



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314166-22

<b>Development</b>	Alterations and extension to existing apartment block.
<b>Location</b>	Errigal House, Eglinton Court, Eglinton Road, Dublin 4.
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3129/21
<b>Applicant(s)</b>	Gramon Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Melmore Management Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25 <sup>th</sup> August 2023
<b>Inspector</b>	Michael Dillon

## 1.0 Site Location and Description

- 1.1. The site, with a stated area of 0.233ha, forms part of a larger residential apartment development of five blocks, with car-parking (103 spaces) and a single, shared vehicular/pedestrian access from Eglinton Road, Donnybrook, Dublin 4. The portion of the complex outlined in red, includes Errigal House, nearby Callan House and an area of car-parking located between them – together with communal open space areas to the rear of each block. The complex is rather confusingly referred to as Eglinton Court – where one of the five blocks also goes by this name. To add further confusion, the apartment block, the subject of this application and appeal, is referred to variously as Errigal House or Errigal Court, in documentation submitted. There is further pedestrian access to the site from Eglinton Park (a residential cul de sac) to the east. A short flight of steps within the site facilitates the level change – where the site is approximately 1.0m above the level of the adjoining cul de sac. The complex dates from the 1960's. Landscaped areas around the blocks appear to be shared. Parking spaces (fading paint) appear to be shared between all blocks within the complex. There is a single-storey maintenance building close to Eglinton Road. Errigal House is a part two/three/four-storey block, whilst the other four blocks are of three storeys. Eglinton Court apartments are currently undergoing renovation. Errigal House is finished in yellow brick and brown roof tiles: there is a small area of render finish at third-floor level, and some timber panelling above the entrance porch.
- 1.2. To the southeast, the site abuts the River Dodder and a riverside pedestrian walkway – characterised by mature trees and scrub vegetation. The walkway is approximately 3.0m below the level of the site – separated from it by a 2.5m high, old stone wall. The walkway has public lighting. To the south, the site abuts a car-parking and bicycle shed area, associated with the Riverside Walk duplex development (three-storey-plus-dormer). To the west is Callan House – a three-storey block within the same complex – finished in buff and grey brick. To the west again is an older, two-storey Georgian house ('Cooleevin') and its extensive garden curtilage. This house has a number of windows which directly open onto communal open space for the apartment complex, to the south of Callan House. The 3.5m high, old stone, garden wall of 'Cooleevin' abuts the car-parking area in front of

Errigal House. There are 3 no. mature lime trees (lopped) on the car-park side of this wall, whilst there are a number of mature evergreen trees on the private garden side. To the north, the site abuts Melmore House – a three-storey block within the same complex – finished in grey brick. To the east, the site abuts no. 28 Eglinton Park. This two-storey house, with dormer rooflights, has been extended up to the site boundary, with a two-storey extension. The rear garden boundary with the appeal site is a 1.5m high concrete wall. The level of the site is approximately 1.5m above the level of the adjoining rear garden of no. 28. There are mature trees growing within the open space area between Errigal House and the rear garden of no. 28 – most of which are taller than the house. There is a bin store within this area, with timber walls and a pergola roof.

## **2.0 Proposed Development**

2.1. Permission sought on 9<sup>th</sup> July 2021, for development at an existing apartment block, (Errigal House) comprising the following elements-

- New apartment floor area of 672sq.m – on top of existing 1,700sq.m of development. Creation of eight new apartments comprising 1 no. one-bedroom unit and 7 no. two-bedroom units. Increase in total number of apartments from 20 to 28.
- Extension of floor area of two apartments within the existing block.
- Removal of existing external fire-escape stairs and construction of new internal fire-escape stairs.
- New, extended entrance porch.
- Replacement of all windows.
- External wall insulation for entire apartment block.
- Provision of terrace/balcony/winter garden for all existing apartments.
- Alteration of layout of some existing apartments.
- Additional storey on top of existing four-storey building.
- Bicycle-parking shed for 28 bicycles.

- External visitor parking for 15 bicycles.
- New bin store to replace old one.

2.1.1. The application is accompanied by the following documentation of note-

- Letters of consent from owners of three apartments within the block, to the making of the application. [The applicant is the owner of the remainder of the apartments].
- Shadow Diagrams – dated May 2021.
- Infrastructure Report – dated 23<sup>rd</sup> June 2021.
- Planning Report – dated July 2021.
- 4 no. photomontages (A3-size).

2.2. Following a request for additional information, revised proposals were received on 31<sup>st</sup> May 2022, as follows-

- 16 of the 20 units within Errigal House are stated to be unoccupied.
- 10 visitor bicycle parking spaces to be provided.
- 28 car-parking spaces assigned to Errigal House – with 4 additional spaces for visitors.
- Revised elevations to show stone, brick and render finish.
- Retention of 3 no. sycamore trees that were to have been felled.

2.2.1. The submission is accompanied by the following documentation of note-

- Arborist Report – dated 10<sup>th</sup> May 2022.
- Solicitor's Letter – dated 19<sup>th</sup> May 2022, relating to title to property.
- Engineering Report – dated 16<sup>th</sup> May 2022.
- Planning Report – dated May 2022.
- Car-Parking Management Strategy – dated March 2022.
- Residential Travel Plan (Mobility Management Plan) – dated March 2022.
- Preliminary Construction Management Plan – dated March 2022.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By Order dated 27<sup>th</sup> June 2022, Dublin City Council issued a Notification of decision to grant planning permission subject to nine conditions – the principal of which are summarised below-

1. Development to be carried out in accordance with plans and particulars received with the application, as amended by additional information received on 31<sup>st</sup> May 2022.
2. Development contribution of €67,092.48.
3. Relates to hours of construction.
6. Requires provision of 28 bicycle-parking spaces and Residential Travel Plan and Car-Parking Management Plan.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

Report, dated 25<sup>th</sup> August 2022, summarises the objections to the development and includes inter-departmental DCC reports. Additional information is recommended on 7 grounds relating to legal interest in the site, external finishes, removal of trees, car-parking provision and management, Residential Travel Plan Framework/Overall Mobility Management Strategy, bicycle-parking and preliminary Construction Management Plan.

