



An
Bord
Pleanála

Inspector's Report ABP-305075-19

Development	47 apartments in a four to seven-storey building with ground-floor community space
Location	Railway Street, Dublin 1
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	4265/18
Applicant(s)	Circle Voluntary Housing Association
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Pavel Pimshin, Natasha Pimshina & Others
Observer(s)	Svetlana Konoplyannikova & Others
Date of Site Inspection	10 th December 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site has a stated area of 0.36ha and is located on the north side of Dublin city centre, fronting onto Railway Street and backing onto The Steelworks, a mixed-use, four to eight-storey development fronting onto Foley Street. It is the site of a former four-storey block of local authority flats, which fronted onto Railway Street and were known as Blocks E and F, Liberty House. The western footprint of this L-shaped flat block ran through the pedestrian street adjoining to the west of the site and the northern footprint of the flat block is currently secured by a green-palisade fence mounted onto a concrete barrier. A children's playground has been removed from the centre of the site.
- 1.2.** The surrounding area is characterised by a mix of commercial, residential, institutional and recreational land uses. Adjacent to the west of the site is a pedestrian street leading to Eileen McLoughlin Park (Liberty Park), which separates the site from Peadar Kearney House; a five to six-storey block of apartments constructed in the early 2010s. Adjacent to the east along Railway Street is The Forge, a four-storey block of apartments, and to the rear of this is The Kiln, comprising a four-storey block of residential units served by seven car parking spaces on the appeal site. Ground levels in the area are relatively flat with only a slight drop moving southeast.

2.0 Proposed Development

- 2.1.** The proposed development would comprise the following elements:
- removal of internal and external boundary treatments, including security fencing and barriers, and implementation of tree protection measures along the southern boundary;
 - construction of a four to seven-storey apartment block with a gross floor area (GFA) of 4,815sq.m, containing 47 apartments, each served by balconies or gardens, and a community meeting space at ground-floor onto Railway Street with a GFA of 126sq.m;
 - upgrade and widening works, including the installation of gates, to the existing vehicular and pedestrian entrance off Railway Street, and provision of a

replacement car park, communal open space with children’s play area (93sq.m), cycle parking store and two bin stores within a central courtyard;

- landscaping works throughout, underground attenuation tank, green roofs, solar panels at roof level, integrated electricity substation and connections to all local services;
- the proposed development is by an approved housing body and all residential units would be ‘Part V’ social housing units.

2.2. In addition to the standard documentation and drawings, the planning application was accompanied by various technical reports and drawings, including the following:

- Architectural Design Statement;
- Shadow Analysis drawings;
- Mechanical & Electrical Services Engineering Report;
- Screening Report for Appropriate Assessment (AA);
- Outline Construction Management Plan;
- Civil Engineering Report;
- Planning Report;
- Letter of consent from the site owner; Dublin City Council.

2.3. In response to a further information request from the planning authority, amendments were made to the proposed development, primarily comprising the omission of two on-street car parking spaces, alterations to the access off Railway Street and a revised courtyard layout. A Residential Travel Plan report was submitted with the applicant’s further information response. The following tables set out the key elements of the proposed development:

Table 1. Development Standards

Site Area	0.36ha
No. of apartments	47
Total Gross Floor Area (GFA)	4,815sq.m
Gross Residential Density	131 units per ha.
Plot Ratio	1.34

Communal Open Space	0.036ha
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Table 2. Unit Mix

	One-bedroom	Two-bedroom	Three-bedroom	Three-bedroom duplex
Total	10	27	5	5

Table 3. Building Heights

	Storeys	Height (OD)
Railway Street	7	24.25
Pedestrian street	4	13.8

Table 4. Surface-level parking

Total car parking (including accessible spaces)	10 3
Bicycle parking (detached store)	47

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission for the proposed development, subject to 15 conditions, which are generally of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (December 2018) concluded that further information was required, while noting the following:

- it is stated by the applicant that the apartments would comply with the minimum apartment size standards, including the 10% additional requirement for schemes of greater than ten units;
- the density of the proposed development and use of this site, which previously served as local authority flats, would be appropriate;

- two of the one-bedroom units are single aspect facing east / northeast;
- the proposed apartments are provided with an appropriate standard of residential amenity;
- the proposed six-storey element would be 40m from the existing apartments to the south in The Steelworks, which would directly face the development, and the proposed four-storey element would be 15m to 20m from the apartments in Peadar Kearney House on the opposite side of the public pedestrian street, which would ensure undue overlooking would not occur;
- potential for indirect overlooking 10m from the proposed four-storey block to The Steelworks would arise;
- overshadowing of neighbouring properties would not be excessive;
- the lack of access from The Kiln development into the central courtyard open space and the gated form of development is justified, as the proposed courtyard would accommodate communal space solely for residents of the development;
- the proposed access and frontage along the public realm would be acceptable, including the community space and own-door units;
- the arrangement for access to and from the apartments to the cycle parking store is convoluted and would discourage cycling;
- there are concerns regarding the 4m width of the proposed access road and the positioning of two car parking spaces both along this access and Railway Street;
- clarification regarding car parking arrangements, cycle parking and the proposed ground floor to ceiling heights is necessary, and a Residential Travel Plan should be prepared for the proposed development given the site location and the level of parking proposed.

