An Bord Pleanála

Board Direction
BD-008535-21
ABP-309465-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/06/2021.

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 Z1 zoning objective relating to the site and the policies and provisions contained in the National Planning Framework, the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (December 2020), it is considered that the proposed development, subject to compliance with conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. 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 as amended by the plans and particulars received by Dublin City Council on the 15th day of

December, 2020, 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. Details of the materials, colours and textures of all external finishes to the proposed apartment block shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The reconstituted stone cladding panels shall be a neutral buff colour.
Reason: In the interest of visual amenity.

3. 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.

4. The developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to the commencement of development.
Reason: In the interest of orderly development.

5. (a) The first floor windows to the rear of Apartment No. 4 (eastern elevation) shall have obscure glazing to the north face and clear glazing with louvres to the south face.
   (b) The rear windows to Apartment 6 shall have obscure glazing to the south face and clear glazing with louvres to the north face. All louvres shall be angled and fixed downwards towards the communal open space area.
   (c) The rear second floor windows to Apartments Nos. 07 and 09 shall have clear glazing with upward angled and fixed louvres.

(d) A 1.8 metre high obscure glazing side screens shall be applied to the northern side of the above ground floor level north-west corner balconies and also between the remaining front balconies/patios located to the southern side of the three-storey front bay structure and to the southern side of the south-west corner balconies.

(e) The rear first floor landing window shall be permanently fitted with opaque glazing.

Prior to the commencement of development details of the above shall be submitted to the planning authority with section drawings no less than 1:50 scale for the written agreement of the planning authority.

Reason: To protect existing residential amenities and the amenities of future occupants.

6. The external refuse store shall be modified to maintain a minimum of 1.2 metres width to the footpath between the store and the main building. Details of which shall be submitted for the written agreement of the planning authority prior to the commencement of development.
Reason: In the interest of orderly development.

7. The area to the front and side of each of the ground floor apartments and the site boundary onto Clonshaugh Road shall be separated into individual gardens for the sole use of each of the ground floor units. Details of which shall be agreed in writing with the planning authority prior to the commencement of development.
Reason: In the interest of residential amenity of future occupiers.

8. The parking area shall be modified to provide a formal planting area of 500 millimetres between the north and east boundary walls and the car parking spaces. Details of the planting shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential and visual amenity.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

   a) A plan to scale of not less than 1:500 showing –

      i. The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

      ii. Details of screen planting.

      iii. Details of roadside/street planting.

      iv. Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

   b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment

   c) A timescale for implementation including details of phasing.

   All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

   Reason: In the interest of residential and visual amenity.

10. The development shall be managed in accordance with construction management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of the intended construction practice for development, including hours of working, noise management measures and off-site disposal of construction and demolition waste.

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

11. A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.
Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.
Reason: In the interests of amenity and public safety.

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. 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.

14. The site development and construction work shall be carried out in such a manner so as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept clean and in a safe condition during construction works and in the interest of orderly development.

15. The naming and numbering of the scheme shall be agreed in writing with the planning authority prior to the occupation of units.
Reason: In the interest of orderly street numbering.

16. A plan containing details for the management of waste (and in particular recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of waste and in particular recyclable materials and for the on-going operation of these facilities within the apartment complex shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter the waste shall be managed in accordance with an agreed plan.
Reason: To provide for an appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

17. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown in the drawings submitted unless authorised by a prior grant of planning permission.
Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area.

18. During the construction and demolition phase the proposed development shall comply with the comply with British Standard 5228 "Noise Control on Construction and Open Sites Part 1: Code of Practice for Basic Information and Procedures of Noise Control".
Reason: To ensure a satisfactory standard of development, in the interest of residential amenity.

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive. 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.

20. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

21. 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:** 15/06/2021

Stephen Bohan