



An
Bord
Pleanála

Inspector's Report

ABP-315577-23

Development

Construction of an apartment block providing for 12 apartments and all associated site works.

Location

Emmet Court, St Vincent Street West, Dublin 8.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4545/22

Applicant(s)

Derek Kelly

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellants:

1. Jane Carroll, on behalf of the owners of Emmet House Apartments
2. Carnivan Bay Property Ltd
3. Mill Street Projects Ltd

Date of Site Inspection

3rd February 2024

Inspector

Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site with a stated area of 6,130 sq m (0.613 hectares), contains an area of land located that forms a car parking area for an existing residential development comprising of three, four storey apartment blocks, forming Emmet Court. Emmet Court is located to the west of St Vincent Street West, to the south of Inchicore, to the north of the Grand Canal. The Emmet Court development also includes two terraces providing for a total of 12 houses, located to the eastern side of the existing apartments. A detached house is located to the east of the subject/ development site, this may be in use as two separate dwellings.
- 1.2. The adjoining lands consist of a mix of land uses. To the west is a cemetery associated with a convent complex which is partially located to the north of the site. To the east is the detached residential unit, that forms part of the Emmet Court development. Beyond the cemetery is a light industrial/ warehousing estate forming the Goldenbridge Industrial Estate. There are very high walls to the north and north east of the site and the boundary to the north west is a wall, though lower in height.
- 1.3. Approximately 130 m to the south east of the subject site/ 350 m walking distance is Drimnagh Luas stop, located on the Luas Red Line. Access is via a crossing of the Grand Canal. Beyond that is Galtymore Road, with Dublin Bus route 123 providing an off-peak frequency of a bus every 12 minutes between Galtymore Road and O'Connell Street and on to Marino, and to Kilnamanagh Road in the opposite direction. Bus routes on Emmet Road, 450 m to the north of the subject site, include the G1 and G2 which operate throughout the day and provide for a combined thirty-minute frequency throughout the night to and from the city centre, and Ballyfermot/ Liffey Valley/ Red Cow to the west.
- 1.4. I may state at this stage, that it was evident from the site visit that the overall complex of Emmet Court is in poor condition, with obvious evidence of dumping, poor maintenance and vandalism. This refers to the common areas, car parking and to the actual apartments on site. The site has gates to control access, but these are damaged and appear to be in a permanently open position. The access road surface is in a very poor condition.

2.0 Proposed Development

2.1. The proposed development consists of:

- A single apartment block of 12 x two-bedroom units each providing for 4 persons. The units to be provided in a four-storey block which is to be flat roofed. The height to be 13.6 m. Each unit to provide for 81 sq m of floor area.
- Each unit is to be provided with a south facing terrace with a stated area of 10 sq m.
- Each of the 12 units to be provided with one car parking space each.

Note the existing car parking provision of 87 spaces will be reduced to 53 parking spaces. 157 bicycle parking spaces to be provided to serve the entire development.

- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission, following the receipt of further information, subject to conditions which are generally standard. The following conditions are noted, in summary:

4. The apartments not to be used for short-term letting.
6. Management company to manage and maintain the block, in addition to Blocks 1,2 and 3 of Emmet Court.
7. Transport conditions – a) 24 long term bicycle parking spaces in addition to a space for a cargo bicycle. Blocks 1,2 and 3 to be provided with 96 long term bicycle parking spaces and two cargo bicycle spaces. Electric bicycle parking spaces and details on parking spaces also included. b) Cycle parking management plan. c) 48 car parking spaces are permitted, spaces 49 – 51 and that within the front garden of unit 1a shall be omitted. d) 10% of spaces to provide for EV charging. e) Provision of a car parking management plan with a revised car parking layout. Revisions/ management to car parking for the existing units.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission for the proposed development, subject to conditions. Further information was sought in relation to four items summarised as follows:

Item 1: Demonstration of legal interest: Letter from solicitor that demonstrates legal interest was provided. The Planning Authority noted the submitted information and reported that any dispute over land ownership could be addressed through the legal process. Referred also to Section 34(13) of the Planning and Development Act 2000 as amended – entitlement to carry out permission. The Planning Authority was concerned that the nature of the ownership on these lands was such that the existing residents may lose access to car parking, bin storage etc. The provision of an overall management company for all lands would address this issue, and as the entire site are located within the site boundary, a suitable condition for site management could be included.

