



An
Bord
Pleanála

Board Order PL 29N.249368

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2854/17

Appeal by Grattan Hall Management Limited care of David Moran of 118 Home Farm Road, Drumcondra, Dublin and by Tom Brabazon and Grattan Lodge Residents' Association care of Peter Gillett and Associates of 55 Glencarraig, Sutton, Dublin against the decision made on the 11th day of September, 2017 by Dublin City Council to grant subject to conditions a permission to Midgard Construction Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a mixed use residential development of 209 number apartments, a gym, a childcare facility and a community room over a single level basement comprising: – (a) the demolition of the existing two-storey former Columban Missionary building and associated structures and outbuildings; (b) construction of 209 number apartments (72 number one bedroom units, 102 number two bedroom units, and 35 number three bedroom units) in four number four and five-storey apartment blocks comprising:- Block A – five-storey (part four-storey) block comprising 68 number residential units (24 number one bedroom units, 31 number two bedroom units, 13 number three bedroom units) with balconies/terraces on the north, east, south and west elevations, Block B – five-storey apartment block

comprising 45 number residential units (15 number one bedroom units, 22 number two bedroom units, eight number three bedroom units) with balconies/terraces on the north, east, south and west elevations; Block B will also comprise one number concierge office, one number community room (94 square metres gross floor area), one number gym (201 square metres gross floor area) and one number childcare facility (248 square metres gross floor area) with ancillary outdoor play area (129 square metres), all of which will be at ground floor level. Block C - five-storey apartment block comprising 25 number residential units (seven number one bedroom units, 16 number two bedroom units, two number three bedroom units) with balconies/terraces on the north and south elevation, Block D – five-storey apartment block comprising 71 number residential units (26 number one bedroom units, 33 number two bedroom units, 12 number three bedroom units) with balconies/terraces on the north, east, south and west elevations; (c) a total of 258 number car parking spaces (209 number residential parking spaces and 27 number visitor parking spaces and 13 disabled parking spaces at basement level and seven number surface level visitor car parking spaces and two number surface level drop-off spaces at the childcare facility); (d) 13 number motor cycle parking spaces at basement level, 228 bicycle parking spaces (212 number spaces at basement level and 16 number spaces at surface level); (e) ancillary plant roof and bin storage areas at basement level; (f) one number ESB sub-station; (g) the closure of the existing vehicular entrance and provision of a new vehicular entrance to the Hole in the Wall Road to the east; (h) provision of a new footpath with pedestrian entrance to the R139 to the south of the site; (i) landscaping (including public, communal and private open space and play equipment); (j) boundary treatment including new low wall and railing boundary to the Hole in the Wall Road and the R139; and (k) all associated engineering works (including plant and solar panels at roof level) and site development works necessary to facilitate the development; all on lands at the former Columban Missionary site, The Hole in the Wall Road and R139 Road, Donaghmede, 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

In coming to its decision the Board had regard to the following:

- (a) “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in December, 2015,
- (b) “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities” and associated ‘Best Practice Urban Design Manual’ issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (c) “Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities” issued by the Department of the Environment, Heritage and Local Government in 2007,
- (d) the Dublin City Development Plan 2016-2022,
- (e) the Clongriffin-Belmayne Local Area Plan 2012-2018,

- (f) the nature, scale and layout of the proposed development,
- (g) the pattern of development in the area,
- (h) the observations and submissions on file, and
- (i) the Inspector's report and recommendation.

The Board was satisfied that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the residential amenities of future occupants, would be acceptable in terms of visual amenities and of pedestrian and traffic safety and 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 considered that, subject to the omission of apartments numbered 181, 182, 196, 197, 208 and 209 in Block D and the omission of the associated archway, the proposed development would be acceptable in terms of quality of design and layout, and permeability and considered that, given the high level of passive surveillance and the level of management associated with 'Build to let' schemes, the location of the proposed public open space would be acceptable in terms of the residential amenities of future occupants. Furthermore, the Board considered that, having regard to the southern aspect of the units, the proposed balconies would be acceptable in terms of the quality of private open space provision for the relevant apartments, notwithstanding the proximity of the adjoining public roadway.

The Board carried out a screening exercise in relation to the potential impacts of the proposed development on European sites, and having regard to its nature and scale, to the receiving environment, to the Habitats Directive screening statement submitted with the further information to the planning authority, to the submissions on file generally, and to the Inspector's assessment, which is adopted, concluded that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site.

Conditions

1. The proposed 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 to the planning authority on the 15th 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. The proposed development shall be amended as follows:-

Units numbered 181,182, 196, 197, 208 and 209 in Block D and the associated two-storey archway underneath shall be omitted and the resultant space shall be landscaped and made available as public open space

Revised plans and particulars showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of works on site.

