

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 3871/14

An Bord Pleanála Reference Number: PL 29S.245395

APPEAL by Terenure West Residents' Association care of 49 Lavarna Grove, Terenure, Dublin and by Kimpton Vale Limited care of PCOT Architects of 18 Whitehall Road, Terenure, Dublin against the decision made on the 30th day of July, 2015 by Dublin City Council in relation to an application by the said Kimpton Value Limited for permission for development comprising amendment of a previously permitted development planning register reference number 3455/08 and An Bord Pleanála appeal reference PL 29S.232775 by the omission of a block of 15 number apartments and a change of dwelling type of 32 number four bed terrace houses and their replacement with 50 number dwellings which are arranged as follows: three number terraces of two number four bed two and a half storey houses and three number three bed plus study two and a half storey houses, one number terrace of two number four bed two and a half storey houses and two number three bed plus study two and a half storey houses, one number terrace of two number four bed two and a half storey houses and one number three bed plus study two and a half storey house, one number terrace of two number four bed two and a half storey houses, one number three bed plus study two and a half storey house and one number three bed two and a half story storey house, two number semi-detached two bed plus study two and a half storey houses, one number block of five number three bed duplexes over five number two bed apartments, one number block of six number three bed duplexes over six number two bed apartments. The development also includes the extension and renovation of the existing single storey gate lodge into a two storey dormer type three bedroom dwelling and all ancillary site development works, including landscaping, bin/bike stores and 31 number

surface car park spaces at Presentation Convent site, Terenure Road West, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for amendment of a previously permitted development planning register reference number 3455/08 and An Bord Pleanála appeal reference PL 29S.232775 by the omission of a block of 15 number apartments and a change of dwelling type of 32 number four bed terrace houses and their replacement with 29 number dwellings which are arranged as follows: three number terraces of five number three bed plus study two and a half storey houses, one number terrace of four number three bed plus study two and a half storey houses, two number terraces of three number three bed plus study two and half story houses and one number three bed two and a half storey house, two number semi-detached two bed plus study two and a half storey houses, the extension and renovation of the existing single storey gate lodge into a two storey dormer type three bedroom dwelling and all ancillary site development works, including landscaping, bin/bike stores and 31 number surface car park spaces and to refuse permission for one number block of five number three bed duplexes over five number two bed apartments and one number block of six number three bed duplexes over six number two bed apartments).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the Z12 zoning of the site, which allows for residential development, to the provisions of the Dublin City Development Plan 2011-2017 and to the “Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (Cities, Town and Villages)” issued by the Department of the Environment, Heritage and Local Government in May, 2009 which require the provision of a sufficient amount of residential accommodation when zoned and serviced land is being redeveloped, and to the public and private open space that would be provided within the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide an adequate standard of amenity for its occupants, would not seriously injure the character of the area or the amenities of property in the vicinity and would 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 further plans and particulars submitted on the 3rd day of July, 2015, 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 roads and parking provided for the proposed development shall be amended to comply with the standards and specifications set down in the Design Manual for Urban Roads and Streets issued by the Department of the Environment, Community and Local Government. In particular, the amendments shall provide for –
 - (a) Curve radii at the junction with Terenure Road West of no more than 4.5 metres. A courtesy crossing facility with vertical deflection shall be provided across that junction which shall align with the existing footpaths along Terenure Road West on either side of the junction.

- (b) The width of the carriageway within the site shall be no more than 5 metres. Where additional manoeuvring space is required for perpendicular parking spaces, this shall be provided within the parking bay behind raised kerbs as necessary.
- (c) Secure and covered bicycle parking to a standard of one number space per unit in the immediate vicinity of both apartment buildings and on the same side of the internal road as the buildings.

In the event that compliance with these requirements necessitates the displacement of parking spaces from the locations shown on the submitted site plans, additional car parking space may be provided along the perimeter of the proposed public open spaces. The total number of parking spaces provided in the development shall not be less than 51. Revised details showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide a safe residential environment with adequate parking in accordance with the applicable standards

- 3. 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 the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 4. 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.

5. 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.

6. Proposals for an estate/street name, house 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 and street signs, and house numbers, shall be provided in accordance with the agreed scheme. 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 interests of urban legibility

7. 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.

Reason: In the interest of visual amenity.

8. The development shall be carried out in accordance with the landscaping plans submitted with the application, including the implementation of the boundary treatments, surface treatments and planting shown for the public open space and throughout the site. The works shall be carried out to the satisfaction of the planning authority prior to the occupation of the development, and any plants which die or are removed within the five years from the completion of the development shall be replaced by the developer.

Reason: In the interest of residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 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 residential amenities of property in the vicinity.

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 noise management measures and off-site disposal of construction/demolition waste.

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

11. 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 social and affordable housing in accordance with the requirements of section 96 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 97(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 for the area.

12. 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.

13. 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 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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.