Report, dated 24<sup>th</sup> June 2022, recommends permission, subject to conditions.

##### 3.2.2. Other Technical Reports

*Engineering Department – Drainage Division*

Report, dated 10<sup>th</sup> August 2021, indicates no objection, subject to conditions.

*Transportation Planning Division*

Report, dated 17<sup>th</sup> August 2021, recommends additional information in relation to car-parking, Residential Travel Plan Framework/Overall Mobility Management

Strategy, quantum of external bicycle-parking spaces, and Preliminary Construction Management Plan.

Report, dated 23<sup>rd</sup> June 2022, clarifies 103 parking spaces on site; of which 42 are assigned to Eglinton Court and Derrynane – with the remaining 61 allocated to Melmore House, Callan House and Errigal House. Permission is recommended, subject to conditions.

### **3.3. Prescribed Bodies**

There was no response received following circulation to Uisce Éireann.

### **3.4. Third Party Observations**

Third party observations are summarised within the Planner's Report.

## **4.0 Planning History**

**Ref. 1132/99:** Application to demolish Errigal House apartment block, and replace it with block of 32 apartments, was withdrawn.

**Ref. 4051/99:** Application to demolish Errigal House apartment block, and replace it with block of 32 apartments, resulted in additional information being sought – and never responded to.

**Ref. 1090/08:** Permission granted for two-storey extension to side of no. 28 Eglinton Park.

## **5.0 Policy Context**

### **5.1. Development Plan**

The relevant document is the Dublin City Development Plan 2022-2028.

- The site is zoned 'Z1' – Sustainable Residential Neighbourhoods – "To protect, provide and improve residential amenities".
- Policy QHSN04 states in relation to 'Densification of Suburbs' – "To support the ongoing densification of the suburbs and prepare a design guide

regarding innovative housing models, designs and solutions for infill development, backland development, mews development, re-use of existing housing stock and best practice for attic conversions”.

- The River Dodder Conservation Area intrudes marginally into the southeast section of the site – as outlined in red.
- The site is located within Parking Zone 2 (as per Map J of the Plan).
- Donnybrook Road is a Bus Connects Spine and a Proposed Bus Connects Radial Core Bus Corridor.
- The southeast portion of the site is indicated as being within Flood Zone A of the River Dodder (Map H of Volume 7 – Strategic Flood Risk Assessment. I note that no part of Errigal House is within the Flood Zone.
- Chapter 15 of the Plan sets out development standards for apartments – based largely on the requirements set down in the Apartments Guidelines.
- Appendix 5 deals with parking. Table 1 requires one bicycle-parking space per bedroom and one visitor space per two apartments. Table 2 indicates a maximum parking requirement of 1 car-parking space per apartment.

## **5.2. Ministerial Guidelines**

The “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities”, issued by the Department of Housing, Local Government and Heritage in December 2020, are of relevance [hereafter referred to as the Apartments Guidelines].

## **5.3. Natural Heritage Designations**

The closest European Sites are the South Dublin Bay SAC (Site Code 000210) and the South Dublin Bay & River Tolka Estuary SPA (Site Code 004024) – both located some 2.1km to the east. There are no watercourses within the site, which could link it with a waterbody-defined Special Area of Conservation or Special Protection Area. Wastewater will be discharged to the public sewer system; and surface water run-off will be attenuated on site, prior to discharge to the Dodder River – as exists at

present. DCC screened the development for appropriate assessment, and concluded that it would not significantly impact on a Natura 2000 site.

The proposed development is located within an established suburban area, on zoned lands that are suitably-serviced. It is reasonable to conclude, on the basis of the information on the 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 any Natura 2000 sites. A Stage 2 Appropriate Assessment is not, therefore, required.

#### **5.4. EIA Screening**

The site comprises suburban land with some mature trees. The development involves the renovation and modest extension of an existing apartment block. Having regard to the nature of the proposed development in an established suburban area, where infrastructural services are available, 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 on preliminary examination; and a screening determination is not required.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

6.1.1. The appeal from Kiaran O'Malley & Co. Ltd, agent on behalf of Melmore Management Ltd, Eglinton Court, Eglinton Road, received by the Board on 25<sup>th</sup> July 2022, can be summarised as follows-

- The appellant is the owner's management company for the 18 apartments in Melmore House – immediately to the north of Errigal House.
- The applicant company does not have sufficient legal interest to make the application. The appellant has an interest in the lands around Melmore House. These lands have been outlined in blue on application drawings – indicating that they are in the ownership of the applicant. The ownership of

parking and landscaped areas is disputed. The appellant has not consented to the inclusion of these lands within the red-line boundary.

- The applicant does not have sufficient interest to implement the proposed Car-Parking Management Strategy. The applicant cannot assign parking places to apartments within Errigal House. The appellant effectively owns the 61 parking spaces at Callan House, Melmore House and Errigal House. The owners and occupiers of units within Melmore House are legally entitled to park in any of the 61 spaces. No additional parking spaces are proposed to serve the eight new apartments. The additional demand for parking spaces will compromise existing residents of Melmore House, who would also be seeking to use the same spaces.
- The applicant does not have right-of-access for construction traffic or to use the parking area in front of Callan House for construction staging. Whilst this is ultimately a matter of civil law between the parties, the applicant needs to get the consent of other owners within Eglinton Court to carry out the development.
- It is not possible to precisely identify the 319sq.m of communal open space, which the applicant claims will be available for use of residents. Lands to the east of Errigal House are narrow, sloping and overlooked by windows from within the apartment block. The topography of the site is not conducive to providing accessible open space. Raising the level of the site would result in overlooking issues for no. 28 Eglinton Park.
- No. 28 Eglinton Park would be subject to extensive over-shadowing.
- The appellant is concerned about the structural stability of Errigal House and the ability to take additional load of eight new apartments. Piling works were undertaken 15 years ago to stabilise the block. These works were subject to a licensing agreement with Melmore Management Ltd.
- The planning authority applied the 2018 apartments standards rather than the newer 2020 standards. There is no consideration in relation to daylight, as required by the Apartments Guidelines. A number of the units have deeply-recessed kitchen/living/dining areas, within which it will be difficult to achieve

the daylighting standards of Vertical Sky Component (VSC). The type A apartment looks to be particularly problematic in this regard. Apartment type A has open space divided into two – with one of the balconies less than the required 1.5m depth.

