

An
Coimisiún
Pleanála

Commission Order
ABP-322235-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3980/24

Appeal by Harrington Crest Limited care of Manahan Planners, Town Planning Consultants of 38 Dawson Street, Dublin and Westbrook Motors Ireland Limited care of PMCA Architectures and Planning of 104 Francis Street, Dublin against the decision made on the 20th day of March, 2025 by Dublin City Council to grant permission to Welbritain Property Limited care of Plus Architecture of Chancery Lane, Dublin for the proposed development.

Proposed Development: The development will consist of the construction of a seven-level apartment building, with setbacks at the penthouse level to present a six-level apartment building to the lane. The development will consist of 17 number apartments, comprising of four studio units, four one-bed units, six two-bed units and three three-bed units. Ancillary residential functions including a resident's foyer lounge, resident's meeting rooms, plant area, bin storage and bicycle storage to accommodate 38 number bicycles are located at ground level. The development resident entrance is accessed directly from Britain Place, with separate entrances for the bicycle and bin stores. The total gross internal area of the development is 1,595 square metres, all at Britain Place, Dublin to the rear of Cumberland Street North and Parnell Street, 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 nature, scale and height of the proposed development, the nature, scale and height of the receiving built environment, the city centre location of the proposal, the existing derelict nature of this serviced brownfield site, and also having regard to the City Centre Z5 zoning objective for the area and the site location within the designated Special Development Regeneration Area (SDRA) 10: North Inner City, as indicated in the Dublin City Development Plan 2022-2028, it is considered that, subject to compliance with the conditions below, the proposed development would not adversely impact upon or restrict the redevelopment potential of the adjoining site to the north, would not adversely impact on the existing residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. Furthermore, it is considered that the proposed development would positively contribute to the increase in the residential population of the SDRA, would consolidate residential development of the central area of the city, would improve and strengthen the civic design character of the receiving environment, and would contribute to the regeneration of Britain Place and the SDRA. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission, in relation to recommended Reason number 1, noted that section 3.3.6 'Exceptions' (relating to densities that exceed 300 density per hectare (dph) in city centre locations, like the application site) in the 'Sustainable Residential Development and Compact Settlements

Guidelines for Planning Authorities' states, inter alia, that densities within strategic and sustainable development locations may exceed the range 100-300 dph on a plan-led basis. The application site is located within the Strategic Development Regeneration Area Number 10 'North East Inner City' (SDRA 10) of the Dublin City Development Plan 2022-2028. SDRA 10 states, inter alia, that all new development of significant density over the prevailing context must accord with Appendix 3 of the statutory plan. Appendix 3 includes the application of the criteria listed in Table 3 in that appendix. Section 15.5.5 of the statutory plan also refers to Appendix 3. In applying the performance criteria of Table 3, the Commission agreed with the Inspector's conclusions on criteria numbers 3, 7 and 8. The Commission disagreed with the Inspector's assessment in relation to criteria numbers 1, 2, 4, 5, 6, 9 and 10. In relation to criterion number 1, the Commission was satisfied the proposed development would contribute to a sense of place and character, it would reinstate the streetscape on this vacant brownfield city centre site, it would enhance the quality of design along the lane. In relation to criterion number 2, the Commission was satisfied the proposal does provide appropriate legibility. It would make a positive contribution to city centre lane by the removal of dereliction and vacancy, it would reinforce the role of the city lane, it would provide passive overlooking of the public domain thus contributing to tackling anti-social behaviour along the lane, it would reinforce the residential use established on the opposite side of the lane from the site. In relation to criterion number 4, the communal space provided, both internal and external, was considered acceptable and adequate for this small, constrained city centre site. Public space provision can be addressed by way of condition as recommended by the planning authority, which the Commission considered reasonable given public amenities surrounding the site, within walking distance. In relation to criterion number 5, the Commission was satisfied that private open space provision serving each apartment complied with both national and local guidelines and development management standards. The Commission was satisfied that, following design amendments at application stage, there would be no overlooking of the site

adjoining to the north (nor any undue overlooking of any other adjacent lands). In relation to criterion number 6, the Commission considered there to be significant planning gain in the proposal as it adds more residential use within the urban block in which it is located, thus complementing and consolidating existing residential use down this city centre lane and adding to the other established office/commercial/retail/aparthotel uses in this urban block. The development thus promotes a mix of uses in the urban block and contributes to the diversity of activities in this city centre location. In relation to criterion number 9, the Commission was satisfied that the proposed development was sensitively designed. It reinstates the urban edge along two fronts of the Britain Place and creates a sense of enclosure along the lane. Increasing the residential population at this city centre site will militate against vacancy, dereliction, dilapidation and anti-social behaviour along Britain Place. In relation to criterion number 10, the Commission was satisfied that the scheme could be appropriately managed, and this can be addressed by way of condition. Having regard to the foregoing, the Commission was satisfied that the proposed development does comply with Table 3 of Appendix 3, in addition to complying with other provisions of Appendix 3. The Commission was satisfied that the density complied with the provisions of SDRA 10 of the statutory plan and consequently complied with the exception 3.3.6(b) of the Compact Settlement Guidelines as the density exceedance is plan-led, and, therefore, did not conflict with Policy SC10 or section 15.5.5 of the statutory plan.

