



An
Bord
Pleanála

Board Order
ABP-318564-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3711/23

Appeal by Waterloo Road Ventures Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 2nd day of November, 2023 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: (i) Demolition of two number existing sheds, with associated vehicular entrances, fronting Waterloo Lane and demolition of existing vehicular garage fronting Fleming's Place, (ii) construction of residential infill development comprising a terrace of seven number three-storey, flat-roofed four bedroom mews dwellings each served by garden to the rear at ground level, terrace/balcony to the front at second floor level and one number on-curtilage vehicular parking space accessible via Waterloo Lane, and (iii) all ancillary works, inclusive of boundary treatments and SuDS drainage necessary to facilitate development all on lands fronting Waterloo Lane and Fleming's Place (to the rear of 1 Waterloo Road, Dublin (a Protected Structure)) and 1A Fleming's Place, Ballsbridge, 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 provisions of the Dublin City Development Plan 2022-2028, including the Z2 land use zoning objective for the area, Policies BHA2 Development of Protected Structures and BHA14 Mews, and also having regard to the scale, height, form, and design of the proposed residential development, to number 1 Waterloo Road as a Protected Structure, to the mixed development to the west and north, to the pattern of development in the area including Protected Structures, and to the pattern and form of development along Waterloo Lane as a mews lane, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact the character and heritage of the area, including the Protected Structure at number 1 Waterloo Road and its setting, and those in the area, would not seriously injure the character and amenities of the area or of property in the vicinity, and would overall promote the redevelopment and regeneration of Waterloo Lane as a mews lane. 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 received by the planning authority on the 6th day of October 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 commencement of development, the developer shall submit for the written agreement of the planning authority revised plans, elevations and particulars for the second-floor front bedrooms of units 2 to 6 inclusive to include proposals for improved outlook of these rooms to comprise additional high-level glazing or roof windows.

Reason: In the interest of residential amenity.

3. Prior to commencement of development, the developer shall submit the following architectural conservation details/revisions for the written agreement of the planning authority:
 - (a) Details of brick type and finishes to the proposed rear garden boundary wall with number 1 Waterloo Road.



- (b) Details of landscaping to the remaining rear garden of number 1 Waterloo Road.
- (c) Details of the works proposed to the historic boundary wall along Waterloo Lane and Fleming's Place.

Reason: To protect the amenity, setting and curtilage of the Protected Structure at number 1 Waterloo Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 4. Prior to commencement of development, the developer shall submit an Architectural Conservation Management Plan for the written agreement of the planning authority, which shall provide for the following:
 - (a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the proposed works and to ensure adequate protection of the retained and historic fabric during the proposed works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure at number 1 Waterloo Road and structures within its curtilage.
 - (b) All works within the curtilage of the Protected Structure at number 1 Waterloo Road shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair offsite shall be recorded prior to removal, catalogued and numbered to allow for authentic reinstatement.

- (c) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (d) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the Protected Structure and the historic area.

Reason: To protect the amenity, setting and curtilage of the Protected Structure at number 1 Waterloo Road and to ensure that the proposed works are carried out in accordance with best conservation practice.

- 5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and other structures 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.

- 6. The developer shall comply with the following requirements of the planning authority:
 - (a) Public lighting works, including any relocation or removal to the existing public lighting column adjacent to the site, shall be carried out in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development and all such works shall be at the developer's expense.



- (b) A maximum one number car parking space per dwelling is permitted. The proposed new entrances shall be provided in accordance with the specific requirements of the planning authority.
- (c) All entrance gates onto Waterloo Lane and Fleming's Place shall not be outward opening.

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

- 7. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water within the site for the written agreement of the planning authority.

Reason: In the interest of public health.

- 8. Prior to commencement of development, the developer shall enter into connection agreement(s) with Uisce Eireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interests of public health and to ensure adequate water / wastewater facilities.

9. Proposals for house naming and numbering shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house names and numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility and orderly street naming and numbering.

10. Prior to the commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction and Demolition Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste. The Plan shall include a Construction and Demolition Traffic Management Plan which shall incorporate measures to minimise impact on the public road and potential conflict with pedestrian, cyclists, vehicles and public transport.

Reason: In the interest of public safety and amenity.

11. 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 on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

12. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.



- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads, footpaths and utilities which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

14. 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 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.


Liam McGree

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

Dated this 26 day of November 2024.