



An
Bord
Pleanála

Board Order
ABP-315575-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4260/22

Appeal by Greg Zakrzewski, on behalf of Chapelizod Old Village Association (COVA), of 2 New Row, Chapelizod, Dublin and by Leo Collins of 3 Drummond House, Martins Row, Chapelizod, Dublin against the decision made on the 13th day of December, 2022 by Dublin City Council to grant subject to conditions a permission to Infield Developments Limited care of JFOC of 3 and 4 Greenmount House, Greenmount Office Park, Harold's Cross, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of structures on site including a day centre, a workshop, a glasshouse, steel container and four number sheds; restoration of Leitrim Lodge to former use as a four-bed single occupancy residential dwelling with two number car parking spaces; construction of a five-storey apartment building with 23 number units and associated balconies consisting of 15 number duplex units and eight number apartment units providing three number one-bed units, 16 number two-bed units and four number three-bed units; construction of a bicycle store to provide 64 number bicycle spaces and a parking shelter with a landscaped terrace above; 26

number car parking spaces at surface level serving the apartment development; widening of existing access laneway on Church Lane requiring alteration to porches of existing dwellings and repositioning of a protected wall to 34 Main Street, Chapelizod, Dublin, landscaping and all ancillary site works, at Leitrim Lodge (Protected Structure), Martin's Row, Chapelizod, 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.

Reasons and Considerations

Having regard to the location of the site in the centre of the historic Chapelizod Village, to the character and established pattern of development in the vicinity of the site, to the previous planning history on the site and to the proposals to address the previous reason for refusal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would not adversely impact on the established character 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.

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 24th day of November 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. The proposed development shall be amended as follows:

The remainder of the boundary wall to number 34 Main Street shall be repaired and restored in accordance with best conservation practice.

The revised drawings and construction methodology 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 interest of visual amenity and architectural heritage conservation.

3. The restoration of Leitrim Lodge as a single dwelling unit shall be completed in full prior to the making available for occupation by the developer any of the apartment units.

Reason: In the interest of the restoration of the Protected Structure and the orderly development of the site.

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with, the planning authority:
 - (a) Details of the design of the road layout and junction arrangements for Church Lane and Martin's Row, which shall include a Road Safety Audit, details of road signage, markings, kerblines, surface materials and finishes.
 - (b) A revised car-parking layout showing a maximum of 26 parking spaces inclusive of two number accessible spaces and three number visitor/drop-off spaces. At least 20% of the parking spaces shall be fitted with electrical vehicle charging equipment and the remainder of the spaces shall be ducted to future proof for electrical charging. The revised parking layout shall be accompanied by a Car Parking Management Plan. Parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.
 - (c) A revised cycle-parking layout with a minimum of 47 number long term resident cycle spaces and 12 number visitor cycle spaces, including at least 3 number non-standard cargo cycle parking spaces and shall include provision for electric bike charging facilities. Long term spaces shall be secure, conveniently located, sheltered and well-lit and have key-fob access. Visitor spaces shall be provided in a separate location in a convenient location with safe and secure locking facilities.

- (d) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.
- (e) A plan detailing the areas to be taken in charge by the local authority.

Reason: In the interest of public safety and visual amenity.

- 5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site. In this regard, the developer shall notify the planning authority in writing at least four weeks in advance of the commencement of development works on the site.

The developer shall also comply with the following requirements;

- (a) An archaeological excavation shall be carried out on the site to establish the nature and extent of archaeological deposits and features, including human remains present at the location which it is proposed to develop, and to allow an Archaeological Impact Assessment of the proposed development to be made. Testing shall take place prior to commencement of site preparation works, which will serve to inform a detailed strategy for further archaeological mitigation if necessary. The assessment shall include analysis of the impact of proposed development on the southern boundary wall of the Phoenix Park with appropriate mitigation.
- (b) The archaeological excavation shall be carried out prior to commencement of development or at such later date as may be agreed in writing with the planning authority.

- (c) Satisfactory arrangements for the execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works, shall be agreed in writing with the planning authority. The archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimized. In this regard, the proposed locations of piled foundations shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be submitted to and agreed in writing that the planning authority in advance of their incorporation within the development.
- (d) Satisfactory arrangements for post excavation research and the recording, removal and storage of any archaeological remains which may be considered appropriate to remove, shall be agreed in writing with the planning authority. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared and submitted to the planning authority within a period of six months or within such extended, as may be agreed with the planning authority. This report shall, in particular, include reference to the following matters:
- (i) the evidence (if any) of later medieval occupation or activity on the site.
 - (ii) the process of initial reclamation and subsequent development of the site.
 - (iii) the physical topography and natural environment of the site prior to medieval occupation.

In default of agreement between the parties, regarding compliance with any of the requirements of this condition, 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 of any remains that may exist within the site.

6. (a) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. In advance of works commencing on site, the developer shall submit to the planning authority detailed Condition Assessments, Repair Specifications and Methodologies (including site exemplars) for the following:
 - (i) All internal and external conservation and repair works to Leitrim Lodge.
 - (ii) Alterations to porches of existing dwellings on Church Lane.
 - (iii) Repositioning of portion of boundary wall at Church Lane.
- (b) A Conservation Architect (Grade 1), with proven and appropriate expertise, shall be employed to design, manage, monitor and implement the works to the historic buildings and structures and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building facades structure and/or fabric.
- (c) All works to the structure shall be carried out in accordance with best conservation practice, the Architectural Heritage Protection Guidelines for Planning Authorities (2011) issued by the Department of Housing, Local Government and Heritage, and the

Advice Series published by the Department of Arts, Heritage and Gaeltacht Affairs. Any repair works shall retain the maximum amount of surviving historic fabric in situ.

- (d) All existing original features in the vicinity of the works shall be protected during the course of the refurbishment works.
- (e) The architectural detailing and materials in the new work shall be executed to the highest standard to compliment the setting of the protected structure and the historic area.

These details shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In order to protect the original fabric, character and integrity of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

- 8. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

9. 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.

10. 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 housing unit.

Reason: In the interest of amenity and public safety.

11. 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.

12. Proposals for a development name, 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 development and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 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 landscaping scheme shown on drawing numbers 33-P-001A and 33-P-002A, as submitted to the planning authority on the 20th day of June 2022, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

14. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 20th day of June 2022. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

15. (a) Prior to commencement of development a bat survey shall be undertaken by an experienced bat expert immediately in advance of any site works, to ensure that no bats have taken up roost since the previous survey was conducted in April 2022. Should any bat roosts be recorded, all works shall cease immediately, and a bat derogation licence shall be obtained from the National Parks and Wildlife Service under Regulation 54 of the European Commission (Birds and Natural Habitats) Regulations 2011-2021 prior to recommencement of any site works.
- (b) Demolition works for Building B1 and Renovation works for Building B6 (Leitrim Lodge) shall be undertaken during the period 1st October to 1st May, in accordance with the Bat Mitigation Guidelines for Ireland -V2

Reason: In the interest of wildlife protection.

16. 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 where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

17. 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:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) details of site security fencing and hoardings;
 - (d) details of on-site car parking facilities for site workers during the course of construction;
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) the provision of parking for existing properties during the construction period;
 - (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (k) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

18. 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.

19. 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, for each house/apartment unit 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.

20. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

21. 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.

22. Prior to the commencement of any house or duplex unit 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, as amended, that restricts all houses and duplex units 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.

23. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *24th* day of *April*, 2024.