Item 2: Quality of amenity space: Concern was expressed that the amenity spaces may not be received adequate sunlight, should be at least two hours of sunlight on the 21st of March as per the BRE guidelines. A Daylight & Overshadowing Report was submitted in response and demonstrated that the opens space would receive adequate daylight and sunlight.

Item 3: Provision of a landscape scheme: Drawing no. 300 – Landscape Plan prepared by 'The Big Space' provides details on a proposed landscaping plan.

Item 4: Transportation Planning Division issues: Requested details on car parking, bicycle parking, and EV charging. Full response provided and suitable conditions were provided in support of the grant of permission.

3.2.2. Other Technical Reports

- Transportation Planning Division: Further information was requested in relation to car parking and bicycle parking provision.
- Drainage Division: No objection subject to conditions.

3.2.3. **Prescribed Bodies**

- Transport Infrastructure Ireland (TII): No observations to make.

3.2.4. **Third Party Observations**

A number of letters of objection were received to the application, including from Carnivan Bay Property Ltd., Councillor M. Devine and Aengus O Snodaigh TD, and Brid Smith TD, as well as from individual members of the public.

Issues raised include:

- Concern raised over the legal ability of the applicant to lodge this application.
- The conditions attached to the original application under PA 1429/93 granted on 15/10/93 have not been implemented in full.
- The site is already over developed, and the overall Inchicore area is overdeveloped with work due to commence on the redevelopment of St. Michael's estate for the provision of over 500 units.
- The original developer of the existing apartments has not complied with the Multi Unit Development Act 2011 and has not set up a management company to maintain/ manage the site.
- Common areas etc. have not been transferred over to date. The existing residents have a legal interest in these areas.
- The lack of a management company has a serious impact on the amenity, security and maintenance of the area.
- There is already a shortfall in car parking on this site and the proposed development will further impact on this.
- The availability of public transport does not justify the reduction in car parking provision. Reference is made to safety issues at public transport stops.
- The proposed bicycle parking provision is not adequate, secure parking is required for the entire site.
- Concern about vehicular access and safety of pedestrians within the site.

- There is a need for suitable open space to serve the existing residents as well as the future occupants of the proposed development.
- Potential loss of sunlight/ daylight as a result of the proposed development.
- Issues on site include dumping, dog fouling, security issues and a general lack of maintenance of the development/ existing ancillary areas.
- The location of the proposed bin storage area is not acceptable.
- The existing roadway is not taken in charge by Dublin City Council and there is a concern that it will be damaged during the construction phase.
- Concern about the impact on the area during the construction phase.
- The development is contrary to the Dublin City Development Plan 2022 – 2028.
- Concern about the design of windows and potential for overlooking of adjoining school grounds.
- Development of this site should not progress until existing issues have been resolved to the satisfaction of existing residents.
- The proposed unit types will not encourage families into the area.
- Welcome is made for good quality housing in the area, though it is recognised that this development does present some difficulties.

Photographs have been provided in support of the letters of objection.

4.0 Planning History

PA Ref. 3057/18 refers to a July 2018 decision to refuse permission for the construction of 31 student units. A single reason for refusal was issued as follows:

1. Having regard to the policy objectives set out in the Dublin City Development Plan 2016-2022, in particular Policy QH31 which supports the provision of high-quality, professionally managed, purpose-built third level student accommodation and which requires compliance with Section 16.10.7 'Guidelines for Student Accommodation', it is considered that the proposed development would result in substandard development by reason of its small size and scale as well as the provision of a substandard 'house' unit with less than 3 bedspaces, with an overall minimum gross

floor area of less than 55 sq.m. and that the development as proposed would not result in a high-quality, professionally managed, purpose-built third level student accommodation. Furthermore there is limited potential to achieve the critical mass required or the desired internal configuration due to the restricted nature of the site. The proposed development would be contrary to the provisions of the current Dublin City Development Plan (2016-22) including Policy QH31 and Section 16.10.7 in relation to the provision of student accommodation and would be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Dublin City Development Plan 2022 - 2028

5.1.1. The Dublin City Development Plan 2022 - 2028 is the current statutory plan for Dublin City, including the subject site. The site is zoned Z1 – Sustainable Residential Neighbourhoods with the objective: ‘To protect, provide and improve residential amenities’.

