



An
Bord
Pleanála

Inspector's Report

ABP-304945-19

Development	32 no. apartments.
Location	280 Bannow Road, Cabra, Dublin 7.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2895/19
Applicant(s)	Colin Daly, Nicola Daly, Andrew Hayden.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Colin Daly, Nicola Daly, Andrew Hayden.
Observer(s)	P. Callery, Cieran Perry, Henry O'Brien & TII.
Date of Site Inspection	18 th October 2018
	Sarah Lynch

1.0 Site Location and Description

- 1.1. The site is located on Bannow Road and forms part of an existing industrial site. The site contains a large industrial unit and a small car park and service yard to the front. The site covers an area of c. 0.17 hectares and slopes away from Bannow Road towards Broombridge Luas to the rear.
- 1.2. The Luas and train station are directly to the rear of the site. A new residential development has been completed to the east of the site and there are a number of industrial buildings to the west. The surrounding area is largely characterised by two storey residential development with the industrial development limited to the north of the Bannow Road.

2.0 Proposed Development

- 2.1. The proposed development will consist of the following:
 - Demolition of existing two storey building.
 - Construction of 32 apartments, over two blocks.
 - Block A – four storey building
 - Block B – five storey building
 - Basement carpark for 20 cars
 - Development will provide 1 no. studio, 11 no. 1 beds, 14 no. 2 beds & 6 no. 3 beds.
- 2.2. Revised plans have been submitted with the appeal in response to the Council's reasons for refusal, the revised plans provide for the following development:
 - An increase in the number of units to 35, as follows:
 - 17 no. 1 bed apartments,
 - 12 no. 2 bed apartments,
 - 6 no. 3 bed apartments,
 - Revised entrance design.

These plans will be considered within the context of the reasons for refusal at assessment stage.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council determined to refuse permission for the following three reasons:

1. The proposed development is considered to seriously impact on the residential amenity of neighbouring properties to the west in relation to its bulk, scale and mass due to overshadowing and overbearing impacts. The design and massing is visually obtrusive and out of character on the Bannow Road streetscape, and the design is also lacking in the visual amenity required in views from the canal bank (a conservation area) and Broombridge Road. The proposal is therefore considered to seriously injure the amenities of property in the vicinity, contrary to the proper planning and sustainable development of the area.

2. The proposed development does not have an appropriate quantum or quality of public open space or of communal open space, and the design of the access and entrance to the development and its interface with the street is contrary to the residential development standards set out in Chapter 16 of the Dublin City Development Plan 2016-22, and would not provide adequate residential amenity to future occupants. As such, it is therefore considered to be contrary to the Z1 zoning objective of the site, to protect, provide and improve residential amenities’.

3. The design of the proposal with c. 12 metres separation distances between windows serving living and bedroom areas in opposing units would create a lack of privacy for future occupants. Furthermore, the layout and configuration of a number of the proposed apartments do not meet the standards set out in the Ministerial Guidelines Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018. This includes a number of storage rooms in excess of 3.5 sqm, a number of undersized ensuite bedrooms that would not accommodate normal bedroom furniture, and a lack of bedrooms of 13 sqm that could be used as twin rooms, and hence an insufficient minimum aggregate

bedroom floor area, leading to poor residential amenity for future occupants of these homes. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report reflects the decision of the local authority.

3.2.2. Other Technical Reports

- Drainage Division – no objections subject to conditions.
- Roads and traffic planning division – no objections subject to conditions

3.3. Prescribed Bodies

- TII – Demolition and /or construction method statement shall be submitted for written agreement of the planning authority. The method statement shall address all interface issues.
- Section 49 Supplementary Development Contributions apply.
- No adverse impacts shall occur to the operation and safety of the Luas, the development shall be in accordance with TII's 'Code of engineering practice for works on, near, or adjacent the Luas light rail system'.
- Irish Rail – Noise and vibration impacts were highlighted.

3.4. Third Party Observations

23 no. valid submissions were received. The issues raised are outlined within the observations to the appeal.

