

An
Coimisiún
Pleanála

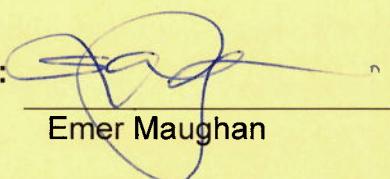
Direction
CD-021619-25
ABP-322089-25

The submissions on this file and the Inspector's report were considered at a meeting held on 19/12/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:



Date: 14/01/2026

Emer Maughan

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to

- a. the site's location on lands zoned 'Z1' where Build to Rent residential development is 'open for consideration',
- b. the policies and objectives in the Dublin City Development Plan 2022-2028
- c. the nature, scale and design of the proposed development,
- d. the pattern of existing development in the area,
- e. Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in December 2021,

- f. the National Planning Framework – First Revision, issued by the Department of Housing, Local Government and Heritage in April 2025,
- g. the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- h. the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of 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, Local Government and Heritage in December 2020.
- j. the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities by the Department of Housing, Local Government and Heritage in January 2024.
- k. the observations and contents of the appeals received.

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, would not detract from the character or setting of the adjacent protected structures, would respond to the topography of the site, would provide a satisfactory standard of residential accommodation for future residents, 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.

The Commission did not agree with the Inspectors' or the Planning Authorities' recommendation to remove a two-bedroom apartment on the fifth floor identified as Apartment A05.58 to improve the relationship with Kadiv and Rydalmount House. In respect to overlooking, the Commission agreed with the Inspector in his consideration that Apartment A05.58 would not cause any overlooking of the adjoining properties given the separation distances proposed (c. 39m from A05.58 to Kadiv). Given the orientation of Block A, with its long elevation in line with the southern site boundary and its gable and oblique positioning relative to its immediate neighbours and the existing mature planting the Commission considered the removal of this unit would

have a marginal, if any, benefit to the residents of Rydalmount and Kadiv in terms of overlooking or overbearance. The Commission disagreed that the visual impact of the proposed development would be reduced when viewed from Rydalmount and Kadiv and that the overall scale of the building would be reduced when viewed from the Milltown Road and Patrick Doyle Road by the omission of this apartment. In this regard, the Commission had particular regard to CGI images No.2, 3, 6 and 7 prepared by Chris Shackleton Consulting Ltd / Future Realities in determining that the design cohesiveness and architectural intent of Block A would be significantly eroded with the omission of Apartment A.05.58 as it would negatively interfere with the balance and composition of the overall design and massing of Block A. The Commission considered that the baseline setting in the vicinity which consists of mixed height apartments, residential developments and mature planting is capable of absorbing the visual impact of the proposed development without a further set back or the omission of Apartment A.05.58 on the top floor.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 28th July 2022 as amended by further information submitted on 22nd December 2022 and by further plans and particulars submitted to An Coimisiún Pleanála on 23rd February 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:

- a. This permission relates to a total of 55 no. units only.
- b. Block B shall be omitted from the scheme in its entirety and a revised landscaping scheme which incorporates these lands into the communal open space shall be submitted for the written agreement of the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Coimisiún Pleanála for determination.

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

3. An accurate revised tree survey of the site, allowing for the amendments required in Condition no.2 above, which shall be carried out by an Arborist or Landscape Architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

4. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in 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 and be used for

long term rentals only. No portion of this development shall be used for short-term lettings.

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

5. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme. This covenant or legal agreement shall also highlight the reduced level of car parking available to future residents.

Reason: In the interests of proper planning and sustainable development of the area.

6. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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.

8. 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

9. 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, to prevent light pollution.

10. 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.

11. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts, or other external plant other than those shown on the drawings hereby approved unless authorised by a prior grant of planning permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

12. The construction of the development shall be managed in accordance with a finalised Construction Management Plan and Environmental Management Construction 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 hours of working, noise and dust management measures, traffic management arrangements/measures and off-site disposal of construction/demolition waste. The existing access lane shall not be used for construction.

Reason: In the interests of public safety.

13. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan and construction environmental management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The Construction Management Plan shall specifically address the points raised within the submission by TII to The Planning Authority. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the preparation of resource & waste management plans for construction & demolition projects' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

14. Drainage arrangements including the updates to the Site-Specific Flood Risk Assessment, 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.

15. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann 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 and wastewater facilities.

16. 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.

17. Prior to the commencement of any work on site, the developer:

- a. Shall submit the final traffic signal infrastructure design drawings for the Milltown Road and the site access junction to the planning authority for written agreement. The signalisation shall be in accordance with DCC standards and to the specifications of DCC ITS. A Road Safety Audit shall be provided as part of the submission. The works shall be at the developer's expense.

- b. Shall submit to the planning authority for written agreement details of emergency vehicle access arrangements for the development.
- c. Shall ensure that 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. Six no. spaces shall be allocated to car share. 50% of spaces shall be fitted with EV charging equipment and all remaining spaces shall be ducted to facilitate future installation of EV charging equipment.

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

18. The developer shall liaise with Transport Infrastructure Ireland and appropriate agreements between TII, Luas Operator, the planning authority and the developer shall be undertaken and completed prior to the commencement of development regarding the construction and operation of the proposed development which is located in close proximity to a Luas Line.

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

19. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works, topsoil stripping, site clearance and construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record and/or monitoring may be required. Any further archaeological mitigation requirements specified by

the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

20. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or 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 Coimisiún 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.

21. 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.

22. The developer shall pay to the planning authority a financial contribution of €5000 per unit as a contribution lieu of the public open space requirement in respect of public open space benefitting the 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 adopted 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 indexation provisions of the Scheme at the time of payment.

Reason: It is a requirement of the Planning and Development Act, 2000, as amended, that a condition requiring contribution in accordance with the

Development Contribution Scheme made under Section 48 of the Act be applied to the permission in lieu of public open space.

23. 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 accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of trees on the site.