6.1.2. The appeal is accompanied by the following documentation of note-

- Highlighted copy of additional information request from DCC.
- Letter from Harry Mooney & Co. Solicitors (with rough outline of the complex – partly shaded and annotated) – dated 11<sup>th</sup> August 2021.
- Letter from Harry Mooney & Co. Solicitors – dated 21<sup>st</sup> July 2022.

## 6.2. **Applicant Response**

The response of Hughes Planning & Development Consultants, agent on behalf of the applicant, received by the Board on 23<sup>rd</sup> August 2023, can be summarised as follows-

- A total of 319sq.m of communal open space is provided to the north and east of the block. Additional areas are provided on other sides of the block to bring the total area to in excess of 600sq.m. Refurbishment schemes or sites less than 0.25ha in area, can avail of relaxed standards in relation to provision of communal open space.
- Condition 6(c) of the permission requires the developer to submit a Construction Management Plan prior to commencement of development. If the planning authority is not satisfied with any element of the Plan, it can suggest changes to it.
- None of the single-aspect apartments are north-facing units. The Apartments Guidelines allow for relaxation of standards on refurbishment schemes or on sites of up to 0.25ha. These standards are also applicable in relation to daylight standards. It is contended that each unit will have adequate daylight penetration.
- The relaxation of standards also applies in relation to balcony sizes and layouts. Notwithstanding this, apartment type A has an open space provision

of 7.3sq.m – in excess of the 7.0sq.m required in the Guidelines. Private open space can be, wholly or in part, accessed via bedrooms.

- DCC was satisfied that the applicant had sufficient legal interest in the site and granted planning permission. The appellant's comments are reflective of a civil rather than a planning matter.
- The development will improve the efficiency of a currently underutilised and appropriately-serviced site, within an established residential area. The development will help to densify the urban area.

### **6.3. Planning Authority Response**

The response of DCC, received by the Board on 19<sup>th</sup> August 2022, indicated that there was no further comment to make.

### **6.4. Observations**

None received.

## **7.0 Assessment**

The principal issues relate to apartment design, residential amenity, car-parking & bicycle-parking and water supply & drainage.

### **7.1. Development Plan Considerations**

- 7.1.1. The relevant document is the Dublin City Development Plan 2022-2028. The planning application was made during the currency of the old Plan. Throughout this assessment, I have had regard to the new Plan. The site is zoned 'Z1' for residential use. The proposed additional apartments are acceptable in principle. Matters relating to plot ratio and site coverage have no meaning in relation to an application of this nature – where the block forms part of a larger apartment complex, and where the red-line boundary is largely arbitrary.

## 7.2. Layout & Design

### Layout

- 7.2.1. The layout of the proposed development is largely dictated by the footprint of the existing apartment block, which is to be renovated and extended. The extensions to the footprint are limited to new entrance porch, balconies/winter gardens, bicycle shed and fire-escape stair; and I would see no difficulty with the minor increase in the footprint of the block. The renovation work will result in alterations to the parking area in front of the building and the landscaping to the rear of the block. Throughout the works, access to adjacent Callan House apartment block to the west, will be maintained. I would see not difficulty in design terms with the alterations proposed.

### External Finishes

- 7.2.2. The external appearance of the block will be radically altered by way of renovation works. The blocks within the Eglinton Court complex vary in architectural design and finish. Errigal House is finished in yellow brick with small area of plaster and timber cladding. The block has a brown tile roof. The block is of no architectural merit. The building is to have external insulation cladding added. The additional information submission proposed stone cladding, brick and plaster finish – detailed on Drg. No. XT-D 467-102. The stone cladding is to be applied to the winter gardens and the brick finish is to relieve the render finish. DCC was concerned in relation to the extent of the plaster finish. Condition 9 of the permission required external finishes to be agreed with the planning authority, prior to commencement of development. This is reasonable; and a similarly-worded condition should be attached to any grant of permission to issue from the Board.

### Apartments Guidelines

- 7.2.3. The appellant argues that DCC assessed this application using the 2018 Apartments Guidelines, when a newer set had come into existence – the 2020 Guidelines. This comment is made in relation to daylight and sunlight. I have elsewhere in this report addressed the issue of daylight and sunlight for the apartments. The Guidelines were replaced in December 2022 – during the currency of the appeal to the Board. In this regard, I note Circular Letter NRUP 07/2022 of the Department of Housing, Local Government and Heritage (dated 21<sup>st</sup> December 2022), which deals, with

amendments to the Sustainable Urban Housing – Design Standards for New Apartments Guidelines for Planning Authorities (2020). These amendments remove Specific Planning Policy Requirements (SPPRs) 7 & 8 relating to Build-to-Rent schemes; removes reference shared accommodation/co-living developments; and updates references in relation to daylighting. Of particular note, is that all current appeals, or planning applications and appeals, that are subject to consideration within the planning system on or before 21<sup>st</sup> December 2022, will be considered and decided in accordance with the 2020 version of the Apartments Guidelines. Section 6.9 of the Guidelines states- “Planning authorities are also requested to practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes...”.

