



Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3047/23

Appeal by Brendan Burgess of 7 Farney Park, Sandymount, Dublin and by Others against the decision made on the 31st day of May, 2023 by Dublin City Council to grant, subject to conditions a permission, to Santa Catalina Limited and Santa Cruz Limited care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development provides for the following:

- Demolition of an existing outbuilding and two number garden walls which partially subdivide the site to the rear of Trident House apartments;
- Development of four number three-storey houses (one pair of semi-detached three-bed houses each with three-double bedrooms and one pair of semi-detached three-bed houses each with two-double bedrooms and two single bedrooms) above ground floor, with car parking and ancillary storage at ground floor level, all to the rear of the Trident House apartment building, associated private gardens and balconies and new pedestrian gates to the adjacent laneway along the western boundary of the site.
- Widening of the existing vehicular access on the eastern boundary of the site

with vehicular access to the four houses along the eastern site boundary;

- A new enclosed bin store and meter room to the front of Trident House apartments to serve the existing apartments;
- Reconfiguration of surfaced areas to the front and rear of Trident House to provide five number car parking spaces (three number to the front of Trident House and two number spaces to the rear of Trident House, one of which is an accessible space) and four number Sheffield bike parking stands and one number cargo bike stand (nine spaces) to the front of Trident House;
- Above and below ground services and site wide landscaping work including the provision of 62.8 square metres of landscaped communal open space for the existing Trident House apartments, at Trident House, 60 Claremont Road, Sandymount, 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 and Z2 zoning of the lands, the provisions of the Dublin City Development Plan 2022-2028 and the design and scale of the proposed development, 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 of property in the vicinity and would comply with the provisions of the development plan. 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 further plans and particulars submitted to the planning authority on the 4th day of May 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. Prior to the commencement of development, the developer shall submit the following for the written agreement of the planning authority:
 - (a) A revised car parking layout showing two number car parking spaces including one accessible space to the front and two number car parking spaces and one number motorcycle space to the rear of Trident House. The revised parking layout shall detail a pedestrian pathway from the shared surface access road to the pedestrian entrance of Trident House.
 - (b) All car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties. All parking spaces shall be provided with electrical charging equipment.

- (c) The provision of cycle parking spaces shall comply with the standards as set out in the current development plan for the area and revised plans detailing cycle parking for Trident House shall be submitted to the planning authority for written agreement prior to the commencement of the development.
- (d) The kerb and footpath to the front of the development shall be suitably dished, raised and upgraded, to the satisfaction of the planning authority.

Reason: In the interest of traffic safety and orderly development.

- 3. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

Reason: In the interest of public health.

- 4. Drainage arrangements, including the 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 and to ensure a proper standard of development.

- 5. All mitigation measures proposed in the Ecological Impact Assessment Report and the Bat Survey, submitted with the application, shall be implemented in full to the satisfaction of the planning authority.

Reason: In the interests of natural heritage protection.

6. 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 the interest of public health and to ensure a proper standard of development.

7. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

8. The construction of the development shall be managed in accordance with the Construction Management Plan, 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.

9. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, no development falling within Classes 1, 3 and 5 of Schedule 2, Part 1 to those Regulations shall take place within the curtilage of any house without a prior grant of planning permission.

Reason: In the interest of orderly development, and to allow the planning authority to assess the impact of any such development on the amenities of the area through the statutory planning process.

10. (a) A scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the eastern site boundary, consisting predominantly of trees, shrubs and hedging of indigenous species, capable of growing to the height of two metres. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial commencement of construction works.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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 order to screen the development, in the interest of visual amenity.

11. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only. The brick colour to be used shall be the same as that used in the adjoining residential area.

Reason: In the interest of visual amenity.

12. Proposals for a naming and 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/street signs, and house 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 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.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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 house.

Reason: In the interest of amenity and public safety.

14. 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.

15. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

16. 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 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 the Board 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.



Stephen Bohan

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

Dated this 13th day of June 2024.