



An
Bord
Pleanála

Inspector's Report

ABP-311546-21

Development	Demolition of all buildings, construction of a mixed-use scheme comprising of a retail unit, an aparthotel arranged over five floors, consisting of 41 units and all ancillary works
Location	19-21, Spring Garden Street and Nos. 2, 4 & 6 Annesley Place, Dublin 3
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	2320/21
Applicant(s)	Gerard Kelly Holdings Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Yvonne Carey Fiona Beirne & Others
Observer(s)	None

Date of Site Inspection

10/03/2022

Inspector

Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The appeal site is located at the junction of Spring Garden Street and Annesley Place, Dublin 3. Spring Garden Street links the North Strand Road and Ballybough Road. There are a mix of land uses in the area.
- 1.1.2. The appeal site has an area of circa 1,086sq.m. The site contains a number of commercial buildings and vacant properties. The site has frontage of 55m along Spring Garden Street and 10m along Annesley Place. Spring Garden Street features commercial uses including Builder's Providers and Motor Repair Garage. The western section of the road is residential. Annesley Place includes a mix of residential and commercial uses.
- 1.1.3. The appeal site is bound to the north by St. Patrick's Avenue which is a residential cul-de-sac containing terraced single storey dwellings. The western section of the site is bounded by the Rail Line serving Connolly Station. The streets to the north and west of the appeal site Enaville Avenue, Enaville Road and Taafe's Place are all residential areas.

2.0 Proposed Development

- 2.1.1. On the 3rd March 2021 planning permission was sought for a development comprising the demolition of all structures on site (1,086sq.m.) and the construction of a mixed use development of five storeys with a ground floor retail unit (458sq.m.) and a five-storey aparthotel comprising 41 no. units.
- 2.1.2. The existing buildings on site comprise a light industrial building, a warehouse with rear yard facing Spring Garden Street, and three vacant buildings with retail at ground and residential at first floor (2,4 and 6 Annesley Place).
- 2.1.3. Details provided in the application form include:
 - Total site area: 1320sq.m.
 - Proposed new build: 2,426sq.m.
 - Proposed demolition: 1,086sq.m.
 - Proposed plot ratio: 1.8
- 2.1.4. In addition to the required details and drawings, the application was accompanied by the following:

Letter of consent to the making of the application.

Planning Report: Provides an introduction, description of the site location, the planning history of the site, details of the pre-planning meeting with the Planning Authority, details of the proposed development, details and analysis of the planning policy context and a conclusion requesting a grant of permission.

Daylight & Sunlight Assessment: Results demonstrate that the proposed development exceeds BRE recommendations.

Design Statement: Proposed development complies with the criteria of Apartment guidelines pertaining to mix of units, dual aspect ratio, public amenity space, lift / stair cores and bicycle parking. Proposed height of 17.5m complies with 28m threshold of the development plan. Provides details of site location and description, proposed development building mass, access, aparthotel description and compliance with Appendix 16 of the development plan. The statement provides details of the aparthotel units – food preparation area, storage, living room, sleeping area and ensuite in each unit. 28 no. of the 41 units are inter-connectable. 37 no. (91%) of units have a southerly orientation. To prevent overlooking of Annesley Place, a 1.6m high planted screen with raised planters will bound the 3rd floor amenity space. To prevent overlooking of St. Patricks Avenue, access galleries on the 2nd and 3rd levels will be screened. External finishes and building expression will match the surrounding urban environment.

AA Screening: No direct pathway from site to nearest designated site. Finding of no significant effects.

Traffic & Transportation Statement: Report confirms that the road network and public realm are more than adequate to accommodate the worst case vehicular scenario, servicing and pedestrian traffic associated with the facility and that the Aparthotel and the retail unit will operate in a safe and appropriate manner.

Construction Management Report: Outline plan to inform the construction of the proposed development regarding the control, management and monitoring of waste, noise, vibration, water and dust impacts associated with the development during construction and operation.

Engineering Services Report: Includes Flood Risk Assessment. Site is in Flood Risk C, development is considered 'less vulnerable'. Probability of coastal flooding and fluvial flooding requires further review. Probability of pluvial flooding is low. Flooding from groundwater highly unlikely. Four flood mitigation measures proposed.

3.0 **Planning Authority Decision**

3.1. **Planning Authority Reports**

- 3.1.1. **Drainage Division**: No objection subject to standard conditions.
- 3.1.2. **Transportation Department**: Further information required regarding overhanging of the public realm from balconies on Annesley Place and autotrack drawings showing manoeuvrability within the site.
- 3.1.3. **Planning Report**: Proposed development is acceptable in principle. Conditions should be attached to regulate the use of the aparthotel. Exceedance of site coverage is acceptable given the central location of the site. Height, scale and massing of the proposed development are acceptable. Revised design response required for proposed northern elevation that omits the proposed louvres. Proposed layout and boundary treatments are acceptable. Regarding the impact on adjoining areas, further information required on the over shadowing of private open space and the APSH of neighbouring properties. Further information on 5 no. items recommended.

3.2. **Prescribed Bodies**

- 3.2.1. **Iarnrod Eireann**: Developer is bound by the Railway Safety Act 2005. Six items with which the development must comply.