5.1.2. The following sections of the development plan are relevant:

Chapter 5 Quality Housing and Sustainable Communities – The following policies are relevant:

- QHSN2 National Guidelines – Compliance with relevant guidelines
- QHSN6 Urban Consolidation – Promote consolidation of urban areas.
- QHSN10 Urban Density – Promote appropriate density in urban areas.

Chapter 15 Development Standards Section

15.9 Apartment Developments – Outlines the requirements for apartments.

5.2. Section 28 Ministerial Guidelines

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023).
- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DHLGH, 2024).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).

5.3. **EIA Screening**

Having regard to the nature of the proposed development comprising the development of 12 apartments and all associated services on a stated site area of 0.613 hectares, 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.

5.4. **Natural Heritage Designations**

None.

6.0 **The Appeals**

- 6.1. **Appeals:** Three separate third party appeals were lodged against the decision of Dublin City Council to grant permission for this residential development, and I have summarised the main points as follows:

Mill Street Projects:

- Own 32 apartments, the entirety of Block B/2 within the existing Emmet Court complex, and the caretaker's house which is now in use as apartments.
- Query over the ownership of the site. The site which forms part of the common areas of the original development has not been transferred over to the new management company.
- Each of the existing 96 apartment owners are in effect the owners of the common areas including the subject site.

- Detailed legal issues are outlined in the appeal. These refer to the ownership of the site, transfer of ownership and even queries over conflicts of interest that the applicant's Solicitor may have.
- There is a management company in place, 'Goldenbridge Management Company', though it does not function for the existing development.
- Right for each of the existing apartments to have one parking space per unit. The proposed development would significantly reduce this parking provision.
- 90% of the units in the appellants ownership are vacant due to refurbishment and are due to be completed in Q2 – 2023.
- Request that the grant of permission be overturned.

The appeal includes supporting documentation, plans, and photographs of the site.

Carnivan Bay Property Ltd:

Appeal prepared by Thornton O'Connor Town Planning and the submitted appeal statement is supported with legal documentation, other documents, plans and photographs.

- Concern over landownership. Issue raised again that existing residents have legal rights over these lands including the ancillary areas which are proposed for development.
- Issue over management of the site and the failure to transfer lands under the MUDS act.
- Concern about the loss of car parking and the management of the remaining spaces into the future. Future residents of the new block may be allocated a greater proportion of the remaining car parking spaces.
- Concern about the submitted daylight and sunlight assessment. Dublin City Council should have used the third edition of BRE 209 and not the second edition. Other issues are raised in relation to this assessment.

- It is considered that the proposed communal amenity space to serve the development is not to an acceptable standard and does not comply with the Apartment Design Guidelines 2022.
- Concern about the wording of Condition 3 in relation to the provision of a cash bond.
- Aggregate bedroom sizes do not demonstrate compliance with the Apartment Design Guidelines 2022 as per Figure 3.8.
- Request that permission be refused for this development.

Jane Carroll on behalf of Emmet House Apartments:

- Concern over landownership. Issue raised again that existing residents have legal rights over these lands including the ancillary areas which are proposed for development.
- Non-compliance with the Multi Unit Development Act 2011.
- Concern about loss, provision, and allocation of car parking as a result of the proposed development.
- Discrepancies in the submitted report regarding existing unit numbers. The existing development provides for 96 x two-bedroom units and not the referred to 48 x one bed and 48 x two bed. Two other units should have been included, therefore providing for a total of 98 existing units.
- The proposed open space is not adequate to serve the needs of residents of the entirety of this site.
- Potential loss of daylight, sunlight and privacy as a result of the proposed development.
- Concern about the financial viability of the scheme. The existing apartment units have been let fall into disrepair and may impact on the long-term viability of the site.

Supporting photographs, documents and brochures are provided in support of this appeal.

6.2. **Planning Authority Response**

None received.

6.3. **First Party Response to the Appeals**

A detailed statement is provided, and which is supported by photographs and relevant plans.