#### Additional Apartments

- 7.2.4. The proposal provides for additional apartments to be added at second, third and fourth-floor level. This will result in the mass of the block being increased – particularly where an additional floor is to be added to create a four/five-storey block, where the existing is a two/three/four-storey block. The existing apartment block has shallow roof pitches. The renovated and extended block will have flat roofs. The ridge-line height of the tallest part of the block is currently 13.6m. The parapet height of the fourth-floor element of the renovated and extended block is 14.7m. Drawings indicate no roof plant or lift motor rooms above this parapet level. A condition should be attached to any grant of permission to issue from the Board, restricting plant, mobile communications, tanks at roof level, without a prior grant of planning permission. Having regard to the desire to increase suburban densities, I would consider that the increase in bulk of this block is acceptable.
- 7.2.5. The block will be provided with a lift serving all floors. No more than six apartments will be located on any floor – where the Apartments Guidelines set an upper limit of not more than twelve per floor. An indoor, fire-stair core will be provided on the eastern side of the block – to replace an existing external one. A new porch will be provided at the entrance to the block (on the west side). Every apartment is to be provided with a terrace, balcony or roof garden, where none of the 20 apartments currently have such. The effect of these balcony structures will be to darken some existing apartments – particularly at lower levels within the block. The benefit will lie in the acquisition of generous outdoor private amenity areas – in many cases well in

excess of the minimum requirements set out in the Apartments Guidelines. Photographs included with the application and with this Inspector's Report, show how small the windows of apartments currently are. The proposed renovation will result in a significant increase in the size of windows for most kitchen/living/dining areas (and for some bedrooms), which will improve daylighting provision within the units. The appellant has argued that the application was not accompanied by a Daylight & Sunlight Analysis for the apartments. As the scheme is for only 8 new units, I would consider that such is unnecessary. The new units are all located on upper floors of the block – second-, third- and fourth-floor levels. Upper stories receive more light, by virtue of less overshadowing from the block itself, other nearby buildings, and mature trees; and hence have better access to open sky. Of the eight new units proposed, five are dual-aspect. Of the two units to be extended, one will go from being a studio to a one-bedroom unit; and the other will go from being a one-bedroom unit to a two-bedroom unit. It is acknowledged that the creation of balconies and winter gardens will render the living areas behind them somewhat darker. The acquisition of a terrace, balcony or winter garden, where units had none before, must be set against the disamenity incurred through loss of daylight and sunlight to the interior. I am satisfied that the amenity of existing and future residents will, on the whole, be improved by the proposed development.

- 7.2.6. A total of eight additional apartments is proposed – 7 no. two-bedroom units and 1 no. one-bedroom unit. Two further units within the block are to be extended. Within the renovated and extended block, there will be 23 no. two-bedroom units and 5 no. one-bedroom units. I note that unit 4.3 is incorrectly indicated on drawings as being a three-bedroom unit. I further note that unit 2.4 is indicated as being 68.1 sq.m in area prior to renovation and 51.6 sq.m post-renovation – even though the size of the unit is not altered by the renovations. The larger floor area would appear to be the correct one. This under-indication of floor area also appears to apply to other units within the existing block. However, as the proposal is only for renovation of these apartments, the precise measurement of the floor area is not critical. The quantum of two-bedroom units within the block is generous – where the Apartments Guidelines and the Development Plan require that developments may include up to 50% one-bedroom/studio units. I note that most of the two-bedroom apartments within the existing block would only be considered three-person rather than four-

person units – the former requiring a minimum floor area of 63sq.m, whilst the latter require a minimum floor area of 73sq.m. All of the new or extended two-bedroom units (8 in total) are four-person apartments. The Guidelines and the Plan do require, that the majority of all apartments in any proposed scheme of 10 or more apartments, exceed the minimum floor area standard for any combination – by a minimum of 10%. Minimum unit size for a one-bedroom unit is 45sq.m and for a two-bedroom (four-person) unit is 73sq.m within both the Guidelines and the Plan. Where new or extended apartments are proposed (10 in total), all exceed the minimum floor areas – and a majority by more than 10%. The largest of the two-bedroom new/extended apartments has a floor area of 88.6sq.m. The largest of the one-bedroom new/extended apartments has a floor area of 50.1sq.m.

- 7.2.7. All new/extended apartments (10 in total) are to be provided with internal storage. The Apartments Guidelines require 3sq.m for one-bedroom and 6sq.m for two-bedroom units. All of the 10 apartments meet or exceed this requirement. All of the 10 apartments either meet or exceed the minimum living-room width requirement of 3.6m for two-bedroom units and 3.3m for one-bedroom units. All of the 10 apartments either meet or exceed the minimum aggregate kitchen/living/dining floor area of 30sq.m for two-bedroom units or 23sq.m for one-bedroom units. All of the 10 apartments either meet or exceed the minimum bedroom floor areas (11.4 sq.m for double bedrooms) and the minimum bedroom width of 2.8m for double bedrooms. There are no single bedrooms included within the development. All of the 10 apartments either meet or exceed the minimum aggregate bedroom floor areas for two-bedroom, four-person apartments of 24.4sq.m.
- 7.2.8. The Apartments Guidelines recommend minimum floor-to-ceiling heights of 2.4m, which is exceeded in this scheme – where the height is 2.5m. Increased floor-to-ceiling heights are constrained by the need to tie-in with existing floor levels, and where only the new fourth floor could have higher ceilings.
- 7.2.9. The Apartments Guidelines and the Plan require that a minimum of 50% of units are dual-aspect in a suburban setting such as this one. Within the existing block of 20 apartments, 13 are dual-aspect. Within the renovated/extended scheme of 28 apartments, 19 are dual-aspect. Single-aspect apartments face either east or west; none face north. This proportion of dual-aspect units is acceptable.