4.0 Planning History

There is no recently recorded history for this site. However, the following applications on adjacent sites are of relevance:

- 1509/07 Partial demolition of existing commercial buildings, refurbishment and extending of remaining commercial buildings, construction of 5 no residential blocks, new and upgraded existing vehicular and pedestrian accesses and improved site boundary treatments.
- 2237/15 (parent permission) 24 no. residential units comprising 10 no. terraced 3 storey dwellings with car parking to front gardens to Bannow Road and 2 detached apartment buildings to rear of site.
- 4006/17 and 4314/17 (applications for amendments) Amendments to stair core, Amendments to Building 1 to increase the height of the building to 4 stories and increase the total number of apartments from 6 to 8. Permission granted. Granted with conditions

5.0 Policy Context

5.1. Development Plan

The Dublin City Development Plan 2016-2022

The site is zoned Z1 which seeks to protect, provide and improve residential amenities.

- Section 16.10 Standards for Residential Accommodation
- Section 16.39 Cycle Parking.
- Table 16.2 – Cycle Parking Standards for Various Land-Uses.
- QH21 – Provision of adequate residential amenity
- CC4 – Daylight and natural ventilation

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, Department of Housing, Planning and Local Government March 2018

- SPPR 2 – Dwelling mix.
- SPPR 5 – Ground floor ceiling heights

- Section 4.11 - adequate levels of sunlight to reach communal amenity space throughout the year.
- Section 4.15 Bicycle Parking and Storage.
- Section 4.18 – Carparking.
- Section 6.5 – Apartments and daylight provision.

Project Ireland National Planning Framework 2040

Section 1.2 Making the vision a reality

Section 4.5 Achieving urban infill / brownfield development

5.2. Natural Heritage Designations

South Dublin Bay and River Tolka Estuary SPA is the nearest Natura 2000 site to the appeal site at 4.8km east.

The North Dublin Bay and Bull Island SAC and SPA are located c. 8.5km north east of the site.

5.3. EIA Screening

- 5.4. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. 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

This is a first party appeal against the decision of Dublin City Council to refuse permission. The grounds of appeal have been prepared by Downey Planning on behalf of the applicant. The issues raised can be summarised as follows:

- The site is highly accessible being directly adjacent to the Luas, train and bus.

- A revised design has been submitted to address the concerns of the Local Authority.
- Majority of units have floor areas that exceed the minimum by 10%.
- The revised proposed will increase the number of units to 35, the revised apartments comprise :
 - 17 no. 1 bed apartments,
 - 12 no. 2 bed apartments,
 - 6 no. 3 bed apartments.
- 1 no. studio apartment and 2 no. 2 bed apartments have been omitted from the scheme.
- Increase in density from 188 units per hectare to 205 units per hectare.
- Higher densities are required at transport nodes such as the appeal site.
- Scale of the development has taken cognisance of the site's location within Metropolitan Dublin proximate to Broombridge Train and Luas Station.
- Development Plan seeks comprehensive redevelopment of site.
- Area has been earmarked for rezoning and applicant is conscious of this and does not want to repeat existing low density development.
- Applicant does not consider design to be bulky and refers to existing incongruous industrial buildings.
- Returning lands to active use meets sustainable objectives.
- No protected view from Broombridge road or bridge in any direction.
- The sheer bulk and mass of the Luas Depot building shields the proposed development from view from the canal.
- Height of proposed development is lower than permitted at such locations.
- Site coverage is 42% which is below 45-60% range permitted within the Development Plan.
- Additional overshadowing to neighbouring dwellings will be minimal.

- A relaxation of open space requirements is applicable to this site.
- The development provides for quality private open space.
- The site is in proximity of a number of public parks.
- It is suggested that a contribution should be provided in lieu of the 10% public open space.
- Separation distances of the revised design between living and bedroom areas of opposing units exceeds the minimum.
- Flexibility in relation to internal separation distances such be permitted given the infill nature of the site. There is precedent for such flexibility by DCC.
- Proposal will assist with rebuilding Ireland targets.
- The revised development provides for a total of 20 car parking spaces, 1 motobike space and 80 bicycle spaces.

6.2. Planning Authority Response

Dublin City Council submitted a response to the appeal and raised the following issues:

- The justification for the planner's refusal is contained within the planners report as submitted.
- There are a large number of amendments to this scheme and Dublin City Council have not had the opportunity to assess. These amendments do not address the local authorities concerns in relation to residential amenity impacts.
- Numerous under sized ensuite bedrooms remain within the scheme which would not provide for an appropriate level of residential amenity.
- The revised lobby to the south block is an improvement.
- Other concerns in relation to the design of the scheme have not been adequately addressed.