3.3. **Third Party Observations**

- 3.3.1. A number of objections to the proposed development were submitted to the Planning Authority. The issues raised can be summarised as:
- Overlooking and injury to residential amenity, privacy, and sunlight
 - Inappropriate form of development, sustainable neighbourhoods,
 - Excessive height, plot ratio, site coverage
 - Drainage / flooding
 - Architectural heritage

- Traffic, and lack of car parking

3.4. Request for Further Information

3.4.1. On the 27th April 2021, the Planning Authority requested the following further information:

- 1 Amended Daylight and Sunlight Assessment
- 2 Revised northern elevation
- 3 Larger aparthotel units
- 4 Works to shared boundary wall
- 5 Transportation department request – overhanging of public realm and autotrack details

3.5. Receipt of Further Information

3.5.1. On the 11th August 2021, the applicant responded to the request for FI with an amended Daylight and Sunlight Analysis, Further Information Addendum Report and Consulting engineers report.

3.5.2. **Second Planning Report:** Amended sunlight assessment indicates that two lower-level windows would fail the test. This is acceptable as these rooms are illuminated by other windows. Sunlight received in private open spaces will not increase the existing impact. Planning Authority retains a concern regarding the proposed louvres. This can be addressed by way of condition. Revised design provides for 22 no. inter-connectable units. Regarding shared boundary wall, proposed development can be constructed without its demolition. Conditions surveys of neighbouring structures can be conditioned. Items requested by the Transportation Department have been addressed satisfactorily. Recommendation to grant permission.

3.6. Decision

3.6.1. On the 7th September 2021, the Planning Authority issued a notification of their intention to GRANT permission subject to 20 no. conditions. Conditions of note include:

- 4: aparthotel units shall be occupied for no longer than two months
- 9: times for use of shared amenity spaces
- 14: compliance with requirements of Iarnrod Eireann

19: Structural integrity survey of properties on St. Patricks Avenue and Annesley Place

4.0 Planning History

- 4.1.1. **PL29N.241519** (Planning Authority reg. ref. 2650/12): Planning permission was GRANTED for the demolition of existing structures; construction of a primary care centre, doctors surgery, pharmacy, parking, ESB sub-station and all associated works. Subject to 12 no. standard conditions.
- 4.1.2. **Reg. Ref. 5481/08** – Permission was refused by the Planning Authority for a mixed use development, comprising of the demolition of existing buildings including dwellings (no. 2, 4 & 6 Annesley Place); the construction of 24 no. residential units arranged over five floors (5no. 3 bed apartments, 14 no. 2 bed apartments & 5no. 1 bed apartments), all with balconies, 3 no. retail units (unit 1; retail unit/hair salon- 57sqm, unit 2; bookmakers-111sqm & unit 3; coffee shop-95sqm total 263sqm, ESB substation and switch room-17sqm) a basement car park (27no. spaces) with bicycle store (27 spaces) and refuse store; boundary walls/fences; new vehicular and pedestrian entrances; and all associated site works on and above ground, on an overall site of area 0.129 hectares. Permission was refused for the following reasons;
1. It is considered that the proposed development, by reason of its height, scale, bulk and massing at the junction of Annesley Place, Spring Garden Street and North Strand Road, would be unsympathetic to and visually intrusive in the wider streetscape thereby creating a significant and adverse visual impact on the overall area to the detriment of the visual amenities of the area. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
 2. It is considered that the proposed development of a three to five storey apartment block, in close proximity to adjoining single storey residential development, with inadequate intervening boundary screening will give rise to an unacceptable degree of overlooking and privacy loss to the detriment of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development of a five-storey apartment scheme at the junction of Annesley Place, Spring Garden Street and North Strand Road, located in close proximity to and lying to the south of an adjoining single and two storey residential development, will give rise to an unacceptable degree of overshadowing to the detriment of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. Having regard to fact that development standards for apartment development are often not met and / or are just met under this scheme it is considered that the proposed development would not conform to the letter and spirit of Development Plan standards in respect of achieving liveable sustainable apartment homes in terms of providing an adequate and appropriate living space. The proposed development and would therefore be contrary to the proper planning and sustainable development of the area.

4.1.3. **Reg. Ref. 3881/06 & PL29N.219537** – Permission was granted for a mixed-use scheme on the site. The applicants sought permission for a development comprising the demolition of an existing dwelling (No. 2 Annesley Place, area approx. 121sqm); the construction of 24 no. residential units arranged over four floors (1 no. 3 bed apartment, 15 no. 2 bed apartments & 8 no. 1 bed apartments), 15 no. with balconies, 9 no. with terrace/patio, a coffee bar and associated basement store (total area 123sqm), a betting office and associated basement (total area 168sqm) an E.S.B. substation and switch room (19sqm), a basement carpark (20 no. spaces) with bicycle store, refuse store and recycling centre; boundary walls/fences; new vehicular and pedestrian entrances; car lift and all associated site and landscaping works on an overall site of area 0.108 hectares. Dublin City Council granted permission for the scheme and the decision was appealed. Under **PL29N.219537** the Bord granted permission for a modified scheme which omitted the first floor and reduced the number of residential units from 24 to 16.

5.0 Policy Context

5.1. National Planning Framework

5.1.1. One of the overarching 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. The preferred approach would be the compact development that focuses on reusing previously developed and brownfield land, building up infill sites which may not have been built on before and reusing and redeveloping existing sites and buildings.

5.1.2. **National Policy Objective 13** seeks that in urban areas planning and related standards including and in particular building height and car parking will be based on performance criteria that seeks to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerances that enables alternative solutions to be proposed to achieve stated outcomes provided public safety is not compromised and the environment is suitably protected.