The recommendation within the final Planning Report (July 2019) reflects the decision of the planning authority. The Planning Officer was satisfied that their previous concerns had been fully addressed in the further information response submitted by the applicant.

3.2.2. Other Technical Reports

- Roads & Traffic Planning Division – following submission of further information there was no objection, subject to conditions;
- Engineering Department (Drainage Division) – no objection, subject to conditions;
- City Archaeologist – no objection, subject to a monitoring condition.

3.3. Prescribed Bodies

- The Department of Culture, Heritage and the Gaeltacht – no response;
- Irish Water – no response;
- Irish Rail – no response;
- National Transport Authority (NTA) – no response;
- Transport Infrastructure Ireland – Section 49 levies may apply.

3.4. Third-Party Submissions

- 3.4.1. A total of four third-party submissions were received during the consultation period for the application, all of which were submitted by residents of The Steelworks complex, which is located adjoining to the south of the appeal site. The issues raised are similar to those raised in the grounds of appeal and they are summarised within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. According to the applicant, the proposed development was subject to a series of pre-planning meetings with the planning authority between November 2017 and September 2018. In June 2018, formal pre-planning consultation regarding a residential scheme for 47 apartments on the site was undertaken between representatives of the applicant and the planning authority under Dublin City Council (DCC) Planning Ref. PAC0285/18. The planning authority advised the applicant's

representatives regarding issues relating to residential development standards, the impact of a four-storey block on The Steelworks, open space details and access to light, cycle parking and car parking.

4.1.2. The following recent Part 8 local authority development planning application granted permission for the demolition of the former local authority flat blocks that were situated on the appeal site and the pedestrian street adjoining to the west, and the construction of the adjacent Peadar Kearney House:

- DCC Ref. 3773/10 – permission granted (December 2010) for demolition of Blocks E and F to Liberty House and the construction of 56 residential units, including apartments and duplex units.

4.2. Surrounding Area

4.2.1. Recent planning applications in the area are reflective of the urban character and the mix of uses within this area.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The appeal site has a zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022, with a stated objective 'to protect, provide and improve residential amenities'.

5.1.2. Under Policy QH1 of the Development Plan, the planning authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 5.2 below. Policy SC13 promotes sustainable densities with due consideration for surrounding residential amenities. The following policies are also considered relevant:

- Policy QH3 – 10% social housing allocation;
- Policy QH5 – addressing housing shortfall through active land management;
- Policy QH6 – sustainable neighbourhoods with a variety of housing;
- Policy QH7 – promotion of sustainable urban densities;
- Policy QH8 – promote the development of vacant and under-utilised sites;
- Policy QH11 – promotion of safety and security in new developments;

- Policy QH13 – new housing should be adaptable and flexible;
- Policy QH18 – support the provision of high-quality apartments;
- Policy QH19 – promote the optimum quality and supply of apartments.

5.1.3. Section 16.7.2 of the Development Plan sets out building height limits for development, including a 24m restriction for residential development in the inner city and provision for high-rise building over 50m within 500m of Connolly Station.

5.1.4. The Development Plan refers to the document ‘Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice’ (Building Research Establishment [BRE] Report 2nd Edition, 2011) for use in assessing the impact of development on access to sunlight and daylight.

5.1.5. Other relevant sections of the Development Plan include the following:

- Section 4.5.3 - Making a More Compact Sustainable City;
- Section 4.5.9 – Urban Form & Architecture;
- Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);
- Section 16.2 – Design, Principles & Standards;
- Section 16.10 - Standards for Residential Accommodation;
- Section 16.38 – Car Parking Standards (Zone 1 – maximum of 1 space per residential unit and one space per 400 sq.m GFA of a cultural / recreational building).

5.2. Planning Guidelines

5.2.1. The following planning guidance documents are relevant:

- National Planning Framework (NPF) – the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040;
- Eastern and Midland Region Spatial and Economic Strategy (November 2018);
- Urban Development and Building Heights Guidelines for Planning Authorities (2018);

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018);
- Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

5.3. Environmental Impact Assessment - Preliminary Examination

- 5.3.1. Environmental Impact Assessment (EIA) is not mandatory for the proposed project. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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

- 6.1.1. A third-party appeal opposing the decision of the planning authority was submitted on behalf of the residents of Nos.8 and 73 The Stockyard, which is within The Steelworks. In conjunction with the third-party submissions, the issues raised in relation to the proposed development can be collectively summarised as follows:

Principles & Design

- overconcentration of social housing and residential uses in one area, which is in contravention of Development Plan objectives;
- proposals would result in the formation of a gated development, restricting permeability across the site;
- proposed development, including building height, would be out of scale and character with the surrounding pattern of development, which is characterised by four to five-storey buildings;

- there are alternative locations for this social housing facility and more sustainable uses for the site;
- proposals do not align with objectives of the planning authority's Local Economic & Community Plan 2016-2021 and would discourage commercial growth and activity in the area;