6.3. Observations

Four observations have been received from both a local elected member, local residents and TII. The issues raised can be summarised as follows:

- Poor quality design.
- Lack of open space.
- Surrounding area is predominantly two storey in height.
- Over development of site.
- Heights should be capped at 3 storey.
- Balconcies would compromise privacy of adjacent dwellings.
- Too many one bed apartments may attract a transient resident rather than families.
- Parking is an issue on Bannow Road due to the Luas and businesses.
- Existing sewerage problems on Bannow Road, proposed development will exacerbate this.

7.0 Assessment

7.1. The proposed development is located within an area subject to the Z1 zoning objective which seeks to protect, provide and improve residential amenities. The principle of residential development is accepted within this zoning objective subject to compliance with the Dublin County Development Plan 2016-2022 and relevant Section 28 guidelines.

7.2. This is a first party appeal against the planning authority's decision to refuse permission. The reasons for refusal refer to a number of issues including the impact of the overall bulk, scale and mass of the proposal on the dwellings to the west in terms of overshadowing and overbearing, it was also considered that the proposed development would be obtrusive in the context of the canal bank which is a conservation area. Other issues refer to insufficient public and communal open space and the proximity of the blocks to each other. DCC was concerned that the limited separation distance between bedrooms and living areas (c.12 metres) of

opposing buildings would provide an insufficient level of privacy to the proposed units. In addition to the foregoing, a number of units were below the minimum floor area and as such were contrary to the requirements of Section 28 Guidelines.

7.3. In response to the reasons for refusal the applicants submitted revised plans with the appeal for the consideration of the Board. The revised design has removed the previously proposed studio apartments to provide additional space where required. This reconfiguration of the development now proposes a total of 35 no. apartments comprising 17 no. 1 bed apartments, 12 no. 2 bed apartments, 6 no. 3 bed apartments. The revised design also increases the separation distance of opposing windows from c. 12 metres to c.13.75 metres. The overall scale, bulk and massing remain as originally proposed and the quantum of open space has increased due to the increase in distance between the proposed blocks. The front access has also been redesigned in response to the Council's refusal.

7.4. The main issues for consideration before the Board therefore, relate to the reasons for refusal I am satisfied that no other substantive issues arise. Consideration of the revisions proposed will be in the context of the Council's refusal. The issues raised can be dealt with under the following headings:

- Overshadowing
- Visual Impact
- Adequacy of Open space
- Privacy for future occupants
- Adequacy of unit floor space
- Appropriate Assessment
- Other matters

Overshadowing

7.5. It is contended within the reasons for refusal that the proposed development by virtue of its scale, bulk and mass would result in an unacceptable level of overshadowing to dwellings in the vicinity, namely those to the west and would appear overbearing when viewed in the context of surrounding development which is largely 2-3 storey in height.

- 7.6. The applicant submitted a shadow analysis with the planning application which identified development on all sides of the appeal site and the potential for impact on same. A comparative analysis of the present situation and that as result of the proposed development was submitted. I note that this shadow analysis was carried out prior to completion of the existing dwellings to the west and there are a number of assumptions made within the report. I have reviewed these assumptions in the context of the completed development and consider the report to be adequate in providing an accurate assessment of potential overshadowing to the now completed development to the west.
- 7.7. The shadow analysis, demonstrates that overshadowing to the dwellings abutting Bannow road to the west will be marginally increased on the 21st March at 10am, however overshadowing to the north of the same site will be marginally improved for the same period. Overshadowing for the remainder of the periods assessed remains the same with minor improvements for development to the west during the summer period.
- 7.8. Given the distance and orientation of existing dwellings to the south of Bannow Road it was considered by the applicants that overshadowing would not arise for these dwellings and therefore an assessment was not warranted.
- 7.9. An assessment of available daylight and access to vertical sky in relation to both blocks 3 and 4 of the adjacent development to the west found that percentages were enhanced by the proposed development as the current building within the appeal site is a solid block. The separation distance between both of the proposed blocks will provide more access to daylight and vertical sky from the living rooms of these units. It was concluded that the proposed development is compliant with the BRE guidelines with regard to the potential impacts on the existing development to the west and any impacts would be minimal.
- 7.10. In terms of the access to daylight within the proposed development the applicant has carried out a BRE assessment of the proposal. The ground floor apartments were of particular concern in terms of access to vertical sky and the daylight factor. In response to these concerns the proposed layout is considered to optimise the daylight. Living rooms which require optimum daylight are given priority and are

placed away from internal corridors and projections and are provided with large multi aspect windows. Most windows at ground level are full length.

