



An
Bord
Pleanála

Board Direction
BD-000090-18
ABP-300492-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/03/2018.

The Board decided 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

In coming to its decision, the Board had regard to the following:

- (a) the site's location within the built-up area of Dublin City on lands with zoning objectives for residential development and compatible uses under the Dublin City Development Plan 2016-2022,
- (b) the site's proximity to the city centre and to public transport facilities including the Luas Green Line and where a wide range of social infrastructure is locally available,
- (c) the nature, scale and design of the proposed development,
- (d) the pattern of existing and permitted development in the area and on the site,
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment,

Community and Local Government in December 2015, and draft update issued in March 2018 by the Department of Housing Planning and Local Government,

- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (h) the submissions and observations received, and
- (i) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would provide residential accommodation at a location within the city that would promote sustainable travel patterns, would enhance the character of the area, would be acceptable in terms of traffic and pedestrian safety and convenience, and would not seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment (screening) report submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Conditions

1. The proposed 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. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The streets and footpaths within the development shall comply with the requirements and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013. The proposals submitted with the application shall, therefore, be amended as follows:
 - (a) The street between the proposed junction on Carnlough Road and the ramp serving the underground car park and the service access to the rear of Block A shall have a carriageway no more than 5.5 metres wide. The footpath from Carnlough Road along the eastern side of the new Carnlough Square and the eastern and northern sides of Block A shall provide a clear passage for pedestrians at least 3 metres wide, with extra width beyond the 3-metre passage to provide landscaping or other physical measures to prevent vehicles parking or stopping on any part of the footpath. The proposed segregated cycleway along the street from

the junction on Carnlough Road to the south of the new Carnlough Gardens shall be omitted and cycle movement shall be facilitated along a shared street as described in section 4.3.1 of the National Cycle Manual, issued by the National Transport Authority, save for revised measures to control conflicts in the vicinity of the ramp to the car park.

- (b) The proposed roundabout at the rear access to Block A shall be omitted and shall be replaced by a low capacity priority junction designed in accordance with section 4.4.3 of the Design Manual for Urban Roads and Streets.
- (c) On streets to the north of the new Carnlough Gardens no carriageway shall be wider than 5 metres, or 4.8 metres where a shared surface is provided, and no corner shall have a radius of greater than 3 metres.
- (d) Pedestrian access shall be maintained from the north-eastern corner of the development to Faussagh Avenue at all times. A stile may be erected to require cyclists using this access to dismount. However, any such structure shall allow unimpeded passage for persons with impaired mobility and at least 20 centimetres clearance in each direction for a dismounted cyclist pushing a bicycle of the type used for Dublinbikes. Any structure which does not allow such passage and clearance shall be removed.

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 order to comply with the guidance given in the Design Manual for Urban Roads and Streets and to provide an integrated street network that is safe and convenient for all road users and in particular pedestrians and that achieves an acceptable standard of urban design.

3. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority a plan for the management of

parking which shall provide for a maximum of 402 number car parking spaces (not including the space within the curtilage of Block I), of which 78 number would serve the proposed neighbourhood centre with the remainder serving the proposed apartments. At least eight number spaces for the neighbourhood centre and 20 number spaces for the apartments shall be reserved for people with impaired mobility. The plan shall also demonstrate that a minimum of 484 number bicycle parking spaces would be provided and provision to ensure the allocation of at least one bicycle space to each of the permitted apartments., so that each apartment and the neighbourhood centre has the benefit of convenient and secure bicycle parking. The developer shall consult with the planning authority on facilitating a station for Dublinbikes within the proposed development. No car parking space shall be used for any purpose not directly related to the proposed development and no space shall be sold, leased, licenced or sub-let in connection with any other use or purpose.

Reason: To regulate the use of the parking within the proposed development and limit the traffic that it would generate.

4. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
 - (a) Materials, colours and textures of all the external finishes to the proposed buildings and any proposed render finish shall be self-finish in a suitable colour and shall not require painting.
 - (b) Landscaping, boundary and surface treatments which shall generally conform to the scheme submitted with the application.
 - (c) Balustrades and privacy screens for balconies.
 - (d) Signage throughout the development, including the shopfronts on the commercial premises in the neighbourhood centre.
 - (e) The initial uses of units 1, 3 and 4 of Block A shall be within Classes 1 or 2 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 as amended, or used as a restaurant or café. If use as a

restaurant or café is proposed the submitted details shall include detail of the air handling and ventilation.

- (f) Public lighting through the development.
- (g) Public art for the proposed communal open space.

Reason: In the interests of visual and residential amenity.

- 5. Standard Model Naming condition
- 6. 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.

- 7. 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.

- 8. Communal waste storage areas in the proposed development shall be designed and managed in accordance with an operational waste management plan that shall be submitted and agreed with the planning authority prior to the commencement of development. Prior to the occupation of any of the commercial units a food and bio-waste management plan shall be submitted for the written agreement of the planning authority. Grease traps shall be installed and managed in any commercial food preparation area or kitchen.

Reason: In the interest of public health

9. The community building shall be made available to the public in accordance with details to be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of residential amenity

10. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

11. Standard model lift and roof top condition but add 'apart from the development/life overruns and PV panels indicated on the submitted drawings

Reason: In the interest of visual amenity

12. The development shall be carried out on a phased basis in accordance with the proposals submitted with the application. Work on any phase after the first shall not commence until the written agreement of the planning authority is given.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

13. Add delivery hours condition for retails 0700 hrs to 2000 hrs Mon – Sat.

14. The construction of the proposed 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:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse, areas for construction site offices

and staff facilities, site security fencing and hoardings, and on-site car parking facilities for site workers during the course of construction.

- (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site, measures to obviate queuing of construction traffic on the adjoining road network, and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of amenities, public health and safety.

- 15. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours 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.

- 16. Add standard model management co condition

17. 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.

Reason: In the interest of sustainable waste management.

18. Prior to the commencement of development, the developer shall consult with the National Transport Authority to ascertain its requirements regarding the possible provision of a station on the railway beside the site and the provision of pedestrian access to it and the developer shall comply with the reasonable requirements of the National Transport Authority in this regard.

Reason: To avoid prejudicing the potential for a station on the adjoining railway.

19. Prior to the commencement of development, the developer shall contact Iarnród Éireann to ensure an agreed safe system of work in accordance with Railway Safety Commission Guidelines RSC-G-010A. Any works associated with the proposed development shall ensure that the integrity of the railway is maintained.

Reason: To protect the railway and public safety.

20. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

21. Add standard model management co bond condition.

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

22. 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.

23. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of works to improve the junction between Carnlough Road and Cabra Road. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

24. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City extension in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

25. 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.

Board Member

Date: 15/03/2018

Paul Hyde