Residential Amenities

- positioning of the proposed building 7m from The Steelworks would have an overbearing impact when viewed from living areas within The Steelworks and would lead to excessive overshadowing of this neighbouring development;
- The Steelworks building would overshadow the proposed central courtyard amenity space;
- the proposed development would result in the loss of light to apartment bedrooms in The Steelworks and the shadow analysis study submitted by the applicant does not prove otherwise;
- positioning of balconies along the four-storey element with views to the south would result in overlooking of apartments in The Steelworks and the excessive loss of privacy for residents. Screening would not sufficiently address this;
- the separation distances (15m-20m) between the proposed apartments and the existing apartments directly to the west in Peadar Kearney House would not be sufficient;
- all balconies positioned on the south side of the proposed building would be better repositioned onto the north side;

Other Matters

- insufficient car parking would be provided for both the proposed development and the adjoining residents of The Kiln, which would lead to congestion on the neighbouring streets;
- anti-social behaviour and criminal activity is ongoing in the area and the proposed social housing development would add to this;
- proposed security arrangements for the facility would need to be improved;

- blocking of an emergency and service access to The Steelworks would arise;
- the opinion of the emergency services should be sought, including An Garda Síochána and the fire brigade;
- devaluation of property.

6.2. Observations

An observation was received on behalf of a group of residents of The Steelworks apartments. The observations reaffirm issues raised within the third-party submissions and also within the grounds of appeal, as summarised above.

6.3. Applicant's Response

The applicant's response to the grounds of appeal, can be summarised as follows:

Principle & Design

- the immediate area primarily comprises residential uses on former institutional lands and it is unreasonable to object to a residential development based on the future occupants of the development;
- recent permissions for additional floors have been granted in the immediate area, including two additional floors to The North Star Hotel backing onto Foley Street (ABP Ref. 301591-18) and The Steelworks (DCC Ref. 4474/17);
- the proposed development would complete the perimeter block format of the surrounding area and would form a contemporary architectural statement in keeping with the density and character of surrounding developments;
- the proposed development supports the five pillars of concerted actions outlined in Rebuilding Ireland: an Action Plan for Housing and Homelessness (2016) and would provide for the redevelopment of an urban infill gap site;
- the maximum height of the proposed development to parapet level would be 24.3m, which is marginally above the Development Plan maximum standards, but would be appropriate based on the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities (2018), including the presumption in favour of buildings of increased height in city centres and close to public transport nodes;

- the proposed use of the site for apartments would be compliant with the 'Z1' zoning objectives;

Residential Amenities

- the proposed development would have limited potential for overlooking to arise with The Steelworks, particularly when compared with the existing arrangement with respect to the design, orientation and positioning of The Kiln residential units;
- the separation distances between the proposed building and the neighbouring buildings would be typical for an inner-urban area such as this;
- the southern gable end to the four-storey block would not include windows above ground floor and a revised drawing (no.335RS/PL/201A) is submitted to identify the location of a 1.8m-high opaque glass screen to the second and third-floor balconies, which would serve to reduce the potential for overlooking of The Steelworks apartments;
- there would be scope to reposition the upper-level balconies proximate to The Steelworks development via condition, if deemed necessary by the Board;
- the mature trees that would be protected during the proposed construction works, would offer some screening between the development and The Steelworks;
- there would be an appropriate provision of communal space on site, particularly when compared with surrounding developments and the previous layout of the flat blocks;
- a daylight and sunlight assessment for the proposed development accompanies the response, with additional shadow analysis diagrams, to estimate the potential for overshadowing to arise and the loss of light to the internal living rooms within selected apartments in The Steelworks;

Other Matters

- the facility would be well managed, including measures to address allegations of anti-social behaviour. Extracts of the applicant's standard facility

management documentation accompany the response to the grounds of appeal;

- communal open space is only provided on site, as there is a neighbouring public park to the south (Eileen McLoughlin Park);
- there is not a necessity within the Planning Regulations to consult with An Garda Síochána;
- emergency and service access would continue to be available to the southern boundary with The Steelworks from a widened and upgraded gated access off Railway Street. A separate gated maintenance access off the pedestrian street would be available along the northern façade of The Steelworks building;
- substantial car parking is not necessary in locations such as this, based on the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018);
- there is no evidence to suggest property values would depreciate as a result of the proposed development.

6.4. Planning Authority Response

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

6.5. Further Submissions

The appellants' submission in response to the applicant's response to the grounds of appeal, largely reaffirms matters raised in their grounds of appeal and also notes that the revised drawings submitted by the applicant showing amendments to the proposed balconies closest to The Steelworks, would not be sufficient to address residential amenity concerns previously raised by the appellants. The appellants' submission also asserts that measures to reduce the scale and impact of the proposed development should be considered by the Board.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Zoning & Density;
- Layout, Scale, Design & Amenities;
- Impact on Residential Amenities;
- Access, Parking & Traffic;
- Other Matters.