5.2. Urban Development of Building Heights – Guidelines for Planning Authorities December 2018

5.2.1. Section 1.4 of these Guidelines note that local authorities through their statutory development plans and local area plans have begun to set generic maximum height limits across functional areas. Such limits if inflexibly or unreasonably applied can undermine wider policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby cities and towns continue to grow outwards rather than consolidating and strengthening the existing built-up areas. In general terms maximum building heights into cities and town centres have tended towards a range of 6 to 8 storeys which have been exceeded only in a limited number of locations.

5.2.2. **Policy SPPR1** states that 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 their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework, Regional, Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

- 5.2.3. **Policy SPPR2** states that in driving increases in building heights, Planning Authorities shall ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation thereby enabling redevelopment to proceed in a way that comprehensively meets contemporary, economic and social needs such as for housing, offices, social and community infrastructure including leisure facilities.
- 5.2.4. **Section 3.2** sets out development management criteria and these include: At the scale of the relevant city or town specifically in this regard development proposals incorporating increased building height including proposals within architecturally sensitive areas, should successfully integrate into and enhance the character and public realm of the area having regard to the topography, its cultural context, setting of key landmarks and protection of key views.
- 5.2.5. **Policy SPPR3** states it is a specific planning policy requirement that where (a) an applicant for planning permission sets out how a development proposal complies with the criteria set out in the Guidelines, and (b) assessment of the Planning Authority concurs taking account of wider strategic and national policy parameters set out in the National Planning Framework and these Guidelines.
- 5.2.6. Then the Planning Authority may approve such development even where specific objectives of the relevant development plan or planning area may indicate otherwise.

5.3. **Dublin City Development Plan 2016-2022**

- 5.3.1. In the plan, the site is zoned '**Z1 Sustainable Residential Neighbourhoods**' which has the stated objective "to protect, provide and improve residential amenities". Within Z1 zones Hotel use is open for consideration. Shop Local is a permissible use.

- 5.3.2. **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 Standards. Applicable to the proposed development are the following:
- Indicative plot ratio for Z1 zones is 0.5 to 2.0,
 - Indicative site coverage for the Z1 zone is 45-60%
- 5.3.3. Chapter 6 of the development plan sets out various policies and objectives in relation to the city economy and enterprise. The overall thrust of the policies and objectives in this chapter seeks to enhance the role of Dublin as a national driver of economic investment and culture and tourism.
- 5.3.4. **Section 16.1** of the development plan refers to Aparthotels. This section states that aparthotels can provide tourists and visitors with the flexibility, space and luxury of a fully furnished apartment managed and serviced like a hotel. Accommodation within an aparthotel can range in style and luxury from apartment suites containing a number of bedrooms, to open plan studio style units. It is not intended that any type of visitor accommodation, including aparthotels, be used, or occupied by permanent households, including students. This would be contrary to the proper planning and sustainable development of the city and would also put pressure upon local services, e.g. schools, health and social services.
- 5.3.5. When assessing any application for an aparthotel, Dublin City Council will apply the following considerations:
- The proposed development will include, as a minimum, a fully serviced reception desk and administration facilities, concierge, security, and housekeeping facilities and may contain entertainment and uses considered to be associated with the management of the aparthotel. The provision of food and refreshment facilities is also desirable but regard will be had to the level of amenities accessible within the immediate area.
 - The design and layout of the aparthotel units should be such to enable the amalgamation of individual units to cater for the needs of visitors, especially families.
 - In any application for an aparthotel, a range of different unit styles and sizes will be required in order to cater for the needs of visitors; the planning

authority will resist the over-provision of single bed aparthotel units and shall require a mix of unit sizes and styles.

- 5.3.6. Regarding possible future use, section 16.1 states that if it is intended to convert the aparthotel units into residential units in the future, the standards for residential developments as set out in the development plan must be adhered to, including car parking standards and all private and public open space requirements. The planning authority will resist applications for change of use in cases where these standards are not reached, or in cases where the proposed development is contrary to the zoning objectives of the area. Permissions for aparthotels will normally have a condition attached requiring planning permission from change of use from commercial short-term accommodation to residential. Permissions for aparthotels will normally have a condition attached stating that the maximum occupancy period for the proposed development shall be two months. Aparthotel units shall not be used for the purposes of providing student accommodation
- 5.3.7. **Policy CEE12** of the Plan seeks to promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, aparthotels, tourism hostels, cafes and restaurants as well as visitor attractions including those for children and to promote and enhance Dublin as a world class tourist destination for leisure, tourism, business and student visitors.
- 5.3.8. **Policy CEE14** seeks to encourage that many of the key tourist attractions are in regeneration areas with challenges of dilapidated buildings, vacant sites and public domain in need of improvement and to develop projects that will address these challenges.
- 5.3.9. **Policy CEE13** seeks to work with Failte Ireland and other stakeholders to deliver on ambitious targets set out in "Destination Dublin" a collective strategy for growth to 2020. • To support the preparation, adoption, and implementation of a strategic regional plan for tourism in the Dublin City region, and to provide a framework for sustainable and efficient provision of and management of tourism across the region. • To promote and support the development of additional tourism accommodation at appropriate locations throughout the city.

5.3.10. **Section 16.7** of the development plan sets out policy in relation to building heights.

