



An  
Bord  
Pleanála

## Inspector's Report ABP309082-21

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<b>Development</b>	Demolition of existing dwelling and site structures and the construction of a 6/7 storey mixed use development.
<b>Location</b>	14D Poplar Road, Dublin 3.
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	3516/20.
<b>Applicant</b>	Conor Milroy.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse.
<b>Type of Appeal</b>	First Party -v- Refusal.
<b>Appellant</b>	Conor Milroy.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	28 <sup>th</sup> April 2021
<b>Inspector</b>	Paul Caprani

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## 1.0 Introduction

ABP309082-21 relates to a first party appeal against the decision of Dublin City Council to issue notification to refuse planning permission for a 6 and 7 storey mixed use development on a corner site at the junction of Poplar Road, North Strand and Annesley Bridge in north Dublin City Centre. Dublin City Council refused planning permission on the basis that the proposal was of excessive height, scale and massing at a visually prominent location and would result in an overdevelopment of the restricted site. A second reason for refusal considered the proposal to be of inadequate architectural quality which would be seriously injurious to the streetscape and views along the Tolka Conservation Area.

## 2.0 Site Location and Description

- 2.1. The subject site is located on the northside at the eastern end of Poplar Row adjacent to the Royal Canal approximately 2 kilometres north-east of Dublin City Centre. The site is relatively modest in size at approximately 185 square metres. The site is rectangular in shape and approximately 19 in depth and its width between Poplar Row and the Tolka River ranges from between 7 and 15 metres. The site is occupied by a two-storey red brick three-bedroomed dwellinghouse which is located centrally within the site. No off-street car parking spaces are provided. A pedestrian entrance to the site and dwelling is located at the south-western corner adjacent to a signalised junction and pedestrian crossing on Poplar Row. The junction of Annesley Bridge Road, North Strand and Poplar Row is a very busy junction. The North Strand is a major radial route serving inner and outer suburban areas in the north-east of the city.
- 2.2. The site is bound to the south-east by the junction of North Strand, Poplar Row and Annesley Bridge Road, to the north by the River Tolka and to the north-west by a two-storey red bricked dwellinghouse beyond which is a long row of four storey high blocks of local authority housing dating from the early to mid 20<sup>th</sup> century. This public housing was designed by City Architect Herbert Simms and these blocks are listed on the record of protected structures. Lands on the opposite side of Poplar Row are currently being redeveloped. Lands further west along the southern side of Poplar Row have also been redeveloped for apartments in recent times.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for the construction of a 6/7 storey building on the subject site. The footprint of the building has a site coverage of approximately 85%. A paved terraced area between 1.5 and 3 metres in width separates the building from the northern boundary of the site along the River Tolka and along the eastern boundary of the site.
- 3.2. At ground floor level it is proposed to provide a commercial café area together with a bin store, general storage area and bike storage area associated with the residential accommodation above. On the first, second, third and fourth floor it is proposed to provide residential units comprising of 2 no. one-bedroomed apartments on each floor. On the fifth floor it is proposed to accommodate a single bedroomed apartment and living accommodation associated with a duplex penthouse apartment on the top (sixth) floor it is proposed to provide two bedrooms associated with the penthouse together with an en-suite bathroom. A large terraced area (58 square metres) is to be provided as communal open space at roof level. The 9 one-bedroomed units range in size between 49 and 53 square metres while the duplex unit on the fifth and sixth floor accommodates an area of 98 square metres.
- 3.3. Between 5.8 and 7 square metres of private open space is provided for each of the units. The building rises to an overall height of 22.6 metres and incorporates a smooth render grey colour finish on the eastern portion of the building facing onto North Street/Annesley Bridge. The south-eastern elevation fronting onto the North Strand/Annesley Bridge junction is recessed and incorporates balconies overlooking the roadway. The lower element of the building located at the western end primarily incorporates a red brick finish. All apartment units proposed are dual aspect. Private balconies are also located on the southern elevation overlooking Poplar Row.

### **4.0 Planning Authority's Decision**

#### **4.1. Decision**

- 4.1.1. Dublin City Council issued notification to refuse planning permission for two reasons which are set out below.

1. *The proposed development by virtue of its height, scale and massing would be highly prominent and visually obtrusive and would result in overdevelopment of this restricted site, to the detriment of the amenities and character of the surrounding area which would be contrary to the provisions of Section 16.1.2 of the Dublin City Development Plan 2016 – 2022 which requires that such development proposals would have regard to the character of adjacent buildings, the spaces around them and the character and appearance of the local area. The proposed development would therefore by itself and by the precedent it would set for other development, seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016 – 2022 and be contrary to the proper planning and sustainable development of the area.*
2. *The design of the proposed development is not considered to be of adequate architectural quality, is considered to be visually obtrusive together with the form, scale, materials and proportions of the window openings, would be seriously injurious to the streetscape and the views along the Tolka Conservation Area. The proposed development would therefore seriously injure the amenities of property in the vicinity, be contrary to the provisions of the Dublin City Development Plan 2016 – 2022 in particular Policy CHC4 and contrary to the proper planning and sustainable development of the area.*

#### **4.2. Documentation Submitted with the Planning Application**

- 4.2.1. The planning application was accompanied by a planning report and urban design statement. It sets out details of the site location and context, relevant planning history, description of the proposed development then it assesses the planning policy context having regard in particular to general development guidance set out in the development plan in relation to density, plot ratio, site coverage, building height, car parking and other development management standards. The report also sets out other planning policy considerations. The development also assesses the proposal in terms of qualitative standards set out in the development plan in respect of layout and design. The proposal is assessed in terms of impact on nearby residential amenities, daylight and site services and drainage. It is stated that the proposed

development, being less than 0.1 hectare in size, is exempt from requirements of Article 96 of Part V of the Act.

