

An
Bord
Pleanála

Board Order
ABP-313193-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 2683/21

Appeal by Hillcrest Court Owners Management Company of 7 Hillcrest Court, Griffith Avenue, Glasnevin, Dublin by Glenavon Developments Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin, and by Others against the decision made on the 9th day of March, 2022 by Dublin City Council to grant subject to conditions a permission to Glenavon Developments Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a five to six storey apartment building (total gross floor area circa 5,330 square metres excluding car park), partially over basement, accommodating 52 number residential units (13 number one-bed apartments, nine number two-bed apartments, 17 number two-bed duplex apartments and five number three-bed duplex apartments), all with private balconies on the east or west elevation and all associated and ancillary site development, landscaping and boundary treatment works, including demolition of existing habitable house and ancillary outbuildings, modification of existing vehicular and pedestrian site entrance to Ballymun Road, one number car share space at surface level,

37 number car parking spaces at basement, 80 number bicycle parking spaces, ESB substation and switch room, solar panels and green roof all at a site (circa 0.39 hectares) at Glenavon House, 46 Ballymun Road, Glasnevin, Dublin. The subject site is generally bounded to the west by Ballymun Road and Clonmore Court apartments, to the north by Glenavon Court and Hillcrest Court apartments, to the east by the rear gardens of houses on Saint Mobhi Road and to the south by Mobhi Court apartments and houses at The Haven. The proposed development was revised by further public notices received by the planning authority on the 10th day of February, 2022.

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.

Reasons and Considerations

Having regard to the location of the site in close proximity to a range of public transport options and other services, the provisions of the Dublin City Council Development Plan 2022-2028, the Urban Development and Building Heights - Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2018, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December, 2020 (including the December 2022 update), and the National Planning Framework, which

seeks to direct new residential development in cities into built-up serviced areas, the pattern and character of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and quality of residential development in this accessible urban location, would not seriously injure the amenities of surrounding properties or detract from the character or visual amenity of the area, and would 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.

The Board considered that it is appropriate in this urban context where higher density housing is appropriate to attach the condition restricting the sale of duplex units to individual purchasers in accordance with the Regulation of Commercial Institutional Investment in Housing.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

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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 3rd day of February 2022, 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. (a) A total of 102 number bicycle parking spaces shall be provided within the development, including 80 number long-term residents' spaces and 22 number visitor spaces.

(b) The precise number and location of trees to be retained shall be clarified based on the further information submitted to the planning authority on the 3rd day of February 2022.

(c) The existing gate piers shall be retained and reconstructed as proposed, and the proposed entrance gates shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of sustainable transportation, visual amenity, permeability, and accessibility.



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. Water supply and drainage arrangements, including the 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.

5. Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

6. Proposals for a development name, 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 unit 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.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of surrounding properties and in the interest of clarity.

8. 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 management measures for noise, dust and dirt, and construction traffic management proposals.

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

9. Prior to commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness; these details shall

be placed on the file and retained as part of the public record. The Resource Waste Management Plan must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed Resource Waste Management Plan shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

10. Operational waste management measures shall comply with the following:
- (a) 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, and
 - (b) The proposed bin store shall be adequately ventilated, drained and illuminated.

Proposals in respect of (a) and (b) above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

11. Prior to the occupation of the development, a Mobility Management Plan/ Residential Travel Plan shall be submitted to, and agreed in writing with, the planning authority. This shall include a car-parking strategy for the overall development and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The plan shall be prepared and implemented by the management company for all units within the existing and proposed development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists.

12. 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 public open spaces, 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.

13. 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.

14. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

Reason: In the interests of visual and residential amenities.

15. The basement parking area and car-share spaces shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

16. 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:
 - (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, and

- (b) 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

17. 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.

18. Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

19. The following landscape and biodiversity requirements shall be complied with:
- (i) The developer shall retain the professional services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the site development works. He/she shall submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans, mitigation measures and specification have been fully implemented and for bond release. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within three years of planting shall be replaced in the first planting season thereafter. The landscape scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division
 - (ii) Prior to commencement of development, the developer shall retain the professional services of a qualified Arboriculturist throughout the life of the site development works. The Arboriculturist will advise and supervise all works associated or in proximity to the existing trees to ensure their retention and condition. All trees shown to be retained on the site and adjacent to the site as indicated on drawing number 2006-BRD-PL-015A, shall be adequately protected during the period of construction as per BS 5837, such measures shall include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. (The



tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division)

- (iii) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit ,a bond of an insurance company or such other security as may be accepted by the planning authority to secure the protection of existing trees to be retained on site and to make good any damage caused by construction, coupled with an agreement empowering the planning authority to apply such security ,or part thereof, to the satisfactory protection of any tree or trees on the site, adjacent the site, or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species, or to apply to new tree planting in the local area. The amount of the security shall be determined by the Helliwell or Cavat method by the developer's arboriculturist. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of an agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interests of amenity, ecology and sustainable development and to secure the retention of existing trees to be retained on the site


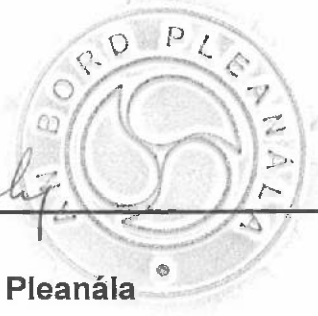


20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection 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.

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

Dated this 21st day of July 2023.