- The site is described, history provided, and nature of development as permitted is outlined.
- Car Parking: No objection to the condition provided by Dublin City Council and will comply in full with this.
- MUD Act 2011: Solicitor's letter has been included to address this issue. Notes that this is a legal rather than a planning issue. I note in the Solicitor's letter that it is stated that 'the owners of these blocks have no rights or easements in relation to the surrounding lands'.
- Sunlight Assessment: The submitted assessment demonstrates compliance with the relevant guidance.
- Other Concerns: Cumulative bedspaces is less than the guidelines 24.4 sq m, however 24 sq m is provided and the overall floor of 81 sq m easily exceeds the required 73 sq m.

Requests that the decision to grant permission be upheld.

6.4. **Appellant response to First Party Response**

Jane Carroll on behalf of the owners of Emmet House Apartments makes the following comments on the first party response:

- Refers to a number of applications that following a further information request were not responded to. It is considered that the issues raised have not been addressed in the current application.
- Note the other two appeals and it appears that the legal issues have not been addressed.

- The applicant has failed to address previous issues such as compliance with the MUD act.

Request that permission be refused for this development.

6.5. **Observations**

None received.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Impact on Residential Amenity
- Car and Bicycle Parking
- Impact on the Character and Visual Amenity of the Area
- Other Issues
- Appropriate Assessment Screening

7.2. **Principle of Development**

7.2.1. The proposed development is for the provision of a four-storey apartment block that will provide for a total of 12 apartments, all of which are two bedroom/ four person units. The site is suitably zoned for such a residential development and is located within an established urban area within easy walking distance of Inchicore village centre and its range of services. The site is also within walking distance of good quality public transport and therefore the principle of development is acceptable in this location.

7.2.2. The ability of the applicant to make this application is one of the main issues raised in the submitted appeals and I will address this issue here. From reading the submitted documentation it is evident that the management and control of this site has had a somewhat chaotic history. It was evident from the site visit that the site is not managed/ maintained and has deteriorated to a very poor level. For existing residents,

this has resulted in a very poor environment, with a consequent poor standard of residential amenity. The submitted appeals have been lodged by residents, who may own their apartments and landowners who own a number of apartment units. From the available history, the original development was put into receivership and units were sold on an individual basis, and it appears that a number were purchased by the same owner.

7.2.3. The applicant has outlined that the purchasing of the apartment units did not extend to the ancillary/ common areas and as such there is no legal right over car parking, refuse storage etc. Dublin City Council raised this issue and were satisfied that the matter was addressed in the further information response. Any other legal issues would not be for the Planning Authority to judicate over and would be left to the legal process to address. I would agree with this assessment. The available information is that the existing Emmet Court residents have been left in a precarious situation, where they may own their individual apartments but have no right to car parking, amenity space etc. The planning application system and the appeal system cannot address such matters. I can only consider the available information and the applicant has demonstrated that they have the right to make this application.

7.2.4. As already referenced, Section 34(13) of the Planning and Development Act 2000 as amended – refers to the fact that a grant of permission does not entitle a development to proceed, other matters outside of planning have to be satisfactorily addressed, these usually include compliance with the building and fire regulations but also relevant legal matters. Therefore, from the available information and having regard to the history of this site, I am satisfied that the applicant has the right to make this application and to provide for 12 apartments and all associated site works on these lands.

7.3. Impact on Residential Amenity

7.3.1. The Planning Authority recommended that permission be granted for this development. The proposed development of 12 units provides for a density of 182.7 dwelling per hectare, however the nature of the development and relatively small number of units exaggerates the density. I am satisfied that the number proposed is acceptable. The height at 13.6 m is less than the general height of 24 m for such development in this part of Dublin City.

- 7.3.2. The cumulative bedroom spaces were raised as an issue in one of the appeals. Each unit provides for 81 sq m of floor area which is well in excess of the minimum requirement of 73 sq m for such a unit. The indicated bedrooms have a stated floor area of 12.6 sq m and the disparity is that generally one of the bedrooms should be larger with an en-suite and a floor area of 13 sq m. No en-suites are proposed; however I am satisfied that the bedrooms are of a sufficiently acceptable size and the overall floor area will provide for a good quality of amenity for future residents. Similarly, room sizes and storage provision is acceptable for the nature of development proposed.
- 7.3.3. Reference was made to the submitted 'Daylight Analysis and Overshadowing' and which was considered to be insufficient. I note this report and it refers to the BS standard and BRE 209 – Second Edition as well as the Apartment Guidelines March 2018. The referenced apartment guidelines have been replaced/ updated but the revisions do not impact on the findings of the submitted assessment. The apartment guidelines and the 'Sustainable Residential Development and Compact Settlement Guidelines' make clear that 'regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context'.
- 7.3.4. There is no requirement to use the latest such guidelines, as it states ..in guides like.. The applicant has done this and demonstrates that adjoining units comply with the relevant Vertical Sky Component assessment, communal open space exceeds the minimum requirements, and the Average Daylight Factor assessment also demonstrates full compliance with the relevant requirements.
- 7.3.5. 23.1 m separation is provided between the proposed apartment and the adjoining Emmet Court units to the south, this is adequate to ensure that privacy is maintained. 8 m separation is provided to the north. There is an existing high wall to the north of the subject site, and this will ensure that privacy of the adjoining lands to the north is maintained.
- 7.3.6. Communal open space is provided around the proposed apartment block. Any green space provided on site would be a significant improvement on the current situation