- 4.2.2. The report also includes an appropriate assessment screening exercise which concludes that there will be no likely adverse impacts on any Natura 2000 sites in the vicinity.
- 4.2.3. Photomontages are also submitted depicting views of the development along Poplar Row. It concludes by stating that the proposed development complies with development standards and policies set out in the development plan and represents an opportunity to deliver sustainable residential development of high quality design with obvious economic and regeneration benefits for the local area.
- 4.2.4. Also submitted was a flood risk assessment. It sets out details of the flood risk assessment methodology and the existing hydrological environment. The flood risk assessment notes that the proposed type of development is classified as 'highly vulnerable development' and the National Flood Hazard Mapping website has records of flooding in the vicinity of the proposed development site. The proposed development is situated in Flood Zone A, the highest risk of probability of flooding. In accordance with the Flood Risk Management Guidelines, it is recommended to provide a minimum finished floor level of +4.15 metres OD or above. Furthermore, flood resistance and flood resilience measures detailed in Appendix F will be designed to mitigate against flood events up to the recommended design level. It is therefore considered that sufficient measures will be put in place to minimise flood risk to people, property and the environment as far as is reasonably practical.
- 4.2.5. The flood risk and mitigation measures include a series of flood resistance external measures in the form of walls and properly sealed building apertures such as doors and windows and air bricks etc. A number of internal measures including good quality workmanship will be incorporated to ensure effective flood resilience.
- 4.2.6. A series of emails between the applicant and Clara Crowley of the Development Management Planning and Property Development Department of Dublin City Council are also contained on file.
- 4.2.7. A number of letters of objection from third parties were also submitted the contents of which have been read and noted.

4.2.8. A report from the **Transportation Planning Division** states there are concerns about the restricted nature of cycle parking store and the types of cycles stands proposed. The applicant is requested to review the design and layout of the cycle parking and demonstrate that the number of cycle stands can be increased if necessary. Details of the type and design of cycle parking proposal are also requested.

4.2.9. A report from the **Engineering Department Drainage Division** stated that due to the lack of adequate information, it is not possible to state that satisfactory proposals for the management of surface water can be provided for this development. Permission should be withheld until the following issues are satisfactorily addressed.

- No surface water management details have been submitted and the developer shall submit a surface water management plan including drawings and a report describing how surface water is to be managed. All surface water discharge from this development must be attenuated to 2 litres per second. The development shall incorporate sustainable drainage systems in the management of surface water.
- The site specific flood risk assessment proposes to carry out works to the boundary wall along the River Tolka to act as an adequate flood defence wall and reducing the height of the top of the wall from +4.502 metres OD to +4.15 metres OD. The developer shall confirm agreement with the Flood Defence Unit in Dublin City Council on this proposal.

4.2.10. The **planner's report** sets out details of the proposed development, the interdepartmental reports and the planning policy framework as it relates to the proposed development.

4.2.11. It goes on to assess the proposal and notes the following:

- The minimum floor area for one-bedroomed apartment and two-bedroomed apartments have been complied with. It is noted that all the proposed units are dual aspect. It is also considered that the mix of units provided accords with SPR2 of the Residential Standards for Residential Apartments. Both private open space, communal open space and storage space comply with the required standards. It is further noted that the application site is well served by public transport being in proximity to the North Strand Road.

- It is noted that the existing building is located on a prominent corner which currently lacks definition. It is noted that there are permitted developments to the south and south-west of the site for six storeys and this provides a precedent for an increase in height on this site. However, the seven storey building proposed with an overall height of 22.6 metres is taller than permitted developments and significantly taller than the buildings on Poplar Row. The Planning Authority has serious concerns with regard to the proposed height and design of the proposal. The Planning Authority has serious concerns with the massing of the development onto Poplar Row. There is an abrupt transition in height from the existing four-storey apartment development and the existing two-storey dwelling in the vicinity. Given the site's prominence and the additional height proposed, it is recommended that a more comprehensive visual assessment be undertaken.
- Furthermore, the Planning Authority has serious concerns with the proposed design. There should be more consistency in the façade design in terms of window proportions and rhythm. Given the site's prominent location, high quality materials are essential. The extensive use of render along the façade is not acceptable and it is considered that the façade should comprise of mainly brick. The applicant should consider a significant redesign of the proposed development providing high quality brick facades and consistency in the window proportions of the north-east façade to avail of views of Fairview Park, the Tolka River and enhance the residential amenities of the units.
- In terms of the Z9 zoning and public open space, it is noted that the applicant proposes to cede a strip of land along the southern bank of the Tolka to the Council for use as a river walkway. The Planning Authority would welcome the strip of the site that is zoned Z9 to be ceded to the Council. However, there is concern in relation to the depth of this potential walkway which ranges from 1.4 to 1.1 metres in width and the usability of this depth.
- In terms of roads and car parking, it is noted that the subject site is located in Area 3 which allows a maximum of 1.5 car parking space per residential unit. Having regard to the site's proximity to public transport and having regard to precedent decisions of the Planning Authority, It is considered that the non-provision of car parking is not acceptable. The restricted nature of the cycle



parking proposed is also noted. It is also considered that the cycle parking to be provided is significantly less than the quantum required in the design standards for new apartments.

- The Drainage Department's concerns in relation to the lack of information in respect of surface water is noted.
- In terms of overshadowing it is noted that a shadow analysis was submitted with the proposed development (see Planning Report and Urban Design Statement submitted). It is noted however that a shadow analysis of the existing building on site was not included to allow an appropriate comparison.

4.2.12. In conclusion, it is stated that the Planning Authority have serious concerns in relation to the overall height and design of the dwelling and for this reason it is recommended that planning permission be refused for the two reasons set out in the decision.

## 5.0 Planning History

5.1. No planning history files are attached.

5.2. Details of the relevant planning history is set out in the planner's report and is briefly summarised below.

**Under 3334/07** planning permission was granted to demolish existing dwellings on the subject site and to construct 27 apartments in an eight storey building over basement together with ground floor offices and bistro facilities.