7.2. Zoning & Density

7.2.1. The grounds of appeal assert that the proposed development comprising 47 residential units for social housing purposes, would result in an overconcentration of social housing in this part of the inner city. The proposed development would also include a community meeting space at street level opening onto the corner with Railway Street and the pedestrian street. Both uses proposed are permissible. Given the existing pattern of development in the immediate vicinity and the previous use of the site, the appeal site is considered to constitute an infill brownfield site. I am satisfied that the proposals would comply, in principle, with the zoning objectives for the site and would promote the regeneration of this social housing site.

7.2.2. A residential density of 131 units per hectare is proposed. Housing developments of similar densities to that proposed exist in the immediate area, including a mix of apartment and duplex developments at Peadar Kearney House, The Steelworks, The Forge and The Kiln. Building heights in the immediate area vary from between three to eight storeys. There is no upper limit for densities set within the Development Plan and I consider that the proposed density would be reasonable having regard to the site's location within the city centre. Notwithstanding this, and as per the relevant Guidelines for Sustainable Residential Development and Policies QH7, QH8 and SC13 of the Development Plan, the acceptability or otherwise of the proposed development requires the proposals to respect and integrate with the

surrounding character and to have due consideration for the protection of surrounding residents, households and communities. Assessment of the impact of the proposed development on residential amenities is primarily addressed in Section 7.4 of this report. Proposals also need to provide an appropriate level of amenity for future occupants and I propose to address such matters in Section 7.3 directly below.

7.3. Layout, Scale, Design & Amenities

- 7.3.1. Layouts proposed would appear to be largely dictated by the historical footprint of the flats block that previously occupied the site, neighbouring residential amenities and densities, and the desire to create a defined urban edge along Railway Street and the pedestrian street.
- 7.3.2. The proposed L-shaped building comprises two main elements, including a six-storey element along Railway Street, rising to seven storeys on the northwest corner, and a four-storey element along the pedestrian street. The proposed own-door ground-floor apartments would be set back by 2m from a low boundary wall with a railing atop along the Railway Street side and a similar arrangement, but with a 4m set back, would be provided for the proposed own-door duplex units along the pedestrian street. Communal open space would be positioned centrally to the rear of the building within a courtyard complex containing a cycle store, two bin stores and a playground. Surface-level pedestrian access to the complex would be gated and would be solely off Railway Street. Internal access to the six-storey block would also be available from two locations off Railway Street and a centrally-positioned access to the upper floors of the four-storey element would be available off the pedestrian street. Vehicular access to the rear of the facility, which would also serve housing within The Kiln, would be available through a widened and upgraded access off Railway Street. While the Development Plan discourages gated developments, there would be no public amenities within the site, nor would there be a necessity to create linkages across the site to adjoining areas, given the existing pedestrian street along the western boundary.
- 7.3.3. Section 16.2.1 of the Development Plan relating to 'Design Principles', seeks to ensure that development responds to the established character of an area, including building lines and the public realm. The building footprint continues the building line

along the immediate stretch of Railway Street and would create an enclosed space along the pedestrian street, broadly mirroring the arrangement along Peadar Kearney House. Separation distances between the proposed six-storey element of the building and The Steelworks would be substantial at approximately 40m. I am satisfied that the proposed layout has successfully responded to the site context and represents a high standard of urban design, in accordance with the principles set out in the Development Plan, the Urban Design Manual and the NPF.

7.3.4. The grounds of appeal assert that the height of the proposed building would be out of character with the surrounding setting. The surrounding area is dominated by buildings of four-storeys or higher, including The Steelworks buildings, which range from four to eight storeys, while Peadar Kearney house is in the five to six storey range. Contiguous elevation drawings submitted with the application illustrate the variations in proposed and existing building heights along Railway Street and the pedestrian street (see drawing nos.335RS/PL/300 & 335RS/PL/301). The Railway Street six-storey section of the building would be positioned 9.7m from The Forge; a four-storey development. The four-storey section along the pedestrian street would be 15m to 20m from Peadar Kearney House and 7m from the closest building in The Steelworks; a seven-storey block. The corner seven-storey part of the proposed building would be the highest element, with a maximum height of 24.25m when excluding the lift overrun, which is well set back.

7.3.5. The Development Plan sets out that the maximum residential building height allowable would be 24m in this area. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) provide guidance relating to building heights for apartment buildings. According to the Guidelines, reusing brownfield land and building-up urban infill sites is required to meet the needs of a growing population and increased building height is a significant component in making optimal use of the capacity of sites in urban areas. Section 3.1 of the Guidelines outlines that it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of increased heights in urban locations with good public transport accessibility, such as the appeal site, which is within 300m of Luas, DART and public bus services. Notwithstanding Development Plan standards, I am satisfied that there is sufficient rationale to allow for the proposed building heights, particularly considering the

principles set out in the Ministerial Guidelines and the proportion of overall proposed building height marginally exceeding the 24m limitation. Furthermore, I am satisfied that the scale of the development would be similar to development in the neighbouring area.

