

An
Bord
Pleanála

Board Direction
BD-016395-24
ABP-317417-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/05/2024.

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 and Z2 zoning of the lands, the provisions of the Dublin City Development Plan 2022 - 2028 and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would comply with the provisions of the Development Plan. 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 further plans and particulars submitted to the Planning Authority on the 4th May 2023, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interests of clarity.

2. IW Condition.

3. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

4. Prior to the commencement of development, the Applicant shall submit the following for the written agreement of the Planning Authority:

- a) A revised car parking layout showing 2 no. car parking spaces including one accessible space to the front and 2 no. car parking spaces and 1 no. motorcycle space to the rear of Trident House. The revised parking layout shall detail a pedestrian pathway from the shared surface access road to the pedestrian entrance of Trident House.
- b) All car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub- let or leased to other parties. All parking spaces shall be provided with electrical charging equipment.
- c) The provision of cycle parking spaces shall comply with the standards within the CDP and revised plans detailing cycle parking for Trident House shall be submitted to the planning authority for written agreement prior to the commencement of the development.
- d) The kerb and footpath to the front of the development shall be suitably dished, raised and upgraded, to the satisfaction of the Planning Authority.

Reason: In the interest of traffic safety and orderly development.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 the interest of public health and to ensure a proper standard of development.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

7. The construction of the development shall be managed in accordance with the Construction Management Plan, 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

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of the house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process

9. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the eastern site boundary, consisting predominantly of trees, shrubs and hedging of indigenous species, capable of growing to the height of 2 metres. The planting shall be carried out in accordance with the agreed scheme and

shall be completed within the first planting season following the substantial commencement of construction works.

- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 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 order to screen the development, in the interest of visual amenity.

- 10. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

- 11. Proposals for a naming and 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/street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 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.

- 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 mitigation measures proposed in the Ecological Impact Assessment Report and the Bat Survey shall be implemented in full to the satisfaction of the Planning Authority.

Reason: In the interests of natural heritage protection.

14. 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.

15. 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, public 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 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.

16. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

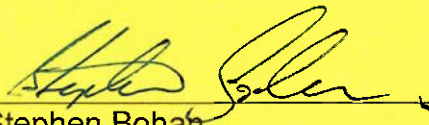
Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

[Note:

- The Board also had regard to The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018 which supports compact growth, and seeks to make better use of existing underutilised, serviced lands within built-up areas. The framework targets a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas.
- Notwithstanding the site is partially within a Residential Conservation Area there are no Protected Structures within the general vicinity and no significant effects are anticipated in this regard. There are no monuments listed in the Record of Monuments and Places (RMP) or in the Site and Monuments Record (SMR) on the site. Similarly, there is no record of sites

listed in the Dublin City Industrial Heritage Record (DCIHR) within or in the immediate environs of the site. Therefore, given the nature and location of the site and proposed development the Board did not consider that a condition related to archaeology (Inspectors Condition No.11) was warranted in this instance and were aligned with the planning authority in this regard.]

Board Member



Stephen Bohan

Date: 22/05/2024