



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3870/18

Appeal by Joe Norton and Pat Durkan care of Studio D Architects of Distillery Court, 537 North Circular Road, Dublin and by Sheila Barrow and Others care of Ger Fahy Planning of “Annaghdown”, Pagestown, Kilcloon, County Meath against the decision made on the 23rd day of May, 2019 by Dublin City Council to grant subject to conditions a permission to Sanderly Holdings Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Mixed-use scheme on a site of circa 0.4496 hectares at lands comprising a property previously known as both Number 54 Glasnevin Hill and “Ardmore” with lands adjacent thereto (now vacant motor vehicle showroom and ancillary lands), Number 38 Glasnevin Hill, Number 52 Glasnevin Hill, lands to the rear of Numbers 48, 50 and 52 Glasnevin Hill, and the properties previously known as Numbers 40 and 42 Glasnevin Village, Dublin. The proposed development will consist of the demolition of the vacant motor vehicle showroom and Number 38 Glasnevin Hill (a vacant dwelling)(circa 1,070 square metres total gross floor area) and the development of a residential (with associated, ancillary facilities), retail and retail/medical scheme arranged in two number blocks (Block 1 and Block 2)

(over Lower Basement Level and Upper Basement Level) (circa 8,718 square metres gross floor area Lower Basement Level parking area of circa 1,040 square metres and Upper Basement Level parking area of circa 3,320 square metres). Due to the fall in existing ground levels at Glasnevin Hill, Block 1 will be arranged over predominantly five storeys (including setbacks) at its northern end and six storeys (including setbacks) at its southern end. Block 2 will be arranged over five storeys (including setbacks) to Glasnevin Hill. There are no works proposed to the existing office building and Number 52 Glasnevin Hill, save for alterations to its associated private amenity space as a result of the proposed development. The development will consist of: 74 number residential units (comprising 18 number one-bed units; 47 number two-bed units; nine number three-bed units (including terraces and balconies)), with associated residential amenities including communal facilities, gym, concierge, function rooms and meeting rooms (463 square metres total gross floor area), two number retail units (49.5 square metres and 62.5 square metres gross floor area, respectively) (three number retail/medical units (142 square metres, 145 square metres and 103 square metres gross floor area, respectively), store (77 square metres), plant (96 square metres) and substation and switch room (27 square metres). The development will also include: alterations to existing perimeter boundary walls; private and communal open space areas; car, motorcycle and cycle parking; vehicular and pedestrian access/egress and associated circulation routes; associated lighting; associated site servicing (foul and surface drainage and water supply); the provision of SUDs measures, including attenuation tank and blue and green roofs; services provision and related pipe work; electric vehicle charging points; waste management areas; works to the adjacent public streets, all of which are subject to agreement with Dublin City Council; all hard and soft landscaping; boundary treatments; changes in level; and all other associated site excavation and site development works above and below ground, all at Glasnevin Autos, 54 Glasnevin Hill, 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 land use zoning objectives for the site, as set out in the Dublin City Development Plan 2016-2022, to the nature, scale and design of the proposed development, the existing pattern of development and availability of services in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this urban location, would be acceptable in terms of design, height and scale of development, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety, and would comply with the provisions of the Development Plan, the “Urban Development and Building Heights Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in December, 2018 and the “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for

Planning Authorities” issued by the Department of Housing, Planning and Local Government in March, 2018. 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 on the 26th day of April, 2019, 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. Prior to commencement of any works on site, revised details shall be submitted to, and agreed in writing with, the planning authority with regard to the following:
 - (i) Apartment Number 67 at fourth-floor level to Block 2 shall be omitted;

- (ii) A set-back of a minimum of three metres shall be incorporated at the southern end of Block 2 at third-floor level, resulting in apartment numbers 57 and 58 permitted as one-bedroom apartments;
- (iii) Ground-level (podium-level) apartment floor to ceiling heights shall be a minimum of 2.7 metres in Blocks 1 and 2;
- (iv) Vertical screens shall be provided between the adjoining balconies and terraces and on the north-side of the balconies serving apartment numbers 10, 13, 16, 19, 22 and 23 of Block 1. All balcony floors shall be solid and self-draining.

The above amendments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development on site.

Reason: To protect residential amenities and in the interest of the proper planning and sustainable development.

3. Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

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

4. Prior to the occupation of the retail/medical units, details of the final use, occupier(s) and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Retail shall be maintained as the predominant use.

Reason: To ensure an active street frontage along Glasnevin Hill and to contribute towards the retail provision and improved amenities of the area.

5. The hours of operation of the retail and medical suites, hereby permitted, shall be between 0800 hours and 2100 hours only, from Monday to Sunday inclusive.

Reason: In the interest of the residential amenity.

6. The glazing to the retail/medical suites unit shall be kept free of all stickers, posters and advertisements and any roller shutter, and its casing (if required) shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building, prior to their erection. The roller shutters shall be of the open lattice type and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

8. The developer shall comply with all the requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) All car parking spaces, with the exception of visitor and commercial parking, shall be sold off with the residential units and shall not be sold separately or let independently;
- (b) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense;
- (c) The roads layout at the vehicular entrances, parking areas, footpaths, cyclepaths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the planning authority for such road works;
- (d) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works; and

- (e) Each of the parking spaces serving the apartments shall be provided with ducting for electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and sustainable transportation.

- 9. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall include detailed boundary treatments and shall be implemented fully in the first planting season following completion of the development or each phase of the development, and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interests of residential and visual amenity.

10. 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 amenity of property in the vicinity and the visual amenity of the area.

11. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development. 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.

12. Proposals for the development name, commercial unit identification, 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 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 place names for new residential areas.

13. 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 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.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.

15. 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. The plan shall include details of waste to be generated during site clearance and construction phases, including the measures for the control and eradication of Japanese Knotweed, which shall be carried out in full, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of the environment and sustainable waste management.

16. 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, inter alia, details of proposals to address the removal of structures adjoining the building at Number 44 Glasnevin Hill, details and location of the proposed construction compound(s), details of intended construction practice for the development, including hours of working, noise and dust management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

17. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.

18. 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.

19. 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.

20. 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 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.

21. 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.

Michelle Fagan

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

Dated this day of 2019.