



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4826/19

Appeal by O'Neill's Accommodation Limited care of O'Neill Town Planning, Planning and Development Consultants of Oakdene, Howth Road, Howth, County Dublin against the decision made on the 19th day of June, 2020 by Dublin City Council to grant subject to conditions a permission to Peter McVerry Trust CLG care of C.J. Falconer and Associates, Chartered Architects and Planning Consultants of Saint Patrick's House, Newtown, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: The demolition of existing property known as Number 2 Brunswick Villas, including existing boundary walls and gateway entrance to Shaw Street and the construction of a new 12 number apartment development comprising of; 11 number one-bedroom units and one number two-bedroom unit in a mixture of three and six-storey buildings. The development will include internal courtyard to rear, new gateway to the existing Brunswick Villas laneway and entrance lobby, plant rooms and bicycle storage areas at ground floor level. All apartments will include balconies to street elevations from first to fifth floors, with setback balconies

and balustrades included to fifth floor apartment area. The proposed works are to include all associated site works, ancillary accommodation and drainage at the site bounded by Shaw Street and Brunswick Villas, 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 Z5 zoning objective for the site, “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design character and dignity”, as set out in the Dublin City Development Plan 2016 to 2022, to the design and layout of the proposed development, and to the established architectural character and pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute overdevelopment of the site and would provide a satisfactory quantum and quality of open, communal and private space provision, would not give rise to undue overlooking, would not seriously injure the amenities of

property in the vicinity or the visual amenities of the area, or the setting of adjoining protected structures. 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 8th day of May 2020, 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. 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.

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

Reason: In the interest of visual amenity.

4. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall 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 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 traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

6. 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.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall 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, and employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. Prior to commencement of development, the applicant shall liaise with Transport Infrastructure Ireland (TII) Metrolink team, the National Transport Authority and Dublin City Council to ensure construction management and operation have adequate regard to the future Metrolink infrastructural provision in this area.

Reason: In the interest of orderly development.

Paul Hyde
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020