

An Roinn Pleanála & Forbairt Maoine

Bloc 4, Urlár 3, Oifigi na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

Planning & Property Development Department,

Dublin City Council, Block 4, Floor 3, Civic Offices, Wood Quay, Dublin 8.

t. (01) 222 2288

e. planning@dublincity.ie

26-Sep-2019

Tony Manahan,
Manahan Planners
38, Dawson Street
Dublin 2

Application No.	3026/19
Registration Date	27-Aug-2019
Decision Date	23-Sep-2019
Decision Order No	P5068
Location	Classic Cinema Site, at Harolds Cross Road, Dublin 6W
Proposal	The development involves the demolition of the remaining buildings on site, the construction of a mixed-use development of retail (177sq.m), offices (199sq.m) and 91 dwelling units (4 studios, 29 one bed units and 58 two bed units) over an underground car parking area for 93 cars, plant areas and bin storage facilities. The form of development provides for three blocks of development above the underground car park. The front block next to the street (5 storeys in height) will contain retail use and an ESB substation at ground level, offices at first floor level and 29 dwelling units in the remainder of the block. The central block (5 storeys in height) will have 32 dwellings units. The space between the blocks will contain landscaped communal open space and bike stores for the residents.
Applicant	Garvagh Homes Ltd.
Application Type	Permission

- **If you have any queries regarding this Decision, please contact the number shown above**

NOTIFICATION OF DECISION TO GRANT PERMISSION

In pursuance of its functions under the Planning & Development Acts 2000 (as amended) Dublin City Council, being the Planning Authority for the City of Dublin has by order dated 23-Sep-2019 decided to GRANT PERMISSION for the development described above, subject to the following condition(s).

NOT1perm

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CONDITION(S) AND REASON(S) FOR CONDITION(S)

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made there under are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 27th August 2019, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. The developer shall pay the sum of €543,430.08 to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

3. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority.

Reason: In the interests of orderly development and the visual amenities of the area.

4. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

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Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

5. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity

6. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

7. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint

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as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) 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 roads, the said cleaning works shall be carried out at the developers expense.

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

9. Prior to the commencement of Development, a Project Construction and Demolition Waste Management Plan shall be submitted to and agreed to writing by the Planning Authority.

Reason: In the interests of the protection and conservation of the environment, having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DoEHLG, July 2006 and also Dublin City Council Waste Management Guidelines.

10. The applicant shall comply with the following Transportation Planning Division requirements:

(a) At the vehicular access/exit point to the development, the public footpath shall be continued at a raised level across the site entrance and exit, but shall be ramped and dropped as necessary (e.g. 32mm kerb over carriageway) to facilitate car-entry/exit. Measures shall be implemented, including contrasting materials, signing, and road marking, etc. to ensure that vehicles entering/leaving the development are aware that pedestrians/cyclists have priority across the site entrance and that vehicles must yield right-of-way. Details shall be agreed in writing with the Environment and Transportation Department prior to commencement of the development.

(b) Vehicular access to the proposed service lane shall be restricted to service and emergency vehicles only.

(c) One car parking space shall be permanently allocated to each residential unit and

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numbered as such. Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties.

(d) The proposed bicycle parking spaces for the office and retail uses as shown on Dwg. No. P03_01-A submitted on the 27th August 2019 shall be covered. Cycle parking shall be secure, conveniently located, and well lit. Key/fob access should be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked.

(e) Prior to the occupation of the development the developer shall submit a Mobility Management Plan for the written agreement of the planning authority and shall ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.

(f) Prior to commencement of development, and on 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 the development, including construction compound, traffic routing and management, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

(g) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.

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

Note: The relocation of the bus shelter to the front of the site shall be carried out in accordance with the requirements of the National Transport Authority and subject to the necessary planning consents.

Reason: In the interest of the proper planning and sustainable development of the area.

11. The following Drainage Division requirements shall be complied with:

There is no objection to this development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from www.dublincity.ie Forms and Downloads).

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The development is to be drained on a completely separate system with surface water discharging to the public surface water system.

There is an existing public surface water sewer running through the site. A clear minimum distance of three metres shall be maintained between sewers and all structures on site. The exact location of this pipeline must be accurately determined onsite prior to construction work commencing. No additional loading shall be placed on this sewer. Any damage to it shall be rectified at the developer's expense.

A proposed surface water layout shall be submitted to the Drainage Division indicating proposed clearance/diversion, following site investigations, for written agreement with DCC Drainage Division at the commencement of project.

To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.

All surface water discharge from this development must be attenuated to two litres per second in accordance Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

The development shall incorporate Sustainable Drainage Systems in the management of surface water, with a minimum requirement of a 2 stage(the proposed green roof and the permeable paving treatment approach. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction.

The Developer shall submit an appropriate flood risk assessment for the proposed development, which identifies and proposes design solutions to mitigate the potential risks from all sources including coastal, fluvial, pluvial and groundwater. Reference should be made to the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in November 2009 and the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment. Flood risks from 30-year and 100-year storms shall be addressed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding to the development has been reduced as far as is reasonably practicable, and that the proposals do not increase the risk of flooding to any adjacent or nearby area.

The outfall surface water manhole from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

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All private drainage such as, downpipes, gullies, manholes, armstrong junctions, etc. are to be located within the final site boundary. Private drains should not pass through property they do not serve.

Reason: In the interest of the proper planning and sustainable development.

12. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

13. Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

14. In relation to individual houses the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling(s).

Reason: In the interest of orderly street numbering.

The applicant should note that development on foot of this **Decision to Grant** may not commence before a notification of final grant has been issued by the Planning Authority or An Bord Pleanála following consideration of an appeal.

1. Your attention is drawn to the requirements of the attached "Codes of Practice".

Schedule A: Drainage Division

Schedule B: Transportation Planning Division

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Schedule C: Air Quality Monitoring and Noise Control Unit

N.B. It should be clearly understood that the granting of planning permission does not relieve the developer of the responsibility of complying with any requirements under other codes of legislation affecting the proposal and that a person shall not be entitled solely by reason of a planning permission to carry out any development.

2. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
3. A grant of Planning Permission does not entitle the applicant to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
4. Any observations or submissions received by the Planning Authority in relation to this application have been noted.

Note to Applicant:

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- Appeals must be received by An Bord Pleanála within FOUR WEEKS beginning on 23-Sep-2019. (N.B. this is not the date on which the decision is sent or received). This is a strict statutory time limit and the Board has no discretion to accept late appeals whether they are sent by post or otherwise. The appeal MUST BE FULLY COMPLETE in all respects - including the appropriate fee - when lodged. It is not permissible to submit any part of it at a later date, even within the time limit.
- Refund of Fees submitted with a Planning Application. Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months, where the full standard fee was paid in respect of the first application, and where both applications relate to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of 8 weeks beginning on the date of the Planning Authority's decision on the second application.

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- Notice is hereby given that Dublin City Council at its Monthly Meeting of Council held on 3rd December 2018 approved that the SCSi Tender Price Indexation rate of 7.2% is applied to the industrial/commercial development levy rate of the Scheme with effect from the 1st January 2019.
- In relation to Compliance conditions two copies of compliance drawings and four copies of the Construction Management Plan (if applicable) will be required by the Planning Authority. An electronic version of a compliance submission may be submitted in pdf. format to compliances@dublincity.ie

Signed on behalf of the Dublin City Council:

For Assistant Chief Executive