



Board Direction

Ref: PL29N.245656

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 4th, 2016.

The Board decided to grant permission (by a 2:1 majority) in accordance with the following reasons, considerations and conditions.

The Board also considered that, having regard to the nature and scale of the proposed development which will connect to public infrastructure and the distance of the development from European Sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Reasons and Considerations

Having regard to:

- the provisions of the Dublin City Development Plan 2011-2017 including, in particular, the Z6 zoning of the site which is 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation' where neighbourhood shop is 'permitted in principle' and where both 'retail bathroom and tile showroom/DIY' and 'residential' uses are 'open to consideration';
- the existing use of the site and to the pattern of development in the area;
- the planning history of the site;
- the design, nature and extent of the development proposed;
- the documentation on file, including all observations and submissions; and

- the report of the planning inspector,

it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the site as set out in the development plan, would comprise an attractive mixed use development which would enhance the area, would not seriously injure the amenities of the area or of properties in the vicinity, would be acceptable in terms traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the use was acceptable on lands zoned Z6 where all uses proposed are either permitted in principle or open to consideration. The Board also considered that the proposed development was an appropriate use of the site taking into account the existing uses on the site. The Board considered that the Inspector's concerns regarding the impacts that noise and disturbance might have on residential amenity, and the creation of a gated community, were not so serious as to merit a refusal of permission and could be adequately addressed by planning condition.

Conditions

1. Standard Plan particulars with reference to FI response dated September 8th 2015.

2. a) The dwarf wall and railing to the north of No. 7 Donard Terrace shall be relocated to start at the front boundary wall of No. 7 Donard Terrace and curve around to meet the southern pier of the proposed pedestrian gateway as indicated on Drawing No. 2014.84.P02-FI submitted to PA on September 8th 2015 with the enclosed area landscaped accordingly.

b) The gate serving the residential units shall be omitted.

Detailed drawings indicating this amendment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of the residential amenities of properties in the vicinity and to comply with policy QH9 of the Development Plan.

3. a) The proposed vehicular entrance/exit, and all associated footpaths and surfaces, at Cabra Road shall be modified to comply with Design Manual for Urban Roads and Streets.

Detailed drawings indicating this amendment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

b) & c) Condition 16 ii) and iii) as per the PA/Board equivalent.

Reason: In the interests of traffic and pedestrian safety and the amenities of the area.

4. Condition 3 as per the PA/Board equivalent.

5. Condition 4 as per the PA/Board equivalent.

6. Construction Hours 8.00am to 6.00pm Monday to Friday, 8.00am to 2.00pm on Saturdays and no activity on Sundays and Public Holidays.

7. Condition 6 and 7 of PA as a, b and c

8. Operating hours and deliveries as per PA condition 9 except amended as follows: opening hours to 22.00 hours Monday to Saturday with 10.00am opening hours on Sundays.

9. Condition 8 as per PA or Board equivalent, Condition 14 as per PA as a and b.

Reason: In the interests of orderly development and amenity.

10. Standard external finishes general

11. Condition 10 as per the PA/Board equivalent.

12. Condition 11 as per the PA/Board equivalent.

13. Condition 12 as per the PA/Board equivalent.

14. Condition 13 as per the PA/Board equivalent.

15. Condition 17 as per the PA/Board equivalent.

16. Standard Water/drainage

17. Condition 19 as per the PA/Board equivalent.

18. Standard Construction and Demolition condition.

19. Standard Waste Management condition for operational stage

20. Condition 22 as per the PA/Board equivalent.

21. Condition 23 as per the PA/Board equivalent.

22. Condition 24 as per the PA/Board equivalent.

23. Standard General Development Contribution Condition

Board Member: _____ Date: March 4th, 2016
Nicholas Mulcahy

Please advise the applicant regarding the provisions of S.34(13) when issuing the decision and issue a copy of the direction with the order.