



An
Bord
Pleanála

Board Direction
BD-002174-19
ABP-302617-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/01/2019.

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

Having regard to

- the objective VC (Village Centre) zoning objective for the site and wider area including the adjoining site to the east,
- the pattern of development in the area including the scale of the adjoining Priors Gate development to the west of the site,
- The form of development proposed that complements the existing Priors Gate development in design and scale,
- The provisions of the *South Dublin County Council Development Plan, 2016-2022*,
- The provisions of relevant planning guidance prepared by the Department of Housing Planning and Local Government, specifically the *Sustainable Urban Housing: Design Standards for New Apartments* (March, 2018) and *Guidelines for Planning Authorities on Urban Design and Building Heights*, (December, 2018).

it is considered that, subject to compliance with conditions below, the proposed development would not seriously injure the visual or other amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, 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 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) the west facing windows in the living room of Units 101, 201 and 301 shall be replaced with high level windows such as would prevent overlooking of the existing residential units to the west in Priors Gate.
 - (b) All windows above ground floor level on the eastern elevation of the building shall be in frosted glazing, which shall be permanently maintained.
 - (c) That section of the eastern elevation extending for a distance of 11.5 metres from the north-eastern corner of the building shall be finished in brick, to match that proposed on the northern elevation.

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 interest of residential amenity.

3. (a) 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.

(b) Prior to the commencement of development, the developer shall submit and obtain the the written agreement of the Planning Authority for revised proposals for surface water layout providing for an increased attenuation of 55 m³ by 20% for a 1 in 30 year storm event and by 28% for a 1 in 100 year storm event.

Reason: In the interest of public health.

4. Prior to the commencement of development a comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority. This scheme shall include the following:-

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) details of the proposed play area to include design rationale, equipment and surface.

(c) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(d) details of proposed street furniture, including bollards, lighting fixtures and seating;

The site landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

5. 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.

6. Proposals for a development name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements prior to commencement of construction works.

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

8. 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.

9. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development]. No external shutters shall be provided to the shop.

Reason: In the interest of the amenities of the area/visual amenity.

10. Retail Ad 3, other that agreed under condition 9 of this Order.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

12. S48

13. Standard Security

Board Member

Date: 21/01/2019

Terry Prendergast