



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4694/18

Appeal by Frontier Property Investment Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 22nd day of February, 2019 by Dublin City Council to refuse permission to Frontier Property Investment Limited for the proposed development.

Proposed Development: The development will consist of (i) demolition of Numbers 201 and 203 Rathmines Road Lower (excluding front south-facing facade) including single-storey outbuildings and sheds to rear of the site; (ii) construction of a three-storey over entrance floor level mixed use building consisting of the following elements: (a) proposed cafe/restaurant at ground floor level, with associated ancillary facilities and service area at lower ground floor level and upper ground floor level; (b) one number short stay residential studio with rear balcony (4.4 square metres) and one number two-bedroom short stay residential apartment served by private courtyard space (9.1 square metres) at first floor level; and, (c) one number three bedroom short stay residential apartment with rear balcony (nine square metres) at second floor level; (iii) new signage; and, (iv) all ancillary works, including SuDS drainage

and landscaping necessary to facilitate the development, all at Numbers 201 and 203, Rathmines Road Lower, 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

Having regard to the location of the site within the area zoned Z4 “To provide for and improve mixed services facilities” and within Key District Number 7- Rathmines, as identified in the Dublin City Development Plan 2016-2022, to the layout and configuration of the existing building on the site and to the existing pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would support the provision of tourism facilities at this location, would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would not set an undesirable precedent for similar development and would 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, 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. All proposed works to the existing building shall be carried out under the supervision of a qualified professional with specialised conservation expertise.

Reason: To ensure the authentic preservation of the facade and to ensure that proposed works are carried out in accordance with best conservation practice.

3. The operators of the café/restaurant premises shall control odour emissions from the café/restaurant in accordance with details and measures which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

4. Water supply and drainage arrangements, including the disposal and attenuation 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. The serviced short stay tourist accommodation suites and studios shall be used as commercial short-term accommodation with a maximum letting period of two months and shall not be used as residential units for permanent occupation without a prior grant of permission for change of use.

Reason: In the interest of clarity.

6. No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

7. Details of materials colours and textures of all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

8. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

9. 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, "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.

Reason: In the interest of sustainable waste management.

10. A plan containing details for the management of waste 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 suite and studio, 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 which shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

11. 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.

Terry Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.