



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 23rd day of March 2020 by Cinamol Limited care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development

A planning permission for a mixed-use strategic housing development comprising of a “Build to Rent” residential development and commercial units on lands (0.48 hectares) at former Swiss Cottage lands, Swords Road, Santry, Dublin 9. The subject site is bound by Schoolhouse Lane to the north, Swords Road to the west, the rear of residential dwellings to the east at Magenta Crescent and a commercial property to the south.

The proposed development will consist of:

- Construction of 120 number residential apartment units comprising of 26 number one-beds, 91 number two-beds, and three number three-beds and the provision of three number retail/ café/ restaurant units fronting the Swords Road.
- The proposed height of the development ranges from three number storeys (10.2 metres) to seven number storeys (23.59 metres) over partial basement level;

- Provision of three number commercial units at ground floor level comprising of a retail unit (89 square metres), a restaurant (licensed) (155 square metres) and a café (148 square metres) including fascia signage;
- Provision of 36 number car parking spaces (26 number at basement level, 10 at surface level) including the provision of four number car club spaces and two number disabled spaces, 183 number cycle parking spaces and two number motorbike spaces;
- The proposed development will also include the provision of communal open space including courtyard area, resident outdoor exercise area and two number roof terraces located on the northern boundary and the eastern boundary of the development, the provision of internal resident support facilities including reception / concierge, and waste management facilities, and the provision of internal resident services and amenities including, internal common areas, shared work space, bookable rooms, lounge area, kitchen area, event space, gym and associated outdoor training facilities;
- The proposed development will provide balconies and/ or terraces on all elevations, revised boundary treatments and landscaping, provision of green roof, Electricity Supply Board sub-station, sustainable drainage system drainage, and all ancillary site development works necessary to facilitate the development.

The proposed development will amend and supersede the development currently being undertaken on site, pursuant to and in accordance with Strategic Housing planning permission reference: ABP-303358-19.

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 location of the site in the established urban area of Dublin City in an area zoned for residential;
- (b) the policies and objectives of the Dublin City Development Plan 2016-2022;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) 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;
- (e) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018 and particularly Specific Planning Policy Requirement 7 and 8;
- (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 nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (i) the pattern of existing and permitted development in the area;

- (j) the planning history of the site and within the area;
- (k) the submissions and observations received;
- (l) the Chief Executive Report from the planning authority and specifically the recommended reason for refusal; and
- (m) the report of the inspector.

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 for Appropriate Assessment 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 that the Environment Impact Assessment Screening Statement 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, and
- (c) the location of the development outside of any other 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.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development 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. In coming to this conclusion, specific regard was had to the Chief Executive Report from the planning authority and particularly the recommended reason for refusal, which was addressed in detail in the Inspector's Report.

The Board considered that, while a grant of permission for the proposed strategic housing development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dublin City Development Plan 2016-2022 in relation to building height. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Development Plan would be justified for the following reasons and considerations:

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the

Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

Permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically Specific Planning Policy Requirement 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2 it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise, and also having regard to Government policies as set out in the national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines.

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework, the 'Urban Development and Building Height Guidelines' (in particular section 3.2, Specific Planning Policy Requirement 3), 'Sustainable Urban Housing: Design Standards for New Apartments' and the Dublin City Development Plan 2016-2022.

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, or as otherwise stipulated by conditions hereunder, and the proposed 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 Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to the commencement of development above sixth floor level, the developer shall submit 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.

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

3. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit 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.

4. The terms and conditions of the permission for the original development, which was issued under reference ABP-303358-19 shall be fully complied with, except where modified by this permission.

Reason: To provide for an acceptable standard of development.

5. Prior to the commencement of development above sixth floor level, the following details shall be submitted to, and agreed in writing with the planning authority:

- (a) Details of a Roof Terrace Management Scheme to mitigate against the potential disturbance of neighbouring occupiers (during use of roof terrace areas by future occupiers of the development). The management scheme shall include a description of how neighbours can contact the management team in relation to complaints and how these contact arrangements will be advertised to neighbouring occupiers.
- (b) Details of street tree planting and tree planting along the south and east boundary to provide replacement screening for the existing belt of Lawson Cypress trees.
- (c) Detailed drawings of screens to roof terrace areas.
- (d) Details of incidental playable space to be incorporated into the external southern amenity area.
- (e) Details of the extract and ventilation system to be used by the commercial premises within the scheme.

Reason: In the interest of residential amenity of future occupants.

6. Any alterations to the road network serving the proposed development, including loading bays, turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets. Prior to the commencement of development above sixth floor level, the applicant shall provide details for approval to the planning authority of a loading bay on Schoolhouse Lane. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of amenity and of traffic and pedestrian safety.

7. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development above sixth floor level.

Reason: In the interest of public health.

8. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive, 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.

Paul Hyde

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

Dated this day of 2020