



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 5176/22

Appeal by Carol Moloney of 33 The Green, Beaumont Woods, Beaumont, Dublin and by Eoin O'Malley and others care of BPS Planning and Development Consultants of Ballinatone, Greenan, County Wicklow and by Cabhrú Housing Association care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 6th day of April, 2023 by Dublin City Council to grant subject to conditions a permission to the said Cabhrú Housing Association in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development proposes the demolition of the existing two-storey building on site (approximately 1020.5 square metres gross floor area), amendments to the quantum of existing car parking, removal of existing substation on Philipsburgh Avenue, and the construction of 48 number new residential apartment units (48 number one bed units) in two number apartment buildings, consisting of one number two to four-storey building (Building A fronting Philipsburgh Avenue) and one number two to four-storey (Building B rear block). Building A provides 22 number one bed

apartment units and Building B provides 26 number one bed apartment units. All units are intended to provide housing for independent living for older residents (60 years plus). An office room (7.2 square metres), communal room (34.2 square metres) and Kitchenette/WC (10.5 square metres) associated with the apartment units will be provided. The development also proposes approx. 372.8 square metres of communal open space, balconies/terraces associated with individual apartment units, associated secure bicycle parking, car parking (four number of spaces) and bin storage, ESB Substation, hard and soft landscaping and all other associated site works and services above and below ground on an overall site area of approximately 2681 square metres. Access to the development will be via the existing access point along Philipsburg Avenue, which will be upgraded to provide enhanced pedestrian/vehicular access. Access to adjacent pitch and putt club lands is maintained via the provision of vehicular/pedestrian gates in the south east corner of the site; all at 80 Philipsburgh Avenue, Fairview, 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:

- (a) the site's location on lands primarily zoned 'Z1' in the Dublin City Development Plan where residential is a 'permissible use',
- (b) the provisions of the 'Z9' zoning objectives, as set out in the Development Plan, relating to 'exceptional circumstances',



- (c) the policies and objectives as set out in the Dublin City Development Plan 2022-2028,
- (d) the nature, scale and design of the proposed development,
- (e) the pattern of existing development in the area,
- (f) Housing for All – A New Housing Plan for Ireland, 2021,
- (g) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,
- (h) the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of the Housing, Local Government and Heritage in December 2020,
- (i) The Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2018, and
- (j) the submissions on the file,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board agreed with the screening assessment and conclusion in the Inspector's report that, on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, the submissions on file, and the information submitted as part of the applicant's Appropriate Assessment Screening report, the proposed development, either individually or in combination with other development, plans and projects in the vicinity, would not be likely to have a significant effect on the South Dublin Bay Special Area of Conservation (site code: 000210), North Dublin Bay Special Area of Conservation (site code: 000206), South Dublin Bay and River Tolka Estuary Special Protection Area (site code: 004024), North Bull Island Special Protection Area (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment was not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars submitted to the planning authority on the 14th day of March, 2023, 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 comply with the following requirements:-
- (a) this permission relates to a total of 42 number units only,
 - (b) the site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping proposal shall have particular regard to the privacy screening and the future outlook of residents of the ground floor apartments. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter, and
 - (c) 1.8 metre high side screens shall be applied to the northern and southern balconies/terraces serving Apartment units - 16, 17, 22, 28, 29, 34, 38, 39 and 42 respectively.

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

3. Prior to the commencement of the development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act 2000, as amended, specifying that the development is for use as accommodation for the elderly and shall be operated and managed by an approved housing trust. Any change in occupancy type or tenure shall require a separate grant of planning permission.

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

4. A schedule of all materials to be used in the external treatment of the development, to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Proposals for an apartment naming/numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers shall be provided in accordance with the agreed scheme. The proposed names 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 and to ensure the use of locally appropriate place names for new residential areas.

6. 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/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartments. The lighting scheme shall form an integral part of landscaping of the site.

Reason: In the interests of public safety and amenity, and to prevent light pollution.

7. 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.

Reason: In the interests of visual and residential amenity.

8. 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 and dust management measures, traffic management arrangements/measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety.

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

10. Drainage arrangements including attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

Reason: In the interest of public health and surface water management.

11. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

12. The developer shall comply with the requirements of the transport planning division of the planning authority.

Reason: In the interest of proper planning and traffic and pedestrian safety.

13. 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.

14. 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, 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.



Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 21st day of December 2023.