



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2295/19**

**Appeal** by Victoria Homes Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 15<sup>th</sup> day of April, 2019 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** (i) Demolition of one number single storey-detached cottage, 1 number two-storey detached house and all ancillary outbuildings; (ii) construction of a new part-three, part-four, part-five, part-six storey over basement green-roofed apartment building comprising 60 number apartments (12 number one-bedroom, 27 number two-bedroom and 21 number three-bedroom apartments) on lands bound to the east by Hole in the Wall Road, to the north by the Belmayne Distributor Road and to the west by the Parkside Heath residential development. The apartment building is setback from the north-western site boundary at upper floor levels and apartments are provided with private terraces at ground floor level, private balconies on the upper floors and have access to communal landscaped open space and bicycle/car parking areas at basement and surface level; and (iii) SUDs drainage, landscaping, boundary treatments, widening of existing public footpaths, provision of road signage and all ancillary works necessary to

facilitate the development, at Windermere, Hole In The Wall Road, Clongriffin, 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;

- (a) the location of the site on land which allows for residential development,
- (b) the under-used nature of the existing site,
- (c) the objectives of the National Planning Framework-Project Ireland 2040 issued by the Government in 2018, which seeks to pursue a compact growth policy and to deliver a greater proportion of residential development within existing built-up areas,

- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009, which promotes higher residential densities on residential zoned land in suitable locations,
- (e) 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, which outlines the need for apartment type developments in particular to meet growing demand,
- (f) the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of housing, Planning and Local Government in December 2018, which identifies building height as an important measure for urban areas to deliver compact growth,
- (g) the provisions of the Dublin City Council Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012-2018, as extended to 2022,
- (h) the location of the site within proximity of public transport corridors and other infrastructure, and
- (i) the pattern of existing and permitted development in the wider area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character or visual amenities of the area, or the residential amenities of adjoining property, would be acceptable in terms of traffic safety and convenience, and 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, 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 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. (a) The access door from a bedroom to the terrace of apartment number A2.06 shall be omitted and replaced with an access door from the living/kitchen/dining area.
- (b) The number of bicycle spaces shall be increased from 88 to 159

Revised drawings showing compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of residential amenity and promoting more sustainable forms of transport.

3. The glazing system of the building shall have suitable sound insulation performance values. Prior to any development taking place on the site, the developer shall submit to and agree in writing with the planning authority details of the glazing system to be installed supported by laboratory tests confirming the sound insulation performance of the glazing system to currently recognised EU standards.

**Reason:** To protect the residential amenity of future occupants of the apartments.

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

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

5. A comprehensive boundary treatment and landscaping plan shall be submitted to and agreed in writing with the planning authority prior to commencement of the development. The plan which shall be designed by a landscaping professional shall include the following;

- (i) Details of all proposed hard surface finishes including samples of proposed paving slabs, materials for footpaths, kerbing and road surfaces within the development,
- (ii) Details of the location, number, type and spacing of all species proposed,
- (iii) Details of any street furniture including bollards, lighting fixtures and seating,

- (iv) Details of proposed boundary treatment at the perimeter of the site, including heights, materials and finishes,
- (v) Play space in accordance with the requirements of the planning authority.
- (vi) Revised arrangements for the ventilation grills to the basement car park such that they are not positioned proximate to the ground floor apartments.

The boundary treatment and landscaping shall be carried out in accordance with agreed scheme. The approved scheme shall be completed prior to the occupation of the buildings.

**Reason:** In the interests of visual and residential amenity.

6. Water supply and drainage arrangements, including the disposal of surface water which shall be adequately attenuated on site prior to discharge, shall be in accordance with the detailed requirements of the planning authority.

**Reason:** In the interests of public health and to reduce the potential for flooding.

7. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

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

8. 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 of occupation of any unit within the scheme.

**Reason:** In the interests of amenity and public safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be placed 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.

10. No additional development shall take place at roof level including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process.

11. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

12. 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. The plan shall provide details of the intended construction practice for the development including noise mitigation measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

13. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of the 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 provisions of the Waste Management Plan for the Region in which it is situated.

**Reason:** In the interests of sustainable waste management.

14. 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 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 interests of protecting the environment.

15. 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 residential amenities of property in the vicinity.

16. 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, the development name, 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 alternative acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility.

17. 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.

18. Prior to the 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the provisions of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

19. 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.

20. 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 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.

---

**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**