

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2991/15**

An Bord Pleanála Reference Number: PL 29N.245745

**APPEAL** by Ierne Social and Sports Club of Grace Park Road, Drumcondra, Dublin and by others and by CTN Developments care of Stephen Little and Associates of 6 Upper Mount Street, Dublin against the decision made on the 16<sup>th</sup> day of October, 2015 by Dublin City Council to grant subject to conditions a permission to the said CTN Developments in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development consisting of 166 number dwellings (125 number houses and 41 number apartments), a crèche facility (circa 234 square metres) plus associated outdoor play area and a public park of circa 1.04 hectares including children's playground. The development comprises of 12 number three-storey five bed terraced houses; 35 number two-storey four-bed houses (six number detached and 29 number mid or end of terrace) – 17 number applied for with the option of a fifth bedroom at attic level served by a dormer window in the front elevation (House Type T2); 78 number two-storey three-bed houses (all mid or end of terrace) - 32 number applied for with the option of a single storey family room rear extension and a fourth bedroom at attic level served by a dormer window in the front elevation (House Type T1) and 19 number applied for with the option of a single storey family room rear extension (House Type T3 and T4) and 11 number with integrated garage (House Type T5); 36 number two-bed apartments and five number one-bed apartments each served by a balcony/terrace accommodated in four number four-storey buildings with setback penthouse level. All houses and apartments have solar panels provided at roof level. The proposed development is served by a total of 288 number surface car parking spaces in a variety of on-curtilage and on-street conditions, including three number dedicated crèche car parking spaces, 27 number dedicated

ChildVision car parking spaces and 41 number bicycle parking spaces for the apartments; a new vehicular entrance off Grace Park Road with the existing entrance (gates and piers part of a Protected Structure) to continue to provide vehicular access to the existing Gate Lodge only (part of a Protected Structure) and pedestrian and cycle access to the new public park and residential development. The proposed development involves the demolition of Gentili House (circa 393 square metres) which adjoins Drumcondra Castle (a Protected Structure) and Rosmini House (circa 394 square metres) and all associated and ancillary site development and landscape works including ESB substation (19 square metres). Residential development and landscaping works will take place on a site of circa 4.97 hectares. Permission is also sought for the laying of a new surface water sewer and foul sewer connection across the adjoining Saint Vincent's Hospital lands to the southwest of the site within a corridor circa 0.57 hectares extending south to Richmond Road, on lands measuring approximately 5.55 hectares bounded generally to the north by Pobalscoil Rosmini and playing fields, to the east by Annadale Drive and Griffith Court residential areas, to the south by Grace Park Gardens, the Ierne Social and Sports Club and Saint Vincent's Hospital and to the west by Grace Park Road, the ChildVision Campus (including Drumcondra Castle - a Protected Structure) and Saint Joseph's School, all at Saint Joseph's, Grace Park Road, Drumcondra, 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 Z15 zoning of the site in the Dublin City Development Plan 2011-2017, the pattern of development in the area, the planning history of the site and the prevailing density of housing in the vicinity, and to the constrained nature and characteristics of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenities of the area or of property in the vicinity, or the architectural character of Drumcondra Castle and would represent a reasonable density of residential development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to the amendments of the layout consequent to the conditions attached, the proposed development would protect the architectural character and setting of Drumcondra Castle and surrounding buildings and would conform, to the provisions of the Development Plan in relation to the quantum of open space required in the Z15 Zoning area. The Board further considered that the amendments would satisfy the concerns of the Inspector with regard to open space provision permeability and layout and would protect the residential and visual amenities of the area and 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 21<sup>st</sup> day of September, 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 combined apartment Blocks A/B shall be omitted and the area thus released shall be included in the public open space park situated to the west and northwest. A revised plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works on site.

**Reason:** To provide adequate open space to comply with the provision of Dublin City Development Plan for institutional lands

3. House numbered 73 and 74 shall be omitted and replaced with a suitably designed and landscaped pocket park. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works on site.

**Reason:** In the interest of residential amenity

4. 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, or dark grey in colour only (including ridge tiles).

**Reason:** In the interest of visual amenity.

5. 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.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Provision shall be made by the developer for electrical connections outside all of the proposed houses and apartments, to facilitate electrical charging of vehicles.

**Reason:** In the interest of visual and residential amenity.

7. Site development and building works shall be carried only out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 13.00 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 order to safeguard the amenities of property in the vicinity.

8. The trees and hedgerow identified for retention shall be protected during construction in accordance with the tree protection measures outlined in the submitted plans and particulars. All service pipes shall be so routed as to avoid the root spreads of the trees identified for retention.

**Reason:** In the interests of orderly development, and to prevent damage to those trees identified to be retained, having regard to the policies set out in the current Development Plan for the area.

9. All boundary treatments shall be in accordance with those indicated in submitted documentation.

**Reason:** In the interests of residential and visual amenity, and to ensure the provision by the developer of durable boundary treatment.

10. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works for taking in charge by the local authority.

**Reason:** In the interest of amenity and of traffic and pedestrian safety, and to facilitate the eventual taking in charge of the development, following its completion, by the local authority.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All lighting, as approved by the planning authority, shall be provided prior to the making available for occupation of any house.

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

12. The areas of public open space shown on the lodged plans shall be reserved for such use, and shall be maintained by the developer as such until taken in charge by the local authority. These areas shall be landscaped in accordance with the landscaping scheme in the plans and particulars submitted. The landscaping scheme shall be implemented before any of the dwellings are made available for occupation.

**Reason:** In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

13. Proposals for an estate 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. 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 place names for new residential areas.

14. The developer shall comply with the following from the planning authority:
- (a) The developer shall retain a suitably qualified licensed-archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary.
  - (b) The developer shall allow for the resolution of archaeology (both on the site and necessary post excavation) in the project budget and timetable.
  - (c) The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.
  - (d) The archaeologist shall consult with and forward their Method Statement in advance of any commencement to the City Archaeologist.
  - (e) In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including in necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the City Archaeologist. The City Archaeologist (in consultation with the National Monuments Service, Department of Arts, Heritage and Gaeltacht) shall determine the further archaeological resolution on the site.
  - (f) A written and digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion of the City Archaeologist and National Monuments Service, Department of Arts, Heritage and Gaeltacht.
  - (g) Following submission on the final report to the City Archaeologist, where archaeological features material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive.

**Reason:** In the interest of preserving or preserving by record archaeological material likely to be damage or destroyed in the course of development.

15. 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.

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.



17. The developer shall pay to the planning authority a financial contribution in respect of the proposed Metro North Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

**Dated this                    day of                    2016.**