



## Board Direction

---

**Ref: PL29N.246250**

The submissions on this file and the Inspector's report were further considered at a meeting of all available Board members held on July 6<sup>th</sup> 2016.

The Board decided, by a vote of four to four and on the casting vote of the Chairperson, to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the Z15 institutional zoning objective for the area, as set out in the current Dublin City Development Plan, to the pattern of development in the vicinity and to the planning history of the site, and having regard to policies in the Development Plan to promote sustainable residential densities in appropriate locations, it is considered that, subject to compliance with the conditions set out below, the proposed development would not materially contravene the zoning objective, would constitute an acceptable residential density in this suburban location, would not seriously injure the residential amenities of properties in the vicinity, would not detract from the character and setting of the nearby Protected structure, Sybil Hill House, and would 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.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that an overall masterplan for the Z15 zoned lands in the area, which had not been submitted in the case of the previous application for residential development of the subject site under file reference number PL29N.244588, had been submitted with the current proposal. Furthermore, the Board was of opinion that the concerns expressed by the planning authority in relation to deficiencies in this masterplan, as outlined in the authority's request for further information under planning application register reference no. 4185/15, could not be

resolved in relation to the development of the subject site, but rather to the other residential development proposed on the Z15 zoned lands, and that therefore it was of the view that the proposed development on the subject site would not be premature pending resolution of these deficiencies in the masterplan.

### **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. The proposed development shall be amended as follows:-
  - (a) House no. 8 in Block C shall be omitted and the resultant space shall be incorporated into the private open space for the adjoining house, no. 7.
  - (b) Any rear rooflights in the proposed houses in Block C shall be not less than 1.8 metres above finished attic floor level.
  - (c) No areas, other than the designated balconies and terraces, and the roof garden of Block A, shall be used, or be made capable of use, as terraces or patios.
  - (d) All landing lights, WCs and bathrooms in the proposed development shall be permanently fitted with opaque glazing

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of protecting the residential amenities of surrounding properties.

3. Prior to commencement of development, the developer shall submit to, and obtain the written consent of the planning authority of, for the following:-

- (a) The proposed screening treatment to the northern end of the decks of Block A;
- (b) Any screening measures considered necessary by the authority to avoid potential overlooking of existing houses to the north of the proposed roof garden on Block A.

**Reason:** In the interests of protecting the residential amenities of surrounding properties.

- 4. Prior to the commencement of the development, the developer shall submit to, and agree in writing with, the planning authority details of all the materials, textures and colours for the external facades including fenestration. Samples shall be displayed on site to facilitate the planning authority.

**Reason:** In the interest of visual amenity, clarity and orderly development.

- 5. Proposals for a development / estate name, house and 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 signs, and house 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.

**Reason:** In the interests of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

- 6. Site development and building works shall be carried only out between 08.00 hrs and 18.00 hrs Mondays to Fridays excluding bank holidays and between 08.00 hrs and 13.00 hrs on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of protecting the residential amenities of adjoining properties.

- 7. Notwithstanding the provisions of the *Planning and Development Regulations, 2001*, or any statutory provision amending or replacing them, no additional development shall take place above roof parapet level, other than that specifically included in the development

description for the proposed development, including any solar panels, lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

8. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses in Block C without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed houses.

9. The existing east and north garden wall structures shall be retained and shall be conserved in accordance with Best Conservation Practice. This conservation work shall be carried out under the professional supervision on-site of an accredited Grade 1 Conservation Architect or expert with specialised conservation expertise, in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011. Prior to any excavations, vibration monitors shall be provided to measure vibrations and the walls shall be monitored throughout the construction period to ensure that the stability of the walls does not deviate from acceptable norms. Any required under pinning works shall be carried out under the supervision of the Conservation Architect or expert with specialised conservation expertise.

**Reason:** In order to ensure that the existing garden wall, which is part of the historic fabric of the area, is appropriately conserved and protected.

10. As per PA condition no. 10 (and reason)

11. As per PA condition 11

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess any further signage or other structures through the statutory planning process.

12. As per PA condition 12

**Reason:** To protect the visual amenities of the area.

13. 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 noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of clarity, orderly development and amenity.

14. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

15. 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.

16. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

17. Public lighting shall be provided in accordance with a scheme, to include lighting in the communal open space and along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

18. As PA condition 14 (with reason)
19. As per PA condition 24 (with reason)
20. A plan containing details for the management of waste 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:** In the interests of residential amenity and proper waste management.

21. 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) 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.

22. 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 of roads, footpaths, watermains, drains, communal 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 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.

23. 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.

24. As PA condition 13 (with reason).

Board Member: \_\_\_\_\_ Date: 7<sup>th</sup> July 2016  
Philip Jones