In relation to the Inspector's recommended refusal reason number 2, the Commission was satisfied that the proposed apartments provided for an appropriate standard of residential amenity, generally meeting or exceeding the guidance given in the 'Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities' 2023. While storage space in a small number of apartments may not meet guidance, the overall floor area of these apartments met or exceeded guidance, the Commission therefore considered that this did not warrant refusal. The Commission also

noted that the area of the site is well below the 0.25 hectare threshold (application site being 0.0272 hectares) in the said guidance to benefit from relaxation in relation to communal space provision and the Commission further considered that the internal and external communal space was acceptable in this instance. The Commission considered that the residents would benefit from many amenities available to them in this city centre location and thus the proposal did not warrant refusal in relation to this matter. The Commission was satisfied that the design amendments introduced at application stage removed potential overlooking of the site adjoining to the north. The Commission was further satisfied that the amended scheme that included obscure glazing to the north facing windows (which are located back from the northern shared boundary), would not constrain or adversely impact on the development potential of the site adjoining to the north.

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 21st day of February 2025, 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 number of apartments permitted pursuant to this Order is 16, as indicated in the plans and particulars received by the planning authority on the 21st day of February 2025.

Reason: In the interests of clarity.

3. All windows in the north-facing elevation shall be fitted with obscure glazing. The northern wall to the communal terrace on the seventh floor shall contain no openings, the openings (as originally indicated) shall be bricked up as indicated in the drawing titled 'Proposed North and South Elevation' (drg. No. BLA-PLA-Z1-ZZ-DR-A-04000) received by the planning authority on the 21st Day of February 2025. The terrace on the northern side of apartment number 3 on the first floor off the kitchen area shall not be permitted, the door at this location shall be replaced with a window. An amended first floor plan shall be submitted to, and agreed in writing with, the planning authority indicating the omission of this north facing terrace.

Reason: To mitigate overlooking of the adjoining site to the north and to ensure the development potential of this adjoining site is not adversely impacted or impeded.

4. No apartment shall be occupied prior to the completion and commissioning, as confirmed in writing by the planning authority, of the footpath on the northern side of Britain Place, from the application site up to the junction with Cumberland Street North and the zebra crossing at the eastern end of Britain Place, as indicated in the plans and particulars received by the planning authority on the 21st day of February 2025.

Reason: In the interests of pedestrian and traffic safety.

5. The external finishes to the development shall be as indicated in the plans and particulars submitted with the application unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity.

6. Proposals for the naming of the residential development and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or cultural features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential developments.

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. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

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

9. 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 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.

10. 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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.

11. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being

undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection, residential amenities, public health and safety.

12. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

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

Reason: In the interest of public health.

14. No additional development (other than that as indicated in the plans and particulars submitted with the application) shall take place above or on the roof level, including lift motors, antennae, satellite dishes, air handling equipment, storage tanks, ducts or external plant, unless authorised by a prior grant of planning permission.

Reason: In the interests of clarity and visual amenity.

15. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, footpaths, sewers, watermains, drains and other services required in connection with the development, coupled with an agreement empowering the planning 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

16. The developer shall pay to the planning authority a financial contribution in lieu of public open space required to serve the residential development. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The form and amount of the contribution shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

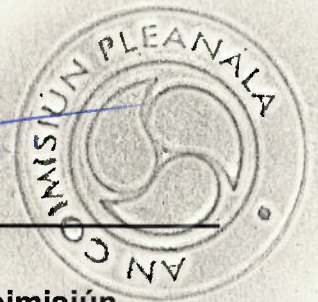
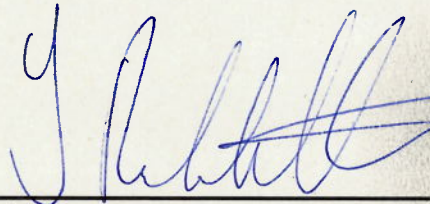
Reason: It is considered reasonable for the developer to pay a financial contribution in lieu of public open space required to serve the development as allowed for under section 15.8.7 of the Dublin City Development Plan 2022-2028 and as allowed for under the Dublin City Development Contribution Scheme 2023-2026.

17. 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 Coimisiún 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.

18. The developer shall pay to the planning authority a financial contribution in respect of 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. 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 Coimisiún 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.



Tom Rabbette

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 31st day of July 2025.