



Planning and Development Acts 2000 to 2021

Planning Authority: Dublin City Council

Planning Register Reference Number: 3501/20

Appeal by Bill and Elizabeth O'Meara care of O'Neill Town Planning of Oakdene, Howth Road, Howth, County Dublin and by Inglewood Developments Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 20th day of July, 2021 by Dublin City Council to grant subject to conditions a permission to Inglewood Developments Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: Planning permission for development comprising:

- (i) demolition of the existing three-storey dwelling;
- (ii) construction of a three-five storey over basement apartment development comprising 38 number apartments (one number studio, 11 number one bedroom apartments and 26 number two bedroom apartments). Each apartment is provided with a private balcony or terrace and has access to communal landscaped open space. This communal open space area features a pedestrian link to the footbridge abutting the subject site's western boundary. The development is served by 42 number car parking spaces (35 number at basement level and seven number at grade, inclusive of a limited

mobility parking space) and 45 number bicycle parking spaces (38 number resident spaces basement level and seven number visitor spaces at grade);
(iii) upgrade works to the existing vehicular entrance in the south-eastern corner of the site and construction of an access road and footpath adjacent to the site's eastern boundary. In addition to serving the proposed development, this access road also provides access to the site immediately east facilitating future redevelopment;
(iv) upgrade works to the public footpath which abuts the subject site's southern boundary;
(v) landscaping; boundary treatments, SuDS drainage; and all ancillary works necessary to facilitate the development;
all at 174 Howth Road, Clontarf, 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.

Reasons and Considerations

Having regard to the Z1 zoning objective pertaining to the site in the Dublin City Development Plan 2016-2022 and the policies and provisions contained in the National Planning Framework, 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 seek to provide urban development including residential development at more compact and sustainable densities to enable people to live near 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 by reason of overlooking or overbearing impacts, would not cause adverse daylight/sunlight or overshadowing impacts on neighbouring properties, and would generally be 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 with the application as amended by the plans and particulars submitted to the planning authority on the 14th day of April, 2021 and 23rd day of June, 2021 and by the further plans and particulars received by An Bord Pleanála on the 14th day of September, 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 open space area located in the north-eastern corner of the site shall be reserved for use as communal open space. The landscaping details for this area shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

Reason: In the interest of residential amenity.



3. (a) All above ground level external wall opes to lift/stair and lobbies of Cores A and B shall be permanently fitted with opaque glazing.
- (b) The eastern facing bedroom opes in apartments A4, and A8, shall be permanently fitted with opaque glazing to at least 1.8 metres above finished floor level, or fitted with an external louver system that redirects overlooking to the southeast.
- (c) Storage space shall be relocated to the internal wall of the living room in apartment A1, and window to balcony shall be increased to the full width of the balcony.
- (d) A high landscaped buffer screen shall be provided forward of the western bedroom window to apartment A1.
- (e) The window arrangement to the master bedroom serving apartment A3 shall be arranged as originally submitted with the initial application, with a high-level window onto the tunnel passageway area.
- (f) High northern side screens shall be fitted to the balconies serving apartments B5 and B12, as well as apartments A7 and B11.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed apartment block and ESB sub-station 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. 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.

6. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of orderly development.

7. The applicant or developer shall comply with the requirements of Iarnród Éireann as per the Body's submission, dated the 28th day of October, 2020, to the planning authority in respect of the proposed development.

Reason: In the interest of orderly development.

8. 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.

9. (a) Prior to commencement of development, the applicant/developer shall liaise with and seek written approval from the planning authority with regard the relocation of the controller cabinet associated with the adjacent signalised pedestrian crossing.

- (b) (i) A total number of 39 number car parking spaces only are hereby permitted;
 - (ii) car parking space number B35 at basement level on drawing number P(06), shall be permanently removed as a car parking space and be allocated for motorcycle parking only; and
 - (iii) the car parking spaces hereby permitted shall shall not be sold, let or otherwise transferred except as part of the proposed development.
- (c) Details of the materials proposed in public areas shall be in accordance with the document entitled construction standards for roads and street works in Dublin City Council and agreed in writing with the road maintenance division.

Reason: In the interest of traffic safety.

10. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. 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.

Reason: In the interest of sustainable waste management.

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 noise management measures and off-site disposal of construction/demolition waste.

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

13. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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 overground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

15. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.

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

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

17. Proposals for an estate/street 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, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. 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 and to ensure the use of locally appropriate place names for new residential areas.

18. All of the communal parking areas and bicycle parking spaces 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

Reason: In the interest of sustainable transportation.

19. 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 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 interest of protecting the environment.

21. 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.

22. 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 current Development Plan of the area.

23. 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. 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

24. The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement for the development in respect of public open space 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. 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 for determination.

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.

25. 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.



Terry Ó Niadh

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

Dated this 23rd day of May, 2022.