- 7.11. Average daylight factor requirements for living rooms is 2% and 1% for bedrooms. The proposed ground floor units of the proposal comfortably meet these requirements. Living rooms within the development range between 2.91% and 5.71% and bedroom percentages range from 3.4% to 5.18%.
- 7.12. It is of importance to note at this juncture that infill development at locations such as the appeal site supports the notion of compact growth which is significantly supported by the policies of the National Planning Framework in which it is an objective to deliver at least 40% of all new housing within the existing built up areas of cities. In order to deliver on the principles of compact growth a degree of flexibility must be provided for in relation to issues such as overshadowing.
- 7.13. Thus, having regard to the overshadowing and day light factor analysis submitted, which demonstrates that a limited number of properties to the west will be affected for a limited period of the day and the proposal will also provide improvements for a number of properties, it is considered that the level of overshadowing generated by the development would not be so significant as to warrant a refusal. Furthermore, the day light and vertical sky analysis demonstrates that the proposed development exceeds the requirements of the BRE guidelines and is therefore in accordance with the provisions of the Dublin City Development in this regard.

Visual Amenity

- 7.14. The Council have raised concerns within the reasons for refusal regarding the over all scale, bulk and massing of the proposed development and the potential for visual impacts to arise. It is stated that the proposed development is considered by the Council to be visually obtrusive and would be out of character with the existing streetscape and would have a negative impact on the views from the canal bank which is stated to be a conservation area. I note that these concerns are reiterated within the observations received to the appeal. I have reviewed the Dublin City Development Plan and note that the proposed development is not within an Architectural Conservation Area and there are no protected views in the direction of the appeal site from the canal to the north.

- 7.15. I also note that the Broombridge train and Luas station is located directly to the rear of the appeal site and is sited between the appeal site and the canal. The Luas depot building runs along the rear boundary of the site and provides an interruption to views at the site to and from the canal. Given the separation distance from the canal and the presence of existing development between the site and the canal I consider the potential for visual impacts on the canal area to be limited.
- 7.16. The applicant has submitted a photomontage within the grounds of appeal of the proposed development within the context of existing development along Bannow Road. It is important to note that the proposed palette of materials to be used within the proposed development are similar in style to those used within the adjacent development to the west. The step down of height and the recessed floor within the front elevation abutting Bannow Road will significantly assist in the assimilation of the proposed development within this established streetscape and I do not consider the proposal to be overly bulky or imposing in terms of scale and massing when viewed in this context from the street.
- 7.17. It is important to point out at this juncture that the appeal site is located within one of the most accessible locations in the city, directly adjacent to a train and Luas line and in close proximity to a bus service. The city centre is also within cycling distance of the site. In order to achieve compact development within such highly accessible sites a degree of flexibility is required in relation to higher density development in terms of height and mass. To permit a low density development similar to the established residential development at this location would be a significant under utilisation of this prime site and would only serve to further frustrate the governments goal of achieving sustainable development and a low carbon economy. Appropriate high density development in highly accessible locations within the city is key to both the economic growth of Dublin as a city of scale and to the achievement of climate change targets in terms of emissions.
- 7.18. Whilst I note the Council's concerns in relation to the blandness of the design, I consider that high quality finishes and materials will ensure the successful integration of this development into the existing streetscape. I also note that the applicant has revised the design of the front elevation. Revised plans provide for a more sympathetic entrance to the development which is an improvement over that refused by the Council.

7.19. Overall, I consider the revised plans submitted with the appeal to be an improvement to those refused by the Council. Furthermore I consider these revised plans to an acceptable design solution for this infill site which will be a positive addition to this area over the existing run down industrial building that is on site at present.

Adequacy of open space

7.20. It is contended by the Council within the reasons for refusal that the proposed development does not provide for an adequate quantum of public and communal open space. Private open space is provided for by way of balconies.

7.21. Appendix I of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 requires the following standards to be provided in terms of private amenity space:

Studio	4sqm
One bedroom	5 sqm
Two bedroom (3 persons)	6 sqm
Two bedroom (4 person)	7 sqm
Three bedroom	9 sqm

7.22. The balcony areas of the proposed development are largely in compliance with these standards and are considered to be adequate in terms of area.

7.22.1. Notwithstanding that the requisite area of amenity space has been provided for, Section 3.35 of the apartment guidelines outlines that private amenity space should be located to optimise solar orientation and minimise overshadowing. The Dublin City Development Plan 2016-2022 under policy CC4 encourages building layout and design which maximises daylight and requires residential development to be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011). Balconies within the proposed development are largely south facing and where there are north facing balconies these are in addition to a south facing balcony within the same unit. The proposed development therefore complies with the requirements of the Dublin City Development Plan in terms of access to daylight from private amenity space.