**Under Reg. Ref. 3334/07** x 1 planning permission was refused for an extension of duration of the permission.

**Under Reg. Ref. 2500/18** planning permission was refused for the demolition of the existing garage and the construction of a three-storey building at 14A and 14B Poplar Row, (adjacent site) Dublin near the junction with Poplar Row and Annesley Bridge consisting of six apartments (3 one-bedroom and 3 two-bedroomed with balconies). Planning permission was refused for two reasons relating to lack of private amenity space and the provision of substandard and the usable amenity space for some of the apartments provided.

**Under Reg. Ref. 3900/18** planning permission was granted for the demolition of an existing commercial building opposite the site at 3 Poplar Row and the construction of 52 build to rent apartments.

**Under Reg. Ref. 3591/18** planning permission was refused for the demolition of the existing garage and the construction of a three-storey building at 14A and 14B Poplar Row consisting of 3 one-bedroomed apartments and 2 two-bedroomed apartments. Permission was refused for a single reason relating to inadequacies in the provision of car parking, cycle parking, refuse storage, communal open space, private open space, flood defence structures and materials and finishes.

At No. 87 Strand Road (site on the corner of North Strand Road and Poplar Row to the south of the subject site) for the demolition of the existing building and the construction of a five-storey building providing 14 apartments and café at ground floor level.

**Under Reg. Ref. 3199/15** planning permission was granted on the subject site for the demolition of an existing single-storey building and the erection of a two-storey detached three-bedroomed dwelling and the replacement of the existing vehicular entrance with a new pedestrian gate onto Poplar Row.

**Under Reg. Ref. 2484/19** planning permission was refused for an extension above the two-storey single family residence for a new second floor bedrooms with setback. Permission was refused on design grounds.

Finally, under Reg. Ref. 3160/20 planning permission was granted for an extension above the existing two-storey single family residence comprising of a new second floor bedrooms with balconies. **Reg. Ref. 3160/20** was the subject of a first party appeal against Condition No. 3 which required the penthouse floor and associated balconies to be omitted. The Board in its decision under Reg. Ref. ABP308524-20 upheld the recommendation of the planning inspector and determined that the Condition No. 3 be removed.

## 6.0 Grounds of Appeal

- 6.1. The decision of Dublin City Council to issue notification to refuse planning permission was the subject of a first party appeal submitted by Ceardean Architects

on behalf of the applicant. The grounds of appeal sets out details of the planning history associated with the appeal site and adjoining sites. The appeal goes on to detail development plan policy and Ministerial Guidelines as they relate to the subject site and the proposed development. It also details the internal reports prepared on behalf of Dublin City Council and in particular reference is made to the details in the planner's report (details of which are set out above in S.4.2.10 in my report).

- 6.2. In terms of design, the planner's preference for the use of brick will be accommodated and the proposal has been amended to reflect this. Revised drawings have been submitted in this regard. In relation to the river walkway, it is noted that this is all the space available along the walkway in order to let the development proceed.
- 6.3. It is proposed that, in keeping with the preferences of the planning officer, the building will be entirely clad externally in brickwork. It is submitted that the elevation including the fenestration arrangements is sufficiently varied and animated as proposed. The windows have been enlarged and the north-eastern elevation has been extensively clad in brick as indicated in the revised drawings attached.
- 6.4. Also, as an alternative proposition it is suggested that the ground floor commercial use could be substituted with a residential unit and this is reflected in amended floor plans submitted.
- 6.5. Section 7 of the report sets out details of the grounds of appeal. In relation to the height, scale and massing of the building, it is suggested that the Planning Authority have not taken into consideration more recent policy guidelines on the National Planning Framework and the Urban Development and Building Height Guidelines for Planning Authorities. It is suggested that the new development plan earmarked for ratification in 2022 will be further aligned with national policy in relation to higher density development.
- 6.6. With regard to the suggestions that the proposal represents an overdevelopment of a restricted site, the commentary provided in the planner's report diligently assesses the criteria required for compliance with all regulation standards and guidelines in terms of residential amenity. The local authority have not proffered any particular deficiency in the design which would point to an overdevelopment of the site. The

proposal of a walkway along the northern boundary of the site is accepted for public amenity purposes. In terms of height, it is stated that the development is not considered to be intrusive on adjoining properties and that the area is under transformation and that other wider properties in the area will in time be redeveloped.

- 6.7. It is accepted by the planner that the site presently is underdeveloped and has the potential to support and achieve a five-storey building. It is noted that six storeys have been granted on the opposite side of Poplar Row. It is suggested that the site could accommodate a prominent building which would create an appropriate terminal vista.
- 6.8. With regard to the impact on the Tolka Conservation Area, it is stated that the proposed development does not inhibit any views along the river.
- 6.9. With reference to Policy CHC4 of the development plan it is emphasised that the development is not in a Conservation Area but adjacent to one. The proposal also contributes to the Conservation Area by enabling the extension of the riverside walkway. It is argued that the development does not impact on the Conservation Area by any of the criteria set out in Policy CHC4. The proposed development being 6 to 7 storeys in height is not harming the conservation aspects of the river or any views of the river from approaches along Annesley Bridge Road, North Strand Road or East Wall Road. It is also stated that the building will have no impact on the river from the east along Poplar Row.
- 6.10. It is accepted that the development will have an impact on adjoining property to the west at No. 14C Poplar Row which is a two-storey house. The shadow analysis submitted with the application indicates that the impact in this regard will be marginal and restricted to a short period in the morning. It is noted that the owners of this property have not made any submissions on the planning application. It is suggested that this site may be the subject of redevelopment in due course. It is contended that the redevelopment of the subject site would have no material impact on the amenities of the local area and that the proposal will positively contribute to the area as part of the rejuvenation of the wider area. In conclusion, it is suggested that the commercial reality of the proposed development is that 10 apartments are required to make this restricted site a viable sustainable commercial proposition.

