



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 3159/17

Appeal by Richard Good of 5 Beaver Row, Donnybrook, Dublin against the decision made on the 27th day of September, 2017 by Dublin City Council South to grant subject to conditions a permission to Gannon Properties care of Conroy Crowe Kelly Architects of 65 Merrion Square, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Revisions to previously approved development (planning register reference number 2308/16) consisting of an increase in apartment units from 96 to 116; the following changes are proposed: Block 1 - elevation and plan revisions to increase the building height to the southern end, adjacent to block 2 from 3 storeys with setback penthouse to 4 storeys with setback penthouse, incorporating an increase in apartment units from 24 to 27 (1 number one bed unit, 2 number two bed units) and alterations to the penthouse to include the omission of 1 number two bed unit and internal alterations to change from a two bedroom to a three bedroom unit, Block 2 - elevation and plan revisions to increase the building height from 3 storeys with setback penthouse to 4 storeys with setback penthouse, incorporating an

increase in apartment units from 51 to 65 (4 number one bed units and 10 number two bed units), Block 4 - elevation and plan revisions to increase the building height from 3 storeys with setback penthouse to 4 storeys with setback penthouse, incorporating an increase in apartment units from 11 to 14 (3 number two bed units), internal alterations to the basement car park layout are also proposed to provide 30 number additional car parking spaces and additional bicycle parking spaces for use by the additional units; all on lands at the former Paper Mills site, bounded by the River Dodder to the East, Clonskeagh Road to the West, Clonskeagh Bridge to the South West, 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 zoning objective for the site as set out in the current Development Plan for the area, the nature and scale of the proposed development and the character and pattern of existing and permitted development in the vicinity of the site, 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, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience 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 plans and particulars received by the planning authority on the 31st 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 the 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 development shall be carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number 2308/16, An Bord Pleanála reference number PL29S.247062 dated 30th day of December, 2016, except as may otherwise be required in order to comply with the following conditions and the increase in units provided as permitted under this permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. No additional development shall take place above parapet level including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennae or equipment unless authorised by a further grant of planning permission.

Reason: In the interest of the visual amenities of the area.

4. At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall only be available for residents of the scheme or their visitors only. Details of all car parking allocation including visitor spaces shall be submitted with updated taking in charge plans to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of the proper planning and sustainable development of the area.

5. Bicycle parking spaces shall be provided within the site in accordance with the requirements of the planning authority. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

6. 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.

7. 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 of any part of the development. The form and amount of the security shall be as agreed with 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.

8. 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 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.