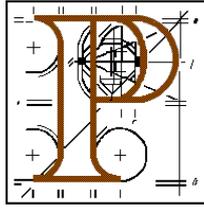


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3503/16

An Bord Pleanála Reference Number: PL 29S.247837

APPEAL by David and Mary O’Flanagan of Car Upholstery Covers of 12 and 13 Ushers Island, Dublin against the decision made on the 15th day of December, 2016 by Dublin City Council to grant subject to conditions a permission to Danny O’Malley care of Collins Maher Martin Architects of Dodder Park Road, Rathfarnham, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing structures comprising disused buildings and sheds, construction of 10 by two bedroom apartments with balconies in two six-storey blocks with associated facilities at ground floor including: 10 storage rooms with cycle parking, communal facilities, caretaker’s room, bin storage, plant and service rooms, service connections and a raised courtyard garden at 1st floor level, services enclosures on roofs, landscaping, railings and all associated site works at 10 Usher’s Island and 32 Island Street, 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 planning history of the subject site, to the pattern of development in the vicinity and to the policies and objectives in the current Dublin City Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would not detract from the character or setting of the adjacent Protected Structures, nor be contrary to the protection and enhancement of the important civic design character of the Liffey Quays. 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 plans and particulars submitted on the 18th day of November, 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.
 - (a) The fifth floor facing Usher's Island shall be omitted. This shall involve the omission of apartment number 5 (and its balcony). The projecting glazed element indicated above parapet level facing Usher's Island shall be omitted and the parapet shall be in brick.
 - (b) The building line of that part of the development fronting onto Island Street shall be set back from its proposed location by 0.5 metres, to ensure a consistent footpath width and building line, and the depth of the internal courtyard garden shall be reduced accordingly.
 - (c) The floor to ceiling height of the proposed entrance lobby facing Usher's Island shall be increased to 3.0 metres.
 - (d) The projecting balcony to apartment number 3 shall be omitted and replaced with a recessed balcony.
 - (e) The elevation to all the balconies on the Usher's Island elevation (including apartment numbers 1, 3 and 4) shall be finished in brick.
 - (f) The spandrel panels between floors facing Usher's Island shall be omitted, and the elevation finished in brick.

- (g) The glazing and glass blocks on both the eastern and western elevations of both blocks shall be omitted.
- (h) The standing seam cladding on both west and east facing elevations shall be replaced by an alternative brick.
- (i) The indicated PPC aluminium cladding at ground level facing Usher's Island shall be replaced by brick.
- (j) Entrance gates to Island Street elevations, including entrances to bin stores, shall have doors that open inward only and do not open out to the public footpath.

Revised drawings showing compliance with all of these requirements, including consequent internal and external alterations to reflect 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, and to ensure that the height and elevations of the proposed development reflects the civic design character of the Liffey Quays.

3. A schedule and appropriate samples of all materials to be used in the external treatment of the development, to include proposed brick, cladding, roofing materials, windows, doors and gates, which shall comply with condition number 2 of this permission, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual amenity and to ensure an appropriate standard of development.

4. 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 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 such 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.

5. Site development and building works shall be carried out 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 or public holidays. Deviation from these times shall 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. 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.

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 noise management measures and off-site disposal of construction and demolition waste.

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

8. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

9. The proposed development shall be retained in private ownership and shall be maintained by a properly constituted private management company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

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

10. No advertising signs, structures, symbols, flags, emblems or logos shall be erected externally on the buildings or anywhere on the overall site, whether or not such signs or advertisements would constitute exempted development, without a prior grant of planning permission.

Reason: In the interest of visual amenity, and in order to permit the planning authority to assess the suitability of any such signage on the visual and residential amenities of the area through the statutory planning process.

11. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a prior grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

12. 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 for each apartment unit 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.

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

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 96(4) and 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 97(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 for 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 be applied to the permission.

15. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of public open space. The amount of the contribution 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 for determination. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

Dated this day of 2017.