



An
Bord
Pleanála

Board Direction
BD-006548-20
ABP-307444-20

Re: Amending Board Order

S146A of the Planning and Development Act, 2000, as amended

The submissions on this file were considered at a Board meeting held on 24/09/2020.

The Board decided to exercise its powers under section 146A(1)(b) of the Planning and Development Act 2000, as amended, to amend its Order of the 20th day of August 2020

WHEREAS the Board made a decision to grant permission in relation to the above-mentioned development by order dated the 20th day of August 2020.

AND WHEREAS it has come to the attention of the Board that it is appropriate to amend its Order dated the 20th day of August 2020 in order to facilitate the permission/decision where the amendment may reasonably be regarded as having been contemplated by either a particular provision of the permission/decision or the terms of the permission/decision which were not expressly provided,

AND WHEREAS the Board considered that the amendment would not result in a material alteration of the terms of the decision,

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had made submissions or observations in relation to the application the subject of this amendment,

NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision by replacing the term “works” with “development” in condition numbers 5, 7, and 11 so that these conditions are to read as follows:

5. Prior to commencement of any development on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
- (a) Modify entrance to unit 427 of Block 6 to avoid gym/breakout area.
 - (b) Modify boundary treatment of unit 18 of Block 1 to provide privacy to unit 18.
 - (c) Amend location of bin stores for Blocks 8 and 9.
- Reason:** In the interests of proper planning and sustainable development and to safeguard the amenities of the occupants.
7. Prior to commencement of any development on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
- (a) Details of four number gates to be erected on accesses between the development site and St. Anne’s Park.
 - (b) Details regarding the opening hours of the access points between the development site and St. Anne’s Park, which reflect the opening hours of St. Anne’s Park.
 - (c) Details of protection and repair measures for the remaining section of the walled garden along the northern site boundary. This wall shall be retained and repaired where possible, and any demolition deemed necessary shall not be undertaken without the prior agreement of the planning authority.
 - (d) Full details of the two-metre high railing along the north of Blocks 1, 2, 4 and 6 adjoining the public open space and integrating the red bricked wall (see above (c)).
 - (e) Details of the boundary treatment to be erected to replace the paladin fencing.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

11. 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. In particular:
- (a) The surface water outfall pipe and headwall details to the Naniken River shall be agreed in writing with the planning authority prior to any development commencing on site. Additional details in relation to the scouring of the river channel or river banks shall be submitted for the written agreement of the planning authority.
 - (b) Development shall not commence until the finalised alignment and details of surface water pipe are agreed in writing with the planning authority. The design and construction of the pipe will minimise impact on existing tree root zones and will include on-site supervision by a qualified Arboriculturist employed by the developer and reporting to the planning authority. Following construction, the alignment will be landscaped in accordance with the requirements of the planning authority.
 - (c) Development shall not commence until requirements for demolition and reconstruction of the bridge with the proposed drainage outfall at the Naniken River are agreed with the planning authority.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

Board Member: _____

Date: 24/09/2020

Paul Hyde

Decision Quashed