

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 3061/20

Appeal by Headfort Court Management Company care of Thomas C. Kiernan of 39 North Great Georges Street, Dublin and by others against the decision made on the 11th day of November, 2020 by Dublin City Council to grant subject to conditions a permission to Hill Street Limited Partnership care of Brady Shipman Martin of Canal House, Canal Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of the amendment and extension of a shared accommodation scheme as permitted under planning register reference number 3546/19, An Bord Pleanála reference number ABP-306181-19. The application proposes to incorporate the adjacent site at 38 Hill Street into permitted development and make subsequent internal alterations.

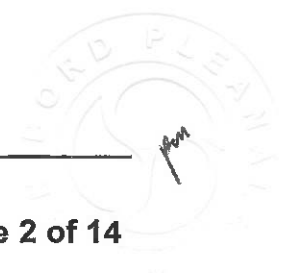
The development consists of:

1. the demolition of existing structure on the site of 38 Hill Street (floor area of circa 186 square metres) and the construction of an extension to the existing permitted scheme containing an additional 21 number bed spaces and ranging in height from one to six storeys. The total number of bed spaces for the scheme will be increased from 129 as permitted to 150 including an increase in accessible bed spaces from two to eight;

2. the reconfiguration of the permitted ground floor layout to incorporate the additional site area and to include additional communal facilities and amenities for all residents comprising reception area, laundry, communal lounge/social space, co-working spaces, activities room and storage. A decrease in the permitted publicly accessible café unit from circa 79 square metres to circa 73 square metres is also proposed;
3. the first to fifth floors will contain an additional four-five number bed spaces on each level and the second to fourth floors will each contain a new shared amenity space of circa 35 square metres fronting onto Hill Street;
4. reconfiguration of the permitted shared amenity space at second to fourth floors to provide for additional cooking stations. An additional circa 35 square metres shared amenity space at roof level to the existing permitted external roof terrace onto Hill Street;
5. primary pedestrian access to the development will continue to be from Hill Street with secondary controlled pedestrian and cycle only access from existing access on North Great George's Street. An increase in permitted cycle parking from 72 to 78 spaces;
6. the total additional floor space is circa 885 square metres.

The proposed development also includes for amendments to the provision of green roofs, signage and other associated site development works above and below ground.

Permission is also sought for the removal of condition number 2 of the Order, as issued by An Bord Pleanála (An Bord Pleanála reference number ABP-306181-19) relating to the requirement for cooking hobs in all units; all on a site of 0.16 hectares at 38-42 Hill Street and 36A Great George's Street, Dublin.



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 zoning objectives for the site, to the nature, scale and design of the proposed development and to the pattern of development in the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would enhance the existing character of the area, would provide an appropriate response to the redevelopment of the site, would not have an adverse impact on the character and setting of North Great George's Street, neighbouring protected structures, the Architectural Conservation Area and the buildings of architectural heritage in the vicinity, would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would provide an acceptable form of residential amenity for future occupants and would be acceptable in terms of servicing and 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 area, the Appropriate Assessment Screening report and other documents 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, either individually 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.

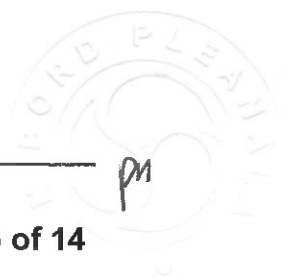
Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the report Screening for Environmental Impact Assessment 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, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2020,
- (b) the location of the co-living scheme with public café and associated development on lands zoned Z1 - Sustainable Residential Neighbourhoods and Z8 - Georgian Conservation Areas within the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of this Plan, including the adopted variation number 31,

- (c) the existing development and history of the site,
- (d) the pattern of development in the surrounding area,
- (e) the availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in Article 109(4)(a)(v)(I) of the Planning and Development Regulations 2001-2020, as amended,
- (g) the guidance set out in the Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003),
- (h) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2020, and
- (i) the features and measures proposed by the applicant which are envisaged to address what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Management Plan and Construction and Demolition Waste Management Plan,

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 is not required in this case.



