



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 12th day of April 2019 by E to Infinity ICAV acting on behalf of Blacklion Real Estate Fund care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development comprising a 'Build-to-Rent' residential development with associated facilities at Clarehall, Malahide Road, Dublin 17.

The application site is located on lands bounded to the south and east by the residential development containing Doolin House, Corofin House and Kilkee House (known as the Clare Village development), to the west by the residential access road and to the north by the delivery access road to the Clarehall Shopping Centre.

The proposed development consists of the construction of a four to nine storey building, over basement level, of 132 number Build-to-Rent apartments, including ancillary resident support facilities, services and amenities, car parking, plant, bicycle and bin storage, one number electricity sub-station and all associated site development and infrastructural works on a 0.38-hectare site. The total gross floor area, including basement level, of the proposed building is 13,826 square metres.

The 132 number apartments consist of:

- 66 number studio units,
- 54 number one-bed units and
- 12 number two-bed units.

Recessed private amenity spaces will be provided for the apartments at ground floor level, balconies will be provided on the eastern, western, southern and northern elevations for the apartments from first to seventh floor levels and an outdoor terraced area is provided at eighth floor level.

The ancillary resident support facilities, services and amenities have a total floor area of 1,025 square metres and consist of lobby, concierge and communal areas at ground floor level, laundry and storage facilities (ground to sixth floor level) and a gym with adjacent outdoor terrace (eighth floor level). Communal open space is located adjacent to the proposed building at ground level.

The basement level contains 79 number car parking spaces, three number motorcycle spaces, storage space for 200 number bicycles, a plant room measuring 195 square metres and a bin storage area measuring 127 square metres. 76 no. bicycle spaces are provided at ground floor level.

The associated site development and infrastructural works will include a new vehicular and cycle entrance, foul and surface water drainage, hard and soft landscaping and improvements to the public realm.

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

In coming to its decision, the Board had regard to the following:

- (a) the site's location within the built-up area of Dublin in proximity to a range of services and facilities including the bus corridor along the Malahide Road;
- (b) the provisions of the Dublin City Development Plan 2016-2022, including the zoning of the site for residential use under objective Z1 and the designation of a key district centre at Clarehall;
- (c) the established and emerging pattern development in the area;
- (d) the objectives of the National Planning Framework in particular objectives 3b, 11, 27, 33 and 35;
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (h) the Urban Development and Building Heights, Guidelines for Planning Authorities 2018;
- (i) the nature, scale and design of the proposed development;
- (j) the availability in the area of a wide range of social infrastructure;
- (k) the submissions and observations received, and
- (l) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to the urban character of the area, would not seriously injure the residential amenities of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

The height the proposed building exceeds the limit of 16 metres for this area set down by section 16.7.2 of the Dublin City Development Plan and that the proposed development would materially contravene this provision of the plan. Nevertheless the Board considered that a grant of permission is warranted in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to the provisions in favour of higher buildings set out in the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Minister under section 28 of the 2000 Act in December 2018 and the compliance of the proposed development with Specific Planning Policy Requirement 3 of those guidelines.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Screening Report for Appropriate Assessment submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application 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. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The development hereby permitted shall be for Build-to-Rent units and associated facilities 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 (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.

3. Prior to the commencement of development, the developer shall submit the following details for the written agreement of the planning authority:
 - (a) A Mobility Management Strategy which shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Access to bicycle storage shall be provided for all residents of the permitted apartments. The authorised car parking shall be used only by residents of the authorised apartments or by those providing services to them.
 - (b) Details of the bicycle storage facilities and the access thereto. The

details shall which shall provide for a minimum of 76 visitor spaces at surface level and 200 spaces at basement level in formats that can securely and conveniently accommodate a suitably wide range of bicycle types. The storage may occupy spaces shown for car parking on the submitted plans. Access shall be provided to the bicycle storage in the basement via the ramp from the street. Revised details of the ramp, including drawings showing its gradient, layout, marking and any gates or barriers, shall be submitted to the planning authority which shall provide for safe access for cyclists to the basement and a continuation of the public footpath with pedestrian priority across its entrance from the street.

- (c) Proposals for the provision of functional charging points for electric vehicles in all available car parking spaces in the car park.

Reason: In the interest of encouraging the use of sustainable modes of transport.

- 4. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

- 5. 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, and to allow the planning authority to assess the impact of any such development through the planning process.

6. Proposals for a name and numbering scheme for the development and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs numbers shall be provided in accordance with the agreed scheme. The proposed name 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.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. 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.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

10. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the 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. Site development and building works shall be carried out only between 0800 to 1900 hours 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.

12. The construction of the development shall be managed in accordance with a Construction Management 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 noise management measures and off-site disposal of construction/demolition waste. The plan shall also identify measures to protect the structural integrity of buildings on adjoining sites.

Reason: In the interests of public safety and residential amenity.

13. 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 interests of public safety and residential amenity.

14. Prior to commencement of development on site, the developer shall submit, for the written agreement of 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 interests of orderly development and the proper planning and sustainable development of the area.

15. Prior to the commencement of development, the owner shall submit to and agreed 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 let or sold separately for that period.

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

16. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit to, and agreed in writing with 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.

17. Prior to commencement of development, the developer 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.

18. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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 relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

