

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3391/20

Appeal by Peter Beakey care of O'Neill Town Planning of "Oakdene", Howth Road, Howth, County Dublin against the decision made on the 2nd day of June, 2021 by Dublin City Council to grant subject to conditions a permission to Windchurch Investments Limited care of Broadstone Architects of Unit 2, Brunswick Court, North Brunswick Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing two-storey mixed-use buildings at 146-147 Phibsborough Road and a derelict single storey dwelling known as 10 Eglinton Terrace to the rear and construction of new mixed-use development. The proposed development is for a mixed-use block consisting of a restaurant and café space together with associated waste management and plant room areas totalling 325 square metres at ground floor level. The upper levels will comprise 17 number apartments above provided in two number blocks of six storeys to Phibsborough Road, five storeys to the rear set around a central courtyard space at first floor level containing the lift and access decks. Recessed balconies are provided throughout and projecting balconies are provided to the east elevation of the rear block. The apartments

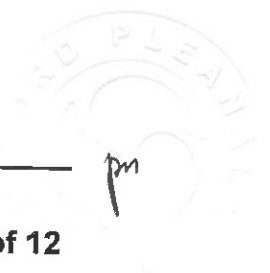
consist of nine one-bedroom apartments and eight two-bedroom apartments totalling 1492 square metres including external circulation access decks. The proposed development also consists of two number three bedroom two-storey townhouses totalling 207 square metres with private gardens and three number car parking spaces to the rear. Vehicular access to the development is via the existing entrance to the Saint Peter's Square development while the townhouses are accessed separately via a laneway from Royal Canal Bank. Proposed landscaping and associated ancillary works include a communal open space, bicycle parking, permeable paving to the existing car parking area where two number spaces will be dedicated to the apartments in the new development, all at 146-147 Phibsborough Road and 10 Eglinton Terrace, 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 zoning objectives for the site which permits both residential and commercial development, together with the policies and provisions contained in the National Planning Framework, and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in December 2020, which seeks to provide urban development including residential development at more compact and sustainable densities to enable people to live nearer to where jobs and services are located, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be generally acceptable in terms of traffic safety and convenience. 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 by the application, as amended by the plans and particulars received by the planning authority on the 6th day of May, 2021, 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 the 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 development hereby approved shall be as follows:
- The provision of two number three-bedroom two-storey townhouses.
 - The provision of nine number one-bedroomed apartments.
 - The provision of four number two-bedroomed/four person apartments.
 - The provision of two number two-bedroomed/three person apartments.
 - The provision of two number one-bedroomed plus study apartments.

Details of the designation of each of the unit types shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In order to comply with the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.

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

Reason: In the interest of visual amenity.



4. 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.

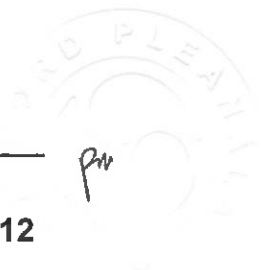
Reason: In the interest of public health.

5. The developer shall enter into a water and/or wastewater connection agreement with Irish Water prior to commencement of development.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall agree in writing with the planning authority those areas to be taken in charge within the scheme. 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 the satisfactory manner of all private open spaces, roads, footpaths, car parking and all services together with soft and hard landscaping areas not taken in charge by the local authority.

Reason: In the interest of residential amenity, the provision of appropriate community facilities and of orderly development.



7. 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 the 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. The plan shall include details of waste to be generated during site clearance and construction phases and details of the methods and location to be employed in 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.

8. No additional development including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennae shall take place above roof level without the benefit of planning permission.

Reason: In the interest of visual amenity.

9. Details of the car parking provision for the apartments shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The car parking provision agreed shall be retained for ancillary and associated use by the occupiers of the apartments and shall not be sold, rented or otherwise sublet or leased to other parties.

Reason: In the interest of sustainable transportation.

10. Only one car parking space will be provided for each of the townhouses. Details of the residual area not used for car parking shall be the subject of appropriate landscaping details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The car parking space associated with the townhouses shall be permanently allocated to each house and shall not be sold, rented or sublet or otherwise to any other parties.

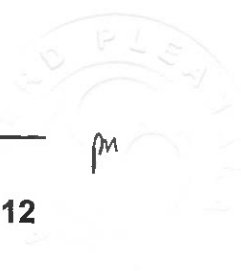
Reason: In the interest of orderly development.

11. Prior to commencement of development, final details of the proposed development in the context of its interface with any proposed Metrolink tunnel subjacent to the site shall be agreed in writing with the planning authority and with the National Transport Authority.

Reason: To ensure that any future alignment for the Metrolink tunnel is in no way compromised by the proposed development.

12. All cycle parking to be provided as part of the facility shall be secure, well-lit and sheltered. Details of the provision of cycle parking shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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



13. Any public lighting scheme 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 for occupation of any dwelling unit.

Reason: In the interest of amenity and public safety.

14. 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.

15. Site development and building works shall be carried out only between the hours of 0700 hours 1800 hours Monday to Fridays inclusive and between 0800 hours to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviations 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. Prior to commencement of development, a construction management plan detailing all traffic management, waste management, general site works including dust management and noise management shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

17. All site development and construction works shall be carried out in such a manner so as to ensure that adjoining streets 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 road, the said cleaning works shall be carried out at the developer's expense.

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

18. Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).



Reason: In the interest of urban legibility.

19. Prior to 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 requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

20. 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.

21. 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.

22. The developer shall pay to the planning authority a financial contribution of €38,000 (thirty eight thousand euro) in respect of the Luas Cross City scheme 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. The application of any indexation required by this condition 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.

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.



Paul Hyde

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

Dated this *13th* day of *December* 2021.