The assessment criteria for higher buildings includes:

- Relationship to context, including topography, built form and skyline.
- Effect on the historic environment at a citywide and local level.
- Relationship to transport infrastructure.
- The architectural excellence of the building whereby a slenderness ratio of 3:1 or more should be aimed for.
- Contribution to public spaces and facilities including mix of uses.
- Effect on the local environment including micro-climate.
- Contribution to permeability and legibility of the site in the wider area.
- Sufficient accompanied material to enable a proper assessment including an urban design study/masterplan at 360-degree view analysis, shadow impact assessment, etc.
- Adoption of best practice guidance in relation to sustainable design.
- Evaluation of providing a similar level of density in an alternative urban form.

5.4. **Natural Heritage Designations**

5.4.1. The South Dublin Bay and River Tolka Estuary SPA (004024) is 0.8km to the east of the subject site. The North Bull Island SPA (004006) and North Dublin Bay SAC (000206) are 3.9km to the east. The South Dublin Bay SAC (000210) is 3.2km to the south-east of the site.

5.5. **EIA Screening**

5.5.1. The subject proposal refers to a brownfield site of 0.132ha, which is zoned 'Z1 Sustainable Residential Neighbourhoods' which has the stated objective "to protect, provide and improve residential amenities". Permission is sought for the demolition of all structures on site and the construction of a mixed-use scheme comprising ground floor retail and upper level apart-hotel.

5.5.2. The proposal is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature

conservation designation and does not contain habitats or species of conservation significance.

- 5.5.3. Having regard to nature and scale of the development and the built-up 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 Yvonne Carey 15 St. Patricks Avenue

- 6.1.1. A third-party appeal against the decision of the Planning Authority to grant permission has been submitted by Yvonne Carey and Sinead Cullen of 21 Saint Patricks Avenue. The grounds of the appeal can be summarised as follows:
- There is a proliferation of aparthotel, short-term living, co-living, emergency accommodation and student accommodation in the wider area. This is at the expense of long-term residential development and thus in contravention of the Z1 zoning.
 - Proposed development would set a terrible precedent for higher density development.
 - Proposed development is not conducive to place-making, as required by section 16.10.4 of the development plan.
 - Proposed plot ratio of 73.1% exceeds the development plan recommendation of 45-60%. This is a clear demonstration of over-development.
 - The decision of the Board to refuse permission for an apart-hotel (ABP-300041-17) sets a precedent by which the subject development should be bound.
 - 94% of the units are one-bed and studios. This is contrary to appendix 16 of the development plan.
 - An increasing number of student and other temporary accommodations are requesting a change to long-term living. The ability to amalgamate units is planned obsolescence. None of studio units meet national or local standards, have no private amenity space and are not suitable for long-term living.

- The over concentration of small units is incompatible with the Building Heights guidance to positively contribute to the neighbourhood.
- The proximity of the site to Croke Park is such that more car parking is needed.
- The Daylight & Sunlight Assessment submitted acknowledges that the proposed development will adversely affect the cottages on St. Patricks Avenue. The rear returns of no.s 15-19 will receive less than 2 hours of sunlight. The dwellings are reliant on light through rooflights.
- The quality of light in the aparthotel units is questioned. Only 30% of the L/K/D areas pass the 2% ADF target and just 83% of the rooms met this target.
- The subject location is a sensitive in-fill not a low-density suburb. Section 6.7 of the Urban Housing guidelines require a rationale or a compensatory design solution for developments that cannot meet the daylight provisions.
- An aparthotel is not a desirable use in this location. The light levels are a result of the over-concentration of single-aspect units.
- The noise arising from the open terraces on the first and third floor would be seriously injurious to the residential amenity of the homes on St. Patricks Avenue.
- North Strand has a history of flooding from surcharges along Bayview and Bessborough Avenues, break through laterals and a restriction of the water on Stoney Road. Irish Water have examined the possibility of offline storage with a return pump. Given the residential nature of the area, the proposed development would cause undue stress on the historic drainage system.
- The Board is requested to refuse permission.

6.2. **Grounds of Appeal Fiona Beirne**

6.2.1. An agent for Fiona Beirne of 12 Saint Patricks Avenue has appealed the decision of the Planning Authority to grant permission. The appeal submission provides detail on the site and environs, the planning history and details of the proposed development. The grounds of the appeal can be summarised as follows:

- There will be a direct and unequivocal negative impact on the appellants residential and visual amenity.

- The impact of the existing building, although negative, is minimal. The height of proposed development, with no setbacks is over-scaled. The stairwells are 6.7m from the boundary with St Patricks Avenue.
- The 5m high single storey structures on St. Patricks Avenue will be faced with elevations of 10.95m, 13.95m and 16m.
- The submitted sunlight & daylight assessment shows that the impact on the houses will be profound and negative. The analysis is flawed. Only 6 no. of the 13 no. houses pass the analysis that allows for a 20% reduction in existing light levels. The impact during winter will be profound, with two windows receiving no sun and only 4 no. passing the 80% criteria. No attempt has been made to assess the autumn and spring equinoxes. The application should be refused on grounds of negative impacts on surrounding residential properties, particularly to the north.
- The northern elevation contains corridor windows on each floor and two large terraces. Overlooking will arise despite the proposed planting.
- The sole justification the applicant has for overturning the planning history of the site is the 2018 Apartment Guidelines. The broad objectives of section 3 of the guidelines support the redevelopment of the site.
- The proposed development involves the demolition of all structures on site, unlike the previous permission. Demolition of the dwelling units is not supported by section 5.5.8 or policy QH23 of the development plan.
- The 17.475m height of the proposed building is greater than the 16m recommendation. The Planning Authority are incorrect in their interpretation of SPPR1 as the proposed development is not in substantial compliance with the development plan. This led to the proposal not being assessed against SPPR3.
- It is submitted that the proposed development does not comply with SPPR3 as it does not visually integrate with the scale of the area, and there will be long-term negative visual impacts. The proposal has an awkward form and does not contribute positively to the urban neighbourhood. At site scale, the proposal will have a negative impact on the dwellings on St Patricks. No bat survey was

undertaken for the AA Screening report. The proposed development does not comply with SPPR3.

