



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4040/17

Appeal by Harold's Cross Village Community Council care of Sheridan Woods of 14 Baggot Street Lower, Dublin against the decision made on the 17th day of May, 2018 by Dublin City Council to grant subject to conditions a permission to Kavcre Saint Clare's Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Alterations to proposed Blocks E, F, G (planning register reference number 2825/17) to increase the height of the Blocks from four number storeys (13 metres) to five number storeys (16 metres), the additional storey in Block F will be set back on the eastern elevation at 4th floor level (five number storey). The additional storeys on Blocks E, F and G will provide for 30 number units (13 number in Block E, five number in Block F and 12 number in Block G) and will comprise of five number one-bedroom, 18 number two-bedroom and seven number three-bedroom. Replacement of two number three bedroom units at ground floor level of Block G with a crèche of circa 254 square metres. An outdoor play area of circa 150 square metres will also be provided in association with the crèche. Elevational amendments to

Blocks E, F and G including private balconies/terraces as a result of the additional storey. Reconfiguration of permitted basement to provide for 160 number car parking spaces and 226 number cycle spaces. Revisions to landscape masterplan layout to provide additional hard and soft landscaping. Minor alterations to roof plans to provide for flues and lift shafts at roof level and all necessary site works to facilitate the development. The proposed amendments will result in an overall increase of 28 number additional units, increasing the total number of units permitted under planning register reference number 2186/15 (An Bord Pleanála appeal reference number PL 29S.245164), as amended by planning register reference number 2825/17 from 172 number to 200 number units. Amendments to previously permitted development, planning register reference number 2186/15 (An Bord Pleanála appeal reference number PL 29S.245164), as amended by planning register reference number 2825/17 (An Bord Pleanála appeal reference number ABP-300031-17), on a site of circa 1.7 hectares at the former Saint Clare's Convent and numbers 115-119 Harold's Cross Road, Harold's Cross, Dublin. The application site includes a Protected Structure, RPS Reference Number: 3583.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the national guidelines, the residential zoning (Z1) on the site, the policies and objectives of the Dublin City Development Plan 2016-2022, the current planning history on the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not have a negative impact on the character and setting of any protected structure. 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 20th day of April, 2018 and by the plans and particulars received by An Bord Pleanála on the 12th day of July, 2018, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under An Bord Pleanála appeal reference number PL 29S.245164, planning register reference number 2186/15, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to commencement of development, the developer shall submit to, and agree in writing with, 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 or rented separately for that period.

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

4. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of the management company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

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

5. Prior to expiration of the 15-year period for Build-to-Rent use on site, the developer shall submit to, and agree in writing with, the planning authority ownership details and management structures proposed for the continued operation of the entire development.

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

6. The development hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March, 2018) 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.

7. Water supply and drainage arrangements, including the attenuation and 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.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

9. Site development and building works shall be carried out only between the hours of 0800 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.

10. 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.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. 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 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.

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

Dated this day of 2018.