



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4819/19

Appeal by Mark Ellis care of AKM Design of Unit 4, Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 25th day of February, 2020 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Demolition of existing two-storey building comprising commercial storage unit and dwelling and construction of three-storey building comprising one number two bed own door at ground floor apartment and two number two bed duplex apartments with balconies over first and second floor, new boundary treatment and landscaping, pedestrian access gates, bins stores and eight number bicycle spaces and all associated site works, all at The Coach House, Park Lane, Dublin (the site is located within the Chapelizod and Environs Architectural Conservation Area).

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the residential zoning objective pertaining to the site, it is considered that the proposed development of three residential units on the subject site, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

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

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. Windows serving the three bathrooms at first and second floor level on the southern elevation of the proposed building shall incorporate obscure glazing.

Reason: In the interest of protecting residential amenity.

4. Details of all storage areas, including bin storage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

5. 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.

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

Reason: In the interest of public health.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. Proposals for a name/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, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names within new residential area.

9. Site development works and construction works shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works to be carried out at the developer's expense.

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

10. Prior to commencement of development and on the appointment of a main contractor, a construction management plan shall be submitted to the planning authority for written agreement. This plan shall provide details of the intended construction practice for development, construction programme and key phases, a detailed traffic management plan including the management of pedestrian movement together with noise and dust management measures shall be submitted.

Reason: In the interest of protecting residential amenities.

11. All costs incurred by the planning authority including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

12. 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.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. Any works contiguous or adjacent to the Phoenix Park wall along the northern boundary of the site shall be carried out in accordance with Best Conservation Practice as outlined in the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Environment, Heritage and Local Government in December, 2004. In this regard, prior to commencement of development, the developer shall submit a detailed Method Statement for all the works which could potentially affect the wall. This detailed Method Statement shall be submitted to, and agreed in writing, in advance of any works being undertaken to ensure the protection of the said wall. Any works close to the wall shall be carried out under the supervision and guidance of a personnel suitably qualified in Conservation during the progression of the said works.

Reason: In the interest of architectural heritage protection.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020