



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3977/17

Appeal by Gannon Homes Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork against the decision made on the 27th day of March, 2018 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Change of layout and revised houses types from that which was previously permitted under planning register reference number 2670/14. The development will comprise of 13 number houses (three-bed, two-storey units), access road, 28 number associated car parking spaces, landscaping and all associated site works at Grattan Lodge access road, Hole in the Wall Road, Dublin. The proposed development was revised by further public notices received by the planning authority on the 5th day of March, 2018.

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

It is considered that the proposed development would be consistent with the provisions of the Dublin City Development Plan 2016-2022 including the zoning objective for the site, Z14 Strategic Development and Regeneration Areas (SDRAs) 'To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and "Z6" would be the predominant use.' It is further considered that the proposed development, subject to compliance with the conditions set out below, would be of an appropriate density that would be consistent with provisions for same under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of Environment, Heritage and Local Government in May 2009, and the provisions of the Development Plan and the Clongriffin-Belmayne Local Area Plan 2012-2018, as extended, would provide for an appropriate transition in scale between the two-storey development to the south and five-storey development to the north, and would not seriously injure the amenities of residential property in the vicinity. 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 to the planning authority on the 16th day of February, 2018, 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. (i) The footpaths within the development and/or otherwise provided as part of the scheme, shall be no less than 1.8 metres in width exclusive of any tree planting, or street lighting poles or similar.
- (ii) A footpath shall be provided, by the developer, adjacent the western side of the existing road located to the east of the site to tie in with the existing footpath in Grattan Lodge to the south, and the developer shall replace any trees lost in the provision of the footpath with semi-mature broadleaf trees.
- (iii) A pedestrian crossing shall be provided, by the developer, between the footpath required under (ii) above and the existing footpath to the east side of the public road.
- (iv) The final design and details of the road layout, including the junction with the public road network, footpaths, pedestrian crossings (within or external to the site boundary), car parking areas, and including any hard landscaping areas to be taken in

charge by the planning authority, shall comply with the Design Manual for Urban Roads Streets for the 30km/h speed limit, shall be subject to a Road Safety Audit and shall be constructed to the planning authority's construction standards for such works.

- (v) The road layout within the site shall make adequate provision for access to the adjacent lands to the west, to the satisfaction of the planning authority.

Full details and drawings showing compliance with the above shall be submitted to and agreed in writing with the planning authority prior to commencement of development and the works shall be carried out at the developers expense and any costs incurred by the planning authority, including repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interest of traffic safety.

- 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. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

5. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Roads Streets and Traffic Department and the Noise and Air Pollution Section of the planning authority.

Reason: To ensure a satisfactory standard of development.

6. Proposals for an estate/street name, house/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/street signs, and house/apartment 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.

7. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

8. 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 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. 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 house/apartment.

Reason: In the interests of amenity and public safety.

10. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. 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.

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 and maintenance until taken in charge by 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.

13. 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.

- 14.. The developer shall pay to the planning authority a financial contribution in lieu of provision of public open space within the development site, 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: To provide or improve public open space or amenities in the area in line with the City's Park Strategy in lieu of on-site provision of public open space in addition to communal open space to Development Plan 2016-2020 standards on this site of restricted size, in accordance with the Development Contribution Scheme made under section 48 of the Act.

Paul Hyde

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

Dated this day of 2018.