

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 3665/15**

An Bord Pleanála Reference Number: PL 29N.246124

**APPEAL** by David and Catherine Rea of 13 Iona Park, Glasnevin, Dublin and by IDV Developments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin and by others against the decision made on the 14<sup>th</sup> day of January, 2016 by Dublin City Council to grant subject to conditions a permission to the said IDV Developments Limited in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Construction of a residential scheme comprising 131 number residential units, together with a café, childcare facility and ancillary development above and below ground (circa 17,644 square metres gross floor area plus a semi-basement carpark of circa 2,525 square metres). The proposed development comprises the demolition and removal/reuse of all remaining structures/hardstanding on site and construction of 43 number houses sited along the south and east boundaries of the site in three number primary house types (16 number five bed two-storey dormer deep-plan houses [Type 1/1A, circa 212/214 square metres respectively], seven number four bed two-storey dormer wide-plan houses [Type 2/2A/2B, circa 163 square metres each], and 20 number four bed two-storey dormer deep-plan houses [Type 3, circa 163 square metres each], giving a total gross floor area of circa 7,793 square metres [all houses have the option not to convert part of the attic space to a bedroom at construction stage, thus potentially reducing the number of bedrooms in each house by one (that is 16 number four-beds and 27 number three-beds with a corresponding reduction of 2,080 square metres)]; 88 number apartment units

in four number Blocks (A-D) sited at the centre and along the north and west boundaries of the site (including: 76 number apartment units provided in three number four-storey apartment Blocks [Blocks A,B,C] providing a mix of 17 number one-bed units, 42 number two-bed units, and 17 number three-bed units, and 12 number duplex apartments provided in a five-bay four-storey terrace located centrally within the site [Block D] providing a mix of six number two-bed and six number three-bed units in four number house types, with an overall gross floor area of circa 9,500 square metres); a (licenced) retail café (circa 102 square metres) at the site entrance from Botanic Road (Block A); a childcare facility (circa 249 square metres [plus circa 205 square metres external play area]) at the southern end of Block A with designated set-down area; a semi-basement carpark (beneath Blocks B and C) to accommodate 52 number car spaces, 54 number bicycle spaces together with circulation, plant, attenuation and service areas (circa 2,525 square metres); and all other ancillary spaces including waste management, bicycle storage and circulation areas. Allocated surface parking will also be provided for each house/duplex with total parking provision on-site for 148 number cars. The development will also consist of the provision of private, semi-private and public open spaces in the form of: balconies, terraces, gardens, a courtyard and a landscaped public park with childrens play areas; all hard and soft landscaping including boundary treatments (including removal of existing trees and their replacement with semi-mature tree species); road widening; changes in level; plant; ESB Substations; and all other associated site excavation and site development works above and below ground on a site of circa 2.02 hectares comprising lands at the southern part of the former Printworks/Smurfit site at Botanic Road, Glasnevin, Dublin, adjoining the rear of properties on Iona Road and Iona Park. The site also includes some 0.0235 hectares (circa 235 square metres) of public footpath along Botanic Road (total circa 2.04 hectares).

## **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 submissions on file, the nature of the development as a vacant and partially derelict site in a strategic outer city location, the pattern of development in the area and the overall layout and design which includes a mix of apartments and houses and provides for future interconnectivity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity by way of overlooking, overshadowing and overbearance or undue disturbance and would be acceptable in terms of traffic safety and protection of the visual amenities and character of the area which includes a residential conservation 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, as amended by the further plans and particulars submitted on the 11<sup>th</sup> day of December, 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 development shall be amended as follows:
  - (a) Block D (duplex units numbers 120 to 131 inclusive) together with the road fronting this shall be omitted from the proposal. Units 36 to 43 inclusive (including their rear garden boundaries) shall be moved two metres to the west.

- (b) Houses numbers 31 to 35 inclusive shall be moved two metres to the west, thereby providing longer rear gardens to these units.
- (c) The space thus released shall be incorporated into the public open space provision of the scheme.

Revised drawings showing compliance with these amendments, including revisions to road layouts and landscaping, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of residential amenity, to ensure a satisfactory level of open space provision within the scheme and to protect the residential amenities of properties along Iona Park.

