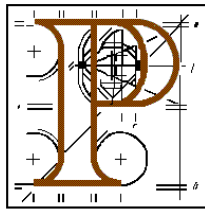


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2347/15

An Bord Pleanála Reference Number: PL 29N.245580

APPEAL by All Hallows Area Association care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin and by Anne Griffin and others of 5 Charlemont, Griffith Avenue, Drumcondra, Dublin against the decision made on the 7th day of September, 2015 by Dublin City Council to grant subject to conditions a permission to Argentum Property Holding Three Limited care of John Spain Associates of 50 Upper Mount Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting 101 number residential units, comprising 12 number five bed units, 12 number four bed units, 55 number three bed units and 22 number of two bed apartments; the dwelling units are to be provided as follows: 28 number units of house types 1A to 1C consisting of two storey three bed terraced houses of circa 117 square metres; 14 number units of house types 2A to 2B consisting of 2.5 storey, three bed semi-detached houses of circa 116 square metres; 11 number units of house types 3A to 3B consisting of two storey, three bed semi detached houses of circa 115-117 square metres; one number of house type 3C consisting of a two-storey detached house of 115 square metres; one number of house type 3D consisting of a two storey, three bed semi detached house of circa 115 square metres; 12 number of house type 4A and 4B consisting of 2.5 storey, four bed with study semi detached houses of circa 173-179 square metres; 12 number of house type 5A to 5C consisting of 2.5 storey, five bedroom with study detached houses of 181 to 184 square metres. The 22 number apartments are provided in a four storey block including undercroft car parking with balconies and roof garden; publicly

accessible open space of 6,125 square metres; revised boundary treatment including new gate, 1.8 metre wire mesh fence and 1.8 metre powder coated galvanised steel fence along boundary with Marino Institute of Education, modification and increase in height of boundary adjacent to Saint Josephs School; modified railing and boundary wall to Griffith Avenue; amendments to the layout and design of the road (including horizontal alignment, gradient and vertical curvature parameters) previously permitted under application planning register reference number 3226/09 and An Bord Pleanála appeal reference number 29N.234636 and all associated site and infrastructural works including foul and surface water drainage, surface car parking, public open spaces, landscaping (hard and soft), boundary treatment, new internal roads, cycle paths and footpaths, all on 3.065 hectares site at Griffith Avenue, Marino, Dublin.

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 planning history of the site and to the provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not lead to the depreciation of property values and would integrate well with other properties in the vicinity. 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 information received by the planning authority on the 13th day of August, 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. 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.

3. All units shall be used as single residential units.

Reason: In the interests of clarity.

4. The developer shall comply with all requirements of the planning authority in relation to roads, access and parking issues.

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

5. (a) 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.

- (b) Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 orderly development and sustainable waste management.

6. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Any proposed render finish shall be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

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

7. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

8. Prior to the commencement of development, a Management Scheme shall be submitted to the planning authority for written agreement. The management scheme shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the planning authority.

Reason: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

9. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, 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.

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

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

11. 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.

12. 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.

13. (a) The landscaping scheme shall be carried within the first planting season following substantial completion of each phase of the external construction works. Exact details of all proposed landscaping and planting, including measures to retain insofar as possible as many trees as possible on site shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any works on site.
- (b) 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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (c) The developer shall, insofar as possible, retain as many trees along the western boundary of the site with the Charlemont Road dwellings. Failing this retention, replacement planting with similar sized trees shall be planted within the first growing season of completion of dwelling Units 1-7.

Reason: In the interests of residential and visual amenity.

14. Prior to the commencement of any works on site, the developer shall submit for the written agreement of the planning authority details of proposed boundary treatments. In this regard,
- (i) Screen walls shall be provided at such locations as may be required by the planning authority to screen rear gardens from public view. Such walls shall not exceed 1.8 metres in height, shall be in brick or concrete block or similar durable materials and shall be suitably capped and rendered on the side facing public areas.
- (ii) Rear garden walls shall be bounded with 1.8 metres high concrete block walls, suitably capped.

Reason: In the interests of amenity.

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 planning 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 of the development.

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, 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.

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

Dated this day of 2016.