – castle site) indicated recommendations for inclusion of a monitoring condition.
- 3.1.5. The report of the Roads and Traffic Division dated 7<sup>th</sup> November, 2018 notes the exclusion of on-site parking provision for the proposed development lack of available on-street parking at, and close to the site frontage would be available due to double line markings along the southern side, and a single line along with restricted parking availability on the north side of Eastmoreland Lane, and the likelihood that residential parking permits are unavailable. However, no objection to the proposed development is indicated subject to standard conditions including a requirement for cycle parking to be provided in accordance with development plan standards.
- 3.1.6. The report of the Conservation Officer dated 10<sup>th</sup> January, 2019 indicated a recommendation for a request for additional information along with a detailed account and commentary on the site location, environs, existing buildings and the proposed development. Concerns recommended to be addressed in a further information submission relate to justification for the proposed removal of historic fabric which is not favoured, refurbishment and reuse of the stable buildings being recommended for consideration instead, proximity to boundaries of the adjoining Baggot Street Hospital building, visual impact and integration with historic buildings having regard to scales heights, design and materials. The supplementary report dated 9<sup>th</sup> April, 2019 contains a statement that the proposed development had been discussed with the planning officer.

## Third Party Observations

- 3.1.7. Observations were received by the planning authority from the appellant and from the Pembroke Road Association in which issues of concern raised include excessive scale and height, incompatibility with and adverse impact on the integrity and character the surrounding historic buildings, especially the Baggot Street Hospital Building and, adverse impact on residential amenities of properties on Eastmoreland Lane.

## 4.0 Planning History

- 4.1.1. According to the planning officer report the site has the following planning history:
- P. A. Reg. Ref. 1152/07:** Permission was granted for demolition of an annex in the yard and for construction of four storey and two storey commercial office building.
- P. A. Reg. Ref. 3136/06:** Permission was refused for demolition of an annex and for construction of four storey commercial office building for reasons relating to overshadowing of Baggot Street Hospital and injury to amenities of the internal accommodation and property value, excessive quantum of office space and indicative plot ratio for the site location and contravention of the 'Z4' zoning objective.

## 5.0 Policy Context

### Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan 2017-2023 according to which the site area at the rear of No 20 Upper Baggot Street, is subject to the zoning objective Z4: *"To provide for and improved mixed service facilities"*. The are to the east side of Eastmoreland Lane are within an area subject to the zoning objective Z2: *"To protect and/or improve the amenities of residential conservation areas"*.
- 5.1.2. No 20 Upper Baggot Street, and most of the historic buildings on the Upper Baggot Street frontage are included on the record of protected structures. (Ref 446.) (The entire plot extending through from the Baggot Street frontage to Eastmoreland Place,

inclusive of the stable block comes within the curtilage and is subject to statutory protection.)

- 5.1.3. According to Policy Objective CHC2 it is the policy of the planning authority to ensure that the special interest of protected structures is protected.
- 5.1.4. Development will conserve and enhance Protected Structures and their curtilage and changes of use of protected structures, which will have no detrimental impact on the special interest and are compatible with their future long-term conservation, will be promoted. There are requirements under this policy objective which include:
- Protection or where appropriate, and restoration of form, features and fabric which contribute to the special interest and,
- Avoidance of harm to the curtilage of the structure; therefore, the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.
- 5.1.5. Guidance and standards on mews development are available in section 16.10.16 and in section 16.10.1 on standards for residential development. 4.17 provides for one cycle space per bedroom and one visit space for two residential units.

### **Strategic Guidance.**

- 5.1.6. Section 28 Guidance "*Sustainable Residential Development in Urban Areas.*" Minimum qualitative and quantitative standards for residential development are set in strategic guidance. "*Sustainable Urban Housing: Design Standards for New Apartments (2018)*" "*Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities, DOCLG, March, 2018.*" (2018 Apartment Guidelines) These Section 28 Guidelines take precedence over development management standards within the CDP.

## 6.0 The Appeal

### Grounds of Appeal

- 6.1.1. An appeal was received from Ms Mary Miley of No 2 Eastmoreland Place a two-storey house and she has attached photographs of the existing buildings on the lane which she states shown the scale of existing development. Ms Miley claims that the proposed development would have negative impact on the long-established fabric and character of Eastmoreland Lane and on her house.
- 6.1.2. With regard to further information submission on the proposed development Ms Miley states that the revised design indicates a very small reduction in bulk and retains the four-storey elevation onto the lane opposite her house. She does not accept the argument as to “Contextual appropriateness and scale in relation to neighbours” or that “a new parapet lev has been established” in the planning officer’s report.