- 7.2.10. The Apartments Guidelines recommend a minimum private amenity space for one-bedroom units of 5sq.m and for two-bedroom units of 7sq.m. All of the new/extended apartments (10 in total) meet or exceed this requirement. The Guidelines state that the private amenity space should be located off the kitchen/living/dining area – with a minimum width of 1.5m. The appellant argues that apartment type A has the private amenity area broken up into two, with one of the areas not meeting the 1.5m width, and being accessed from a bedroom. The applicant counters that it is not unusual for access to balconies to be off bedrooms. This discrepancy applies to units 2.5, 3.5, and, perhaps to unit 4.1 (which is not an A-type; but, rather an E-type). I would consider that the quantum in each case exceeds the minimum 7sq.m for two-bedroom apartments, and it is only the bedroom balcony which does not meet the 1.5m depth requirement. It would be possible to attach a condition to any grant of permission requiring that the depth of the bedroom balcony within units 2.5 & 3.5 be increased to 1.5m – through extension outwards to the east. The Apartments Guidelines state at section 3.39- “For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality”.
- 7.2.11. The Apartments Guidelines recommend a communal amenity space area of 5sq.m for one-bedroom units and 7sq.m for two-bedroom units. This amounts to 23 x 7sq.m and 5 x 5sq.m = 186sq.m. The appellant has argued that the area to the north of the block is not within the control of the applicant; and that the area to the east is sloping and unsuitable. The area to the east of the block, along with other areas around apartment blocks, is currently used as communal open space for all of the Eglinton Court apartments. It is proposed to landscape the area to the east of the block, as part of proposals to install a surface-water attenuation tank. Three mature sycamore trees within this area are to be retained. There are additional smaller communal amenity areas to the south and southwest of the block. The area to the east is sufficient to meet the requirements of the guidelines. The fact that there may be a slope on this ground is not relevant; as the space will not be active open space, as would be required for playing pitches. There is an additional area of hard landscaping to the northeast of the block (between the block and the head of

the Eglinton Park cul de sac), which could also be included in the total communal amenity space for Errigal House.

### Landscaping

7.2.12. It was originally proposed to remove all mature trees from the site. The planning authority expressed concern in relation to mature sycamore trees to the east of the block – visible from the River Dodder walkway and from Beaver Row, on the other side of the river. The additional information submission was accompanied by an Arborists Report – tagging all 17 trees on the site. The Report recommends the retention of three lime trees (1001-1003) to the west of the car-parking area; three sycamore trees (1014-1016) to the east of the apartment block; and one lime tree (1017) to the south of the apartment block – indicated on Drg. No. EGH002 (A3-size). A large, overgrown, Leyland cypress hedge, close to the boundary with no. 28 Eglinton Park is to be removed. This will improve the level of daylight and sunlight to the front garden of the adjoining house – and evening sun in particular. Other trees which are located close to the apartment block or affected by the area for the new bicycle store, are to be removed. I would have some reservations about the removal of so many semi-mature trees, which help to soften the appearance of the block and also provide for some limited screening between opposing windows amongst these apartment blocks. I have argued elsewhere in this report that a semi-mature silver birch (1004) to the west of the block; a semi-mature ash (1007) to the north of the block; and a semi-mature silver birch (1008) to the northeast of the block should be retained on visual amenity grounds. Trees 1005 & 1006 are now semi-mature, and are not suitable for the limited area within which they are planted – so close to the block.

7.2.13. Drg. No. P466-101, submitted with the original application, indicates that a new, evergreen hedge is to be planted along the entire boundary length of no. 28 Eglinton Park. The communal open space area to the east and south of the block is to be upgraded with hard and soft landscaping – and the inclusion of a small seating/playing area. Planted/paved areas are indicated to the west and north of the block – to separate it from car-parking areas. The landscaping proposals are appropriate for a development of this nature, and will improve the amenities of future residents. I note the comment of the appellant in relation to the usability of this space – arising from its sloping nature. However, it already serves as communal

open space and is grassed and maintained. It affords fine views across the Dodder River to the south. The new landscaping will make the area more attractive for residents, as will the relocation of the bin store.

#### Overlooking

7.2.14. To the south, the site abuts a walkway on the River Dodder and the car-park/bicycle store of adjoining Riverside Walk duplex development. There is already a significant number of windows in the southern elevation of Errigal House. The number of windows will be increased, and the size will also be increased. New balconies will be added on this side of the building. Tree 1017 (a mature lime) is located between the block and the Riverside Walk apartments: it is to be retained. The proposed development will not result in any significant increase in the overlooking of property to the south.

7.2.15. To the west, the block is separated by 7.5m, at its closest, from Callan House. There are six corner windows in the eastern elevation of Callan House (two on each floor) – addressing existing windows in Errigal House. There is a semi-mature silver birch tree (1004) in the intervening communal open space area. This tree is scheduled for removal. It should be retained, in order to maintain some small degree of privacy between opposing windows in two blocks which are located so close to one another. The addition of balconies, increase in window size and additional fourth-floor level apartments on the west side of Errigal House will not result in any significant increase in the overlooking of Callan House. ‘Cooleevin’ is located further west, beyond Callan House. This private house has a number of windows which directly open onto the communal open space area to the south of Callan House. The amenity of this house will not be significantly altered.

To the north, Errigal House is separated from Melmore House by 9.5m, at its closest. There are opposing windows within both blocks – although the elevations are somewhat staggered. The proposed development will result in the blocking-up of four of the eight windows in the northern elevation of Errigal House. The block will not be extended to the north, other than through the addition of balconies – which face west. There is a semi-mature lime tree (1006) and a semi-mature ash tree (1007) to the north of the block – both of which are scheduled for removal. The semi-mature ash tree has been lopped in the past. It should be retained, in order to

maintain some small degree of privacy between near-opposing windows in two blocks which are located so close to one another. The development will not have any significant impact on apartments within Melmore House to the north.

- 7.2.16. To the east, the block is separated from the blank gable elevation of 28 Eglinton Park – a two-storey house with dormer rooflights. A two-storey extension to the rear lends privacy to rear windows of the house – screening the rear elevation somewhat from view. This house is 8.0m at its closest from Errigal House – the separation increasing to 11.0m at its greatest. The new, single-storey, flat-roofed bicycle shed will have no impact whatever on the amenity of this house. There are windows in four storeys of the eastern elevation of Errigal House, which address no. 28. There are windows at ground, first and third levels of Errigal House, addressing the rear garden of no. 28 – where the separation distance between the garden and the block increases. There will be additional apartments at second-, third- and fourth-floor levels on this side of Errigal House. The block is separated from the rear garden of no. 28 by between 11.0-12.5m. Juliet balconies, at upper levels within apartments, face north and south, rather than east towards no. 28. The walls of these winter gardens are to be clad in stone, which will improve their visual appearance. Bedroom balconies within units 1.5, 2.5 & 3.5 do face east. The fourth-floor eastern elevation is blank – containing neither windows nor balconies. The three mature sycamore trees (1014, 1015 & 1016), to the east of Errigal House, are to be retained, and will continue to provide some screening between the block and the rear garden of no. 28 and other rear gardens beyond. I would be satisfied that, with the retention of these trees, and the absence of any windows within the new fourth-floor level; the impact of the proposed development on the amenities of the rear garden of no. 28 and of gardens beyond, will be limited. I note that a new evergreen hedge is to be planted along the entire boundary wall with no. 28. It is open to the owner(s) of adjoining property to introduce screen planting to preserve privacy, if such is deemed necessary or required. The Leyland cypress hedge which borders the front garden of no. 28 is to be removed. This hedge has now grown taller than the adjoining house. I would see no difficulty with the removal of this hedge. There is a semi-mature birch tree (1008) located beside the hedge – which is scheduled for removal. It should be retained, in order to soften the appearance of Errigal House – when viewed from Eglinton Park.