## 7.0 Appeal Responses

Dublin City Council have not submitted a response to the grounds of appeal.

### 7.1. Third Party Observations

No third party observations were submitted in respect of the proposal.

### 7.2. Prescribed Bodies

No reports were submitted by any prescribed bodies in respect of the planning application or appeal.

## 8.0 Environmental Designations

The nearest Natura 2000 sites in the vicinity are the North Dublin Bay pNHA and the South Dublin Bay and River Tolka Estuary SPA both of which are located approximately 500 metres from the south-east of the subject site.

## 9.0 EIAR Screening Determination

- 9.1. Having regard to the nature of the proposed development comprising of a ground floor commercial unit and storage area together with 10 apartments above on a site less than 0.1 hectare, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore be excluded by way of preliminary examination.

## 10.0 Planning Policy Context

### 10.1. National Planning Framework

- 10.1.1. One of the key shared goals set out in the National Planning Framework is to achieve compact growth. This is sought by carefully managing the sustainable growth of compact cities, towns and villages. It is noted that the physical format of urban development in Ireland is one of the greatest national development challenges. Presently the fastest growing areas are the edges and outside our cities and towns meaning:

- A constant process of infrastructure and services catch up in building new roads, new schools, services and amenities and a struggle to bring jobs and homes together meaning that there were remarkably high levels of car dependents and that it is difficult to provide good quality transport.
- A gradual process of rundown of the city and town centre.
- Development which takes places in the form of greenfield sprawl extends the physical footprint of the urban area and works against the creation of attractive liveable high quality urban spaces in which people are increasingly wishing to live, work and invest.

10.1.2. A preferred approach would be the compact development that focuses on reusing previously developed brownfield land building up infill sites which may not have been built on before and reusing and redeveloping existing sites and buildings. National Policy Objective 3B seeks to deliver at least half of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick and Galway within their existing built up footprints. National Policy Objective 13 seeks that in urban areas planning and related standards including in particular building height and car parking will be based on performance criteria that seek to achieve well designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes provided public safety is not compromised and the environment is suitably protected.

10.1.3. National Policy Objective 35 seeks to increase residential density in settlements, to a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 10.2. **Rebuilding Ireland Action Plan for Housing and Homelessness**

10.2.1. Pillar 3 of this national strategy seeks to build more homes by increasing the output of private housing to meet demand at affordable prices. In terms of housing supply requirements, it is noted that current completion levels must double in the next four years. It is also noted that there is a significant requirement to expand the build to rent sector which is not being catered for in the current construction levels. There is

also a need to increase the level of social housing. The Rebuilding Ireland Policy emphasises the need to supply and build more homes with delivery of housing across the four Dublin Local Authorities.

### 10.3. Sustainable Urban Housing Design Standards for New Apartments

10.3.1. These guidelines note that in the short term to 2020 the Housing Agency has identified a need for at least 45,000 new homes in Ireland's five major cities more than 30,000 of which are required in Dublin City and suburbs. This does not include the additional pent up demand arising from undersupply of new housing in recent years. In broader terms there is a need for an absolute minimum of 275,000 new homes in Ireland's cities up to 2040 with half of these located within built up areas. This necessitates a significant and sustained increase in housing output and apartment type development in particular. Specifically, there is a need:

- To enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas.
- Make better provision for building refurbishment and small scale urban infill schemes.
- Address the emerging build to rent and shared accommodation sectors.
- Remove requirements for car parking in certain circumstances where there are better mobility solutions to reduce costs.

10.3.2. In terms of identifying the types of locations within cities that may be suitable for apartment development the guidelines note the following:

- In central and/or accessible urban locations such locations are generally suitable for small to large scale higher density development that may wholly comprise of apartments. These include
  - sites within walking distance of the principle city centres or significant employment locations that may include hospitals and third level institutions,

- sites within reasonable walking distance (i.e. up to 10 minutes or 800 metres to 1,000 metres) to or from high capacity urban public transport stops such as Dart or Luas, and
- sites within easy walking distance i.e. up to five minutes to and from high frequency urban bus services.

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

- 10.4.1. These Guidelines again highlight the need for a development plan to place more focus in terms of planning policy and implementation on reusing previously developed brownfield land building up urban infill sites. It notes that increasing building height is a significant component in making the optimum use of the capacity of sites in urban locations where transport employment, services and retail development can achieve a requisite level of intensity for sustainability. Accordingly, the development plan must include the positive disposition towards appropriate assessment criteria that will enable the proper consideration of development proposals for increased building height linked with the achievement of greater density of development.
- 10.4.2. It is acknowledged that taller buildings will bring much needed additional housing and economic development to well-located urban areas and that they can also assist in reinforcing and contributing to a sense of place within the city or town centre.
- 10.4.3. The Guidelines note that statutory development plans have tended to be overly restrictive in terms of maximum building heights in certain locations and crucially without the proper consideration of the wider planning potential of development sites and wider implications of not maximising these opportunities by displacing development that are wider society and economy needs to other locations that may not be the best place to accommodate it. Such displacement presents a lost opportunity in key urban areas of high demand for new accommodation whether it is for living, working, leisure or other requirements in the built environment.
- 10.4.4. Planning policy must therefore become more proactive and more flexible in securing compact urban growth through a combination of facilitating increased densities and building heights while also being mindful of the quality of development and balancing amenity and environmental considerations. Appropriate identification and siting of areas suitable for increased densities and height will need to consider environmental



sensitivities of the receiving environment as appropriate throughout the planning hierarchy.

