



An
Bord
Pleanála

Inspector's Report

ABP-310991-21

Development

Alterations to the previously approved planning permission, Dublin City Council Ref: 2022/19 and An Bord Pleanála ref: ABP-303959-19 which will consist of

1. Change of use of previously approved ground floor retail unit into two number studio apartment
2. change approved first floor apartment into two studio apartments.
3. change the approved second floor apartment into two studio apartments.

Location

5, Echlin Street, Dublin 8, D08 H009

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3883/20

Applicant(s)

Tony Goldrick.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

1. John Lonergan

2. Harkins Tavern

Observer(s)

None

Date of Site Inspection

25.07.2022

Inspector

Fiona Fair

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History.....	9
5.0 Policy Context.....	10
5.1. Development Plan.....	12
5.2. Natural Heritage Designations	13
5.3. EIA Screening	13
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.2. Applicant Response	16
6.3. Planning Authority Response	16
6.4. Observations	16
6.5. Further Responses.....	16
7.0 Assessment.....	16
8.0 Recommendation.....	21
9.0 Reasons and Considerations.....	21
10.0 Conditions	21

1.0 Site Location and Description

1.1. The subject site is located on the western side of Echlin Street, a short, mixed-use street running from James Street in the north to Grand Canal Place in the south, in Dublin south inner city. Currently on site is a two-storey vacant building with a retail unit at ground level and a number of derelict outbuildings to the rear. To the immediate north is the four-storey residential Echlin Buildings. To the immediate south is the corner building, three-storey Harkins public house that faces both Echlin Street and Grand Canal Place. To the north of the rear of the subject site, is the three-storey residential apartment block Saint James Court. To the west of the subject site is the six-storey residential block Anna Livia apartments.

2.0 Proposed Development

2.1. Alterations to the previously approved planning permission, PA Ref: 2022/19 and ABP-303959-19 which will consist of:

1. Change of use of previously approved ground floor retail unit into two number studio apartments.
2. Change approved first floor apartment into two studio apartments.
3. Change the approved second floor apartment into two studio apartments.

3.0 Planning Authority Decision

3.1. Decision

Subsequent to Further Information and Clarification of Further Information being requested and submitted Planning Permission was Granted subject to 21 number conditions. Conditions of note include:

- C1. standard condition
- C 2. development contribution in respect of public infrastructure.
- C 3. development contribution in respect of public open space.

C 4. The terms and conditions of the permission for the original development, which was issued under Reg. Ref. 2022/19 (An Bord Pleanála Ref. ABP-303959-19) shall be fully complied with, except where modified by this permission.

C 13. The requirements of the City Archaeologist shall be complied with:

C 14. That the requirements of the Transportation Planning Division shall be complied with:

C 20. Requires that the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000.

C 21. Bond

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Clarification of additional information was submitted on the 28th of May 2021. A number of anomalies were noted on the additional information drawings which required clarification including amendments that were not specifically specified by way of the additional information. This included amendments to the footprint of the building and increasing the depth of certain floors, and insertion of new windows in the gable elevations. Clarification was sought to clarify all the amendments that have been made and to submit an accurate set of floor plans which correlated with the elevation drawings. On submission of the clarification of additional information, it is considered that some of these amendments are significant and in order to allow third parties a chance to comment revised notices by way of Article 35 were requested.
- Article 35 Revised Public Notices were requested on the 10th of June 2021.
- After reviewing the drawings and comments received on the Clarification of further information, the Planning Authority are satisfied with the proposed amendments made and that the drawings have been accurately shown, to the best of their knowledge. Any issues regarding over sailing, encroachment are civil issues. Furthermore, it is not considered that the scheme would seriously injure the residential amenities of the adjoining sites and that the proposed development is consistent with the standards in the Dublin City Development

Plan 2016-2022 and the proper planning and sustainable development of the area, and it is therefore recommended that planning permission be granted, subject to conditions.

3.2.2. **Other Technical Reports**

Drainage: No objection subject to condition.

Transportation Planning: No objection subject to condition.

3.3. **Prescribed Bodies**

None on File.