### Over-Shadowing

- 7.2.17. The application was originally lodged during the currency of the old Development Plan. Appendix 16 of the new Plan deals with Sunlight and Daylight – setting out current guidance, standards and National policy, and defines the relevant metrics – particularly in relation to residential developments and impacts on surrounding internal spaces and external amenity spaces.
- 7.2.18. The application is accompanied by a set of shadow diagrams for the existing and the proposed block, for different hours of the day on 21<sup>st</sup> March, 21<sup>st</sup> June and 21<sup>st</sup> December. I note that Figures 7 & 8 (both relating to the summer solstice) are clearly incorrect, in reference to the proposed scenario. The existing block casts shadow on Callan House to the west, Melmore House to the north and on 28 Eglinton Park to the northeast. The study does not take into account the shadows currently cast by vegetation – particularly mature trees; and more so – evergreen trees. The shadows cast by the block will increase slightly with the addition of a fourth floor and the increase in bulk on the eastern side. The impact will be most noticeable at the equinox, in relation to afternoon sunshine at no. 28 Eglinton Park. I note that because of the suburban nature of the setting, buildings are casting shadows beyond their boundaries. Callan House is located only 7.5m, at its closest, to Errigal House, and casts shadow on some apartments within Errigal House in the afternoon. Melmore House is located only 9.5m, at its closest, to the northwest of Errigal House. Errigal House is casting shadow on this block. The same is true of 28 Eglinton Park, to the northeast of Errigal House (8.0m at its closest), which house casts morning shadow on communal open space within the wider Eglinton Court apartments complex. I note that 28 Eglinton Park is constructed up to the common boundary with Eglinton Court apartments – whereas all of the 8.0m set-back between the buildings is provided within the Eglinton Court complex. The overgrown Leyland cypress hedge between Errigal House and no. 28 Eglinton Park is to be removed; and this will contribute towards improving daylight and sunlight penetration to the front garden of the house. Other trees 1009, 1010, 1011, 1012 & 1013 – comprising mature holly, sycamore and Monterey cypresses, growing on the boundary with no. 28 Eglinton Park, are to be removed. The removal of these trees will improve daylight and sunlight penetration immediately to the rear of the house. I would be satisfied that the removal of some mature trees on the boundary with no.

28 Eglinton Park will compensate for the additional overshadowing caused by the increase in mass and height of the block. I further note that the fourth floor has been set back a maximum of 3.0m from the furthest easterly extent of the third floor below, so as to lessen the impact on no. 28 Eglinton Court. The increase in overshadowing of Melmore House is marginal – caused by the slight increase in the height and bulk of Errigal House. There will be no overshadowing to the south of the block.

#### Structural Stability of Errigal House

- 7.2.19. The appellant expresses concern in relation to the structural stability of Errigal House – arising from the additional loading which 8 new apartments would exert on the foundations. Reference is made to earlier under-pinning works at this block. The structural stability of the block is a matter for the applicant. All residents would have to vacate the building during renovation and extension. The block is not joined or linked with any other block within the complex. The structural stability of the block is a matter for the developer and construction and safety practices to be implemented during the works.

### **7.3. Access & Parking**

#### Access

- 7.3.1. Vehicular access to the Eglinton Court apartment complex is from Eglinton Road – at a junction which is not signal-controlled. This arrangement will not be changed. The access for 8 additional apartments is acceptable.
- 7.3.2. There is bicycle access to the site from Eglinton Road. This arrangement will not be changed. There are bicycle lanes on either side of Eglinton Road – but none within Eglinton Court.
- 7.3.3. Pedestrian access to the site is from Eglinton Road. There is no dedicated footpath into the apartment complex – the surface being shared with vehicles. There is an additional pedestrian access to the site from the head of the cul de sac, which is Eglinton Park. There is a short flight of steps within the site – to account for level differences within between Eglinton Court and Eglinton Park, something which renders it unsuitable for bicycle access. Residents of Eglinton Park have sought confirmation that this pedestrian access will not be altered – so as to allow of bicycle

access or use for construction purposes. The application contains no proposals to alter this access.

- 7.3.4. Eglinton Road is not served by Dublin Bus. However, it is only a short walk to either Donnybrook Road or Sandford Road, which are well-served by bus routes.
- 7.3.5. The additional information submission contained a Preliminary Construction Management Plan. Construction access will be via the only vehicular access to the site off Eglinton Road. The pedestrian access from Eglinton Park would not be suitable for construction traffic. The appellant argues that the applicant does not have the consent of Melmore Management Ltd. to traverse the site for construction purposes, and to use the car-parking area in front of Callan House for construction staging purposes. The appellant acknowledges that this may ultimately be a civil matter between the parties – the applicant nonetheless needs consent of other owners within Eglinton Court to carry out the development. This may well be the case. The applicant maintains that there is access through the site for construction purposes. This is a matter beyond the planning remit. I note section 34(13) of the Act – where it is stated- “A person shall not be entitled solely by reason of a permission under this section to carry out any development”.