- 7.3.6. Two computer-generated images of the proposed development are included within the Architectural Design Statement accompanying the planning application. External finishes to the front and side elevations of the proposed building would comprise red brick to the upper levels and a contrasting grey colour brick to the ground floor. White brickwork would be used on the rear elevations onto the courtyard, while the balconies would feature steel balustrades and an opaque cladding to screen use of these spaces. The design of the proposed scheme is contemporary in style with quality durable and low maintenance materials and finishes proposed. The proposed building exhibits a consistency in design and external finish, with the most expansive elevation on Railway Street primarily broken up by stepping the building line with glazed vertical elements marking the circulation cores. Parts of the roof level would feature a sedum (green roof) finish and solar panels would be set behind parapet level. I am satisfied that the proposed apartment building would be acceptable and in keeping with the design and character of neighbouring developments and would avoid undue monotony.
- 7.3.7. A total of 40 of the 47 proposed apartments (85%) would have dual aspect. Single aspect units would be one-bedroom units facing southeast or northeast. The New Apartment Guidelines require at least 33% of units in this context to be dual aspect. An assessment of the levels of sunlight and skylight amenity predicted to be achievable for the proposed apartments, based on methods and standards employed in 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (Building Research Establishment [BRE] Report 2nd Edition, 2011), was not provided with the planning application. Given the orientation of the building, the extent of aspect available for the apartments, the inner-urban site location, separation distances to neighbouring buildings and the elevation treatments, I am satisfied that the proposed apartments would be served by an appropriate and reasonable level of natural lighting.
- 7.3.8. Proposals would provide for ten one-bedroom apartments (21%), 27 two-bedroom apartments (57%), five three-bedroom apartments (11%) and five three-bedroom

duplexes (11%). I consider that this would contribute to the overall dwelling mix in the locality and accords with the apartment mix provisions set out in the Development Plan and the New Apartment Guidelines. The minimum size of apartments proposed, exceeds 50sq.m for a one-bedroom unit, 77sq.m for a two-bedroom unit, 100sq.m for a three-bedroom unit and 99sq.m for a three-bedroom duplex unit. In addition to the 10% additional floorspace required for residential schemes of between 10 and 99 units, all apartment sizes exceed the minimum space requirements of both the New Apartment Guidelines and the Development Plan (Section 16.10.1). The internal design, layout, configuration and room sizes, including storage requirements, for each of the apartments would accord with or exceed the relevant standards. Private amenity space, including balcony sizes, for each of the apartments, would meet or exceed the minimum requirements. The Guidelines advise that when designing ground-level apartments in multi-storey buildings, designers should consider 3m floor to ceiling heights on the ground floor of multi-storey buildings and a minimum 2.7m floor to ceiling height should be provided. Floor to ceiling heights of 3.1m would be provided in the ground-floor apartments within the six-storey element of the proposed building, while 2.7m would be provided for the ground floor to ceiling height of the duplex units along the four-storey element. Floor to ceiling heights of 2.7m would be provided for all the upper-floor apartments, while the Guidelines only insist on 2.4m heights for these upper-floor apartments. I am satisfied that the floor to ceiling heights would comply with the Guidelines. The number of apartments per core would be well within the minimum Guideline requirements.

- 7.3.9. Consequent to the site constraints and the scale of development, scope for providing extensive communal and public open space on site is limited. With regard to the absence of public open space in the proposed development, the planning authority and the applicant highlight the proximity to Eileen McLoughlin Park, which is 30m to the southwest of the site. Standards contained in the Development Plan would require the provision of 329sq.m communal open space to serve the development, while the applicant states that 364sq.m would be allocated for communal open space on site, part of which would include a children's play area (93sq.m). Communal facilities for future residents, comprising meeting space, are also proposed on the corner of the building.

7.3.10. In conclusion, subject to conditions, I am satisfied that the proposed development has the potential to provide an attractive mix of apartments and duplexes, the scale and height of the development would be appropriate for the area and the proposed design and layout would be in keeping with the area and would provide an appropriate level of amenity for future occupants of the residential units, meeting the relevant standards outlined in the Development Plan and the New Apartments Guidelines.

7.4. Impact on Residential Amenities

7.4.1. Policy SC13 of the Development Plan promotes sustainable densities within developments with due consideration for surrounding residential amenities. The grounds of appeal raise concerns with respect to the potential impact of the development on the residential amenity of adjacent properties, generally as a result of the proximity of the proposed building to The Steelworks apartments and the resultant overlooking, overshadowing and overbearing impacts. In response the applicant asserts that the impacts on neighbouring residential properties would be typical for an inner-urban location such as this. The closest residential buildings to the appeal site are those located within The Steelworks complex, including an expansive seven-storey block with upper-floor apartments sitting directly onto the southern boundary with the appeal site. Other residential areas in the immediate area include the Peadar Kearney apartments to the west and The Forge and The Kiln residential buildings to the east.