- Condition no. 4 of the Planning Authority decision is insufficient to control the use of the units.
- If the Board decide to grant permission, a condition requiring a survey of the houses on St. Patricks Street is requested.
- The Board is requested to refuse permission.

6.3. Applicant Response

6.3.1. The applicant responded to the third-party appeal of Sinead Cullen and Yvonne Carey. New issues raised in the response can be summarised as follows:

- Hotel uses are open for consideration in Z1 zones. The site has been used for commercial light industrial / warehousing and retail activities with limited residential at upper floors. The properties have been vacant and are derelict.
- The proposed retail unit will be a Builders Providers. The principle of non-residential use on the site was accepted with the previous planning permission for a medical centre.
- The proposed hotel is a tourist facility, not emergency housing.
- The site is located on a transport corridor close to the city and so complies with development plan criteria for higher plot ratio and site coverage.
- Each planning application must be assessed on its own merits.
- The proposed aparthotel was revised at FI stage. Any deviation from the current proposal would require a complete revision of room layouts.
- The subject location lends itself to apart hotel use. The proposed café will add a much-needed local amenity.
- The subject site is in close proximity to many public transport options, with a high frequency bus service on the doorstep. The proposed apart hotel will not generate additional demand for car parking.
- Following a request for further information, an amended Daylight & Sunlight Assessment noted that while all windows assessed would experience some

limited reduction in sunlight, the vast majority would continue to meet BRE standards. Two windows would not meet the standards, with the loss of winter sunlight hours, but these houses are served by other windows that do meet the standards. The south-facing windows to the front of the properties between 8 and 13 St. Patricks Avenue will meet required standards. The report finds that the development will not worsen the existing impact on surrounding properties.

- Condition no. 9 of the Planning Authority's decision regulates the use of the external terraces. The Board are welcome to attach a similar condition.
- Both Irish Water and the Drainage Department of DCC have no objection to the proposed development.
- The Board is requested to grant permission.

6.3.2. The applicant responded to the third-party appeal of Fiona Beirne. New issues raised in the response can be summarised as follows:

- A five-storey building is the appropriate response to this prominent location.
- The design was considered in the context of the surrounding area with the building stepping down where it adjoins St. Patricks Avenue.
- The scheme has been designed to transition from the commercial Spring Garden Street to the residential area of St Patricks Avenue. The development constitutes a positive urban design response.
- There is a single storey element running the length of St Patricks Avenue and stepping up towards Spring Garden Street and Annesley Place. The replacement of the existing semi-industrial buildings with a well-designed mixed-use building will not negatively impact on the residential amenity.
- An ASPH measurement survey was undertaken on the neighbouring properties. the report notes that if a new development sits within 90° of due south, kitchens and bedrooms are less important. The existing dwellings at Annesley Place and St Patricks Avenue were found to have a minor impact, within the BRE recommendations.
- The report found that the south-facing rear windows between 14 and 26 St Patricks Avenue will experience a reduction in sunlight received but the majority

of units will continue to meet the BRE standards for annual and winter sunlight hours. Two lower windows will fail to meet the standards but these dwellings are served by other windows. The south-facing windows to the front of the properties between 8 and 13 St. Patricks Avenue will meet required standards. The report finds that the development will not worsen the existing impact on surrounding properties.

- The submission that the impact will be profoundly negative is rejected.
- The design response of the northern elevation corridor is such that overlooking will not occur.
- A small part of the development will exceed the 16m recommendation, but the development is on the whole in substantial compliance with the development plan. There is no requirement to assess the development against the Building Height guidelines having regard to the minor deviation in height at a prominent corner.
- The three properties on Annesley Place are not suitable for retention.
- No LVIA was carried out and the suggestion that the proposed development will tower over the surrounding area is questioned.
- The Board is requested to grant permission.

6.4. Planning Authority Response

6.4.1. None on file.

6.5. Observations

6.5.1. None on file

7.0 Assessment

7.1.1. 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
- Height and Design
- Sunlight and Daylight
- Other

7.2. Principle of the Proposed Development

- 7.2.1. The subject site is zoned Z1, within which hotel use is open for consideration and shop local is a permissible use. The applicant has stated that the proposed ground floor retail unit will continue the existing Builders Providers use from Spring Garden Street.
- 7.2.2. Section 16.1 of Appendix 1 of the development plan refers to apart-hotels. The plan states that an aparthotel can provide tourists and visitors with the flexibility, space and luxury of a fully furnished apartment managed and serviced like a hotel. Accommodation within an aparthotel can range in style and luxury from apartment suites containing a number of bedrooms, to open plan studio-style units. The plan outlines the criteria against which any such development must be assessed.
- 7.2.3. The proposed development complies with the following considerations: a fully serviced reception desk and administration facilities, food and refreshment facilities, and the ability to amalgamate units.
- 7.2.4. The plan states that a range of different unit styles and sizes is required in order to cater for the needs of visitors. One of the appellants has submitted that the proposed development fails this criteria as 96% of the units are studio and one-bed units. In response, the applicant states that the mix was revised at FI stage, to provide 25 no. studio suites, 8 no 1-bed suites and 2 no. two-bed suites. Certainly, studio units form the majority of accommodation provided, however I note that they are not all the same size. Further, each floor contains at least one accessible unit, one (or two) two-bedroom units and studio units and a duplex two-bed unit at the corner of the third and fourth floor. Inter-connecting doors between units will allow an even greater variation in unit types and sizes. I am satisfied that this complies with the development plan requirement to provide a mix of units.
- 7.2.5. With regard to the possible use of the units for emergency accommodation, co-living, student or any other form of residential use, this would require a fresh planning