Reason: In the interests of orderly development and residential amenity.

3. The use of the apartments for short term residential accommodation, that is, for periods of three months or less would constitute a change of use and shall require a separate planning permission.

Reason: In the interest of clarity.

4. The development shall be revised as follows:

An opaque side screen of 1.8 metres, which may be truncated where it meets the front balcony/patio screen, shall be applied to adjoining or projecting balconies on the northern side of balconies/patios primarily facing west or east and on the eastern side of primarily southern facing balconies/patios, except where the side of any such balcony overlooks open space and/or is sufficiently distant from adjoining apartment blocks.

Revised plans and particulars showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority and such works shall be fully implemented prior to the occupation of the buildings.

Reason: In the interest of orderly development and visual amenity.

5. 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: To protect the visual amenities of the area.

6. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

7. Prior to commencement of development, a landscaping scheme prepared by a suitably qualified person shall be submitted to, and agreed in writing with, the planning authority comprising the following:-
- (a) full details of the size, species and location of all trees and shrubs to be planted and the treatment/finishes of all external ground surfaces and boundaries to be submitted to, and agreed in writing with, the planning authority and implemented in the first planting season following completion of the development, and any trees and shrubs which die or are removed within three years of planting shall be replaced in the following planting season. (The landscaping scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge available from the Parks and Landscape Services Division),
 - (b) the retention of trees shall be maximised within the site over and above that originally proposed particularly to the east side of Block D and the north side of the site,
 - (c) the C Leylandii tree screen belt to the west shall be retained during the construction period with the removal and replacement planting with mixed broadleaf varieties carried out on a phased basis over 10 years from commencement of works on site,
 - (d) approximately 50 per cent of all flat roofed areas shall be “green roofs”,
 - (e) the crèche garden shall be organised so as to maximise sun lighting, and

- (f) development shall not commence until a management plan of the designated “public open space” area is agreed in writing with the planning authority including details of proposed opening hours, lighting, appropriate security/privacy for the apartments in relation to the proposed public open space. Any change of use of the public open space shall require a separate planning permission.

Reason: In the interests of amenity, ecology and of proper planning and sustainable development.

8. The community room shall only accommodate uses listed under Class 10 of Schedule 4 of the Planning and Development Regulations, 2001, as amended, and shall revert to retail use on cessation of use as community building.

Reason: In the interest of orderly development.

9. No additional development shall take place above roof level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, 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.

10. 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 interest of public safety and residential amenity.

11. 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.

Reason: In the interest of sustainable waste management.

12. 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. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interests of amenity and public safety.

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

14. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured [at the nearest dwelling] [at the nearest noise sensitive location] or [at any point along the boundary of the site] shall not exceed:-

- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive,

- (ii) An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

15. The requirements of the City Archaeologist shall be implemented as follows:-

- (a) no construction or site preparation work shall be carried out on the site until all archaeological requirements of the City Archaeologist are complied with,
- (b) the project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, for example, boreholes and engineering test pits carried out for this site as soon as possible and prior to commencement of any site clearance/construction works. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues:-
 - (i) the archaeological and historical background of the site, to include industrial heritage,
 - (ii) a paper record (written, drawn and photographic, as appropriate) of any historic buildings and boundary treatments,
 - (iii) the nature, extent and location of archaeological material on site by way of archaeological testing and/or monitoring of the removal of overburden,

- (iv) the impact of the proposed development on such archaeological material,
- (c) the archaeologist shall forward their method statement prior to commencement of development to the City Archaeologist,
- (d) where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services and drains. The assessment shall be prepared on the basis of a comprehensive desk top study and where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top site by the archaeological deposits only. The report containing the assessment shall include adequate ground plan and cross sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or boreholes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report,
- (e) no subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the City Archaeologist in advance regarding the procedure to be adopted in the assessment,
- (f) a written and digital report (on compact disc) containing the results of the archaeological assessment shall be forwarded on completion to the City Archaeologist. The City Archaeologist (in consultation with the National Monuments Service, the Department of Arts, Heritage and the Gaeltacht shall determine the further archaeological resolution of the site,

- (g) the development shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary, archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement,
- (h) the developer shall make provision for archaeological excavation in the project budget and timetable,
- (i) prior to commencement of development, the developer shall agree the foundation layout with the City Archaeologist, and
- (j) following submission of the final report to the City Archaeologist, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-144 Pearse Street, Dublin.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

16. 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.

17. 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 and maintenance until taken in charge by a management company or the local authority of roads, footpaths, watermains, drains, public 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 and maintenance of the development until taken in charge.

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.

