



An
Bord
Pleanála

Board Order

PL 29S.248443

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 4459/16

Appeal by Nutley Square Management Company clg of 17 Nutley Square, Greenfield Park, Donnybrook, Dublin and by Leo Mangan on behalf of Greenfield Residents Group of 32 Greenfield Park, Donnybrook, Dublin against the decision made on the 18th day of April, 2017 by Dublin City Council to grant subject to conditions a permission to Purleigh Holdings Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development comprising: (i) demolition of existing single storey sheds (670 square metres); (ii) construction of five number five-storey, over basement, residential apartment buildings, accommodating a total of 90 number residential apartments, each with an associated balcony/terrace. Block 1 - accommodating 8 number two bedroom apartments and 10 number three-bedroom apartments, over ground to fourth floor levels, and energy centre (81 square metres), car parking, bicycle parking and bin stores at basement level. Part of Block 1 lies within the Dún Laoghaire-Rathdown County Council administrative area, on land which is subject to a concurrent planning application to Dún Laoghaire Rathdown County Council, which specifically seeks permission for part of 10 number three-bedroom apartments over ground to fourth floor levels, together with part of basement level car parking and the energy building. Blocks 2, 3, 4 and 5 - each block to accommodate 16 number two bedroom apartments and two number three

bedroom apartments over ground to fourth floor levels and car parking, bicycle parking and bin stores at basement level; (iii) 90 number residential car parking spaces at basement level, to include five number universal access car parking spaces and 90 number secure bicycle spaces; (iv) secure storage total 371 square metres and five number bin stores, total 94 square metres at basement level; (v) 37 number visitor car spaces and 40 number visitor bicycle spaces provided at surface/ground level; (vi) ESB substation and switch room (27 square metres) and security/concierge office (13 square metres) at ground floor; (vii) communal amenity space, internal access roads, landscaping, boundary treatment, SuDS drainage and all ancillary works necessary to facilitate the development. Access to the development will be via an existing entrance and roadway from Greenfield Park. Widening of the entrance and roadway has been approved under Dún Laoghaire-Rathdown County Council planning register reference number D15A/0860/An Bord Pleanála appeal reference number PL06D.246607, all at Greenfield, Lands off Greenfield Park, Donnybrook, 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 Sustainable Residential Development in Urban Areas Guidelines, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the Dublin City Development Plan 2016 – 2022, the planning history of the site, and the nature and scale of the proposal within its context, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the visual and residential amenities of the area and so it would accord with the zoning objective for the site. The proposal would, likewise, accord with relevant density, height, and residential development standards set out in the Development Plan. Traffic generated by the site would be capable of being accommodated on the local road network. Proposed drainage arrangements would be satisfactory and they would mitigate any risk of pluvial flooding. No Appropriate Assessment issues would arise. Thus, the proposal would accord 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 March, 2017 and by the further plans and particulars received by An Bord Pleanála on the 1st day of June, 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. Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks 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. 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.

4. Public lighting shall be provided in accordance with a scheme, which shall 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. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

5. 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.

6. Proposals for an estate/street name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

7. 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.

8. 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.

9. 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 communal 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.

10. (a) 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 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.
- (b) This plan shall provide for screened communal bin stores, 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.

11. 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.

12. 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 or maintenance 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.

13. The landscaping scheme shown on drawing numbers 300 revision 2 and 301 revision 2, as submitted to the planning authority on the 22nd day of March, 2017, shall be carried out within the first planting season following substantial completion of external construction works.

Prior to the implementation of this landscaping scheme, the quantities in the planting schedule on drawing number 301 revision 2 shall be stated and submitted to, and agreed in writing with, the planning authority.

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 interest of residential and visual amenity.

14. The areas of communal open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the drawing numbers 300 revision 2 and 301 revision 2 as submitted to the planning authority on the 22nd day of March, 2017. This work shall be completed before any of the apartments are made available for occupation and, thereafter, shall be maintained as communal open space.

Reason: In order to ensure the satisfactory development of the communal open space areas, and their continued use for this purpose.

15. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the roof spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

16. At least one car parking space shall be assigned permanently to each residential unit and shall be solely reserved for this purpose. A Parking Management Plan shall be prepared for the site and submitted for the written agreement of the planning authority prior to occupation. This shall indicate how spaces will be assigned and segregated by use.

Reason: To ensure adequate parking provision for the proposed residential units and to restrict commuter parking.

17. No additional development shall take place above roof 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.

18. 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 2017