



An
Bord
Pleanála

Board Order

PL 29N.248996

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2458/17

Appeal by Mary McElroy of 44 Violet Hill Drive, Glasnevin, Dublin and by LDC Developments Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 6th day of July, 2017 by Dublin City Council to refuse permission to the said LDC Developments Limited for the proposed development.

Proposed Development: The development will consist of (a) 69 number apartments; (32 number two bedroom units, 19 number one bedroom units, 15 number three bedroom units and three number studio apartments) in two five storey blocks. Block A - Ground floor: two number two bed, one number three bed, one number one bed, and one number studio; First Floor: three number two bed, one number three bed and two number one bed; Second floor: three number two bed, one number three bed and two number one bed; Third Floor: three number two bed, one number three bed and two number one bed; Fourth Floor: three number two bed, one number three bed and two number one bed. Block B - Ground Floor: four number two bed, two number three bed and two number studio; First Floor: four number two bed, two number three bed and two number one bed; Second Floor: four number two bed, two number three bed and two number one bed; Third Floor: four number two bed, two number three bed and two number one bed; Fourth floor: four number two bed, two number three bed and two number one bed. All ground floor apartments have private open space in the form of private patios, while all of the first

to fifth floor apartments have private balconies; (b) basement car park over two levels (served with separate entrance and exit ramps off Finglas Road inbound lane), providing spaces for 104 number cars (including six number wheelchair accessible), 80 number bicycle spaces, storage lockers, bin storage and attenuation tank (capacity 110 cubic metres) and (c) communal open space, landscaping, boundary fencing, paths, signage and site development works, all at the former Royal Oak Public House, Finglas Road, Glasnevin, 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 provisions of the Dublin City Development Plan, to the pattern of development in the area, to the site history, to the documents on file including the site specific Flood Risk Assessment and the Traffic Impact Assessment, the Board considered that, subject to compliance with the conditions as set out below, the proposed development would be acceptable in terms of the residential amenity of adjoining properties and the visual amenity of properties in the area, would be acceptable in terms of the residential amenity of future occupants, would be acceptable in terms of pedestrian and traffic safety and would not constitute a flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the concerns of the Inspector with respect to flood risk were satisfactorily addressed by the site specific Floor Risk Assessment submitted in response to the section 132 notice. Furthermore, the Board was satisfied subject to the omission of apartment number 34 and based on additional sunlight and daylight analysis submitted with the appeal, that the proposed development would provide an acceptable level of residential amenity to future occupants 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 9th day of June, 2017 and by the further plans and particulars received by An Bord Pleanála on the 2nd day of August, 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. Apartment number 34 shall be omitted. The resultant space shall be used as a communal area for the residents of Block B. Revised layout plans shall be submitted to, and agreed in writing with, the planning authority prior to commencement of works on site

Reason: In the interest of residential amenity.

3. 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.

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. 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 residential amenities of property in the vicinity and the visual amenities of the area.

6. 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.

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

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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.

8. 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. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

9. 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.

10. 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 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.

11. 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 2018