application and as such will be required to comply with standards for residential developments as set out in the development plan, including car parking standards and all private and public open space requirements.

7.2.6. I am satisfied that the principle of the proposed development is acceptable.

7.3. Height and Design

7.3.1. The height of the proposed development has been raised by the appellants, as being excessive, particularly given the one-storey dwellings on St. Patricks Avenue.

7.3.2. The proposed building is part three, part four and part five-storey, rising from three storeys at the east and western boundaries, to a high point of five-storeys at the corner. This allows the building to transition upwards from the lower neighbours, to a focal point at the corner / junction of Spring Garden Street and Annesley Place. This is the appropriate design response, optimising zoned and serviced land whilst also integrating into a lower-height neighbourhood.

7.3.3. With regard to the 1.5m exceedance of the 16m height threshold in the development plan, I am satisfied that this is not material. It does not occur across the entire site, only at the highest point and at a point furthest away from the single storey dwellings.

7.3.4. The Building Height Guidelines (2018) states that there must be a presumption in favour of buildings of increased height in town / city cores with good public transport accessibility. I am satisfied that the proposed development complies with the guidelines as the proposed development assists the NPF objective of focusing development in key urban centres, being an infill brownfield site. I am satisfied that the proposed development complies with SPPR1 of the guidelines.

7.3.5. In terms of plot ratio and site coverage, one of the appellants submits that proposed plot ratio of 73.1% exceeds the development plan recommendation of 45-60%. It is assumed that this is a reference to site coverage rather than plot ratio. At 73%, the proposed development exceeds the development plan indicative recommendation of 45%-60%. The subject site is in an inner-city urban area, with good transport links and undergoing wider re-development. Site coverage is a control for the purpose of preventing the adverse effects of overdevelopment, thereby safeguarding sunlight

and daylight within or adjoining a proposed layout of buildings. This is explored in greater detail below.

- 7.3.6. On balance, I am satisfied that the design approach to the subject site, in terms of height is acceptable.

7.4. Sunlight and Daylight

- 7.4.1. The City Development Plan states that development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011).
- 7.4.2. Prior to the publication of the apartment guidelines in December 2020 a European Standard had been published EN 17037 Daylight in Buildings. EN 17037 is not referenced in the 2020 apartment guidelines and is not referenced in any planning guidance document issued by Irish planning authorities. The BRE Guidelines have not been withdrawn. Until official guidance or instruction is published by a relevant authority on this matter, sunlight/daylight assessments will continue to reference the BRE Guidelines.
- 7.4.3. In terms of the impact of the proposed development on the residential amenity of the adjoining more sensitive land uses, the application was accompanied by a Daylight & Sunlight Assessment. Following a request for further information, the applicant submitted a Daylight, Sunlight and Overshadowing Study.
- 7.4.4. The first report finds that when assessing the VSC, 77 no. of the 79 no. points tested have a VSC of greater than 27% or not less than 0.8 times their former value. Two points have a VSC value of 12% and 17% - window no.s 31 and 32, ground floor windows on the southern side of St. Patricks Avenue, closest to the subject site. The report notes that these two windows fail the VSC test currently, prior to any development of the subject site. Sunlight availability to amenity spaces was found on March 21st to have at least two hours of sunlight across 55% of the space. 100% of the rooms on the first and third floor achieved ADF above the BRE guidelines. The conclusion of the report is that there will be overshadowing of the roofs of neighbouring properties on St. Patricks Avenue, but this is considered to be a minor adverse impact in this urban environment.

- 7.4.5. The second report was prepared following a request from the Planning Authority to address APSH and the WPSH of the neighbouring properties including the rooflights and a revised daylight assessment to take account of the rooflights. The report states that a revised ADF assessment was also undertaken, to take account of the revisions made to the layout at FI stage. The addendum report notes that the single story dwellings on St. Patricks Avenue and at Annesley Place Road were included in the assessment for APSH
- 7.4.6. For the APSH assessment, the report acknowledges that the proposed development will adversely affect the cottages on St. Patricks Avenue. Window no.s 10-18 on Annesley Place (rear) will notice a drop below the recommended 25% annual and 5% winter sunlight. One window to the rear of no. 14 St. Patricks Avenue will have a drop in the amount of winter sunlight received. For
- 7.4.7. One of the appellants notes that the rear-returns of no.s 15-19 St. Patricks Avenue will received less than two hours of sunlight. I note that the revised / addendum report shows that all roofs (including rooflights) all roof planes assessed on the southern side of St. Patricks Avenue will receive more than two hours of sunlight.
- 7.4.8. Of the ADF assessment for the proposed aparthotel units, one of the appellants submits that 30% of the L/K/D areas pass the 2% ADF target and 83% of the rooms met this target. BRE guidance does not provide explicit guidance for combination living / kitchen / dining (LKD) spaces. It is accepted practice to accept a 1.5% ADF where kitchenette spaces / galley kitchens do not include a seating area and exist solely for food preparation. I note that seating is provided in front of the windows in each unit. When the 1.5% target is used, 96% of the units meet the guidelines.
- 7.4.9. The receiving environment is an evolving urban area and a degree of change in daylight and / or sunlight must be expected. I am satisfied that the assessments carried out are accurate and reflect the likely impacts of proposed development on the surrounding area. The proposed development is acceptable in relation to daylight and sunlight impact upon neighbouring residents.

