

An
Bord
Pleanála

Board Order
ABP-307609-20

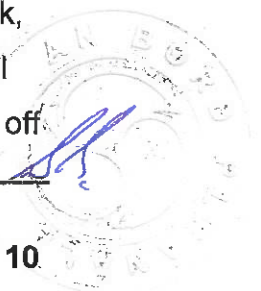
Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 4791/19

Appeal by Cuala Property Management on behalf of Dakota Court Management Company care of Eden Architects of 37 North Great Georges Street, Dublin and by Saltcross Limited care of G. Davenport Architecture and Design of Mooretown, Ratoath, County Meath against the decision made on the 19th day of June, 2020 by Dublin City Council to grant subject to conditions a permission to Slateside Limited care of Darmody Architecture of 91 Townsend Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a mixed-use development of nine number apartments comprising of three number two-bedroom and six number one-bedroom apartments, a ground level café unit, part basement level to accommodate bike storage for 30 number bicycles, refuse storage, surface water attenuation tank and all other plant and storage areas associated with apartments and café unit. The development comprises of five storeys from street level to Phibsborough Road and part six storeys to Royal Canal Bank, with pedestrian access to apartments off Phibsborough Road and off Royal Canal Bank and one number further access point for refuse collection only off



rear McGuinness's Cottages Laneway. North-west facing balconies to be constructed on all levels above ground level on Phibsborough Road/Royal Canal Bank corner and north-east facing balconies on all levels above ground level on Royal Canal Bank. All associated site development works above and below ground level including all boundary treatments, privacy screen balconies, third floor south facing balcony terrace, fourth floor terrace garden and roof terrace garden, all hard and soft landscaping and connections to public sewer and watermain, all at 113 Phibsborough Road/Royal Canal Bank, 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 “Z1” zoning objective for the area, the location of the proposed development within the Inner City and to the nature of the site and the immediate area, it is considered that the proposed development would have an acceptable level of internal amenity for the proposed apartments, would not seriously injure the amenities of adjoining properties, 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, as amended by the further plans and particulars submitted on the 22nd day of April 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. The proposed development shall be amended as follows:
 - (a) Opaque kitchen windows shall be provided on the eastern elevation to each apartment.

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

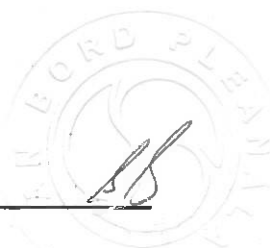
Reason: In the interest of residential amenity.

3. Prior to the occupation of the apartments, the developer shall submit a written confirmation that all acoustic attenuation features as outlined in the Acoustic Assessment Report submitted to the planning authority on the 22nd day of April 2020 have been implemented and satisfactorily tested.

Reason: In the interest of residential amenity.

4. Details (including samples) of the materials, colours and textures of all the external finishes to the proposed building (including the rooftop amenity space) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details of all external shopfronts and signage shall be the subject of a separate planning application.

Reason: In the interest of the visual amenities of the area.



5. 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 building or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. Prior to the occupation of the apartments the developer shall submit full details of the layout of the bicycle parking, incorporating appropriate levels of safe access and security.

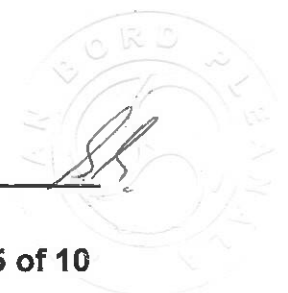
Reason: In the interest of sustainable transport.

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or 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.

8. 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.



9. The management of the maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development, including the external fabric of the buildings, internal common areas, landscaping, bicycle parking, lighting, waste storage facilities and sanitary services shall be submitted to, and agreed in writing with, the planning authority, before the commercial unit or apartments are made available for occupation.

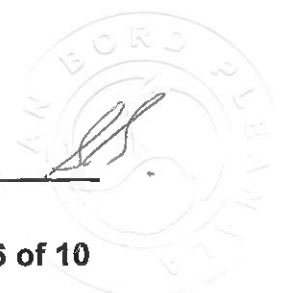
Reason: To provide for the future maintenance of this private development in the interest of visual amenity.

10. The developer shall control odour emissions from the café premises in accordance with measures (including any extract duct details) which shall be submitted to, and agreed in writing with, the planning authority prior to the units being made available for occupation.

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

11. Security roller shutters shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the "open lattice" type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.



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. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, and off-site disposal of construction/demolition waste.

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

13. 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.

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

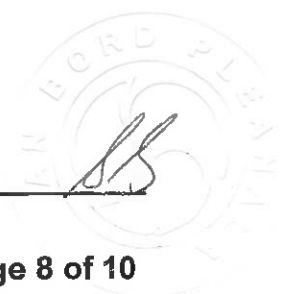
Reason: In order to safeguard the residential amenities of property in the vicinity.

15. Proposals for a development name, office/commercial unit identification and a numbering scheme for the apartments shall be submitted to, and agreed in writing, with the planning authority prior to the commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

16. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.



17. The developer shall pay to the planning authority a financial contribution in respect of the provision of public open space 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation 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.

18. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation 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.

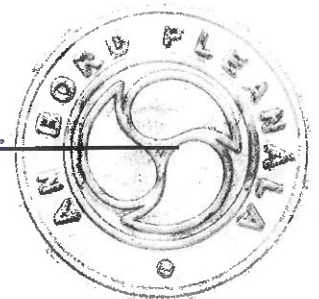
Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

19. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this *18th* day of *May* 2021.