

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dublin City**

**Planning Register Reference Number: 4179/15**

An Bord Pleanála Reference Number: PL 29S.247001

**APPEAL** by Conor Molony of 602 South Circular Road, Kilmainham, Dublin and by Sheena McCarthy care of Ceardean Limited of D8 Studios, 9 Dolphins Barn, South Circular Road, Dublin against the decision made on the 8<sup>th</sup> day of July, 2016 by Dublin City Council to grant subject to conditions a permission to EWR Investments Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Development comprising a part two, part four and part six-storey building over lower ground floor level to provide 14 number residential dwellings (comprising 12 by three bedroom, double stacked duplex residential units and two by three bedroom houses (with integrated car parking provision)) and circa 1,971 square metres (GFA) of office accommodation. An ancillary roof terrace is proposed at first floor level to the rear (east) of the proposed office block and is enclosed by high level obscured glass balustrading. Ancillary roof terraces/balconies with glass balustrading are proposed at third floor level to the western elevation of the building serving the six number duplex residential units at second and third floor level. Car parking in connection with the duplex units and the office accommodation are provided at lower ground level (22 number car parking spaces) together with associated and ancillary bicycle and refuse storage areas. Vehicular access to the lower ground level is proposed at the northern end of the site off Brookfield Road. Communal landscaped open space and private gardens are provided to the rear of the proposed building at podium and ground floor levels, all at Former Fodhla Printing Works, The Printworks, Brookfield Road, Kilmainham, 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 'Z6' zoning objective of the site in the Dublin City Development Plan 2016-2022, the stated objective of which zoning is 'To provide for the creation and protection of enterprise and to facilitate opportunities for employment creation', to the character and configuration of the site including site contours, to the nature, scale and design of the proposed development and to the existing pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development could be satisfactorily assimilated into the existing streetscape, would not seriously injure the amenities of adjoining or adjacent dwellings by reason of overlooking or overshadowing, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health 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 lodged with the application, as amended by the plans and particulars submitted to the planning authority on the 15<sup>th</sup> day of June, 2016 and by the further plans and particulars received by An Bord Pleanála on the 26<sup>th</sup> day of August, 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 two units proposed at numbers 11 and 12 shall be omitted and replaced by a single unit that shall not exceed the ridge height of proposed units 13 and 14. Details of this modification shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of visual and residential amenity and to protect the established residential amenities of adjacent dwellings on Cameron Square.

3. Any office use to be included within the commercial spaces as indicated on the submitted plans and particulars shall be limited to office use as defined in Class 2(a)/(b) or Class 3 of Part 4 of Schedule 2 to the Planning and Development Regulations 2001, as amended.

**Reason:** In order to protect the amenities of future occupants of the proposed residential units and the established residential amenities of the area and to prevent office uses that may give rise to an excessive demand for car parking in the area.

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include details of the proposed boundary treatment including materials and finishes, the proposed locations for trees, hard and soft landscaping including street furniture and seating. The construction of the block rendered and capped boundary wall indicated on drawing number 3.1-500 submitted to An Bord Pleanála on the 26<sup>th</sup> day of August, 2016 shall be completed prior to the occupation of the residential unit adjoining the southern boundary.

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

5. 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.

6. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

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

7. Details of the colour and texture of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

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

8. 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.

9. Drainage requirements including the attenuation and disposal of surface water which shall include Sustainable Drainage Systems shall comply with the requirements of the planning authority for such works and services.

**Reason:** To ensure a satisfactory standard of development.

10. 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 interest of sustainable waste management.

11. The noise level shall not exceed 55 dB(A) rated sound level at the nearest noise sensitive location at any point along the boundary of the site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. 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 residential amenities

12. 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 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.

13. 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.

14. 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 is 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.**