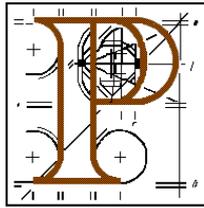


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2308/16

An Bord Pleanála Reference Number: PL 29S.247062

APPEAL by Rathgar Residents' Association of PO Box Number 9574, Dublin and by others against the decision made on the 14th day of July, 2016 by Dublin City Council to grant subject to conditions a permission to Gannon Properties care of Conroy Crowe Kelly Architects of 65 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of revisions to the previously approved scheme planning register reference number 2620/14 on lands at the former Paper Mills site, bounded by the river Dodder to the east, Clonskeagh Road to the west, Clonskeagh bridge to the south west, specifically including numbers 59-73 and 103 Clonskeagh Road, Dublin. The revision to the development include an increase in apartment units from 88 to 97 and consists of the following: Block 1- elevational and plan revisions to the southern end adjacent to block 2 including the relocation of one four storey apartment element from Block 2 to Block 1 so increasing apartment units from 11 number to 24 number (three number one bed units and 21 number two bed units); Block 2 - elevational and plan revisions including the relocation of one four storey apartment element to Block 1 so reducing apartments units from 61 number to 51 number (12 number one bed units, 26 number two units and 13 number two bed with study units); Block 3 - elevational and plan revisions to incorporate a change from five number two storey houses to a three storey plus set back penthouse apartment block incorporating 11 number apartment units (three number one bed units and eight number two bed units) and a ground floor concierge; Block 4 - elevational and plan revisions with no increase in apartments (11 number two bed units); revisions to the approved access/egress arrangements to widen the access between numbers 59 and 73 Clonskeagh Road and provide a visual link into the site, an increase in basement car park area to provide 27 number additional car park spaces and

ancillary plant areas, together with associated site/landscaping and engineering works to facilitate the revisions to the development, all at The Former Paper Mills Site, Clonskeagh Road, Clonskeagh, 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 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 17th day of June, 2016 and by the further plans and particulars received by An Bord Pleanála on the 7th 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 interests of clarity.

2. The development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 11th day of March, 2015 under planning register reference number 2620/14, except as may otherwise be required in order to comply with the attached conditions.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The development shall be amended as follows:-
 - (a) the windows serving the bedrooms (at all levels excluding ground level) of the rear side (south/west) elevation of Block 3 that back onto the private rear gardens of the existing adjoining terrace shall be horizontal high level windows only. The east facing terrace/balcony at penthouse level shall not wrap around to the south/west elevation. The balconies/terraces of this block which face the existing rear gardens shall be appropriately screened with opaque glass and to a height of 1.8 metre, and
 - (b) the windows to the bedrooms to the north facing units of Block 4 shall include an additional high level/slot on the western elevation.

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 visual and residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed blocks, including fenestration, 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.

5. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. This scheme shall include the following: -
- (a) details of the landscaping of the riverside walk,
 - (b) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
 - (c) locations of trees to be retained and the measures to be put in place to ensure their protection during construction works,
 - (d) details of proposed landscape planting in the development, including details of proposed species and settings and boundary planting,
 - (e) details of all boundary walls around the perimeter of the site,
 - (f) details of landscaping of all open space and play areas, and
 - (g) 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.

6. 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.

7. (a) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be available for the residents of the scheme or their visitors only. Details of all car parking allocation, including visitor spaces, shall be submitted with updated taking-in-charge plans to the planning authority for written agreement prior to commencement of development.

- (b) The proposed parking and access arrangements to the rear of numbers 55-65 Clonskeagh Road shall be agreed with the planning authority prior to the 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. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

13. 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.

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

14. 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 interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

15. 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 including any excess soil arising from the proposed excavation of the site.

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

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, parking spaces 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. 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.

18. 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.

19. 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.