- 3. (a) Details of the proposed alterations to the alignment and traffic arrangement on Botanic Road, including road markings, alterations to kerbline, cycleway and footpath, and landscaping areas to be taken in charge shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All materials shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council.
- (b) The roads and footpaths shall be constructed to taking in charge standard up to the point of future interconnection with adjacent site(s) unless otherwise agreed with the planning authority. These future points of connection shall be set out and agreed with the planning authority and shall be kept free of development.
- (c) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.
- (e) One car park space shall be reserved for each dwelling unit.

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

4. 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. In this regard, prior to commencement of any development on site the developer shall submit to and agree in writing with the planning authority, details (including plans and sectional drawings) of measures to ensure that surface water and groundwater volumes and flow are managed internally within the site and directed away from the adjacent residential development.

The developer shall submit an appropriate flood risk assessment for the proposed development which identifies and proposes solutions to mitigate potential risks from all sources including pluvial and groundwater. Flood risk from 30 year and 100 year storms shall be assessed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding to the development has been reduced as far as is reasonably practicable and that the proposals do not increase the risk of flooding to adjacent or nearby area.

**Reason:** In the interest of public health.

5. The balcony screens in the south elevation of Block A shall be of obscured glazing. The balcony and terrace glazing at the southern face of the top level shall be of obscured glazing and 1.8 metres in height. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

6. The noise level emanating from commercial development shall not exceed 55 dB(A) rated sound level, as measured at the nearest residential dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

7.
  - (a) Details of the layout, the materials, and external finishes of the screen and rear garden walls together with boundary landscaping and phasing programme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.
  - (b) Details shall include a section through the boundary with each rear garden along both Iona Road and Iona Park demonstrating existing and proposed levels and finishes.
  - (c) The boundary work shall not interfere with the structural integrity of the existing domestic boundaries and shall be certified by a competent structural engineering firm. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of the residential amenities of the area.

8. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed retail café shall be restricted to such use and the hours of operation shall be restricted to between 0700 and 2330 hours.

**Reason:** In the interest of the residential amenities of the area.

9. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard the developer shall:-

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
  - (i) the nature and location of archaeological material on the site, and
  - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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.

11. 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.

12. (a) The selected cladding panel system to the western and northern elevations of Block A and B, including the area shown in brick at the northern part of Block A, shall be finished in granite. Revised details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (b) Details including samples of all other materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. Prior to commencement of development the developer shall delineate on a map those areas which are to be taken in charge which shall include the roadway system and public open spaces for written agreement of the planning authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company 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 Local Authority.

**Reason:** In the interest of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

14. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission. Details of any other signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the visual amenities of the area.



15. All service cables associated with the proposed development (such as electrical, communal television, telephones 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 throughout the development.

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

16. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works.

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

17. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

18. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

19. During demolition and construction works on the site, all necessary steps to contain dust shall be taken so as to prevent or limit dust being carried to occupiers of other buildings in the locality. A detailed dust control and containment plan shall be submitted to and agreed in writing with the planning authority prior to commencement of site preparation works and development on site.

**Reason:** In the interest of public health and residential amenity.

20. Prior to the commencement of use of the café, details of extraction and ventilation and effective control of emissions shall be submitted to and agreed in writing with the planning authority. The café shall not be used as a take-away.

**Reason:** In the interest of public health and residential amenity.

21. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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 development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

22. Site development and building works shall be carried out only between the hours of 0730 to 1830 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.

23. (a) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the Landscape Plan submitted with provision for replacement planting up to three years after planting. Work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer or management until taken in charge by the local authority.

- (b) The developer shall comply with the requirements of the Parks and Landscape Services Division in respect of standards for taking-in-charge, playground safety, installation of an artwork feature and landscape phasing and completion.

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

24. 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, access and collection of the waste and, in particular, recyclable materials 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.

25. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** In the interests of public safety and residential amenity.

26. 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.

27. 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.

28. 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.

29. The developer shall pay to the planning authority a financial contribution in respect of Metro North 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.**