

An
Bord
Pleanála

Board Direction
BD-016155-24
ABP-317818-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/04/2024.

The Board decided to grant permission by a majority of two to one 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 Dublin City Development Plan 2022-2028, the zoning of the site predominantly as 'Z1' to protect, provide and improve residential amenities, the policies and objectives of the Plan including inter alia Objective SMT18 to strengthen permeability by promoting a network of pedestrian routes including laneway connections which link residential areas, Objective SDRA01 that development proposals should ensure adequate permeability and connectivity to surrounding neighbourhoods and public transport infrastructure, to the Ballymun Local Area Plan 2017 as extended to 2027 and principle KP5 to complete outstanding infrastructure to enhance connectivity within Ballymun, to the nature of the proposed development providing a creche, a range of housing and sheltered housing units, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area. 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 submitted as amended by the further plans and particulars submitted on the 16th day of June 2023, 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. The existing palisade fence at the eastern boundary of the site shall be replaced with an alternative boundary treatment comprising a low plinth wall with round bar railings atop, along with the proposed pedestrian / cycle gate located at the northern side of the boundary. All such works shall comply with the requirements of the planning authority.

Reason: In the interest of visual amenity.

3. 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.

4. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Uisce Éireann.

Reason: In the interest of public health.

5. The Landscape Masterplan shown on drawing number 1.0 as submitted to the Planning Authority on the 16th day of June 2023 shall be carried out within the first planting season following substantial completion of external construction works.

The developer shall comply with the following requirements:

- (i) The developer shall appoint the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development.
- (ii) Details of communal garden to serve the sheltered housing shall be submitted for the written agreement of the Planning Authority prior to commencement of development.
- (iii) Detailed design for the park entrance area.
- (iv) Rear garden boundary design to be coordinated with a tree and vegetation protection plan.

Reason: In the interest of residential and visual amenity.

6. The sheltered housing units shall not be sublet or used for short-term letting or sold individually without a prior grant of planning permission.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

7. Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs and bicycle parking shall be in accordance with the detailed standards of the Planning Authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. 10% of all in-curtilage car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including the on-street parking spaces, facilitating the installation of EV charging points/stations at a later date. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of sustainable transportation and to provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. 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) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- e) Measures to obviate queuing of construction traffic on the adjoining road network;
- f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the

Planning Authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety.

11. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste 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. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

12. Site development and building works shall be carried out only between the hours of 0700 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 amenities of property in the vicinity.

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. If any archaeological remains are discovered during site works, the developer shall:

(a) immediately notify the National Monuments Service and the Planning Authority,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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 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.

16. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

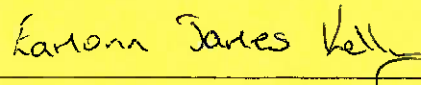
17. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

18. A development contribution in the sum of €170,000.00 (34 x Units) shall be paid to the planning authority as a contribution in lieu of the public open space requirement in respect of public open space 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 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. The application of any indexation required by this condition 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.

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


Eamonn James Kelly

Date: 26/04/2024