



## Board Direction

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**Ref: 29S.245395**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 5<sup>th</sup>, January 2016.

The Board decided (by a majority of 2 : 1) to grant permission generally in accordance with the Inspector's recommendation, for the reasons and considerations and subject to the conditions as set out below.

### REASONS AND CONSIDERATIONS

Having regard to the Z12 zoning of the site, which allows for residential development, to the provisions of the Dublin City Development Plan 2011-2017 and of the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* issued by the minister in May 2009 which require the provision of a sufficient amount of residential accommodation when zoned and serviced land is being redeveloped, and to the public and private open space that would be provided within the proposed development, it is considered that, subject to the conditions set out below, the proposed development would provide an adequate standard of amenity for its occupants, would not injure the character of the area or the amenities of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. It would therefore be in keeping 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 as amended by the further plans and particulars submitted on the 3<sup>rd</sup> day of July 2015 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2 The roads and parking provided for the authorised development shall be amended to comply with the standards and specifications set down in the *Design Manual for Urban Roads and Streets* issued by the minister in March 2013. In particular the amendments shall provide for –

- Curve radii at the junction with Terenure Road West of no more than 4.5m. A courtesy crossing facility with vertical deflection shall be provided across that junction which shall align with the existing footpaths along Terenure Road West on either side of the junction.
- The width of the carriageway on within the site shall be no more than 5m. Where additional manoeuvring space is required for perpendicular parking spaces, this shall be provided within the parking bay behind raised kerbs as necessary.
- Secure and covered bicycle parking to a standard of 1 space per unit in the immediate vicinity of both apartment buildings and on the same side of the internal road as the buildings.

In the event that compliance with these requirements necessitates the displacement of parking spaces from the locations shown on the submitted site plans, additional car parking space may be provided along the perimeter of the proposed public open spaces. The total number of parking spaces provided in the development shall not be less than 51. The revised details required by this condition shall be agreed in writing with the planning authority.

**Reason:** To provide a safe residential environment with adequate parking in accordance with the applicable standards

3. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

4. 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.

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.

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

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7. 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.

8. The development shall be carried out in accordance with the landscaping plans submitted with the application, including the implementation of the boundary treatments, surface treatments and planting shown thereon for the public open space and throughout the site. The works shall be carried out to the satisfaction of the planning authority prior to the occupation of the development, and any plants which die or are removed within the following five years shall be replaced by the developer.

**Reason:** In order to ensure the satisfactory residential environment

9. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

11. 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.

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

12. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

13. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

Board Member: \_\_\_\_\_ Date: 5<sup>th</sup>, January 2016  
Paddy Keogh