



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 21st day of October 2019 by St. Clare's GP3 Limited care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development at St. Clare's Convent and Numbers 115-119, Harold's Cross Road, Harold's Cross, Dublin 6W. St. Clare's Convent is a protected structure, Record of Protected Structures Reference Number 3583.

The development will consist of the provision of 28 additional apartments on previously permitted Blocks E, F, and G. Block E was previously permitted as five storeys in height. Block F was previously permitted as part three, four, and five storeys in height. Block G was previously permitted as five storeys in height. There were 169 units permitted in these blocks, with a ground floor creche (254.4 square metres) in Block G.

The proposed development will consist of:

- seven number additional units on Block E,
- nine number additional units on Block F, and
- 12 number additional units on Block G.

The additional units will be provided for by way of an additional storey or part storey, thus giving rise to consequential modifications to the permitted development.

The revised proposals consist of:

- Block E shall be part five and part six storeys. It shall include 72 number apartments (16 number one-bed, 39 number two-bed, and 17 number three-bed units).
- Block F shall be part four, part five, and part six storeys and shall include 57 number apartments (13 number one-bed, 38 number two-bed, and six number three-bed units).
- Block G shall be six storeys in height. It shall include 68 number apartments, with 12 number one-bed, 46 number two-bed, and 10 number three-bed units. It shall also include a ground floor creche.

The total number of units in Blocks E, F, and G will increase from 169 to 197. The proposed alterations will result in an overall increase of 28 number additional units, increasing the total number of units permitted under Dublin City Council register reference 2186/15 (An Bord Pleanála reference PL29S.245164), and as amended by Dublin City Council register reference 2825/17 (An Bord Pleanála reference 300031-17), Dublin City Council register reference 3781/17 (An Bord Pleanála reference 301600-18), Dublin City Council register reference 4040/17 (An Bord Pleanála Ref. 301835-18) and Dublin City Council register reference 4544/17, from 220 number to 248 number units.

Balconies will be provided on all external elevations. Access to the setback areas at penthouse level will be for maintenance only.

57 number additional bicycle spaces for the apartments shall be provided in the permitted basement. The proposed development includes associated ancillary site development works.

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 on lands with zoning objective 'Z1' for 'Sustainable Residential Neighbourhoods' with the objective 'to protect, provide and improve residential amenities' and also with zoning objective 'Z12' with the objective 'to ensure existing environmental amenities are protected in the predominantly residential future use of these lands' as per the statutory Dublin City Development Plan 2016-2022;
- (b) the site's setting in a central accessible urban location within c. 2.5 kilometre of Dublin City Centre and the availability in the area of a wide range of transport and social infrastructure;
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan 2016-2022 and appendices contained therein;
- (d) the planning history of the site;
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

- (f) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- (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 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;
- (i) 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;
- (j) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (k) the pattern of existing and permitted development in the area;
- (l) the submissions and observations received and
- (m) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this zoned, central accessible location, which, subject to compliance with the conditions set out below, would not seriously injure the visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 site, the Appropriate Assessment Screening document 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 the Environmental Report submitted by the applicant.

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.

Reason: In the interest of clarity.

2. The proposed development shall comply with the terms and conditions governing the overall site under Reg. Ref. 2186/15 / PL29S.245164, unless modified or otherwise required by this grant of planning permission or any conditions contained in this schedule.

Reason: In the interest of orderly development and clarity.

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

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. 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.

7. The following revised details shall be submitted to and agreed in writing with the planning authority:

- (a) Within three months of the date of this Order, an updated Construction Management Plan shall be submitted to the planning authority by the main contractor. This plan shall outline any updates and amendments to construction practice for the development, construction phasing and programme, the site traffic management plan including off-site traffic routing, noise and dust management measures and off-site disposal of construction/demolition waste.

- (b) Within three months of the date of this Order, the applicant shall liaise with National Transport Authority and the relevant bodies in relation to the relocation of the existing bus stop/shelter adjacent to the application site. All costs associated with works shall be at the applicant's expense.

Reason: In the interest of traffic and public safety.

8. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

9. 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.

10. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

11. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

12. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

13. 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.

Terry Prendergast

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

Dated this day of 2020