which is lacking in any planned vegetation other than a very poorly maintained hedgerow to the south of the subject site. Any other vegetation here is due to the lack of maintenance on site and does not provide for any amenity function for the existing residents.

- 7.3.7. The proposed development as submitted will provide for a high quality of residential amenity and will also ensure that the residential amenity of existing residents is protected.

7.4. Car and Bicycle Parking

- 7.4.1. The loss of car parking access was raised as a significant issue of concern in the appeal. As I have already reported, the issue of legal ownership is not something I will be addressing.
- 7.4.2. From the site visit and from looking at Google Map aerial images, there is a significant oversupply of car parking on site. I note the submitted car parking strategy and the comments from the Dublin City Council Transportation Planning Division. The grant of permission under Condition 7 c) granted 48 car parking spaces. Generally, condition no. 7 is acceptable in outlining the car parking provision for this development.
- 7.4.3. As with the car parking, Condition no. 7 clearly outlines the requirements for bicycle parking for this development. Under 7 b) the condition requires that 'the use of the cycle parking will be continually managed', details to be agreed prior to the commencement of development. This is appropriate and I note the concerns in one of the appeals regarding the need for proper and secure bicycle parking on site. The attached condition will address this issue.
- 7.4.4. Despite comments to the contrary, the site is located in an area with good public transport. Inchicore is provided with a 24-hour bus service through routes G1 and G2. The Drimnagh Luas stop is adjacent to the subject site and provides for a high capacity/ high frequency service within walking distance of the site.
- 7.4.5. I am therefore satisfied that the proposed car parking and bicycle parking provision is acceptable for the scale of development proposed on this site. Adequate car parking will be available for existing and future residents of the Emmet Court development. I recommend that condition no.7 as issued by Dublin City Council shall be included in

a grant of permission subject to modification. This condition is clear and reduces any potential for ambiguity.

7.5. Impact on the Character and Visual Amenity of the Area

7.5.1. The proposed development is considered to be visually acceptable. The design is limited by the relatively small scale of this apartment block and considering its location, it will not be easily visible from the public domain. Materials can be agreed with the Planning Authority though I recommend that the balcony railings be painted/ coated and not be untreated galvanised railings.

7.5.2. I would like to state at this stage that I consider that the proposed development will provide an opportunity for the comprehensive development and upgrade of this site. The current situation is one of poor residential amenity and a sense of abandonment. As with any planning application, the assessor can only have regard to the available information and details provided, as well as what is evident from a site visit. The proposed apartment block will replace underutilised car parking and areas with evident dumping having taken place. The reduction in hard standing and the provision of communal amenity space will improve the overall visual amenity within this complex. Permitting this development would allow for an opportune time for the comprehensive refurbishment of the existing apartments and upgrade of the internal access/ road layout.

7.6. Other Issues

7.6.1. Traffic: Access to and from the site is via the existing internal road network of Emmet Court and I have no concern about the ability of this layout to serve the additional units.

7.6.2. Surface Water Drainage & Flood Risk: No issues of concern were raised. The development is a relatively small infill apartment scheme, and it can be expected that Uisce Éireann can cater for the water supply and foul drainage requirements of this site.

7.6.3. In terms of flood risk, the application includes a 'Flood Risk Assessment and the site is located within Flood Zone C. No issues of concern are identified in terms of potential flood risk.