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 15th day of October, 2020, 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 be amended so that all bedrooms shall be provided with functional kitchens to include cooking hobs.

Revised drawings showing compliance with the above requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of providing a satisfactory standard of residential amenity for occupants of the development.

3. The shared accommodation units hereby permitted shall be for single occupancy only and 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.

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

4. Prior to the commencement of development, the developer 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 'shared-living units' within the scheme.

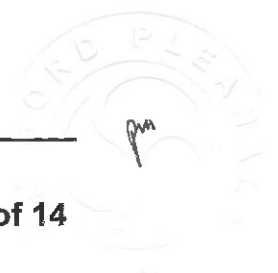
Reason: In the interest of the proper planning and sustainable development of the area.

5. Prior to expiration of the 15-year period referred to in condition number 4 above, the developer shall submit to the planning authority for agreement details of ownership and management structures proposed for the continued operation of the entire development as a Shared Accommodation scheme. Any proposed amendment or deviation from the Shared Accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

6. 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.



7. The glazing to the café and the shared accommodation common areas along Hill Street shall be kept free of all stickers, posters and advertisements and any roller shutter and its casing (if required) shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type, and shall not be painted on site or left unpainted or used for any form of advertising.

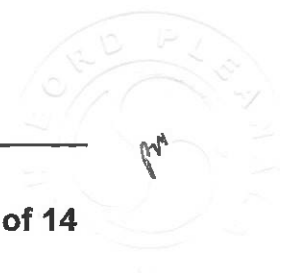
Reason: In the interest of visual amenity.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved landscaping scheme shall include detailed boundary treatments and shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

9. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted to, and agreed in writing with, the planning authority. The strategy shall address the mobility requirements of future occupants and shall promote the use of public transport, cycling and walking. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the strategy.

Reason: In the interest of sustainable transportation.



10. 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 and to ensure a satisfactory standard of development.

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

Reason: In the interest of public health and to ensure a satisfactory standard of development.

12. 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 amenity of property in the vicinity and the visual amenity of the area.

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

14. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

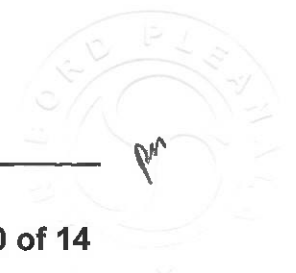
Reason: In the interest of residential amenity.

15. 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 (including hydrological and geotechnical investigations) 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.

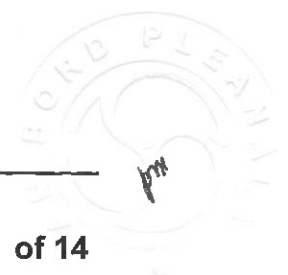


16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This plan shall be prepared in accordance with the “Best 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 the environment and sustainable waste management.

17. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide, inter alia, details and location of the proposed construction compound(s), details of intended construction practice for the development, including noise and dust management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

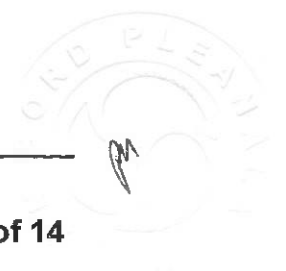


18. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. 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 and for the ongoing operation of these facilities 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.



20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. 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 Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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 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.

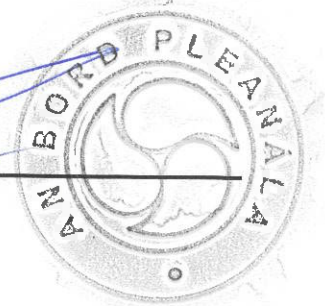
22. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City project (Saint Stephen's Green to Broombridge Line), in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning 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 Supplementary Development Contribution Scheme made under section 49 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 27th day of September 2021.