3.4. **Third Party Observations**

Two Third Party observations were submitted, the main points as summarised in the PA report are as follows:

- Development will cause disruption to existing residents, and noise issues.
- Development could damage the old apartment block next door.
- Site workers will take up existing car parking spaces.
- Building will be an eye sore.
- This is a built-up area, there can't be a public open space for new resident as it will disturb existing ones. Public open spaces will cause littering and attract gulls, and a smell in the area from dumped rubbish.
- Too many cars and not enough parking spaces,
- Increasing apartments to increase profit and they don't care about impact on neighbours.
- Building footprint will get enlarged and this will disrupt residents on the street.
- Cause more demand for water.
- Create a disturbance to the street due to deliveries to residents.
- Concerns over the boundaries of the location map and site layout map, as they conflict and are not in the ownership of the applicant. The applicants don't have

legal interest to submit a planning application. The existing floor plans submitted appear to indicate the corridor to the WC is located external of the building, connected by a lean to roof, where in fact the corridor is located internally on number 5.

- Difficulty in demolishing the building, without affecting the integrity of their building.
- Number 5 has a basement floor which is similar to that of the adjoining property they note that this basement is similar to the adjoining site, so any development including backfill would seriously compromise the integrity of their property.
- Concerned about studio units and whether they have the space to ensure that minimum protection can be introduced in the design to mitigate noise pollution.
- The apartment block is close to adjoining boundaries and it will give rise to different degrees of overlooking, overshadowing and overbearing of adjoining properties.
- The historic importance of the buildings, and queries why demolition should be permitted, without a full survey and construction method statement.
- No parking is proposed. A minimum of three car parking spaces should be provided.
- Apartment Sizes: They refer to the standards set out in Section 16 of the Dublin City Development Plan, where floor areas for studio are 40sqm, 1 bed at 45 and two bed at 73. They also note minimum standards in relation to room sizes, storage requirements, private open space and communal open space. They note that the communal open space at 25sqm is woefully short of the required 39sqm.

3.4.1. Subsequent to Article 35 Revised Public Notices an additional two third party observations were submitted (from number 6 Echlin Street and 28D Echlin Buildings), the main points as summarised in the PA report are as follows:

- The concerns from the owner of number 6 Echlin Street was primarily to ensure that planning permission is not given on lands that are in our clients' ownership or on lands that would directly affect the stability and structural integrity of our

clients' property, which as we mentioned in the original observation on this planning application is interlinked as both properties were originally one property and share foundations, cellars and structural walls. They have reviewed the information submitted by the applicants and they have come to the opinion that the revised development still encroaches on his property quite extensively. They have attached for the attention of the Planning Authority a document outlining their client's interpretation of the legal boundaries between the two sites, and where encroachment, and infringement, occurs.

- The main issues raised by the owners of 28D Echlin Buildings are as follows:
- Front of new building is inconsistent with existing buildings on street. There are five floors in this building, and the new proposal will not fit in. Mix of units, they note there are studio apartments, and they are querying whether these are for social housing or students.
- No explanation for the communal open space amenities, there is little privacy out the back. Communal open space will intrude on the neighbour's privacy and noise related issues.
- Poor light available to ground floor apartments could cause damp which could spread next door.
- Noise from construction works.
- Badly planned building in a heavily residential area and beside a pub, not a great place for residents to live.
- Dormer windows of the roof will not match the roof next door.
- There should be no balconies in these apartments as this will intrude on residents next door.
- Drawings submitted were inaccurate, shows the thought put into the development.
- No fire ramp, means of escape.
- Question the basement assessment, Echlin Buildings do not have basements.

- Change of use from ground floor retail to apartments will increase number of residents in building.
- What type of brick will they use?
- Question the need for cycle parking as there is lots of free bikes to use in the area.
- They note that the increase in depth will block out sunlight at the back of the building next door and could damage the plants in the back yard.
- No car parking this will impact other residents in the street, with only two spaces outside that building for parking.
- Where will rubbish and bins be stored?
- Water supply for the area is poor.
- Changes to ground floor from retail to apartments, will increase number of residents, more demand for on street parking, change to first floor to studio will also cause disruption, as will changes to second floor to studio. Development will cause noise issues and disruption to the street.
- Developer is increasing number of studio use to increase profit without consideration of small size of units. Balconies and large windows will intrude on privacy.

4.0 Planning History

ABP Ref. 303959-19 / PA Reg. Ref. 2022/19 Permission granted 12/06/2019 for

1. Demolition of existing derelict two storey property and workshop located to the rear of the existing property
2. Construction of a retail unit (100sq.m) at ground floor level
3. Construction of 3 number two bedroom apartments (73 sq.m) at first, second and third floor levels, and for construction of 1 number one bedroom apartment (58sq.m) at fourth floor level, including for the provision of private balconies to each apartment
4. For the provision of all access hallways, stairs and lift to the proposed residential units (4 in total)

5. For the provision of private open space amenities by the way of a walled garden
6. To connect the proposed development to adjoining public services, such as foul and surface water sewer and also to the adjoining public water main
7. The floor area of the entire 5 storey development will be 511 sq.m with the overall height of 14.5m
8. And for all associated site development works.