10.4.5. Taking into account the foregoing, the specific planning policy requirement of the above guidelines under SPPR1 is

- *In accordance with government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, Planning Authorities shall explicitly identify through the statutory plans, areas where increased building heights will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.*

10.4.6. Special planning policy requirement SPPR2 states that in driving general increases in building heights, Planning Authorities shall also ensure appropriate mixtures of uses, such as housing, commercial and employment development, are provided for in the statutory plan context.

## **11.0 Development Plan Provision**

11.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016-2022. The subject site is zoned Z1 '*to protect, provide and improve residential amenities*'. Residential use is a permissible use under this zoning. A café/restaurant is a use which is open to consideration. A strip of land along the northern boundary of the site contiguous to the Tolka River is governed by the Z9 zoning objective to preserve, provide and improve recreational amenity and open space and green networks. The Tolka River is a designated conservation area and the Poplar Row flats which are located to the west of the subject site and designed by Herbert Simms are included in the list of the Record of Protected Structures.

11.2. Chapter 5 of the development plan relates to Quality Housing.

11.3. Policy QH5 seeks to promote residential development addressing any shortfall in housing provision through active land management and co-ordinated planned

approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and underutilised sites.

- 11.4. Policy QH6 seeks to encourage and foster the creation of attractive mixed use, sustainable neighbourhoods which contain a variety of housing types tenures with supporting community facilities, public realm and residential amenities which are socially mixed in order to achieve a socially inclusive city.
- 11.5. Policy QH7 seeks to promote residential development at sustainable urban densities throughout the city in accordance with the core strategy having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.
- 11.6. Policy QH8 seeks to promote the sustainable development of vacant or underutilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.
- 11.7. Policy QH18 seeks to promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and with each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with standards for residential accommodation.
- 11.8. Policy QH19 seeks to promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive sustainable mixed income, mixed use neighbourhoods supported by appropriate social and other infrastructure.
- 11.9. Policy CHC4 seeks to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.
- 11.10. Section 16.7 relates to building height in a sustainable city. Dublin City Council acknowledges the intrinsic quality of Dublin as a low-rise city and its policy is that it should predominantly remain so. There was a recognised need to protect conservation areas and the architectural character of existing buildings, streets and spaces of artistic civic or historic importance. In particular, any new proposal must be

sensitive to the historic city centre, the River Liffey and Quays, Trinity College, Dublin Castle, the historic squares and the canals.

11.11. It is important to protect and enhance the skyline of the inner city and to ensure that any proposals for high buildings make a positive contribution to the urban character of the city and create opportunities for place making and identity. In the case of low-rise areas (which the subject site is located) a maximum height of 28 metres may be permissible.

11.12. In terms of aspect and natural lighting and sunlight penetration, the development plan notes that daylight animates the interior and makes it attractive and interesting as well as providing light to work or read by. Good daylight and sunlight contribute to making a building energy efficient, it reduces the need for electronic lighting while winter solar gain and reduce heating requirements.

## 12.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the Planning Authority's reasons for refusal. I have also had regard to the grounds of appeal challenging these reasons for refusal together with the proposed alterations to the scheme on foot of the Planning Authority's reasons. I consider the following issues to be critical in determining the current application and appeal before the Board.

- Principle of Development
- Proposed Height and Scale of the Proposed Development
- External Cladding and Fenestration Arrangements
- Proposed Ground Floor Land Uses
- Amenity Space including Riverside Walkway
- Parking Provision
- Impact on Views along the Tolka Conservation Area and Policy CHC4 of the Development Plan

Each of these issues are dealt with below.

## 12.1. Principle of Development

- 12.1.1. A fundamental consideration in adjudicating on the current application is the zoning provisions pertaining to the site, the policies for development in urban areas contained in the National Planning Framework and the Guidelines for Planning Authorities in relation to Building Heights in Urban Areas. Residential use is wholly compatible with the zoning provisions pertaining to the site. The site currently accommodates residential use. The provision of a café/restaurant is a use which is up for consideration and therefore should be evaluated on its merits in accordance with the proper planning and sustainable development of the area. The Board will note however that the proposed café facility is located adjacent to a major radial thoroughfare leading to and from the city centre where similar type uses are already established in the wider area. The development of a café along a riverside walk may also be appropriate from an amenity and recreational perspective.
- 12.1.2. With regard to the density of the proposed development, the Board will be aware that there are numerous national planning guidelines which have been adopted in recent years and which, with the exception of Rebuilding Ireland, were adopted subsequent to the adoption of the Dublin City Development Plan. Therefore, many of the policy statements contained in the National Planning Guidelines, the Sustainable Urban Housing Design Standards for New Apartments and the new Guidelines on Urban Development and Building Heights supersede the policy statements contained in the Development Plan.
- 12.1.3. It is clear from the guidelines referred to that there is an increased emphasis on maximising the development potential of sites particularly in relation to housing development within existing urban footprints. A major thrust of the National Planning Framework seeks a preferred approach for more compact development that focuses on reusing previously developed brownfield land and building up infill sites within existing built-up areas. The National Planning Framework seeks to encourage more people, jobs and activity to be located within existing urban areas. It seeks to provide well designed high quality development that can encourage more people to live and work in close proximity. The Framework Plan seeks to deliver at least half of all new homes to be located in the five main cities, particularly Dublin. The Strategy concludes that “*it is clear that we need to build inwards and upwards rather than outwards*”. This means that apartments need to become a more prevalent form of

housing particularly in Ireland's cities. National Policy Objective 35 seeks to increase residential densities within settlements by seeking reductions in vacancy, reuse of existing buildings, infill development schemes, and area or site based regeneration and increased building heights.

