



An
Bord
Pleanála

Board Direction
BD-006115-20
ABP-306756-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/07/2020.

The Board decided to grant permission, 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;

- The Dublin City Development Plan 2016-2022, according to which the location is subject to the zoning objective Z1: *to protect, provide for and/or improve residential amenities:*
- Sustainable Urban Housing: Design Standards for New Apartments, (March 2018) issued by the Department of Housing Planning and Local Government.
- The National Planning Framework issued by the Department of Housing Planning and Local Government. according to which new residential development in cities should be directed into locations within the existing built up serviced areas.
- The location within a well serviced, inner suburban area in close in proximity to the city centre, public transport facilities and a good local road network, and a wide range of community and social facilities,

- to the size and configuration of the site which has the capacity to accept a stand-alone development of individual character and higher density that is compatible with the established development in the area and,
- To site layout, footprint, scale, mass, height and design of the proposed development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or the residential amenities in the vicinity, would be acceptable in terms of traffic and pedestrian safety and convenience would not endanger public health and would 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 agreed with the conclusion of the planning authority and was satisfied that the proposed development, would not be incongruous in terms of its design, bulk and form and represented a positive and innovative architectural response to the site context, would not seriously injure the character with the streetscape and would, therefore, be acceptable in terms of the visual amenities of the area.

Conditions

- 1 Plans and partics
- 2 Materials and finishes
- 3 As per PA C5.
- 4 As per PA C7
5. The following requirements shall be provided for and adhered to in the development:

- The basement level carparking spaces shall be for the sole use of residents, and visitor parking and shall not be sold, sublet or leased to third parties.
- Alterations to the public road and footpath including the interface between the footpath and private landing shall be in accordance with the requirements of Environment and Transportation Department.
- All repairs to the public road and services that may be required shall be carried out to the satisfaction of the planning authority at the applicant's expense.

Reason: In the interest of clarity, public safety and amenity.

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 within the basement shall be designed and managed in accordance with the proposals within the operational waste management plan lodged with the planning authority. Waste materials shall be transferred to the designated surface level space on the day of collection only.

Reason: In the interests of residential and public amenities.

- 9 Std Landscaping Condition.

10 No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

11 Construction Waste and Construction Traffic Plan

12 Hours of work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of surrounding properties and clarity.

13 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.

14 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: 21/07/2020

Paul Hyde