Condition 2 ABP

1. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the omission of the proposed attic level rooflights illuminating the fourth-floor bedroom, on the eastern elevation and their replacement with a dormer window of comparable size.

Reason: In the interest of protecting the residential amenity of future residents of apartment number 4.

- 4.1.1. **Reg.0006/19:** Planning permission granted for a social housing exemption certificate for 5 Echlin Street for Demolition of existing derelict property & construction of ground floor retail & 4 no. apartments on first, second, third & fourth floors & all site works.
- 4.1.2. **Planning Authority Reg. Ref. 3408/18:** Planning permission was refused for the demolition of the existing building and the construction of a mixed-use development of 15.04m high with 9 no. apartments.

5.0 Policy Context

Project Ireland 2040: National Planning Framework

This national policy seeks to support the future growth and success of Dublin as Irelands leading global city of scale, by better managing Dublin's growth to ensure that more of it can be accommodated within and close to the city. Enabling

significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.

The NPF recognises that at a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.

Of relevance to the subject application are the following:

- National Policy Objective 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs
- National Policy Objective 5: Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.
- National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018

Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas.

The first of the 10 National Strategic Outcomes in the National Planning Framework that the Government is seeking to secure relates to compact urban growth. Securing

compact and sustainable urban growth means focusing on reusing previously developed 'brownfield' land, building up infill sites and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

While achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or 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 proper consideration of development proposals for increased building height linked to the achievement of a greater density of development.

SPPR1: In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment 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.

5.1. Development Plan

The site is Zoned Z1 in the Dublin City Development Plan 2016-2022 which is to protect, provide and improve residential amenities.

The subject site is located within a Strategic Development and Regeneration Area (16) Liberties and Newmarket Square.

Chapter 16 includes the Development Management Standards and has regard to Design, Layout, Mix of Uses and Sustainable Design. Table 16.1 provides the Maximum Car parking standards for various land uses and Table 16.2 the Cycle Parking.

In terms of Plot ratio for Zone 1 the Development plan sets out standards of between 0.5 to 2.0 and Indicative Site Coverage for zone Z1 between 45-60%.

Liberties LAP

The objective of the Local Area Plan (LAP) is to set out an inspirational vision that will guide the sustainable regeneration of the Liberties.

1. To improve the quality of life so that the Liberties becomes a great place for people to live, work and visit.
2. To provide for appropriate social and community infrastructure to support the existing population, which is growing and becoming increasingly diverse.
3. To provide for a wide diversity and choice of housing that can cater for families and older people by including options for mixed tenure and a range of housing types and unit sizes.

5.2. Natural Heritage Designations

The subject site is located 4.5km from the South Dublin Bay Estuary and River Tolka Estuary SPA and 5.1km from the South Dublin Bay SAC.

5.3. EIA Screening

Having regard to nature of the development and the urban location of the site 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

Two number third party appeals have been submitted from John Lonergan and from O'Neill Town Planning on behalf of Harkins Tavern Ltd.

6.1.1. The appeal by John Lonergan is summarised as follows:

- The building is not suitable for an apartment block.
- Negative impact upon the amenity of the surrounding area.
- Intrusion on privacy from balcony overlooking.
- Noise Impact unacceptable.
- Nuisance from rubbish.
- Concern with respect to impact of construction traffic, noise and associated activity.
- Negative impact will arise from provision of no car parking to serve the apartments.
- No need for additional bike storage in the area.
- Negative visual impact from balconies and former windows.
- The works could damage and impact negatively Echlin Buildings next door. This is an historical apartment block from the 1870's.
- Negative impact and strain on water supply issues in the area.
- Late night noise from the outdoor communal area.
- The increase in depth of the first and second floors will impede on privacy on the building next door.
- No provision for a fire ramp.
- No EIA carried out.
- Have concern with respect to the size and type of apartments proposed. Long term impact of studio apartment accommodation.
- Inaccuracies in the drawings submitted is of concern.

6.1.2. The appeal by O'Neill Town Planning on behalf of Harkins Tavern Ltd. Is summarised as follows:

- Concern that established live music sessions which take place in Harkins Tavern may cause noise impact to new apartments.