#### Car-Parking

- 7.3.6. Pay-parking is in place on Eglinton Road and Eglinton Park. Table 2 of Appendix 5 of the Plan sets out maximum parking standards. Within Parking Zone 2, the maximum standard is one space per apartment. The additional information submission contained a parking survey within the Eglinton Court complex – undertaken on Tuesday 8<sup>th</sup> to Thursday 10<sup>th</sup> February 2022. The maximum number of cars within the development was 37 during this period. On the date of site inspection by this Inspector, more than half the car-parking spaces within the complex were empty. The applicant states that 61 of the 103 car-parking spaces are allocated to Errigal House, Melmore House and Callan house – no dedicated space being attached to any particular apartment. The applicant proposes to divide up the 61 spaces between the three blocks on a pro rata basis – with spaces being let and managed by a company. I note that there are 18 apartments within Melmore House, 6 within Callan House and 20 within Errigal House – 44 apartments in total. The proposal involves the creation of an additional 8 apartments – bringing the total to

52. The allocation of these spaces between the different apartment blocks is a matter for agreement of the management companies of the different blocks. The appellant argues that residents of Melmore House can currently park where they wish, and the applicant cannot now restrict such parking. The appellant contends that the applicant cannot implement the Car-Parking Management Strategy without the consent of other users: this would seem to be reasonable. The additional information submission contained a Residential Travel Plan (Mobility Management Plan), which would seek to encourage a move away from the private motor car to more sustainable modes of transport. I note that the development is within easy walking distance of bus corridors at either end of Eglinton Road. The development makes provision for bicycle storage for each apartment – where none currently exists within the Eglinton Court apartment complex. The Apartments Guidelines state at section 4.27- “For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location”. The development partly involves refurbishment, and has a site area less than 0.25ha (although the red line boundary is, to some extent, somewhat arbitrary, in the subdivision of an apartment complex with multiple blocks). Having regard to the vacancy in car-parking spaces within the wider complex, I would not consider that the addition of 8 apartments would result in haphazard parking throughout the wider complex. It may well be that no spaces will be allocated to the new apartments – something which would have to be sorted out by the relevant stakeholders within the wider Eglinton Court apartment complex. The documentation submitted refers to spaces being leased, and parking controls instigated, to prevent unauthorised parking – something which would have to be agreed with all stakeholders within the wider Eglinton Court apartment complex. I would be satisfied that the proposed development would not endanger public safety by reason of traffic hazard. The matter of the use, allocation and management of car-parking spaces within the wider complex is outside of the planning remit.

- 7.3.7. The Car-Parking Management Strategy refers to 3 spaces being fitted with EV charging, with ducting provided so that all 28 spaces can be provided with cabling to provide for further EV charging. This is acceptable – in a development where no such charging facility currently exists.

### Bicycle-Parking

- 7.3.8. The development is not currently served by any bicycling infrastructure, with bicycles locked to railings – where they are present. The proposed development will see existing apartments provided with secure bicycle-parking, where none has been provided up to this. Table 1 of Appendix 5 of the Plan requires one bicycle parking space per bedroom. The development provides for 15 new bedrooms. 28 bicycle parking spaces are to be provided within a new bicycle shed. This will leave a surplus of 13 spaces to be used by other residents of the block. The Transportation Planning Division of DCC was satisfied with the quantum provided – considering that one per apartment within the renovated and extended block was acceptable. The storage area does not make provision for cargo bicycles. In addition, 10 outdoor spaces are to be provided for visitors – where only 4 would be required for the 8 new apartments. The arrangements made for bicycle parking are acceptable.

## **7.4. Water Supply, Drainage & Flooding**

### Water Supply

- 7.4.1. The apartment block is currently connected to mains water supply. The exact location of the supply pipe is unknown. Maps submitted do not show the watermain layout within the Eglinton Court complex. The Engineering Report states that a Pre-Connection Enquiry has been made to Uisce Éireann – but no indication is given as to whether there is capacity in the system to serve eight new apartments. Having regard to the limited extent of development, I would be satisfied that permission could be granted. The applicant will have to secure a connection agreement with Uisce Éireann – in the absence of which the development could not be serviced with a water supply.

### Foul Waste

- 7.4.2. The apartment block is currently connected to mains drainage on Eglinton Road (a combined sewer), via a presumed 110mm diameter pipe. The location of this pipe is indicated on drawings submitted. There is no indication from Uisce Éireann as to whether the proposal is acceptable. Reference is made to a Pre-Connection Enquiry. Should it transpire that there is no capacity in the network; then the development could not proceed. I note section 34(13) of the Act – where it is stated-

“A person shall not be entitled solely by reason of a permission under this section to carry out any development”.

#### Surface Water Drainage

- 7.4.3. The site is stated to drain directly into the Dodder River. The exact location, or the diameter of the pipe, is unknown. It is proposed to install permeable paving beneath the parking area in front of the block and to construct a soakway close to the eastern boundary. There is no indication given of any proposal to instal an hydrocarbon interceptor on the outfall. The exact location and capacity of the soakway is not indicated. The Engineering Department – Drainage Division of DCC had no objection to the arrangements proposed. It would be possible to attach a condition to any grant of permission relating to the installation of the attenuation tank, and to require the provision of an hydrocarbon interceptor on the outfall.

#### Flooding

- 7.4.4. The Engineering Report which accompanied the application, included a section on Site Flood Risk Assessment. This assessment categorised the site as being within Flood Zone C – notwithstanding that the Flood Maps included within the Development Plan indicate that a small part of the site is within Flood Zone A. The Engineering Report states that the lowest level of the site is 13.77m OD, whilst the maximum water level for the 0.1% Annual Exceedance Probability (AEP) fluvial flood (from the River Dodder) is 11.95m. The appeal site is located immediately above a weir on the river: it would not be possible for this site to be inundated from the river. The finished floor level of the apartment building is currently stated to be 16.4m OD, and there is no proposal to alter that level.