- 12.1.4. The Apartment Guidelines also highlight the need to provide higher density development in central or accessible urban locations. The guidelines identify the need to provide more than 30,000 units within Dublin City and its suburbs.
- 12.1.5. The need to provide more housing is also a major component in the Rebuilding Ireland Action Plan and the recently published Urban Development and Building Heights. Both these documents highlight the need for Planning Authorities to become more proactive and more flexible in securing compact urban growth through a combination of both facilitating and increasing densities and building heights while being cognisant of surrounding sensitive environments.
- 12.1.6. It is therefore clear and unequivocal that government policy seeks to support increased building height and density in locations with good public transport accessibility and particularly in city cores. From a sustainable land use policy point of view, securing compact growth in urban areas as espoused in the various policy documents referred to will provide major advantages by significantly reducing adverse impacts in the environment in terms of:
- Reducing the landtake and preserving agricultural lands and habitats outside the urban area and creating a more distinct urban/rural divide.
  - Enabling the utilisation of existing infrastructure which is available to serve these sites in terms of existing foul drainage, water supply, roads, footpaths, lighting etc.
  - Incorporating residential development in close proximity to existing centres of employment which will reduce the need to travel long distances particularly by private car and will reduce energy consumption and carbon emissions.
  - The provision of higher density residential within urban areas improves the viability of public transport services and enables them to provide more frequent services.

- Enhancing public health by encouraging and facilitating more active lifestyles by creating a more walkable and cycle friendly urban environment.

12.1.7. Strategically the subject site has many attributes to accommodate the higher density development espoused in the guidelines. The site is located c.2 kilometres from the city centre and is contiguous to a radial route which accommodates high frequency bus services. The subject site can avail of existing services in the vicinity including community, neighbourhood, retail and employment services and the site offers an opportunity to enhance and revitalise a prominent urban site located at the junction of Annesley Bridge Road, Poplar Row and the River Tolka.

12.1.8. North Strand is a major radial route into the city centre. It incorporates a wide spacious thoroughfare which is capable, in urban design terms, to accommodate a building of larger scale than that currently located on the site. The existing house on site contributes little to the urban realm and such a prominent corner.

12.1.9. Therefore, the principle of high density development over and above that prevailing in the immediate area is in my view appropriate. The site offers a good opportunity to provide a scale of development which is more reflective of the policies, provisions and objectives contained in the various national guidelines referred to above. The wider strategic considerations are in my view of critical importance for the Board in determining the current application. However, I acknowledge that any wider strategic considerations must be balanced against the impact of the proposal on surrounding residential amenity and aesthetic considerations associated with the design. A reasonable balance must be struck between the wider strategic objectives in relation to housing in urban areas and the need to protect qualitative safeguards of the surrounding areas. The qualitative issues associated with the development are assessed in more detail below.

## **12.2. Proposed Height and Scale of the Proposed Development**

12.2.1. The first reason for refusal states that the proposed development by virtue of its height, scale and massing would be highly prominent and visually obtrusive and would result in an overdevelopment of a restricted site which would be detrimental to the amenities and character of the surrounding area.

12.2.2. With regard to the overdevelopment of the site, the Board should be cognisant of the fact that there are no explicit density standards set out in the development plan and

that the proposed apartment block generally complies with the standards set out in the Design Standards for New Apartments and the Development Management Standards set out in the Development Plan (see local authority planners report for more detailed evaluation). The Planning Authority's reasons for refusal also states that the proposed development will impact on the character and appearance of the local area. The Board however should be aware that the area is undoubtedly an area undergoing significant transition and this is reflected in the redevelopment of sites on the southern side of Poplar Row which include the development of a large residential development on lands to the immediate south of the site and the provision of a six storey development to the south-west of the site containing apartments under ABP305603-19. While the proposed height in this instance is seven storeys, which is higher than the permitted development on adjoining sites to the south, it should be borne in mind that the proposed building in this instance is a rather slender building being a more five metres in width facing onto Annesley Bridge Road. The scale, mass and bulk of the building therefore is relatively modest in the context of the redevelopment of sites taking place within the vicinity. It is my considered opinion that the height of the development should be assessed in the context of the more recent guidelines set out in the National Planning Framework and the Urban Development and Building Height Guidelines as opposed to the Development Plan. Having regard to the various national policy statements referred to above I do not consider that the provision of a seven storey block facing onto a wide radial route and adjacent to a river which is c.35 metres in width to the immediate north of the site is inappropriate. There is an onus on Planning Authorities to adhere to and implement national guidelines to provide more compact development at sustainable densities within and adjacent to the city core and this would necessitate larger and higher buildings on modest plots throughout the city centre. When developed Poplar Row will comprise of buildings of four storeys or more along most of its alignment. The provision of a slender six/seven storey structure would in my view provide an appropriate 'bookend' building at the eastern end of Poplar Row and would not look incongruous or inappropriate in terms of height when viewed on the context of a redeveloped area. The planners report readily acknowledges that '*the existing building is located on a prominent corner which currently lacks definition*'. I would refer the Board to Figures 5 and 6 (p.21 of the Planning Report and Urban Design Statement submitted to the Planning Authority as part of the original application) both

of which incorporate photomontages of the proposed building when viewed from Annesley Bridge and looking westwards from East Wall Road towards the site. It is my considered opinion that the proposed development would not look inappropriate or incongruous in visual terms from these public vantage points. I therefore consider the height of the proposed development to be acceptable both in strategic land use terms and also in visual amenity terms.

