



An  
Bord  
Pleanála

**Board Direction**  
**BD-001631-18**  
**ABP-301485-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/11/2018.

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**

It is considered that the proposed development would be consistent with the provisions of the Dublin City Development Plan 2016-2022 including the zoning objective for the site, Z14 Strategic Development and Regeneration Areas (SDRAs) 'To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and "Z6" would be the predominant use.' It is further considered that the proposed development would be of an appropriate density that would be consistent with provisions for same under Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DEHLG, 2009), under the City Development Plan and the Clongriffin-Belmayne Local Area Plan 2012-2018, as extended, would provide for an appropriate transition in scale between the 2-storey development to the south and 5-storey development to the north, and would not seriously injure the amenities of residential property in the vicinity and is consistent with the proper planning and sustainable development of the area, subject to compliance with the conditions set out in section 10.0.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by drawings and documentation submitted as further information on 16<sup>th</sup> February 2018, 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.
  - (i) The footpaths within the development and / or otherwise provided as part of the scheme, shall be no less than 1.8m in width exclusive of any tree planting, or street lighting poles or similar.
  - (ii) A footpath shall be provided, by the developer, adjacent the western side of the existing road located to the east of the site to tie in with the existing footpath in Grattan Lodge to the south, and the developer shall replace any trees lost in the provision of the footpath with semi-mature broadleaf trees.
  - (iii) A pedestrian crossing shall be provided, by the developer, between the footpath required under (ii) and the existing footpath to the east side of the public road.
  - (iv) The final design and details of the road layout, including the junction with the public road network, footpaths, pedestrian crossings (within or external to the site boundary), car parking areas, and including any hard landscaping areas to be taken in charge by the Council, shall comply with the Design Manual for Urban Roads Streets for the 30kph speed limit, shall be subject to a Road Safety Audit and shall be constructed to the Council's construction standards for such works.
  - (v) The road layout within the site shall make adequate provision for access to the adjacent lands to the west, to the satisfaction of the planning

authority.

(vi) Full details and drawings shall be submitted for the written agreement of the planning authority and the works shall be carried out at the applicant's own expense and any costs incurred by Dublin City Council, including repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interest of traffic safety.

3. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

(b) Water supply and wastewater arrangements shall comply with the requirements of Irish Water.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

4. (a) The site and building works required to implement the development shall only be carried out between the hours of: Mondays to Fridays - 7.00a.m. to 6.00p.m. Saturday - 8.00a.m. to 2.00p.m. Sundays and Public Holidays - No activity on site.

(b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

**Reason:** In order to safeguard the amenities of adjoining residential occupiers.

5. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets and Traffic Department and the Noise and Air Pollution Section.

**Reason:** To ensure a satisfactory standard of development.

6. Proposals for an estate/street name, house 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 and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

7. 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.

8. The developer shall pay to the planning authority a financial contribution in lieu of provision of public open space within the development site, 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:** To provide or improve public open space or amenities in the area in line with the City's Park Strategy in lieu of onsite provision of public open space in addition to communal open space to Development Plan 2016-2020 standards on this site of restricted size, in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

9. 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.

10. 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.

**Board Member**

**Date:** 14/11/2018

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Paul Hyde