### **7.5. Other Issues**

#### Social & Affordable Housing

- 7.5.1. The application form states that the development is not subject to the Part V of the Planning Act, by reason of being a building conversion. I note that the development involves more than just a building conversion – it involves extension of that building to provide for eight new apartments. The Planner's Reports make no mention of social & affordable housing. I would be concerned that the development might be subject to the requirements of Part V. A condition should be attached to any grant of

planning permission to issue from the Board, requiring compliance with Part V. If the development is eligible for an exemption certificate – then such would be issued by DCC.

#### Development Contribution & Bond

- 7.5.2. Condition 2 required payment of a development contribution of €67,092.48. The requirement to pay this contribution should be included in any permission which might issue from the Board. There was no condition attached in relation to a bond for completion of development.

#### Hours of Construction

- 7.5.3. Condition 3 of the permission restricted construction hours to 0700-1800 Monday to Friday and 0800-1400 hours on Saturdays. This is reasonable, in order to protect the amenities of existing residents of the wider Eglinton Court apartment complex, and occupants of surrounding housing. The construction phase of the development will be limited in duration, and a restriction on construction activity hours will help to limit the inconvenience and nuisance which might be caused to existing residents of the area – particularly in relation to noise and dust. A similarly-worded condition should be attached to any grant of permission to issue from the Board. A Construction Environmental Management Plan would, necessarily, address the issues of noise, dust and vibration.

#### Waste

- 7.5.4. The renovation of the block will result in a certain amount of demolition waste – particularly the roof, windows and some walling. The additional information submission contained a Preliminary Construction Management Plan, which makes no reference to construction waste. A condition should be attached to any grant of permission relating to the handling, storage and disposal of all demolition and construction waste – regard being had to the age of the apartment block.
- 7.5.5. Operational waste will be handled within a new storage area – to replace a dilapidated storage area to the rear of the block. This new storage area is to be constructed beside the new bicycle store – although its position varies on different drawings – either to the north or the east of the bicycle storage shed. A condition should be attached to any grant of permission requiring the written confirmation of

the planning authority to the location of the bin storage area to the north of the bicycle store, prior to commencement of any development on the site. This location is marginally further away from adjacent no. 28 Eglinton Park.

#### Legal Interest in the Site

7.5.6. This issue was addressed by way of additional information submission to DCC. The owners of three apartments within the block are stated to be technically leaseholders, notwithstanding that letters of consent to the making of the application were submitted with the original application to DCC. There is a letter from Gartlan Furey, Solicitors, which accompanied the additional information submission. This letter states that the applicant has the beneficial interest in the lands – registered with The Property Registration Authority. The applicant owns 17 of the 20 apartments and is the majority shareholder in Errigal House Management Company Ltd. Maps submitted would appear to show that two blocks – Errigal House and Melmore House seem to be in some way separated from the other blocks within the wider Eglinton Court complex – notwithstanding that all share the access roads, underground services, landscaped areas and parking. DCC was satisfied that the applicant had sufficient legal interest to make the application.

7.5.7. The appellant argues that the applicant does not have sufficient legal interest in all of the lands outlined in red with the application, but also in relation to lands outlined in blue; and includes letters from Harry Mooney & Co, Solicitors – relating to lands now used for car-parking and open space – particularly to the west and north of Errigal House. Again, I would reference section 34(13) of the Act. If the applicant does not have sufficient legal interest in the lands within the site as outlined in red, it may be that development could be prevented.

#### Site Compound

7.5.8. Drg. No. NRB-CMP-001 (A3-size), submitted as part of the additional information submission, indicates the site compound being located on lands to the east of the block. This is the area of the three sycamore trees that are to be retained. The canopy spread of these trees should not be used as part of any site compound. A condition requiring protection during the construction phase of the root spread of trees to be retained, should be attached to any grant of permission to issue from the Board.

### Numbering

- 7.5.9. The issue of numbering is not one to which a planning condition need be addressed.

## **8.0 Recommendation**

I recommend that permission be granted for the Reasons and Considerations set out below, and subject to the attached Conditions.

## **9.0 Reasons and Considerations**

Having regard to the zoning of the site for residential use within the current development plan for the area, the pattern of development in the vicinity, and the serviced nature of the site; it is considered that, subject to compliance with the attached conditions, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of height, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by additional information received on the 31<sup>st</sup> day of May 2022, 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination

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

2. Bedroom balcony depths for units 2.5 & 3.5 shall be increased to 1.5m through projection eastwards beyond the façade of the block. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the Planning Authority, prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

3. Details of the materials, colours and textures of all the external finishes of the block, shall be as submitted for the written agreement of the planning authority, prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air-handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. Access to roofs shall be for maintenance purposes only.

**Reason:** To protect the visual and residential amenities of the area.

5. In addition to trees 1014, 1015, 1016 & 1017, the following trees shall also be retained – 1004, 1007 & 1008.

**Reason:** To lessen the visual impact of the extended apartment block in the interest of visual amenity; and to retain the limited screening effect which such semi-mature trees provide between apartment blocks and adjoining property.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann. All development is to be carried out in compliance with Uisce Éireann standards, codes and practices.

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

7. a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- b) The surface water attenuation tank shall be so positioned on the site as not to impact on the root spread of the semi-mature sycamore trees on the site to be retained – 1014, 1015 & 1016.
- c) The outfall from the surface water attenuation tank shall be fitted with an hydrocarbon interceptor of suitable size and design.

**Reason:** In the interest of public health and surface water management.

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

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

9. Trees to be removed shall be felled in late summer or autumn – outside bird-nesting season and winter (bat hibernation) period. Any disturbance to bats on site shall be in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist. Any envisaged destruction of structures or buildings or removal of trees that support bat populations

shall be carried out only under licence from the National Parks & Wildlife Service, and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of nature conservation.

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

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

11. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
  - a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse;
  - b) Location of areas for construction site offices and staff facilities;
  - c) Details of site security-fencing and hoardings;
  - d) Details of on-site car-parking facilities for site workers during the course of construction;

- e) A Construction Traffic Management Plan providing details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds, to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface-water sewers or drains;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800-1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

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

13. 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.

14. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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**Michael Dillon,  
Planning Inspectorate.**

**29<sup>th</sup> August 2023.**