### **12.3. External Cladding and Fenestration Arrangements**

- 12.3.1. The planner's report states that the Planning Authority has serious concerns in relation to the proposed design particularly in relation to window proportions and the materials used. The planner's report argues that given the site's prominent location high quality materials are required and the extensive use of render along the facades is not acceptable to the Planning Authority. It is stated that the façade should comprise of mainly brick. Issues in relation to the aesthetic quality of the materials to be used on the external elevation are somewhat subjective.
- 12.3.2. It is my considered opinion that the incorporation of a variety in the pallet of materials used helps break up the size and scale of the building and adds to a more visually interesting façade. The incorporation of a variety of external materials ensures that the external elevations are sufficiently varied and animated which in my view is appropriate in visual amenity terms. This issue is particularly important as the site fronts onto the River Tolka and this accentuates the prominent location of the building. The incorporation of extensive brickwork as suggested in the Planning Authority's would in my view result in a building which is more monolithic in appearance. The architectural style invoked in the original drawings submitted to the Planning Authority are superior aesthetically than those submitted to the Board on appeal.
- 12.3.3. Furthermore, I note in the case of ABP305603 one of the issues raised related to Condition 4(b) which concern the proportion of render on the northern façade of the building. In the planning inspector's report, the inspector concluded that a high proportion of render would constitute a durable finish and would have an aesthetic function which is appropriate in architectural terms. I would argue that a similar conclusion could be made in relation to the original application submitted to the Planning Authority. I consider that incorporation of a render finish is more preferable



in design terms than the incorporation of an extensive brick façade. If the Board are minded to grant planning permission, I would recommend that the external finishes proposed in the original application to the Planning Authority be retained as opposed to the external elevations indicated in the drawings submitted with the appeal.

12.3.4. With regard to fenestration arrangements I note that all residential units with dual aspect and having the benefit of direct daylight and sunlight penetration and both the southern and north elevations. However, the planner's report express concerns regarding the window sizes on the north-eastern elevation. The original submission to the Planning Authority incorporated two smaller windows to serve the livingroom area of the apartment blocks while a larger window was proposed to serve the bedroom area. Fenestration arrangements were slightly altered on the two upper floors. In terms of overall illumination along the northern façade I consider that there would be very little difference between the original plan submitted to the Planning Authority and the amended plans submitted to An Bord Pleanála. The livingroom/kitchen area of each of the apartments incorporate openings in both the southern and northern façade.

12.3.5. The local authority planner's concerns in relation to the fenestration arrangements appear to be predicated on design as opposed to daylight and sunlight penetration. Again, I consider when comparing the original drawings submitted to the Planning Authority with the amended drawings submitted to the Board that the original fenestration arrangements are in my view more suitable as they add a variety to the elevational treatment which is absent in the amended drawings. The incorporation of an extensive brick façade together with the incorporation of replicated window sizes along the entire façade results in a more conventional, less animated and somewhat drab and overly repetitive design than that submitted to the Planning Authority in the first instance. The relatively large scale of the building overlooking the river requires in my view a more enlivened and more visually interesting façade which is encapsulated to a better extent in the original drawings submitted to Dublin City Council rather than the amended drawings submitted to the Board.

12.3.6. Therefore, if the Board are minded to grant planning permission for the proposed development I consider it appropriate that the Board grant permission for the

development submitted to the Planning Authority in the first instance rather than the amended drawings submitted to An Bord Pleanála.

#### **12.4. Proposed Ground Floor Land Uses**

12.4.1. The grounds of appeal also suggest substituting the proposed café use for a residential use at ground floor level. The rationale behind such a change of use is not altogether clear as no explicit concerns were raised in the planner's report in respect of the café use at ground floor level. There was certainly no reference to any concern to the proposed café use in the Planning Authority's reasons for refusal. I consider a café use to be more appropriate at ground floor level than the proposed residential uses indicated in the drawings submitted with the grounds of appeal. The site is located adjacent to a busy radial road and a commercial use at ground floor level will help support a vibrant and animated streetscape at ground floor level. The incorporation of a café at ground floor level would also help to enliven and animate any proposed riverside walk between the subject site and the Tolka River. Having regard to longer term plans to open up the southern side of the Tolka River as a walkway, the provision of a café use along the walkway would be considered more compatible than the blank frontage associated with a residential unit. If the Board are therefore minded to grant planning permission it is recommended that the original café use as proposed would be incorporated into any design. Furthermore, the incorporation of a ground floor residential unit would result in the overall development being transformed from a mixed use development to a purely residential development and this in my view would be required to be readvertised in order to adequately describe the nature and extent of development in accordance with the requirements of the Planning Regulations.

#### **12.5. Amenity Space including Riverside Walkway**

12.5.1. The local authority planning report expresses concerns in relation to the walkway to be provided along the river edge on the northern side of the site. It appears that this land is currently in the applicant's ownership and is to be ceded to the Planning Authority for a riverside walkway in the event that planning permission is granted. Where the planner's report notes that it would welcome the strip of land to be ceded to the Council, there is concern in relation to the depth of the walkway which is between 1.1 and 1.4 metres in width. The strip along the southern bank of the Tolka

is zoned for such riverside amenity. It is acknowledged that the strip of land to be ceded to the Planning Authority is modest in width. However, the site itself is very constrained in size. Any expansion of the width of the riverside walkway could render the potential of the site to accommodate a multi-residential unit development as unviable and would result in either smaller units of living accommodation particularly in the eastern portion of the site. On balance I consider the provision of a proposed walkway between 1.4 and 1.1 metres in depth to be sufficient to allow for a riverside walkway. It is likely having regard to the built-up nature of the riverside that there is likely to be an number of pinch-points along the proposed walk-way.

## **12.6. Parking Provision**

- 12.6.1. No off-street car parking is provided on the subject site. It would in my view be unreasonable to provide off-street car parking having regard to the constrained nature of the site in question. The provision of a basement car park may also be problematic due to flood risk associated with the River Tolka. I would be in a general agreement with the conclusions set out in the local authority planner's report that the non-provision of car parking is considered to be acceptable having regard to the site's close proximity to the city centre, high quality public transport routes including Dart Stations and intercity train stations (Connolly Station) both of which are located within a 10 to 15 minute walk from the subject site.
- 12.6.2. Concerns were expressed in respect of the adequacy of the cycle parking and in particular the cycle racks to be provided at ground floor level to serve the development. I consider that this issue can be adequately dealt with by way of condition.