- Concern that small one bed apartments are not designed to mitigate noise from the adjoining pub.
- The proposed development will surround and overbear Harkins Public house premises, negative impact from both constructional and operational periods.
- Specific concern with the attachment of Condition 5, which relates to the requirement for the developer to submit a report from a suitably qualified person, for the written agreement of the Planning Authority, to demonstrate how the demolition and construction works can be carried out to ensure the structural stability of the adjoining sites, and in particular the basement area of number 6 Echlin Street, as the properties appear to be interlinked.
- Concerns over the boundaries of the location map and site layout map, as they conflict and are not in the ownership of the applicant.
- Concern that the applicants don't have legal interest over the entire appeal site.
- The existing floor plans submitted appear to indicate the corridor to the WC is located external of the building, connected by a lean to roof, where In fact the corridor is located internally on number 5.
- Difficulty in demolishing the building, without affecting the integrity of no. 5. No.'s 5 and 6 Echlin Street were once a single building.
- Number 5 has a basement floor which is similar to that of the adjoining property they note that this basement is similar to the adjoining site, so any development including backfill would seriously compromise the integrity of their property.
- Historic importance of the building is highlighted.
- No parking is proposed. A minimum of three car parking spaces should be provided.
- Apartment Sizes: They refer to the standards set out in Section 16 of the Dublin City Development Plan, where floor areas for studio are 40sqm, 1 bed at 45 and two bed at 73. They also note minimum standards in relation to room sizes, storage requirements, private open space and communal open

space. They note that the communal open space at 25sqm is woefully short of the required 39sqm.

- Gross over development of a narrow street, the proposal is out of keeping with the character and pattern of development already in the area and the residential zoning for the area.
- The scale and proximity of the proposed development to neighbouring properties, incl. balconies would result in overbearing, overlooking and overshadowing of neighbouring residences.

6.2. Applicant Response

- None received

6.3. Planning Authority Response

- None received

6.4. Observations

- None Received

6.5. Further Responses

- None Received

7.0 Assessment

7.1. I have examined the file and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed development and I am satisfied that the issues raised adequately identify the key potential impacts and I will address each in turn as follows:

- Principle of development
- Impact on Residential Amenity

- Other Issues
 - Ownership and Structural Stability
 - Water Supply
 - Car Parking

7.2. Principle of the Development

7.2.1. The subject site is zoned Z1, Sustainable Residential Neighbourhood. Residential development is permitted in principle in such areas. Planning permission was granted previously under ABP-303959-19 / Reg.2022/19 for the demolition of existing derelict two storey property and workshop located to the rear of the existing property and the construction of a retail unit (100sq.m) at ground floor level and construction of 3 number two bedroom apartments (73 sq.m) at first, second and third floor levels, and for construction of 1 number one bedroom apartment (58sq.m) at fourth floor level, including for the provision of private balconies to each apartment.

7.2.2. I note Condition 2 of that permission which states:

“Prior to commencement of development, the developer shall submit for the written agreement of the planning authority, details of the omission of the proposed attic level rooflights illuminating the fourth-floor bedroom, on the eastern elevation and their replacement with a dormer window of comparable size.

Reason: In the interest of protecting the residential amenity of future residents of apartment number 4”.

7.2.3. I note the concerns raised by third parties with respect to the principle of an apartment block at this location. Concern is raised with respect to the type and size of units proposed, the height and scale and inclusion of balconies.

7.2.4. Similar concerns were raised in the previous granted development ABP-303959-19 / Reg.2022/19. Due consideration was given to the concerns, and it was considered appropriate subject to condition to grant planning permission in that instance. The subject proposed development differs in the main that the ground floor retail unit is omitted and replaced with, subsequent to a further information (FI) request and clarification of further information (CFI), a two bedroom apartment. This has changed the footprint of the ground floor which in turn has changed the footprint of upper

floors. Where previously four number apartments were permitted, permission is now sought for 4 studio apartments and 3 apartments (two 2 bedroom and one 1 bedroom). Regard is had to the applicant's argument with respect to the financial viability of a retail unit at this location. It is notable that the ground floor has been designed to allow for a change of use in the future should this be required.

- 7.2.5. By way of FI and CFI the private amenity open space to the ground floor unit has been reduced. The public amenity open space located to the ground floor has been increased. The external elevations have been amended so that they accurately reflect the proposed floor plans and vice versa. Recessed balconies are clearly denoted to the front elevation. The velux roof lights have been omitted and replaced with dormer windows. Frosted high level windows are included to the side elevation.
- 7.2.6. Given the planning history, established uses on the ground surrounding the subject site, in principle, I see no objection to the change of use of the ground floor unit. The use, height, bulk, scale and finish of the building is not so dissimilar to the just recently permitted on the site to warrant a refusal of permission in terms of negative impact to adjoining buildings and uses in particular No. 28d Echlin Street and Harkins Tavern (No. 6 Echlin Street).