7.5. **Other**

- 7.5.1. Car Parking: I am satisfied that the level of car parking is sufficient given the central location of the subject development and the availability of public transport routes

within the immediate vicinity. The nature of the proposed retail unit (Builders Providers) is such that it will likely generate more traffic than a shop local and also of a different type, namely vans, etc. There are a number of such businesses in the immediate area however, so the increase in traffic generation would not be significant.

- 7.5.2. **Precedent:** One of the appellants states that the precedent set by ABP-300041-17 is such that the subject application must be refused. The referenced file was for a development of six-storeys over basement on a restricted site in a predominantly residential area. The subject site is not restricted, has a former commercial use and is not in a predominantly residential area. Notwithstanding the differences, the Board is required to assess every appeal de novo and on its own merits.

8.0 **Appropriate Assessment**

- 8.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application (February 2021).
- 8.1.3. The Report provides a brief description of the proposed development and states that the site is not located within or directly adjacent to any Natura 2000 site. the report identifies European Sites within a possible zone of influence (15km) of the

development. The AA screening report finds that no significant effects are likely against each of the designated sites assessed.

- 8.1.4. The report concludes that “on the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge, and in view of the conservation objectives of the relevant European sites, the proposed development, individually or in combination with other plans to projects is likely to have a significant effect on any European site”
- 8.1.5. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Assessment

- 8.1.6. The European Sites that occur within the vicinity of the proposed development are as follows:
- South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024),
 - North Dublin Bay SAC (000206), North Bull Island SPA (004006),
 - Rockabill to Dalkey Island SAC (0300), Dalkey Islands SPA (004172),
 - Wicklow Mountains SAC (002122), and SPA (004040),
 - Howth Head SAC (000202), Howth Head Coast SPA (004113),
 - Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016),
 - Glenasmole Reservoir SAC (001209),
 - Malahide Estuary SPA (004025), Malahide Estuary SAC (000205),
 - Irelands Eye SAC (0002193), Irelands Eye SPA (004117)
- 8.1.7. There are no potential pathways between the subject site and the following designated sites. The issues examined are habitat loss or alteration, habitat/species fragmentation, disturbance and/or displacement of species, changes in population density and changes in water quality and resource. The potential for habitat loss or habitat/species fragmentation is ruled out due no direct habitat loss or alteration. In

applying the ‘source-pathway-receptor’ model in respect of potential indirect effects, I am satisfied that the following sites can be screened out.

- Baldoyle Bay SAC (000199), Baldoyle Bay SPA (004016),
- Howth Head SAC (000202), Howth Head Coast SPA (004113),
- Rockabill to Dalkey Island SAC (0300), Dalkey Islands SPA (004172),
- Glenasmole Reservoir SAC (001209),
- Wicklow Mountains SAC (002122), and SPA (004040),
- Malahide Estuary SPA (004025), Malahide Estuary SAC (000205),
- Irelands Eye SAC (0002193), Irelands Eye SPA (004117)

8.1.8. There is no direct hydrological connection from the site to Dublin Bay but there is an indirect pathway through stormwater and foul sewers through the Ringsend WWTP. Therefore there are potential source-pathway-receptor routes between the subject site and the North Dublin Bay SAC, the North Bull Island SPA, the South Dublin Bay SAC, and the South Dublin Bay & River Tolka Estuary SPA.

8.1.9. The qualifying interests of the relevant sites are as follows:

Site (site code)	Qualifying Interests/Species of Conservation Interest
North Dublin Bay SAC	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide (1140) • Salicornia and other annuals colonizing mud and sand (1320) • Atlantic salt meadows (1410) • Mediterranean salt meadows (1410) • Annual vegetation of drift lines (1210) • Embryonic shifting dunes (2110) • Shifting dunes along the shoreline with <i>Ammophila Arenaria</i> (white dunes) (2120) • Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130)

	<ul style="list-style-type: none"> • Humid dune slacks (2190) • Petalwort (1395)
North Bull Island SPA	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • Oystercatcher (<i>Haematopus ostralegus</i>) • Teal (<i>Anas crecca</i>) • Pintail (<i>Anas acuta</i>) • Shoveler (<i>Anas clypeata</i>) • Shelduck (<i>Tadorna tadorna</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Knot (<i>Calidris canutus</i>) • Sanderling (<i>Calidris alba</i>) • Dunlin (<i>Calidris alpina</i>) • Black-tailed Godwit (<i>Limosa limosa</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Curlew (<i>Numenius arquata</i>) • Redshank (<i>Tringa tetanus</i>) • Turnstone (<i>Arenaria interpres</i>) • Black-headed Gull (<i>Larus ridibundus</i>)
South Dublin Bay and Tolka Estuary SPA	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • Oystercatcher (<i>Haematopus ostralegus</i>) • Ringed Plover (<i>Charadrius hiaticula</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Knot (<i>Calidris canutus</i>) • Sanderling (<i>Calidris alba</i>) • Dunlin (<i>Calidris alpina</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Redshank (<i>Tringa totanus</i>)

