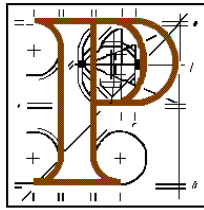


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2023/16

An Bord Pleanála Reference Number: PL 29S.246383

APPEAL by Gregory McCambridge care of CDP Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 3rd day of March, 2016 by Dublin City Council to refuse permission.

PROPOSED DEVELOPMENT: Development consisting of: (1) demolition of the existing two storey building consisting of a retail unit at the ground floor level and unoccupied apartment at first floor; (2) the construction of new five storey building with a total of one number retail unit and seven number apartment units, the various floors consist of: one number retail unit at ground floor level, two number two bedroom apartments at first floor level, two number two bedroom apartments at second floor level, one number two bedroom apartment and one number one bedroom apartment at third floor level, one number two bedroom apartment at fourth floor level; (3) all apartments to have two number balconies: Apartment numbers 1, 4 and 6 have balconies facing west and communal internal courtyard and Apartment numbers 2, 3, 5 and 7 have balconies facing east and communal internal courtyard; (4) the construction of landscaped roof garden on the fourth floor level facing west and overlooking Rathmines Road Lower; (5) the construction of a bicycle storage and refuse storage for all apartments with access to the rear of the building, from Castlewood Terrace, at ground floor level and (6) the construction of separate refuse storage for retail unit at the rear of the building, from Castlewood Terrace, at ground floor level, all with associated site development works at number 206 Rathmines Road Lower, Rathmines, 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 Dublin City Development Plan 2011-2017 according to which Rathmines is designated as one of eight 'Key Districts' within areas subject to the zoning objective Z4 "to provide for and improve mixed service facilities", the policy objectives for which include the establishment of a significant residential population in a diversity of unit types capable of establishing integrated communities and consolidation of high quality mixed use urban districts with high density development capable of sustaining quality public transport and services and distinct architectural or historical features influencing urban form, character and scale, it is considered that, subject to compliance with the conditions set out below, the proposed development would satisfactorily integrate into the established pattern and character of development in the area, would not be visually obtrusive, would not seriously injure the residential amenities of the future occupants 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 lodged with An Bord Pleanála on the 30th day of March, 2016, 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 construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and which shall include the following requirements:
 - (a) details of the location of the site compound to include areas for storage of plant and equipment, materials and waste;
 - (b) details of the location for construction site offices and staff facilities;
 - (c) details of site security fencing, hoardings, scaffolding and arrangements for pedestrian traffic in the event of closure or obstruction of the public footpath;
 - (d) details of the timing and routing of construction traffic and associated directional signage and measures to prevent queuing of construction traffic on the adjoining road network;
 - (e) details of measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (f) details of appropriate mitigation measures for noise, dust and vibration, and for monitoring of such levels; and
 - (g) details of preventative measures for control of silt or other pollutants from entering surface water run-off.

A record of daily checks that the works are being undertaken in accordance with the Construction and Demolition Management Plan shall be maintained and retained for inspection by the planning authority.

Reason: In the interest of orderly development, amenity and public safety.

3. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Detailed proposals for measures for the management of dust emissions to provide for the protection of adjoining properties shall be included. 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.

Reason: In the interest of orderly and sustainable development.

4. Site development and building works shall be confined to the hours between 08.00 and 18.00 Mondays to Fridays excluding Bank Holidays and 08.00 hours and 14.00 hours Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In the interest of residential 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. The roof garden and courtyard shall be fully constructed, planted and completed prior the occupation of the development. Prior to the commencement of the development, a hard and soft landscaping scheme for these spaces shall be submitted to the planning authority for written agreement.

Reason: In in the interest of residential amenity.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. 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.

9. 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.