

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2210/16

An Bord Pleanála Reference Number: PL 29S.247012

APPEAL by Nutley Square Management Company clg of 17 Nutley Square, Greenfield Park, Donnybrook, Dublin and by others against the decision made on the 15th day of July, 2016 by Dublin City Council to grant subject to conditions a permission to Purleigh Holdings Limited care of de Blacam and Meagher Architects of 4 Saint Catherine's Lane West, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of the existing single storey sheds (670 square metres) and the construction of five number buildings accommodating 71 number residential apartments in total comprising: Block 1 - residential building (for storeys with semi-basement car parking circa 2,360 square metres gross floor area) accommodating six number two bed apartments, six number three bed apartments and one number four bed apartment, with associated balconies/terrace for each apartment from ground to fourth floor levels. Security/Concierge office (46 square metres) at ground floor. Block 2 - residential building (four storeys with semi-basement car parking circa 2,192 square metres gross floor area) accommodating 12 number two bed apartments and two number three bed apartments, with associated balconies/terrace for each apartment from ground to fourth floor levels. Block 3 - residential building (four storeys with semi-basement car parking circa 2,192 square metres gross floor area) accommodating 12 number two bed apartments and two number three bed apartments, with associated balconies/terrace for each apartment from ground to fourth floor levels. Block 4 - residential building (four storeys with semi-basement car parking circa 2,192 square metres gross floor area) accommodating 13 number two bed apartments and two number three bed apartments, with associated balconies/terrace for each apartment from ground to fourth floor levels. Block 5 - residential building (four storeys with semi-basement car

parking circa 2,192 square metres gross floor area) accommodating 13 number two bed apartments and two number three bed apartments, with associated balconies/terrace for each apartment from ground to fourth floor levels. Energy Centre - construction of single storey flat roof 82 square metres plant room incorporating one number ESB substation and switch room (circa 27 square metres). Construction of semi-basement car parking (circa 2,170 square metres) accommodating 75 number residential car parking spaces which includes five number universal access car parking spaces, 75 number secure bicycle spaces, stores (circa 412 square metres), bin stores (circa 95 square metres), 31 number visitor car spaces and 35 number visitor bicycle spaces provided at ground floor, all associated and ancillary site development and landscape works including the existing vehicular entrance to the property from Greenfield Park will be widened and improved and will serve the entire development (including integrated signage), provision of internal routes for vehicular and pedestrians and cyclists, hard and soft landscape works, including changes in level and lighting, provision of amenity open space and children's play space, provision of boundary treatments and all other site excavation and development works above and below ground, all at Greenfield, Lands off Greenfield Park, Donnybrook, Dublin (on lands measuring approximately 1.35 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 this zoning objective, the nature and scale of the proposed development and to the character and pattern of existing and permitted development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or other amenities of the area, would not be prejudicial to public health, would not pose an unacceptable flood risk, would be acceptable in terms of traffic safety and convenience 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 submitted on the 23rd day of June, 2016 and by the further plans and particulars received by An Bord Pleanála on the 8th day of September, 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. Details of the materials, colours and textures of all the external finishes to the proposed blocks, including balconies and terraces, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Each proposed apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

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 the following: -
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) locations of trees to be retained and the measures to be put in place to ensure their protection during construction works;
 - (c) details of proposed landscape planting in the development including proposed species and settings and boundary planting;
 - (d) details of all boundary treatments at the perimeter of the site;
 - (e) details of landscaping of all open spaces and play areas; and
 - (f) details of proposed street furniture, including bollards, lighting fixtures or seating.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

5. 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 visual amenities of the area.

6. The internal road network serving the proposed development including turning bays, junctions, pedestrian crossings, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in connection with the units and not sold separately, or let to avoid non take-up by residents. Details of all car parking allocation, including visitor spaces, shall be submitted with updated taking-in-charge plans to the planning authority for agreement in writing prior to commencement of development.

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

8. Bicycle parking spaces shall be provided within the site in accordance with the requirements of the planning authority. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

9. 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 and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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. This plan shall provide for screened communal bin stores for the apartment units, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity and to ensure the provision of adequate refuse storage.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

11. Water supply and drainage arrangements including basement drainage, and 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.

12. Public lighting shall be provided in accordance with a scheme, to 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. Light spillage into the adjoining residential neighbourhood shall not be permitted and details shall be submitted shall include how night time intrusion is to be prevented.

The agree lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

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

13. Proposals for an estate/street name, unit 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 names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

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

14. 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 on-site car parking facilities for site workers during the course of construction;
- (e) 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;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) 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;
- (i) provision of parking for existing properties during the construction period;
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) 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.

15. 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 residential amenities of property in the vicinity.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. (a) 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 any development.
- (b) No apartment shall be occupied until all the services have been connected thereto and are operational.

Reason: In the interest of the timely provision of services and the proper planning and sustainable development of the area.

18. 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.

19. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

20. 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.

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

Dated this day of 2016.