7.3. Impact on Residential Amenity

- 7.3.1. The proposed development has been designed taking into account the adjoining properties so that issues of overbearing, overlooking and overshadowing the neighbouring residences has been ameliorated. This is a brownfield suburban site which is currently vacant and the prospect of residential studio and apartments which meet and comply with standards of the City Development Plan and the Apartment Guidelines is to be welcomed.
- 7.3.2. The issue of noise disturbance during construction and incompatibility of residential accommodation adjoining a public house are noted. Noise and disruption from construction activity is finite. I note conditions attached to the decision to grant, with respect to construction and demolition environmental management plan, noise control and hours of construction. I recommend that similar conditions are attached to any decision to grant planning permission forthcoming from the Board. Anyone purchasing or renting any of the subject apartments will be fully cognisant of the

uses in the general area, there is a precedent grant of permission for apartments on the subject site and therefore I see objection in this regard.

7.3.3. I am satisfied that the proposed development will not cause injury or undue impact to the public house or the residential amenities of surrounding properties.

7.4. **Other Issues**

Ownership & Structural Stability

7.4.1. Third party concern is raised from the owner of number 6 Echlin Street with regard to legal ownership and that the proposed development encroaches on their property extensively. Concern is also raised with respect to stability and structural integrity of No. 6 which it is submitted is interlinked as both properties were originally one property and share foundations, cellars and structural walls.

7.4.2. I note that An Bord Pleanála have already granted permission at this site for a residential development of four apartments over a retail use, so the precedent has been established for redevelopment of the site in a similar manner to that currently proposed.

7.4.3. Issues regarding ownership and encroachment are civil issues, and are not within the remit of this planning application and decision. Any grant of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal or the site. A person shall not be entitled solely by reason of a grant of planning permission to carry out any development and a grant of planning permission does not entitle the applicant to construct a development that would over sail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.

7.4.4. The concerns regarding the structural integrity of the basement are noted, and the fact that both properties were originally one property and share foundations, cellars and structural walls. In this regard, I note and agree with the recommendation of the PA that a condition be attached that the applicant should demonstrate to the satisfaction of the planning authority that the demolition and construction works can be carried to ensure the structural stability of the adjoining property at number 6, and

in particular with regards to basement works. This should be carried out by a suitably qualified person.

Water Supply

- 7.4.5. Third party concern is raised with respect to further demand for water supply and increased pressure on services.
- 7.4.6. I agree with the previous Inspectors opinion that the issue regarding impact on water pressure / supply is a matter for the authority responsible for that utility (namely Irish Water and or the Planning Authority) and not one that can be adjudicated within the remit of this appeal.
- 7.4.7. The matter can be dealt with by way of condition. A condition should be attached requiring water supply and drainage arrangements, including the disposal of surface water, to comply with the requirements of the Planning Authority for such works and services. Also, a condition should be attached which requires that the developer enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Car Parking

- 7.4.8. Third party concerns are raised regarding no car parking provision, additional traffic incl. delivery traffic, parking by construction workers and no information on quantum and design of cycle parking.
- 7.4.9. Again, I note the established recent grant of planning permission on the site for a mixed-use retail and apartment development with no associated car parking.
- 7.4.10. Transportation planning in their report do not have any objections to the lack of parking at this particular location subject to a number of conditions. The report states: "...the principle of no car parking provision was previously accepted under Reg. Ref. 2022/19 and this is still considered acceptable having regard to the increase in residential units ..."
- 7.4.11. One of the conditions attached by the PA in their decision to grant planning permission is for a Construction Management Plan to be submitted for written approval which would show how this development will be carried out and providing details for of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal

of construction/demolition waste. I recommend that should the Board decide that a grant of Planning Permission, be forthcoming in this instance, that this condition should be attached.

8.0 Recommendation

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

9.0 Reasons and Considerations

- 9.1.1. Having regard to the Z1 zoning objective pertaining to the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would be acceptable from a visual amenity perspective and would generally be acceptable in terms of traffic safety and convenience. The proposed development will therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars and clarification of further information lodged with the planning authority except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

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

4. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed development, 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. 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.

7. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. A plan containing details for the management of waste, 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, especially recyclable materials, in the interest of protecting the environment.

9. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of

broadband infrastructure within the proposed development. Reason: In the interest of orderly development and the visual amenities of the area.

10. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

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

11. 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.

12. 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.

Fiona Fair
Planning Inspector

02.08.2022