



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 4568/19

Appeal by Nicola, Adam and Lucy McMenamin care of Seosamh Ó Muircheartaigh of SOM Architecture, 76 Portland Place, Marylebone, London and by Rathmines Initiative care of Michael Kelly of 49 Lower Mountpleasant Avenue, Dublin and by Blondie Issuer Designated Activity Company care of Manahan Planners, Town Planning Consultants of 38 Dawson Street, Dublin against the decision made on the 31st day of January, 2020 by Dublin City Council to grant subject to conditions a permission to the said Blondie Issuer Designated Activity Company in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use from office use to Co-Living Shared Accommodation use and to construct an additional three setback floors to be part of the overall shared accommodation development so as to create a seven-storey building with roof top plant. The existing floor area is 2,640 square metres and this will be increased by 1,908 square metres to provide a total development of 4,548 square metres. There will be 110 individual units varying in size with shared kitchen, dining and living communal facilities on each floor level. In addition, on the ground floor there will be reception,

gymnasium, residents lounge, laundrette and accessible WC. The rear yard presently used for car parking will contain parking for 160 bicycles, bin storage and will provide continued access to the existing ESB substation. There will be a coffee serving kiosk facing onto the adjoining footpath for coffee consumption off the premises at "Rathmines House", 143-149 Rathmines Road Lower, Rathmines, 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

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in Rathmines which is designated as a Key District Centre (KDC) in the hierarchy of Dublin City Development Plan 2016–2022 where Key District Centres represent the top tier of urban centres outside the city centre,

- (b) the provisions of the Dublin City Development Plan 2016–2022 including the Z4 zoning where residential development is a permitted use and the policy objectives applicable to the site,
- (c) the objectives of the National Planning Framework,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (e) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018,
- (f) the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018,
- (g) the nature, scale and design of the proposed development,
- (h) the availability in the area of a wide range of social and transport infrastructure,
- (i) the submissions and observations received, and
- (j) the report of the Inspector,

it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian and traffic safety and convenience and would provide an acceptable form of residential amenity for future occupants. 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 and by the further plans and particulars received by An Bord Pleanála on the 27th day of February 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. Prior to commencement of any works on site revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (i) All windows on the western elevation serving the landing area shall consist of opaque glazing.
 - (ii) The 60 number tiered bicycle rack spaces located at ground floor adjacent to the bedroom units shall be omitted.

Reason: To safeguard the residential amenities of the area and of future occupants.

3. The shared accommodation units hereby permitted shall operate in accordance with the definition of build to rent developments as set out in the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018.

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

4. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, details of the proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first shared living units within the scheme.

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

5. Prior to the expiration of the 15 year period referred to in condition number 4 above, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a shared accommodation scheme. Any proposed amendment or deviation from the shared accommodation model as authorised in this permission shall be the subject of a separate planning application.

Reason: In the interest of orderly development and clarity.

6. 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.

7. Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

Reason: In the interest of public health and to ensure a proper standard of development.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts and other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. Bedroom Type A indicated on the drawing number CWO-DR-A-4000 submitted to the planning authority on the 28th day of November 2019 shall be single occupancy only.

Reason: In the interest of residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 amenities of property in the vicinity.

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. 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.

12. 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.

13. A plan containing details for the management of waste and, in part, recyclable materials within the development including the provision of facilities for the storage, separation and collection of the waste and in particular recyclable materials 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 recycle materials, in the interest of protecting the environment.

14. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to permit the planning authority to assess all signage on site through the statutory planning process.

15. The developer shall comply with the following requirements of the Transportation Planning Division of Dublin City Council.
- (a) Prior to commencement of development or on the appointment of a 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 traffic management, noise management, measures and off-site disposal of construction and demolition waste.
 - (b) The applicant/developer shall submit a mobility management plan and 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.
 - (c) Details of secure sheltered cycle parking shall be agreed in writing with the planning authority prior to commencement of development.
 - (d) All costs incurred by Dublin City Council including any repairs to the public road and services necessary as a result of the development shall be at the expense of the developer.

Reason: To ensure a satisfactory standard of development.

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 and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or party 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 an 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.

17. 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.

Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this day of 2020