



## Board Direction

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**Ref: PL29S.245849**

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 11<sup>th</sup> 2016.

The Board decided to grant permission in accordance with the following reasons, considerations and conditions.

### **Reasons and Considerations**

Having regard to the scale, mass, materials and height, the planning history, the zoning of the site within a residential conservation area under the Dublin City Council Development Plan 2011-2017 and the pattern of development in the area, the Board considered that subject to the conditions as set out below the proposed development would not be injurious to the residential or visual amenities of the area be in accordance with the proper planning and sustainable development of the area.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the subject to the amendments conditioned hereunder the proposed development would not injure the visual or residential amenities of the area , would not contravene the development plan and would 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 as amended by the further plans and particulars submitted on the 8<sup>th</sup> day of October 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 first floor level of Block A shall be omitted in its entirety thereby reducing the height of the apartment block by one floor.

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

3. The internal layout of the residential units in Blocks A and B shall be re arranged to fully comply with the Quality Housing for Sustainable Communities: Best Practice Guidelines.

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

4. Details of the external finishes of the proposed development (including samples of the proposed materials where required) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. As per PA condition No. 6

6. As per PA condition No. 7

7. As per PA condition No. 8

8. As per PA condition No. 10

9. 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.

10. 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.

11. As per PA Condition No. 15

12. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces 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 security to be lodged shall be as follows –

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

13. As per PA Condition no 19.

- 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.

**Note:** The Board did not replicate Conditions No'd 3 and 4 of the planning authorities decision and considered that the amendments made address the concerns of third parties.

Board Member: \_\_\_\_\_ Date: 11.04.16  
Paul Hyde