### Applicant Response

- 6.1.3. A submission was received from the applicant’s architect on 26<sup>th</sup> June, 2019 attached to which is a copy of a contiguous elevation and sun diagrams. The contentions in the appeal as to adverse impact due to height and scale on the amenities and character of Eastmoreland Lane and on Ms Miley’s property which is opposite the site in terms of overbearing impact and overshadowing and at the corner with Haddington Place are rejected. According to the submission:
- The development proposal is not out of scale with development on the lane; the parapet height ties in with that of a recently permitted development at No 46 Eastmoreland Place. (P. A. Reg. Ref. 3461/18 refers: Permission was granted three storey building, modified from a four-storey building in a further information submission, at No 46 Eastmoreland Place. The site location is close to the junction with Eastmoreland Place. The grant of permission had not been taken up at the time of inspection.) Reference is made to the contiguous elevation drawing included with submission to support the applicant’s case in this regard.



- Every effort was made to address concerns about impact on the development on the lane and the appellant's property in the adjustments made to the design in the further information submission. Significant modifications were made to:
  - (a) the setback of the roof garden parapet,
  - (b) the location of the stairs enclosure for the roof garden, and,
  - (c) the removal of the glazing to the top floor with retention of an opaque fixed glazed light.
- The appeal implies that all new development should be low height matching that of Ms Miley's two storey house which stands isolated at the corner of the mews lane extending towards with an open yard to the south and it faces a vacant site and carpark. The context of the conditions at this location which is the result of demolition will be radically altered. The lane which has a wide range of building types has changed significantly over recent years and will continue to do so with variation in building lines and vacant sites on the west side which needs coordinated planning and some unity in elevations into the future.
- A future coordinated approach for development on the west side of the lane is twelve to fifteen metres at the lane edge balanced with two storey and two storey with mansard development on the east side is necessary. The permitted development at No 46 which would not be overbearing in impact on two storey buildings on the opposite side establishes a parapet line of 15.7 metres. (P. A. Reg. Ref. 3461/18 refers.) The proposed development which is to be built up to the lane frontage is 12.84 metres and relates appropriately to the adjoining Baggot Hospital buildings.
- The proposed development is not overbearing due to the 5.6 metres' site width. It will have minimal impact on light levels, winter light according to the submitted shadow study being equally affected by a three-story development without setback. The top floor windows are arranged so that they do not give rise to overlooking and the windows for the lower floor are for bedrooms. Further opaque glazing or internal screening for the second floor living space can be provided if considered necessary.

- The proposed building continues the brick work tradition and height of the nineteenth century hospital buildings.

### **Planning Authority Response**

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

### **Further Submissions.**

6.1.5. A further submission as received from the appellant on her own behalf on 25<sup>th</sup> July, 2019. She states:

- that the response to the appeal is full of subjective statements on design and contends that matching parapet heights on the west side of the lane is not an indicator of good design and she refutes the assertions in the appeal as to appropriate scale and relationship to existing development and considerable effort at further information stage going into reducing potential impact;
- that the quality of the design is not at issue but rather that it has negative impact on her property.
- That she refutes the suggestion that she considers that Eastmorland Lane should be frozen time in that she is well aware that cities are organic. She considers that the proposed development does not respect the exiting established fabric and considers that density should not be over riding and at the expense of the amenities of neighbouring properties. She is at a loss to understand to contention that the reduced massing of the design would definitely be contrary to the proper planning of the city, as contended in paragraph 6 of the response to the appeal;
- That she acknowledges that low sunpath in December will cast a long shadow even for low rise. The sunpath diagram for summer solstice (EAST-P-005) lacks the detail to demonstrate shadow cast after 13.26 pm. The front elevation of her house will be in shadow. The scale of the relationship can only be seen in the thumbnail drawing EAST P 120. The gutter of her dwelling is one metre below the second floor.

If it is decided that permission should be granted, Ms Miley requests that the scale be reduced in height in order to reduce the impact on the eastern side of the lane in that the impact would be inordinately overbearing.

## 7.0 **Assessment**

- 7.1.1. The issues central to the determination of a decision can be considered below under the following sub-headings.

Justification – Architectural Heritage Protection.

Building Design, Height and Form - Impact on Amenities of surrounding properties and the Character of Eastmoreland Lane.

Impact on Residential Amenities and value of property at No 2 Eastmoreland Lane.

Environmental Impact Assessment

Appropriate Assessment.

