



An
Bord
Pleanála

Board Order PL 29N.247811

Planning and Development Acts 2000 to 2016

Planning Authority: Dublin City Council

Planning Register Reference Number: 3163/16

Appeal by Colman and Nathalie Dowling care of Chris Ryan Architects and Designers of Garland House, 28-30 Rathmines Park, Dublin against the decision made on the 2nd day of December, 2016 by Dublin City Council to grant subject to conditions a permission to Co-Operative Housing Ireland Society Limited care of Deaton Lysaght Architects of 44 South Richmond Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Removal of all existing buildings on the site, and construction of a commercial unit and 33 apartments in two buildings. Block A facing onto North Brunswick Street is a six-storey building including a recessed penthouse floor, and comprises 17 apartments and Block B facing onto North King Street is a five-storey building, including a recessed penthouse floor, and comprises 16 apartments and one commercial unit. The overall development comprises four number three bedroomed units, 18 number two-bedroomed units, 11 one-bedroomed units, all with balconies, one ground-floor commercial unit, bin store, internal landscaped courtyard, photovoltaic solar panels on support grids on roofs, and all associated site works at 84 North King Street and between George's Court and Red Mill Apartments on North Brunswick Street, Dublin. The site adjoins 85 North King Street (a Protected Structure).

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 provisions of the Dublin City Development Plan 2016-2022, to the planning history of the site, to the scale and nature of the proposed development and to the recognised need for housing at this location, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area, would provide an acceptable standard of amenity for future residents and would promote sustainable modes of transportation. The proposed development 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 information received by the planning authority on the 7th day of November, 2016 and the first party response received by An Bord Pleanála on the 3rd day of February 2017, 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 proposed third floor of the central block, accommodating Units 21 and 22, shall be omitted from the proposal together with Unit 14 on the second floor of this central block.
 - (b) The projecting balconies to the front of the block facing onto North King Street shall be omitted and recessed behind the façade of the building.
 - (c) The proposed open elevated walkway shall be comprised of glazed balustrades, permanently obscured of minimum height 1.8 metres.

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 interests of visual and residential amenity.

3. The residential units hereby permitted shall be used as social housing managed by the applicant or an approved housing body, and shall not be let or sold on the open market without a prior grant of planning permission.

Reason: In the interest of clarity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, any proposed render finish shall be self-finish in a suitable colour and shall not require painting.

Reason: In the interest of visual amenity.

5.
 - (a) The proposed signage to the North King Street elevation shall be comprised of individual lettering mounted directly onto the façade of the building in a material such as stainless steel.
 - (b) Apart from the signage agreed to under (a) above, notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

6. Access arrangements shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic safety.

7. All residential units shall be used as single residential units.

Reason: In the interest of clarity.

8. 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 and to ensure a proper standard of development.

9. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

10. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of wastes 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.

Reason: In the interest of orderly development and sustainable waste management.

11. Details of a naming/numbering scheme for the proposed development shall be submitted to and agreed in writing with the planning authority prior to its occupation.

Reason: In the interest of orderly street numbering.

12. Security roller shutters, if installed in the commercial unit, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

13. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. Public lighting shall be provided in accordance with a scheme, 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 amenity and public safety.

15. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

16. The developer shall comply with all requirements of the planning authority in relation to landscaping and planting. The subject landscaping scheme shall be carried within the first planting season following substantial completion of each phase of the external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or 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 size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

17. 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.