## **12.7. Impact on View along the Tolka Conservation Area and Policy CHC4 of the Development Plan**

- 12.7.1. Policy CHC4 of the Dublin City Development Plan seeks to protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting the Conservation Area must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area and its setting wherever possible.
- 12.7.2. I have argued above in my assessment that the proposed development would, as originally submitted to the Planning Authority, make a positive contribution to the

area in aesthetic terms. The local authority planner's report readily acknowledges that the prominent site at the corner of the River Tolka, Poplar Row and Annesley Bridge Road currently lacks definition incorporating a relatively non-descript two-storey dwellinghouse. The incorporation of a large aesthetically pleasing slender building is in my view appropriate for such a prominent site and certainly fulfils the strategic land use objective set out in national policy in relation to redeveloping brownfield and infill sites within existing urban areas at more sustainable densities. It is my considered opinion that the redevelopment of the subject site would rather than detract from the Tolka Valley Conservation Area would in fact contribute in a positive manner to the character and distinctiveness of the area. The fact that the proposed development includes a provision to cede land for a riverside walkway would contribute positively to the amenity and conservation status afforded to the River Tolka.

## **12.8. Flooding Issues**

- 12.8.1. It is noted that a flood risk assessment was submitted with the application and the conclusions contained therein are noted. The Drainage Division of Dublin City Council noted that no surface water management details have been submitted and that all surface water discharge from the development must be attenuated to 2 litres per second. Furthermore, it is stated that the development shall incorporate sustainable drainage systems in the management to surface water. It was also a requirement that the developer shall confirm agreement with the Flood Defence Unit of Dublin City Council in respect of the flood risk measures proposed. In relation to most of these issues it was recommended that further information be sought. It appears from the nature of the issues raised by the Drainage Division that they could be adequately dealt with by way of condition. However, should the Board deem it appropriate or indeed necessary, it could request further information in relation to both these matters prior to determining the application.

## **13.0 Appropriate Assessment**

- 13.1. An appropriate assessment screening report has been submitted as part of the planning report and urban design statement. The report acknowledges the location of Natura 2000 sites in the vicinity and acknowledges that the Tolka River ultimately

drains into the South Dublin Bay SAC, North Dublin Bay SAC and South Dublin Bay and Tolka Estuary SPA. The report outlines that the development will connect to the existing foul and storm water services. It is stated that the proposed development will be connected to the existing main combined sewer via a new collection connection on Poplar Row. The report states that there is no habitat loss associated with the project and the site is suitably distant from European sites so as to avoid any significant disturbance effects. The hydrological connection between the site and Natura 2000 sites in question is acknowledged but it is considered that no significant effects will arise from the proposed development.

- 13.2. Having regard to the nature of the proposed development and the location of the site in a serviced urban area together with the separation distance to the nearest European site I would conclude that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European sites in view of those sites conservation objectives and an appropriate assessment including the submission of a Natura Impact Statement is therefore not required.

#### **14.0 Recommendation**

Arising from my assessment above, I consider that the proposed development accords with the zoning provisions set out in the development plan and the strategic land use objectives set out in the National Planning Framework which seeks to provide more compact urban development and maximise the potential of brownfield/infill sites within existing urban areas. I further consider that the layout, design and external finishes of the proposed development are acceptable and that the proposal would not unduly impact on surrounding residential amenity. It is therefore recommended that the decision of Dublin City Council be overtured in this instance and that planning permission be granted for the proposed development.

#### **15.0 Decision**

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 16.0 Reasons and Considerations

Having regard to the Z1 residential zoning objective pertaining to the site and the policies and provisions contained in the National Planning Framework, the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and the Sustainable Urban Housing Standards for New Apartments – Guidelines for Planning Authorities (March 2018) which seek to provide urban development including residential development at more compact and sustainable densities to enable people to live nearer to where jobs and services are located, it is considered that the proposed development, subject to compliance with conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 17.0 Conditions

1. The development shall be carried out and completed with the plans and particulars lodged with the application to Dublin City Council on 7<sup>th</sup> day of October, 2020, 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 the commencement of development and the development shall be carried out and completed in accordance with agreed particulars. For the purposes of clarity the development shall not be carried out in accordance with the plans and

particulars submitted with the appeal documentation, submitted to the Board on January 5<sup>th</sup> 2021.

**Reason:** In the interest of clarity.

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

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

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

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

4. The applicant or developer shall enter into water and/or wastewater connection agreements with Irish Water prior to the commencement of development.

**Reason:** In the interest of orderly development.

5. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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) and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and

- (ii) the impact of the proposed development on such archaeological material.

A report containing the results of the assessment, shall be submitted to the planning authority and arising from this assessment, the developer shall agree in writing with the planning authority details of any further archaeological requirement (including if necessary archaeological excavation) prior to the commencement of construction works. 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 area and to secure the preservation (in situ or by record) and the protection of any archaeological remains that may existing within the site.

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

**Reason:** In the interest of sustainable waste management.

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



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

8. Details of the type, layout, number and demarcation of bicycle parking spaces shall be submitted to an agreed in writing with the planning authority prior to the commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development in the interest of sustainable transportation.

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

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

10. Site development and construction works shall be carried out in a manner so as to ensure that the adjoining streets 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 roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadway are kept in a clean and safety condition during construction works in the interest of orderly development.

11. The naming and numbering of the scheme shall be agreed in writing with the planning authority prior to the occupation of the units.

**Reason:** In the interest of orderly street numbering.

12. Details of the opening hours of the proposed café at ground floor level shall be agreed in writing with the planning authority prior to the commencement of development.

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

13. Details of the proposed shopfront and signage associated with the café shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of amenities of the area.

14. The proposed café shall be restricted to use as a sit down coffee shop and shall not be used as a fast food take-away.

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

15. 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.

16. 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.

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Paul Caprani,  
Senior Planning Inspector.

28th April, 2021.