

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 2732/16**

An Bord Pleanála Reference Number: PL 29S.246908

**APPEAL** by Furlong Investments care of Gráinne Mallon of 12 Balscadden Road, Howth, County Dublin against the decision made on the 16<sup>th</sup> day of June, 2016 by Dublin City Council to refuse permission.

**PROPOSED DEVELOPMENT:** Provision of 40 number residential units in four Blocks, together with car parking, landscaping and associated works: Block A: The replacement of the Belleview Motors building with a five storey block of apartments, providing six number one bed units, 19 number two bed units together with roof garden, underground parking for cars and bicycles. Block B: Refurbishment of derelict Mill building (Protected Structure) to provide one number one bedroom unit at ground floor and two duplex two bedroom units in upper floors. Block C: Construction of a six storey block providing six number units, comprising two number three bed units and four number two bed units and roof garden. Blocks D: Refurbishment of derelict Mill building (Protected Structure) to provide six number one bedroom units, all at Numbers 765D(1), 765(2) and 765€ Belleview Motors, South Circular Road, 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 Z1 (city centre) zoning of the site in the Dublin City Development Plan 2011-2017, to the nature, design and scale of the proposed development, to the planning history of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the visual and residential amenities of the area, would comply with development standards for residential accommodation in the Dublin City Development Plan and 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 the Inspector's concerns with regard to design, scale and layout could be addressed by the conditions attached to the permission. The Board did not consider that the proposed development subject to conditions would seriously injure the residential amenities of the area or cause traffic congestion.

## 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 received by An Bord Pleanála on the 13<sup>th</sup> day of July, 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 proposed development shall be amended as follows:

- (a) Block C shall be omitted in its entirety.
- (b) The westernmost apartments on ground, first, second, third, fourth and fifth floors shall be omitted and the staircase shall be relocated eastward.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing, with the planning authority prior to commencement of development.

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

3. Prior to the first occupation, the proposed works to Blocks B and D shall be fully implemented.

**Reason:** In the interest of preserving the architectural integrity and heritage value of these buildings of historic interest.

4. The proposed works to Blocks B and D shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

**Reason:** To ensure that the proposed works are carried out in accordance with best conservation practice.

5. Details of the materials, colours and textures of all the external finishes to the proposed blocks and paved areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. 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.

7. 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. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interests of sustainable waste management.

8. 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-
  - (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) location of areas for construction site offices and staff facilities;
  - (c) details of site security fencing and hoardings;
  - (d) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - (e) measures to obviate queuing of construction traffic on the adjoining road network;
  - (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - (g) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

10. Prior to the first occupation of the student accommodation, all the cycle parking spaces shown on the submitted plans shall be provided and, thereafter, shall be retained insitu for the duration of the student accommodation on site.

**Reason:** In order to promote and facilitate cycling as a sustainable mode of transport.

11. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, open spaces, landscaping, lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before the student accommodation is made available for occupation.

**Reason:** To provide for the future maintenance of this development in the interest of amenity and orderly development.

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. 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.

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

**Dated this            day of            2016.**