### **Justification. – Architectural Heritage Protection.**

- 7.1.2. No 20 Upper Baggot Street, and end of terrace late nineteenth century townhouse along with most of the historic buildings along Baggot Street Upper is included on the record of protected structures, the former Baggot Street Hospital being the set piece building on the north east side of the street. The original plots for the townhouses which extend through from the street frontage to the Eastmoreland Lane from which rear access was available, is the historic curtilage that is subject to statutory protection. There is predisposition towards retention and adaptive reuse of historic buildings within the curtilage of protected structures as opposed to demolition and replacement according to the Policy Objective CHC2 of the CDP.
- 7.1.3. It is considered that this option for incorporation within the development on the site has been set aside having regard the relevant submissions made in connection with the application. The focus is on the simplicity of the structure and its materials itself more than on its function in relation to the main townhouse, notwithstanding the

statement that it was a later addition. There is no confirmation, by way of Section 5 or 57 Declaration that the existing structures are excluded from statutory protection further to comprehensive assessment as to the conservation merits and special interest of the structure itself and, in the context of the entirety of the structures within the curtilage is warranted.

- 7.1.4. To this end, the concern expressed in the report on the initial application by the Conservation Officer as to lack of justification in the application for the proposed demolition is considered reasonable and, as to failure to demonstrate that the option for retention and conversion and incorporation within the proposed development for viable use was comprehensively considered among the design options for the development on the site. Prior to the determination of a decision, on the application, bearing the foregoing in mind, the Board may wish to raise this matter with the applicant.

It is to be pointed out however, that a relatively intensive redevelopment of the site is fully supported as being functional to the sustainable regeneration of Eastmoreland Lane, ideally in a manner which is not haphazard and is to be encouraged. Furthermore, the insertion of three dwelling units at the site location close to the city's core is fully in line with and functional to the delivery of the national policy by providing for regeneration and sustainable development on serviced lands in the interest of consolidation of the city. It is national strategic policy according to the National Planning Framework issued by the Department of Housing, Planning and Local Government. in February 2018 that new residential development in cities should be directed into locations within the existing built up service areas.

### **Building Design, Height and Form - Impact on Amenities of surrounding properties and the Character of Eastmoreland Lane.**

- 7.1.5. The planning officer's concerns relating to design, height and overdevelopment for the site location with regard to the initial proposal are supported. With regard to height, it is noted that for the revised proposal shown in the further information submission the front building line for the full height front façade is directly on the site frontage at the edge of Eastmoreland Lane. The revised parapet height still rises

above that of the adjoining hospital buildings, whereas a minor mansard element rising from the level of the hospital building parapet line to front of the roof garden enclosure roof level may have been more ameliorative in effect in streetscape views. The mansard feature, as pointed out in the submissions made on behalf of the applicant is common to several of the other buildings along Eastmoreland Lane.

7.1.6. Although some revision such as that referred to above with regard to the height of the front façade at the front building line would be considered an enhancement, it is agreed that on balance, the heights in the modified proposal are not unduly excessive and can be accommodated without significant undue adverse impact on the amenities of the environs. The substitution of brick cladding for the elevations, excluding the elevation onto Eastmoreland Lane is considered acceptable, in the context of the existing structures and, in respect of softening the outlook from side elevation windows from the former Baggot Hospital buildings.

7.1.7. The proposed development does set precedent for possible future development facing onto the lane including the yard space on the adjoining site and it is considered that its development potential would not be adversely affected.

The stepping down of the block at the centre of the site towards the main townhouse and incorporation of garden space is compatible within the overall site curtilage.

7.1.8. It is agreed with the planning officer that the standards achieved in the modifications to the design shown in the further information submission (supplemented by the appeal details) for the internal accommodation, especially with regard to daylight and sunlight access are satisfactory having regard to BRE guidance and standards. (*“Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice,”* Paul Littlefair, BRE 2011.) It is agreed with the planning officer that the revised proposals for the development address the concerns initially raised and accord with the recommendations and minimum standards set out in Section 28 Guidance *“Sustainable Residential Development in Urban Areas.”* (DOEHLG.) as supplemented and superseded, in respect of the apartment units by *“Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities,* DOCLG, March 2018.” (2018 Apartment Guidelines.)

7.1.9. As pointed out and taken into consideration by the planning officer, several windows are on the elevation of the former hospital buildings facing towards the site. In the

event of possible future residential use of these buildings, the outlook from some of these windows is to the side elevations of the proposed development. Given the location in the inner urban area and the “Z4” zoning objectives the proposed development is considered reasonable in this regard.