	<ul style="list-style-type: none"> • Black-headed Gull (<i>Croicocephalus ridibundus</i>) • Roseate Tern (<i>Sterna dougallii</i>) • Common Tern (<i>Sterna hirundo</i>) • Arctic Tern (<i>Sterna paradisaea</i>)
South Dublin Bay SAC	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide (1140) • Annual vegetation of drift lines (1210) • Salicornia and other annuals colonising mud and sand (1310) • Embryonic shifting dunes (2110)

8.1.11. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC and the North Dublin Bay SAC. The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.

8.1.12. Due to the distance separating the site and the SPAs/SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs. The site is approximately 0.8km from the boundary of the Natura 2000 areas within Dublin Bay. In reality however, this distance is likely to be greater when following the hydrological pathway through the drainage network.

8.1.13. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water

quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

AA Screening Conclusion

8.1.14. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

9.0 Recommendation

9.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

10.0 Reasons and Considerations

10.1.1. Having regard to the Z1 Zoning Objective for the area under which hotel is a permitted use and the provisions of the Dublin City Development Plan 2016- 2022 together with the pattern, character and appearance of development in the area and the proximity to significant public transport facilities it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development in this location and would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of urban design and surrounding residential amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 11th day of August 2021, 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.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The aparthotel units shall only be occupied for short-term letting periods of no more than two months and shall operate within the definition of an aparthotel as set out in Appendix 16 of the Dublin City Development Plan 2016-2022. In addition, the aparthotel shall be managed by a reception facility on the ground floor with twenty-four-hour reception and security facilities. The aparthotel units shall not be used as independent and separate self-contained permanent residential units.</p> <p>Reason: In the interest of orderly development and to protect residential amenities</p>
3.	<p>The developer shall comply with the following requirements of Iarnród Éireann;</p> <p>a) The Railway Safety Act 2005 places an obligation on all persons carrying out any works on or near the railway to ensure that there is no increase in risk to the railway as a consequence of these works. Because of the proximity of the site to the Railway, the Developer must take into account this obligation in Design, Construction and Operation of the scheme.</p> <p>b) No building or part of building, i.e. balconies, shall be constructed within 4m of the Boundary Treatment on the developers side. This is to allow for</p>

	<p>the developer to maintain the building, without the need to enter Board Property.</p> <p>c) No overhang of any part of the development over the railway property is to be allowed.</p> <p>d) Drainage downpipes from the railway arches/retaining walls and their subsurface drainage should be protected during construction works.</p> <p>e) It should be noted by the developer that a height restricted bridges under the railway exists at Spring Garden Street at 4.53m & Annesley Close at 4.47m. During the construction phase of the project, a proper traffic management plan should be drawn up to prevent construction traffic from having to traverse under this bridge and other height restricted bridges in the area. The developer must ensure that no overheight vehicles attempt to pass under these bridges and that the routes for all high vehicle movements are planned.</p> <p>f) Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnrod Eireann / C.I.E. regarding this issue.</p> <p>Reason: In the interests of orderly development.</p>
4.	<p>The outdoor communal open spaces, located at third floor level shall not be used between the hours of 10pm and 8 am; Access to the first floor landscaped roof shall be for maintenance only and shall not be used as an external amenity at any time.</p> <p>Reason: In the interests of orderly development and the proper planning and sustainable development of the area</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings, including landscaping of the courtyard/amenity areas, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

6.	<p>The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council;</p> <p>a) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access should be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.</p> <p>b) Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. The Construction Management Plan shall specifically address the points raised within the submission by Iarnród Éireann. The developer/applicant shall liaise with Iarnród Éireann and Dublin City Council during the construction period.</p> <p>c) At the vehicular access/exit point to the development, the public footpath shall be continued at a raised level across the site entrance and exit, but shall be ramped and dropped as necessary (e.g. 32mm kerb over carriageway) to facilitate car-entry/exit. Measures shall be implemented, including contrasting materials, signing, and road marking, etc. to ensure that vehicles entering/leaving the development are aware that pedestrians/cyclists have priority across the site entrance and that vehicles must yield right-of-way. Details shall be agreed in writing with the Environment and Transportation Department prior to commencement of the development.</p> <p>d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.</p> <p>e) The developer shall be obliged to comply with the requirements set out in the Code of Practice. Reason: To ensure a satisfactory standard of development.</p>
7.	<p>No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the</p>

	<p>site or any adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
8.	<p>Water supply and drainage arrangements including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
10.	<p>(a) 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. (b) The plan shall include a detailed method statement to mitigate potential nuisance including noise and dust. The plan shall outline how it is proposed to prevent spillage or deposits of clay, rubble or other debris on adjoining roads during construction.</p>

	<p>Reason: In the interests of sustainable waste management and to mitigate potential construction nuisance.</p>
11.	<p>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 intended construction practice for the development including access and use of Blessington Lane, hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and residential amenity.</p>
12.	<p>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.</p> <p>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.</p>
13.	<p>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 and maintenance until taken in charge by the local authority or management company of roads, footpaths, watermains, drains, public open space and</p>

	<p>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 or maintenance 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
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Gillian Kane
Senior Planning Inspector

16 March 2022