7.4.2. The grounds of appeal assert that the proposed development would result in overlooking into the upper-floor apartments of The Steelworks directly to the south. The most significant potential for direct and excessive overlooking to arise would be from the proposed four-storey block and an indication of the potential relationship between the properties is illustrated in Drawing No. 335RS/PL/103, as submitted by the applicant in response to the grounds of appeal. The proposed and existing buildings would be separated by a 7m gap, which would facilitate private amenity space to the side of the end duplex and a maintenance access. As illustrated in section 3 on Drawing No.335RS/PL202, the gable end to the proposed four-storey block would not feature any windows above ground floor directly overlooking apartments to the south. Consequently, potential for direct overlooking would not

arise from the internal areas of the four-storey block. The front balconies and rear balconies to the proposed four-storey block would be 5.5m and 23.6m respectively from the nearest apartments in The Steelworks. Given the separation distance to the nearest rear balconies, it is only the second and third-floor front balconies that have potential to lead to excessive direct overlooking to the south. These two front balconies would overlook bedrooms, 5.5m to the south, in the adjacent apartments. To address this, within their response to the grounds of appeal the applicant indicated that the balconies could be shifted approximately 1.4m further north along the building façade and a 1.8m-high opaque glass screen could be fitted to the south side of both balconies. I consider a condition to provide for same would be necessary and reasonable given the separation distances and the potential extent of overlooking that could arise from the two balconies.

- 7.4.3. I note that the east-facing gable to the six-storey block along Railway Street would feature side elevation windows to living areas. These windows would directly overlook a gable wall to The Forge apartments block, therefore, overlooking would not arise at this point.
- 7.4.4. Given the orientation and positioning of the proposed building to the north of The Steelworks, I am satisfied that the proposed development would not result in excessive overshadowing or loss of sunlight to the adjoining apartments to the south. A shadow study was submitted as part of the architect's Design Statement and a daylight and sunlight impact study of the proposed development was submitted in response to the grounds of appeal. This study identified that there would be some reduction in the available daylight to selected apartment living rooms within The Steelworks, but that when compared with the previous building that occupied the site, the existence of trees to be maintained for landscaping purposes along the southern boundary of the site and the inner urban context, there would be good availability of daylight to the neighbouring apartments. I consider that the assessment and conclusions of the sunlight and daylight study would appear reasonable and the results suggest that the positioning and separation distances between the proposed building and existing apartments would not lead to excessive loss of light to neighbouring apartments. Furthermore, the layout of the proposed development, including the massing of the buildings with four-storey element to the west and the positioning of the amenity area to the north of the central courtyard

space, would appear to address the need to provide reasonable levels of natural lighting to the proposed communal space.

- 7.4.5. Similar to the situation with regard to overlooking and overshadowing, properties with the greatest potential to be effected as a result of overbearing impacts arising from the proposed development, would be the first to third-floor west-end apartments in The Steelworks. I am satisfied that the separation distance (c.7m) between the nearest windows in these apartments, which are on a similar level to the appeal site, would not be uncommon in an inner-urban context such as this, and would be sufficient to ensure that the proposed four-storey block would not be excessively overbearing where visible from the bedroom windows to these apartments, which I note to be dual aspect apartments served by living areas overlooking balconies to the south.
- 7.4.6. In conclusion, the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have an overbearing impact when viewed from neighbouring apartments. Accordingly, the proposed development would comply with Policy SC13 of the Development Plan and the proposed development should not be refused for reasons relating to impacts on neighbouring residential amenities.

7.5. Access, Parking & Traffic

- 7.5.1. As stated in Section 7.3, the appeal site currently facilitates access and provides seven car parking spaces serving The Kiln apartments and provision for same would continue as part of the proposed development. The grounds of appeal assert that sufficient provision for car parking would not be provided as part of the development, which would result in additional parking congestion in the surrounding road network. The grounds of appeal also assert that the proposed development would block emergency and service access to The Steelworks. A separate gated maintenance-only access is also proposed off the pedestrian street in the southwest corner of the site along the rear of The Steelworks building. While recognising that gated access is only proposed to serve the proposed development, the proposed layout can facilitate emergency or service access to the rear of The Steelworks building.

- 7.5.2. Following submission of details with respect to car parking, cycle parking, access and mobility management, the Roads & Traffic Planning Division of the planning authority did not object to the proposed development. The proposed site layout drawings submitted at further information stage (see Drawing Nos. 335RS/PL/101) omitted two on-street car parking spaces and amended the access by widening it from 4m to 5m and proposing inward opening gates only, setback from the street. The Roads & Traffic Planning Division were satisfied that the low quantum of car parking associated with the proposed development and The Kiln, would not result in queuing or traffic hazard on Railway Street. The proposed access arrangements require minimal intervention along the public roadside and I am satisfied that the proposed development would not detrimentally impact on traffic safety or result in significant inconvenience for road users. Proposals would also provide additional public cycle parking provision on the Railway Street corner and improvements to the public realm fronting the site.
- 7.5.3. A total of ten car parking spaces are proposed at surface level to the rear of the apartment building, eight of which would be allocated to residents of The Kiln, including one accessible space. Two accessible spaces would only be provided for the proposed 47 apartments. No details of electrical charging points have been provided for these spaces and these should be sought via condition.
- 7.5.4. To address the shortfall in car parking, the applicant submitted a Residential Travel Plan (i.e. a mobility management plan) in response to the planning authority's further information request. This highlighted the existing public transport services in the area and outlines a number of measures to be employed to address reductions in the use of private cars by future occupants of the proposed development. A total of 47 bicycle spaces are proposed within a sheltered and secure cycle parking store located in the rear courtyard space, with an entrance from the shared surface access off Railway Street and a second entrance to the rear communal space serving the apartments. I am satisfied that the quantum of parking proposed would be appropriate relative to the inner-urban location of the site, access to public transport, the applicable standards in the Development Plan, as referenced in Section 5.1.4 above, and subject to the successful implementation of the measures proposed in the Residential Travel Plan.

