

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2554/16

An Bord Pleanála Reference Number: PL 29S.247070

APPEAL by Richard and Marian Farrell of 69 Upper Leeson Street, Dublin and by others and by RGRE J and R Appian Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 19th day of July, 2016 by Dublin City Council to grant subject to conditions a permission to the said RGRE J and R Appian Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of 16 number residential dwelling units with a total gross floor area of 2,074.16 square metres in a five storey residential building (with a maximum building height of 16 metres) with a setback fourth floor penthouse level above a lower ground and basement level to include: (i) three number one-bed apartments, one number one-bed with study apartment, 11 number two-bedroom apartments and one number three-bedroom apartment; (ii) the provision of private terraces/courtyards at lower ground floor and ground floor level and balconies at all upper levels of the building (north, south and west elevations). A private terrace for the penthouse apartment will be provided at fourth floor level and a roof garden at roof level; (iii) the provision of a single level basement car park with vehicular access via a car lift on the ground floor of the south eastern elevation of the building providing for 13 number private car parking spaces, one number smart car space, 12 number cycle parking spaces, water storage, plant and attenuation tank, six number cycle parking spaces are also provided at ground level along the north east boundary. Vehicular access to the car lift entrance is to be provided via the existing vehicular access to the Mitchel House apartments from Appian Way; (iv) the removal of a 3.2 metre section of boundary wall and railings along Leeson Street to facilitate the provision of a new pedestrian access to the proposed development with entrance portal feature. The remaining boundary wall and railings along Appian Way and

Leeson Street Upper to be retained; (v) the provision of new boundary treatment along the boundary to Mitchel House apartments consisting of 1200 millimetres high stainless steel balustrade; (vi) temporary construction access to site from Appian Way; (vii) construction of bicycle and bin store along eastern boundary and associated works to existing boundary wall and (viii) all site development works, hard and soft landscaping and all other ancillary works at 0.092 hectare (0.23 acre) site at the junction of Appian Way and Leeson Street Upper, Dublin (adjacent to 1 Leeson Village and the Mitchel House Apartments).

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 Dublin City Development Plan 2016–2022 and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposal would comply with the zoning objective for the site and associated density standards. This proposal would be compatible with the immediate streetscape, which is composed of newer buildings, and the wider streetscape, which is composed of older buildings. The proposal would not seriously injure the visual amenities of the area. The proposal would afford an acceptable standard of amenity to future residents, while being compatible with the existing residential amenities of the area. Traffic generated by the proposal would be capable of being accommodated on the local road network and access and parking arrangements would be satisfactory. Drainage arrangements would, likewise, be satisfactory and no Appropriate Assessment issues would arise. The proposal 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 22nd 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. The proposed development shall be amended as follows:
 - (a) The opal glass screen specified for the exposed side of the balconies to apartments numbered 9, 12 and 15 shall be extended above the height of the balustrade for a further one metre in a south westerly direction.

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

Reason: In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed apartment block shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Sample panels of the proposed external cladding shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. 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.

5. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

6. 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.

7. 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) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) 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;
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (l) 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.

8. The trees identified for retention on drawing number 0LG + 00G submitted to the planning authority on the 24th day of March, 2016 shall be insitu and to this end the methodology outlined in the Method Statement: Construction of basement adjacent to existing buildings and trees, dated 11th March 2016, shall be followed and the tree protection measures outlined in the Arboricultural Assessment, dated 26th February, 2016, shall be implemented at all times during the construction phase of the development.

Reason: To ensure that the trees are safeguarded.

9. The landscaping scheme shown on drawing numbers C0045 L100, 102, 103, 400, 500, 501 and 502 submitted to the planning authority on the 24th day of March, 2016 shall be carried out in the first planting season following substantial completion of external construction works. Any planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or seriously diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar sizes and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. Proposals for a name for the apartment block and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the apartment block name and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

11. 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 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.

12. Prior to the commencement of the first occupation of any of the apartments, the following works shall be undertaken:

- (a) the vehicular entrance to the grounds of Mitchel House from the Appian Way shall be widened in a north easterly direction to provide a wide of five metres;
- (b) the portion(s) of stone plinth and railings removed to facilitate temporary site access(es) shall be reinstated;
- (c) the bin store and bicycle shed shown on the submitted plans shall be constructed and thereafter, retained in situ for the direction of the apartment block on the site;
- (d) the 'Sheffield' type cycle stands shown on the submitted plans shall be installed in the basement car park and, thereafter, retained insitu for the duration of the apartment block on site.

Reason: In the interest of good traffic management, residential and visual amenity, and in order to promote a sustainable mode of transport.

13. The car parking spaces in the basement car park shall not be sold, retained, or otherwise sub-let or leased to parties who are not resident in the apartment bock on site.

Reason: In the interest of good traffic management.

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 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.