



An
Bord
Pleanála

Board Direction
BD-004013-19
ABP-304686-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/09/2019.

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

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

1. The site's location in an established urban area that is proximate to Dublin City Core;
2. the policies and objectives in the Dublin City Development Plan 2016-2022;
3. the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
4. the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual - a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
5. the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018;
6. 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;
7. the provisions of the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December 2018;

8. the nature, scale and design of the proposed development and the availability in the area of a wide range of transport infrastructure and social infrastructure;
9. the pattern of existing and permitted development in the area;
10. the planning history within the area,
11. the submissions and observations received and
12. the Inspector's report.

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable residential density in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development 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.

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 Screening for Appropriate Assessment submitted with the application, 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 conservation objectives of such sites, 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 Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the

direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

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.

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 development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

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

3. All mitigation measures identified in the Inward Noise Impact Assessment and in the Site-Specific Flood Risk Assessment shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

4. The applicant shall submit the following to the Planning Authority for agreement prior to the commencement of development:

- (a) Details of the materials, colours and textures of all the external finishes to the proposed residential blocks and public / communal areas.
- (b) Details of all signage associated with the development.
- (c) Full details of wayfinding through the site including details of access to residential lifts, stair cores, car and bicycle parking and communal spaces, which should include hours of operation.

Reason: In the interests of visual amenities, permeability, connectivity and good urban design.

5. The gym at ground level shall be for the use of residents of the proposed development only and shall not be open to the public on a commercial basis, unless otherwise authorised by a prior grant of permission. The gym shall be maintained and managed by the Owner's Management Company.

Reason: To ensure the appropriate provision of communal facilities to serve the needs of the residents of the proposed development.

6. No additional development shall take place above roof parapet level, including 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 residential amenities of property in the vicinity and the visual amenities of the area.

7. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (i) Final details of roads and traffic arrangements serving the site (including signage).
 - (ii) Full details of works at the interface with the Long Mile Road including design details for the vehicular access / exit point to the development. All works to public roads / footpaths shall be agreed in advance with the Planning Authority and shall be completed to taking in charge standards of the Planning Authority.
 - (iii) Full details for the provision of one hundred and eighty eight no. cycle parking spaces within the site. The spaces shall be distributed throughout the site and shall be fully accessible and free of obstruction.
 - (iv) Full details for the management of car parking spaces within the development, indicating how spaces will be assigned and segregated. The car parking spaces shall be reserved for use by residents and visitors to the development and shall not be sold, let or otherwise transferred or conveyed to other parties.
 - (v) Full details for an electronically controlled gate at the entrance to the undercroft car park.
 - (vi) A Stage 2 Road Safety Audit shall be submitted to the Planning Authority prior to the occupation of the development.
 - (vii) All of the communal parking areas serving the apartments shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and

agreed in writing with, the planning authority prior to commencement of development.

(viii) Two clearly designated spaces for car share use shall be provided.

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

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable transportation.

8. A Mobility Management Plan for the development, shall submitted for the written agreement of the planning authority prior to the commencement of development and the commitments contained therein, shall be complied with during the operational phase of the development.

Reason: In the interests of sustainable travel.

9. (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) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (c) The development shall maintain a minimum clearance distance of four metres from the existing public surface water sewer on the site. No additional loading shall be placed on the sewer.
- (d) Pre-construction CCTV surveys of the public surface water sewer affected by this development shall be submitted to the Planning Authority prior to the commencement of the development. Post construction surveys shall be submitted for the written approval of the Planning Authority within 6 months of occupation of the development. Any damage caused to the public surface sewer shall be rectified at the developer's expense.
- (e) Details of the proposed green roof types, a construction plan and a post construction maintenance and management plan shall be submitted to the planning authority for its written agreement prior to the

commencement of development. Surface water drainage works shall be carried out in accordance with the agreed details and the green roofs shall be managed and maintained in accordance with the agreed post-construction maintenance plan.

Reason: In the interest of public health and surface water management.

10. All foul sewage and soiled water shall be discharged to the public foul sewer. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

11. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. Membership of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

12. 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.

13. 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.

Reason: In the interests of visual and residential amenity.

14. 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. The proposed name(s) 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(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 and to ensure the use of locally appropriate place names for new residential areas.

15. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the proposed development or each phase of development and any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

16. 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.

17. (a) 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 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.
- (b) The submitted details shall include details for refuse collection arrangements within the site to include provisions for refuse vehicles to enter and manoeuvre within the site and to exist the site in the forward direction.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and in the interest of traffic safety.

18. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

19. 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 a traffic management plan, noise management measures and off-site disposal of construction/demolition waste.

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

20. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and

other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

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) 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.

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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains 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.

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 lieu of the provision of public open space within the site. 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 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: 11/09/2019

Stephen Bohan