- 7.5.5. Having regard to the location and nature of the proposed development in an area well-served by public transport and within close proximity to various services, I am satisfied that the proposed development would not result in any significant additional traffic congestion in the area.
- 7.5.6. In conclusion, subject to conditions, the proposed development would feature an appropriate provision of parking and servicing, and would not lead to result in traffic hazard or inconvenience.

7.6. Other Matters

Site Services

- 7.6.1. The application was accompanied by a Civil Engineering Report that addresses site services, including surface water drainage, foul drainage and water supply. With regard to surface water drainage, a piped gravity network is proposed, with a 225mm diameter surface water sewer connecting to an existing 1,000mm diameter combined sewer along Railway Street. The site would feature green roofs covering an area of 250sq.m and paved surfaces comprising porous blacktop or permeable modular pavements. An attenuation tank with a capacity of 50m³ is also proposed within the site, and in conjunction with the green roofs, permeable paving and grassed areas, it is stated that this would limit outflow from the site to 1.57 l/s, which would be acceptable to the Engineering Department of the planning authority. Currently the site is quite flat and fully hard surfaced and the proposed development would limit outflow to a greenfield run-off rate. The Engineering Department state that SUDS measures listed in the applicant's Civil Engineering Report should be implemented as part of the proposed development. A fuel interceptor would be installed prior to discharge of surface waters to the public network. With regard to foul drainage, a 110mm diameter piped gravity system is proposed, also connecting to the existing combined sewer running along Railway Street. It is proposed to connect a 150mm-diameter watermain to the existing 6-inch water supply main located on Railway Street. The applicant states that the connection would be as per the requirements of Irish Water.
- 7.6.2. Objections to drainage and water supply proposals have not been raised by the planning authority or Irish Water. The planning authority's Engineering Department

consider the applicant's proposals to be generally acceptable, subject to certain conditions regarding clarifications and agreements on matters of surface water management. Connection agreements with Irish Water would be required prior to the commencement of development. In conclusion, I consider the proposed site services, including surface water proposals to be satisfactory, subject to appropriate conditions.

Waste Management

- 7.6.3. A bin store is proposed centrally within the rear courtyard space to serve the future residents of the proposed apartments. In order to formalise and consolidate refuse collection for The Kiln development adjoining to the east, a separate bin store in the rear courtyard shared space is proposed for this adjoining development. Further details relating to waste management should be provided as a condition of the permission.

Property Devaluation

- 7.6.4. The grounds of appeal assert that the proposed development would lead to depreciation in the value of property in the vicinity. Arising from the assessment above, in particular with regard to the impact of the proposed development on neighbouring residential amenities, and cognisant of the fact that the site was previously used for local authority housing of a scale similar to that now proposed and the current condition of these urban infill lands, no evidence has been provided to support claims that the proposed development would be likely to result in the depreciation of property values in the vicinity.

Development Contributions

- 7.6.5. Under the terms of the Dublin City Council Development Contribution Scheme 2016-2020 and the Supplementary Development Contribution Scheme for the Luas Red Line Docklands Extension (Luas C1), social housing provided by a voluntary or co-operative housing body is exempted from the requirement to pay development contributions.

Social Housing

- 7.6.6. While I note that the applicant for the proposed development is a voluntary housing body, the proposed development would provide 47 apartments and the stated owner

of the site is Dublin City Council, a condition should be attached in the event of a permission requiring an agreement to be entered into in relation to Part V of the Planning and Development Act 2000, as amended.

Archaeology

- 7.6.1. The site is 50m outside of a 'Zone of Archaeological Interest', as identified in the Development Plan, and a zone of notification for a recorded monument and place (RMP). This RMP (Ref. DU018-020) is identified as 'the central Dublin zone of archaeological interest'. The Department of Culture, Heritage and the Gaeltacht did not respond during consultation, while the City Archaeologist recommends that an archaeological condition be attached, including monitoring, in order to mitigate impacts on any previously unidentified archaeological remains. I consider this approach to be reasonable, given the historical urban context and the extent of excavation that would be required for foundations and services. Should the Board be minded to grant permission, I recommend that an archaeological monitoring condition should be attached.

