



## Board Direction

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**Ref: 29N.237222**

The submissions on this file and the Inspector's report were further considered at a Board meeting held on 14<sup>th</sup> December 2010. The Board decided, by a majority of 5:2, to grant permission in accordance with the following reasons, considerations and conditions.

### REASONS AND CONSIDERATIONS

Having regard to the residential zoning objective for the site and to the pattern of development in the vicinity, it is considered that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of its impact on the existing protected structures on the site and in terms of traffic safety and convenience and would not give rise to an increased risk of flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to some reduction in the size of Block C to protect the amenity of the existing apartment block to the south, the layout of proposed Blocks C and D would be acceptable and would retain an appropriate setting for the protected structures (chapel and High Park). The Board considered that Block E should be reduced in size to mitigate the impact on the adjoining Highfield Hospital and on existing residential accommodation in High Park, generally as suggested by the Inspector, and that Blocks A and B should be omitted essentially because of the problems identified by the Inspector. The Board considered that the overall standard of amenity for future residents of the proposed apartments would be acceptable, notwithstanding the detailed criticisms by the Inspector of some related factors.

### 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 3<sup>rd</sup> day of June 2010, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The proposed development shall be modified and reduced in extent as follows and revised drawings incorporating these modifications shall be submitted to the planning authority and agreed in writing before development commences:

(a) Blocks A and B shall be omitted.

**Reason:** These blocks would, by reason of their location and layout, seriously injure the residential and visual amenities of property in the vicinity.

(b) Block C shall be reduced in extent by omission of the southernmost part containing Units 1, 2 (g.f.), 10, 11 (1<sup>st</sup> floor), 19, 20 (2<sup>nd</sup> floor), 28, 29 (3<sup>rd</sup> floor) and 37, 38 (4<sup>th</sup> floor). At basement level, parking bays 1-4 shall be omitted.

**Reason:** To increase the separation distance to Grace Park Manor in the interest of protecting the amenity of that apartment block.

(c) Living room areas in unit No's 17, 26, 35 and 44 of Block C and in unit No's 13, 20, 27 and 34 in Block D shall be provided with direct access to the balcony.

**Reason:** To improve the residential amenity of these apartments.

(d) Block E shall be reduced in height by the omission of two floors, so that it shall be three floors high, and shall be reduced in length by omission of the northernmost part containing Units 8, 9, 10 and 11 at ground floor level and the equivalent floor areas of the floors above.

**Reason:** To increase the separation distance to the existing residential accommodation in High Park and to reduce the impact on Highfield Hospital.

(e) Side screens to a height of 1.7m shall be provided to the sides of all living room-accessible balconies that adjoin or are directly side-on to other balconies.

**Reason:** To improve the residential amenity of these apartments.

3. Before development commences, fully detailed drawings and specifications in respect of the works to the chapel shall be submitted to and agreed with the planning authority. These works shall be carried out under the supervision of an architect with conservation qualifications and experience.

**Reason:** In the interest of protection of architectural heritage.

4. Following consultation with the National Roads Authority, full details of the foundation works for Block E shall be submitted and agreed with the planning authority before development of that block commences.

**Reason:** To ensure the integrity of the Dublin Port Tunnel.

5. Details of the materials, colours and textures of all the external finishes to the proposed development, including the roadside railing and wall to Grace Park Road, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. + second paragraph of PA condition No.4.

**Reason:** In the interest of visual amenity.

6. Per PA No.5.
7. Standard landscaping condition.
8. 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. Fully detailed drainage and water main layouts, including the location of any existing public sewers on the site, shall be submitted and agreed with the planning authority before development commences.

**Reason:** In the interest of public health.

9. Urban Waste 2 condition.
10. 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 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 with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

**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.

11. Standard construction and demolition waste condition.
12. Standard construction hours.
13. During construction and demolition works, the development shall be carried out in compliance with British Standard 5228, Noise Control on Construction and Open Sites, Part 1.

**Reason:** To protect the amenity of property in the vicinity.

14. 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.

15. 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.

16. 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.

17. Standard Sec. 48 contribution.

18. Metro North contribution condition.

Board Member: \_\_\_\_\_ Date: 20<sup>th</sup> December 2010

Karl Kent