



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3267/19

Appeal by Swan Place Residents Association care of Senan Sexton of Saint Annes, Bray Road, Shankill, County Dublin, against the decision made on the 6th day of November, 2019 by Dublin City Council to grant subject to conditions a permission to Mark Legge, John O’Leary and Ruvann Kavanagh care of Peter Legge Associates, Architects and Design Consultants of The Studio, Abbeycourt, Kill-O-The-Grange, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing single-storey commercial building, change of use to residential, and the construction of a terrace of three, three-storey, two-bedroom dwelling houses with a total gross internal floor area of 295.2 square metres (98.4 square metres per unit). The terrace has a maximum parapet height of nine metres with set-backs to the upper level on the Leeson Street Upper, Swan Place and Morehampton Square façades. The provision of private open space is accommodated for each house at the upper level, with three individual loggias facing Swan Place and a planted terrace addressing Leeson Street Upper. No vehicular parking is to be required but two bicycle parking spaces are located within each unit. Bin

storage is also accounted for within each unit, externally accessed. A new one metre wide footpath is to be created along the full length of the Swan Place façade, for public use, allowing pedestrian access to each of the three dwellings and to Swan Place generally. All associated hard landscaping and site works are to be included at the corner of 75a Leeson Street Upper and Swan Place, north of Morehampton Square, 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 Z1 zoning objective relating to the site and the policies set out in Section 16.10.10 of the Dublin City Development Plan 2016-2022, in respect of infill housing it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would generally be acceptable in terms of traffic safety and convenience. 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 received by the planning authority on the 10th day of October, 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. Full details of the materials, colours and textures of all 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.

3. Details of all external boundaries shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Details of all storage areas including bin storage shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

4. 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.

Reason: In the interests of visual and residential amenity.

5. Details of all surface water and drainage arrangements shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

6. The applicant or developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to commencement of development.

Reason: In the interest of orderly development.

7. Proposals for a name/numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames within the residential area.

8. Site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during the construction works in the interest of orderly development.

9. The following requirements of the Transportation Division of Dublin City Council shall be complied with:
 - (a) Prior to commencement of development, and on the appointment of the main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for development, construction programme and key phases, a detailed traffic management plan including management of pedestrian movement and noise and dust management measures.
 - (b) Details of the materials proposed in public areas and the proposed footpath shall be in accordance with the requirements of the document entitled Construction Standards for Road and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division.
 - (c) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

- (d) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

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

10. 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.

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. The plan shall include details of waste to be generated during site clearance and construction phases, 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 interest of sustainable waste management.

12. (a) A plan containing details for the management of waste (and in particular recyclable materials) within the development, including the provision of facilities for storage, separation and collection of waste and in particular recyclable materials 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.
- (b) This plan shall provide for screened bin stores, which shall accommodate not less than three standard size wheelie bins within the curtilage of each house plot.

Reason: In the interest of residential amenity and to ensure the provision of adequate refuse storage.

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. The application of any indexation required by this condition 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.

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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020