8.0 Appropriate Assessment

8.1. Stage 1 – Screening

- 8.1.1. A report screening for Appropriate Assessment was submitted as part of the planning application.
- 8.1.2. The site is not directly necessary to the management of a European site. European sites within 15km of the appeal site, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), which the appeal site could be indirectly connected with, comprise the following:

Site Code	Site Name	Distance	Direction
004024	South Dublin Bay and River Tolka Estuary SPA	1.6km	east
000210	South Dublin Bay SAC	3.2km	east
000206	North Dublin Bay SAC	4.5km	east

004006	North Bull Island SPA	4.7km	east
000199	Baldoyle Bay SAC	9.4km	northeast
004016	Baldoyle Bay SPA	9.7km	northeast
000202	Howth Head SAC	10.5km	northeast
003000	Rockabill to Dalkey Islands SAC	10.8km	east
004025	Malahide Estuary SPA	12.3km	northeast
000205	Malahide Estuary SAC	12.3km	northeast
002122	Wicklow Mountains SAC	12.9km	south
001209	Glenasmole Valley SAC	13.0km	southwest
004113	Howth Head Coast SPA	13.1km	northeast
004040	Wicklow Mountains SPA	13.2km	south
004117	Ireland's Eye SPA	13.3km	northeast
004172	Dalkey Islands SPA	13.3km	southeast
002193	Ireland's Eye SAC	13.5km	northeast

- 8.1.3. Qualifying interests and conservation objectives for each of the above sites are listed on the National Parks and Wildlife Services (NPWS) website (www.npws.ie).
- 8.1.4. The nearest pathway to the aforementioned designated sites from the appeal site is the River Liffey, which is 500m to the south of the appeal site, flowing in an easterly direction into Dublin Bay. With the exception of the South Dublin Bay SAC (Site Code: 000210), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206), I am satisfied that the other sites within 15km of the appeal site can be 'screened out' on the basis that significant impacts on these European sites could be ruled out, either as a result of the separation distance from the appeal site, the extent of marine waters or given the absence of any direct hydrological or other pathway to the appeal site.
- 8.1.5. Surface water from the site would be discharged at greenfield run-off rates to the public surface water drainage system after passing through a fuel interceptor. All

foul water from the proposed development would be discharged via the public system to the Ringsend Waste Water Treatment Plant (WWTP). Permission has recently been granted (ABP-301798-18) for works which would increase the capacity of the plant from 1.9m PE to 2.4m PE.

- 8.1.6. Having regard to the above, the urban nature of the surrounding area and the residential and commercial nature of the proposed development, I consider that the only potential pathways between the appeal site (source) and the four European sites (receptors) would relate to drainage during construction and operation. Due to the nature of the application site and the proposed development there is no direct pathway to a European site, however there is a potential indirect pathway to coastal SACs and SPAs via the surface and foul drainage network and Ringsend WWTP.
- 8.1.7. While there is theoretically an indirect hydrological pathway between the application site and the four named coastal sites via the public drainage system and the Ringsend WWTP, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation that could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.
- 8.1.8. It is reasonable to conclude that 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 the South Dublin Bay SAC (Site Code: 000210), South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206) in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.

9.0 Recommendation

- 9.1. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the land use zoning objectives for the site, as set out in the Dublin City Development Plan 2016-2022, to the nature, scale and design of the proposed development and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would promote the regeneration of this social housing site, would constitute an acceptable residential density in this urban location, would be acceptable in terms of design, height and scale of development, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would comply with the provisions of the Development Plan, the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018 and Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018. The proposed development would, therefore, be in accordance with the proper planning and sustainable 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 17th day of June 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. Revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (i) the two front balconies serving the second and third-floor apartments on the southern end of the four-storey block onto the pedestrian street, shall be repositioned 1.4m to the north and 1.8m-high vertical privacy screens shall be fitted to their south side (as per suggested details submitted in response to the grounds of appeal on Drawing No.335RS/PL/103).

The above amendments shall be submitted to the planning authority for written agreement prior to the commencement of any development on site.

Reason: To protect adjoining residential amenities.

3. Each apartment/duplex shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interests of sustainable development and proper planning.

4. The glazing to the community space unit shall be kept free of all stickers, posters and advertisements and any roller shutter and its casing (if required) shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type, and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interests of visual amenity.

5. 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 visual amenity.

6. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) all car parking spaces shall not be sold separately or let independently of the proposed development or The Kiln.
- (b) the roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense;
- (c) the roads layout at the vehicular entrance, parking areas, footpaths, kerbs, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the planning authority for such road works;
- (d) the materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works;
- (e) each of the proposed parking spaces shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and in the interest of sustainable transportation.

7. The mobility management measures identified in the Residential Travel Plan Report submitted with the planning application, shall be implemented in full by the management company, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and in the interest of sustainable transportation.

8. 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 to support the principle of Sustainable Urban Drainage Systems (SUDS), including samples of proposed

paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) details of tree protection measures, proposed locations of trees and other landscape planting in the development, including species and settings;

(c) details of proposed boundary treatments within the site and 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 and sustainable drainage.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

10. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

11. a) The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

b) 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.

12. 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 apartment/duplex

numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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

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

- 14.** 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 carry out site testing and monitor all site investigations and other excavation works, following demolition, 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 (in situ or by record) of any remains that may exist within the site.

- 15.** Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, which shall be carried out in full, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of the environment and sustainable waste management.

- 16.** The construction of the development shall be managed in accordance with a Construction & Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia, details and location of the proposed construction compound(s), details of intended construction practice for the development, including hours of working, noise and dust management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

- 17.** 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 residential amenities of property in the vicinity.

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

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

- 19.** 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.

- 20.** 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.

Colm McLoughlin
Planning Inspector

20th December 2019