

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 4124/15

An Bord Pleanála Reference Number: PL 29N.246857

APPEAL by Catherine Clarke of 8 Taaffe Place, Ballybough, Dublin against the decision made on the 8th day of June, 2016 by Dublin City Council to grant subject to conditions a permission to Oaklee Housing Trust care of Cooney Architects of The Old Brewers Club, 32 The Coombe, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Part demolition of existing four-storey stair core building, construction of a new five-storey residential development comprising of 29 number apartments with balconies, that is, 25 number one bed apartments, four number two bed apartments, one number maintenance unit with associated storage, office and toilets; internal circulation including shared stairways and lifts; new switch/plant room, roof mounted solar panels; new communal bin stores; new pedestrian/vehicular access from Poplar Row Road, new car park including eight number car parking spaces (including one number disabled access space), 29 number bicycle spaces, new hard and soft landscaping to the front (Poplar Row) and rear of the proposed development; new boundary walls new connection to existing site services; and all ancillary site development works above and below ground, all at Poplar Row (formerly Block 2), Ballybough, 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, the pattern of development in the area and the nature and scale of the proposed development, it is considered that the provision of accommodation for the elderly, on a brownfield site, where public services and infrastructure are available, subject to compliance with the conditions set out below, would provide necessary housing in a central location, would not adversely impact on adjoining residential areas, would comply with the provisions of the development plan, and would be in accordance with the proper planning and sustainable development of the area.

The Board noted the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard that no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site in view of the site's conservation objectives.

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 12th day of May 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 units shall be managed by the applicant or other voluntary housing body, and shall not be let or sold on the open market unless a separate grant of planning permission is sought and obtained.

Reason: In the interest of clarity.

3. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority details, including drawings, confirming that level access can be provided to the lobby adjacent to Unit 5.

Reason: In the interest of clarity.

4. The developer shall comply with the site specific flood risk assessment submitted and in particular, prior to commencement of development the developer shall submit to and agree in writing with the planning authority details that demonstrate that flood protection measures will be implemented, to provide protection to a minimum of 4.36m OD, in accordance with item 6.2.2 of the Flood Risk Assessment Report.

Reason: In the interest of public safety and sustainable development.

5. Prior to commencement of development, a landscape scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted and the treatment of all external ground surfaces, has been submitted to and agreed in writing with the planning authority and implemented in the first planting season following completion of the development. Any trees and shrubs which die or are removed within five years of planting shall be replaced in the following planting season. The landscaping scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, available from the planning authority.

Reason: In the interest of visual amenity.

6. 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 interests of public safety and residential amenity.

7. 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.

8. Site development and building works shall be carried only out between the hours of 0700 to 1800 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.

9. Proposals for an estate name, 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 unit 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(s) 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 and to ensure the use of locally appropriate placenames for new residential areas.

10. 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.

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

Dated this day of 2016.