7.22.2. With regard to communal and public open space 50% of the space should in accordance with the BRE requirements receive at least two hours of sunlight on 21st

March. A courtyard area of c. 300sqm has been provided between the proposed blocks and is intended as the total area of public and communal open space to serve the development.

- 7.22.3. In order ascertain the usability of this open space I have reviewed the shadow analysis and note that the applicants have carried out a shadow analysis of this open space. It is reported that only 39% of the area receives sunlight for 2 hours on the 31st of March. Whilst this is below the required area it is contended by the applicant that the area is well serviced by public parks with the Tolka Park and Royal Canal to the north.
- 7.22.4. As mentioned above flexibility is required within such highly accessible infill sites and it is important to note that all private amenity space has in excess of the daylight hours required. I do not consider that a reduction of 11% in daylight hours for communal open space, in the context of the location of this site and when taking into account the quality and quantum of private open space to be provided within the development, is so significant as to warrant a refusal of the development.
- 7.22.5. Overall, I consider the quantum and quality of both private and communal open space to be adequate in this infill highly accessible site. The revised development would be in accordance with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 in which flexibility in relation to open space is allowed for in such locations.

Privacy for future occupants

It is contended by the Council that the proposed development by virtue of the limited separation distance between opposing living room and bedroom areas would provide inadequate levels of privacy to units. The applicant has sought to address these concerns within the revised plan submitted with the appeal. Revised plans provide for c. 13.75 metres between opposing windows which has been increased from c. 12 metres. I consider in the context of the site location and the quality of the proposed development in terms of the variety of units proposed, floor area and amenity space to be provided and having regard to the constrained size of the site that the provision of 13.75 metres between opposing windows is acceptable in this case. As mentioned above, a degree of flexibility is required at locations such as the appeal site.

Adequacy of unit floor area

- 7.23. The Council within the reasons for refusal raised concerns in relation to the substandard size of a number of units within the scheme. In accordance with Section 6 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 the applicant has provided a schedule which outlines that all of the proposed apartments exceed the minimum floor area required.
- 7.24. Additional floor space has been provided for predominantly within both the living rooms and bedroom areas of the development with a limited number of apartments receiving additional storage space aswell.
- 7.25. Overall, I consider the quantum and quality of apartment layouts, as proposed within the revised plans submitted with the appeal, to be acceptable in this instance and in accordance with both the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 and the Dublin City Development Plan 2016-2022.

Appropriate Assessment

- 7.26. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Other Matters

- 7.27. I note that concerns were raised within the submissions in relation to car parking along Bannow Road and I noted the congestion caused by street parking at the time of site inspection. The applicant has proposed to provide 20 no. car parking spaces and 80 no. cycle spaces and one motorbike space. The parking requirements of the Dublin City Development Plan for such locations is a maximum of 1 space per unit. Given the proximity of the development to the Broombridge train and Luas station I consider the quantum of parking to be adequate.

Conclusion

- 7.28. In conclusion I consider the revised plans submitted with the appeal to represent a more appropriate form of development for the appeal site. Having regard to the

foregoing assessment I consider the revised plans in terms of design, scale and bulk, apartment layout, private and public open space and separation distance between opposing to be acceptable and in accordance with the requirements of both the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 and the Dublin City Development Plan 2016-2022.

8.0 Recommendation

8.1. I recommend that permission is granted subject to the following conditions.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature and scale of the proposed development, 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. The proposed development 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 appeal on the 22nd July 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. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area

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

Reason: In the interest of public health

4. Access and parking arrangements shall comply with the requirements of the planning authority for such works. Full details of the proposed footpath and kerb to be dished shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of public health and traffic safety.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. 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. The site and development works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developers expense.

Reason: In the interest of orderly development.

8. Prior to the commencement of development, the developer shall Liaise with both Transport Infrastructure Ireland and the tram operators. In this regard, the applicant shall submit full plans and details of all servicing access arrangements for the development including details of construction and demolition operations, for the written agreement of the planning authority.

Reason: In order to safeguard public transport infrastructure.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interests of public safety and residential amenity

11. 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.

12. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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 of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

Sarah Lynch
Planning Inspector

29th October 2019