**Impact on Residential Amenities and value of property at No 2 Eastmoreland Lane.**

- 7.1.10. With regard to the impact on the two-storey house at the corner of Eastmoreland Lane and Haddington Lane, the Appellant’s property, it is considered that the zoning and strategic objectives for the area must be taken into account and an appropriate balance reached in that the location is not designated solely for residential development. The point made in the response to the appeal that the future built form of Eastmoreland Lane cannot be predetermined by the characteristics of the sole pre-existing two storey house is reasonable. On Eastmoreland Lane there is a lack of homogeneity in building form, heights and front building lines whereas in contrast, the original narrow plot widths remain clearly readable and substantively unaltered.
- 7.1.11. The Appellant’s house, due to lack of fenestration in the side elevations, is heavily dependent on the front elevation fenestration for daylight and sunlight access to the internal habitable space but, it is indicated in the shadow diagrams provided on behalf of the applicant that diminution in standards caused by the proposed development relative to current conditions are relatively insignificant and do not appear to be in breach of BRE standards. Eastmoreland Lane has the benefit of reasonable sunlight and daylight.
- 7.1.12. The upper level fenestration in the front façade of the proposed building which is restricted to a single opaque fixed glazed light as indicated in the modified proposal and confirmed in the response to the appeal ensures that undue overlooking would not occur
- 7.1.13. With regard to the contentions in the appeal as to overbearing impact on the two-storey dwelling, it is of note that the front facades are slightly orientated from each other, are not on a direct axis and this has some ameliorative impact on perceived overbearing impact. It is appreciable that infill of the site with a block, as proposed amounts to a radical change to the immediate environs and outlook from the dwelling, given the open nature of the site at present.

### **Environmental Impact Assessment Screening.**

- 7.1.14. Having regard to the nature of the proposed development and its location on a brownfield site in a serviced central city 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.

### **Appropriate Assessment Screening.**

- 7.1.15. Having regard to the small-scale nature of the proposed development and, to the brownfield site in a serviced central city 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**

In view of the foregoing, there is some reservation as to the justification for the removal of the stable building in the absence of demonstration of consideration of alternative design options and in the light of statutory protection provisions owing to the inclusion of No 20 Upper Baggot Street in the curtilage of which the site is located, on the record of protected structures. However, on balance, given the site location, zoning and specific objectives for the site location and national policy for consolidation of the city by way of regeneration and sustainable development of vacant and brownfield sites, and having regard to the standards achieved in the modified proposal for the quality of the three units for future occupants and in relation to the adjoining and surrounding buildings and Eastmoreland Lane in entirety, it is recommended that the planning authority decision be upheld and that permission be granted subject to conditions. Draft reasons and considerations and conditions follow:

## **9.0 Reasons and Considerations.**

Having regard to:

- The Dublin City Development Plan, 2016-2022 according to which the areas within the site are subject to the zoning objective: *Z4: To provide for and improve mixed service facilities,*” according to which residential development is among the uses which are permissible”;

The National Planning Framework issued by the Department of Housing Planning and Local Government. in February 2018 in according to which new residential development in cities should be directed into locations within the existing built up service areas;

The guidance and standards within, “*Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities*, DOCLG, March 2018.”

- The location on under-utilised land within a well serviced, inner suburban area in close in proximity to the city centre, public transport facilities an, and a wide range of services, amenities and facilities,
- the established pattern and character of existing development in the area and,
- The design, form, height, materials and external finishes for the building, the internal layout of the proposed residential units and private open space provision.

It is considered that subject to compliance with the conditions set out below, the proposed development would accord with national strategic policy and local development policies and objectives for the area, would not seriously injure the integrity, setting and character of the protected structure and the surrounding protected structures, or the visual and residential amenities of the area, would not adversely affect the development potential of adjoining lands and, would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 3<sup>rd</sup> April, 2019 as amended by the plans



and particulars received by An Bord Pleanála on 27th May, 2019 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 proposed development shall be carried out under the direction of an architect with specialist expertise in historic building conservation and in accordance with the recommendations within: *Architectural Heritage Protection: Guidelines for Planning Authorities* issued by The Department of the Environment, Heritage and Local Government in 2005.

**Reason:** To ensure appropriate building conservation practice the interest of the protection of the integrity of the structure.

3. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of amenity and the proper planning and sustainable development of the area.

4. Details of the following shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development
  - Materials, colours and textures of all the external finishes which should be low maintenance self finish surfaces and a panel shall be displayed on the site to facilitate the planning authority.
  - External lighting through the development

**Reason:** In the interests of visual and residential amenities.

5. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of amenity and the proper planning and sustainable development of the area.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

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

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

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

8. No additional development, such as air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

**Reason:** In the interests of visual and residential amenities.

9. Arrangements for demolition and clearance of the site and for construction of the development shall be managed in accordance with a Demolition, Waste and Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

**Reason:** In the interests of clarity, amenities and public health and safety and sustainable development.

10. Hours of work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

**Reason:** In the interest of residential amenities of surrounding properties and clarity.

11. Landscaping, planting and boundary treatment, and external communal amenity space provision shall be fully implemented within the first planting season following completion of construction.

**Reason:** In the interests of the visual amenities of the area and orderly and sustainable development.

12. 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.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Jane Dennehy**  
Senior Planning Inspector  
7<sup>th</sup> August, 2019.