7.6.4. Non compliance with the MUD act: This issue was raised and is a long-standing concern for the residents of the existing Emmet Court. Dublin City Council conditioned

that a management company be set up to manage the proposed development and the existing Emmet Court apartments/ associated lands. This is considered to be an acceptable solution to this long-standing concern.

- 7.6.5. Some other issues were raised in the appeal. Issues relating to financial viability are not a concern for this appeal assessment. The location of the bin storage area is considered to be acceptable.

7.7. Appropriate Assessment Screening

- 7.7.1. Having regard to the nature and scale of the proposed development, that is the provision of an infill apartment block on an existing hardstanding/ car parking area, and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dublin City Development Plan 2022 - 2028, National Guidelines and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of Drimnagh Luas stop and Inchicore village centre with its range of services and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 26th of July 2022, as amended by the further plans and particulars submitted on the 21st of November 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 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>This permission is for 12 no. residential units in the form of 12 no. two bedroom – four person apartments.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications. The apartment terrace/ balcony railings shall be painted/ coated metal and shall not be unpainted galvanised metal railings.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>

5.	<p>The developer shall comply with the following requirements:</p> <p>a) A minimum 24 no. long term cycle parking spaces inclusive of 1 no. cargo bike parking spaces shall be provided for Block 4. 96 no. long term cycle parking spaces inclusive of 2 no. cargo bike spaces shall be provided for existing Block 1, 2 and 3. A total of 24 no. visitor spaces shall be provided for the full site. All resident cycle parking shall be located within fully enclosed bike stores/compounds with key/fob access, and these shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Visitor cycle parking design shall allow both wheel and frame to be locked. Cycle parking for Block 1, 2, and 3 and visitor parking shall be implemented prior to the construction of Block 4 and cycle parking for Block 4 shall be implemented prior to the occupation of Block 4.</p> <p>b) Prior to the commencement of the development, a Cycle Parking Management Plan and a revised cycle parking layout shall be submitted for the written agreement of the Planning Authority. Detailed plans and elevations of the cycle parking, outlining the type of parking to be provided (i.e. Sheffield stands, two tier racks etc) and demonstrating ease of access and functionality with adequate separation distance and ridge height are required. This Plan shall outline the allocation of cycle parking and demonstrate how use of the cycle parking will be continually managed.</p> <p>c) 48 no. car parking spaces are permitted, and the 3 no. car parking spaces (nos. 49, 50 and 51) located at the eastern boundary of the site and within the front garden of no. 1a St Vincent Street West shall be omitted. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.</p> <p>d) 10% of car parking spaces shall be equipped with electrical charging equipment and the remaining spaces shall be ducted to future proof for electrical charging.</p> <p>e) Prior to the commencement of the development, a Car Parking Management Plan and a revised car parking layout shall be submitted for the written agreement of the Planning Authority. Having regard to 21</p>
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	<p>spaces allocated to 21 units within block 1, the plan shall guarantee equality of access to the remaining car parking spaces for all units within 2, 3 and 4 and the remaining 11 units within Block 1. The plan shall also demonstrate how use of the car parking will be continually managed. A minimum of 3 no. spaces shall be allocated to car share and full details of the car-share scheme to be implemented shall be included. The subsequent approved details shall be fully implemented prior to the occupation of any of the residential units at Block 4.</p> <p>Reason: In the interests of traffic safety.</p>
6.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
7.	<p>Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, houses and apartment unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/ marketing signage relating to the name of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</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>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
10.	<p>The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of residential and visual amenity.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 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 amenities of property in the vicinity.</p>
12.	<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:</p>

	<p>a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>b) Location of areas for construction site offices and staff facilities;</p> <p>c) Details of site security fencing and hoardings;</p> <p>d) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>e) 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;</p> <p>f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>j) 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;</p> <p>k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
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13.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
14.	<p>The management and maintenance of the proposed development following completion, and including Blocks 1, 2 and 3 Emmet Court, shall be the responsibility of a legally constituted management company which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas, open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the Planning Authority, prior to the commencement of development.</p> <p>Reason: To provide for the future maintenance of this private development in the interest of residential amenity.</p>
15.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
16.	<p>Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p>

	<p>The apartments shall not be used for any short-term residential letting.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
17.	<p>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.</p> <p>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.</p>
18.	<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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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>

	Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.
19.	<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>

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

Paul O'Brien

Senior Planning Inspector

6th February 2024