

An  
Bord  
Pleanála

**Board Order**

**ABP-310860-21**

## **Planning and Development Acts 2000 to 2020**

### **Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16<sup>th</sup> day of July 2021 by CWTC Multi Family ICAV acting on behalf of its sub-fund DBTR DR1 Fund care of Brady Shipman Martin of Canal House, Canal Road, Dublin.

### **Proposed Development comprises of the following:**

1. Demolition of a number of existing office and former college buildings on site, including the New Wing and Library Wing Buildings, (circa 6,130 square metres) and the construction of a residential development with a gross floor area of circa 119,459 square metres excluding basement parking areas set out in 12 number residential blocks, ranging in height from two to eighteen storeys to accommodate 1,614 number Build to Rent apartments with associated residential tenant amenity, one number retail unit, one number café, and a crèche. The site will accommodate a total of 508 number car parking spaces and 2,507 number bicycle parking spaces in three separate basement and podium areas and at surface level.

Landscaping will include extensive new public open spaces and communal courtyards, podiums and roof terraces.

Dated 20/08/2024

Signed: Secretary

*Devi W. Smith*

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2. The 12 number residential buildings range in height from two storeys to eighteen storeys, accommodating 1,614 number Build to Rent apartments comprising 540 number studios, 603 number one-bed units, 418 number two-bed units and 53 number three-bed units. The breakdown of residential accommodation is as follows:

- Block A1 is a four to eight storey building, including setbacks, balconies and terraces, accommodating 305 number units;
- Block A2 is a seven storey building, including setbacks and balconies, accommodating 73 number units;
- Block A3 is an eight storey building, including setbacks and balconies, accommodating 87 number units;
- Block A4 is a six to thirteen storey building, including setbacks, balconies and terraces, accommodating 104 number units;
- Block B1 is a five to six storey building, including setbacks and balconies, accommodating 92 number units;
- Block B2 is a six to eight storey building, including setbacks and balconies, accommodating 137 number units;
- Block B3 is a five to six storey building, including setbacks and balconies, accommodating 80 number units;
- Block C1 is a six to eight storey building, including setbacks and balconies, accommodating 146 number units;
- Block C2 is a five to seven storey building, including setbacks and balconies, accommodating 96 number units;
- Block D1 is an 18 storey building, including setbacks, balconies and terraces, accommodating 151 number units;
- Block D2 is a four to eight storey building, including setbacks and balconies, accommodating 239 number units;

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By order of the High Court

Dated 20/06/2024

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- The Seminary Building and South Link Building (E1 and E2) are existing Protected Structures of two to four storeys with a proposed five storey extension to the rear of the Seminary Building and conversion of both buildings to accommodate 104 number residential units including balconies; and
  - Residential Tenant Amenity Space is provided throughout the existing and proposed blocks totalling circa 3,463 square metres and Communal External Amenity Space is provided adjacent each Block and at roof level on Blocks A1, A4, and D2, totalling circa 13,729 square metres.
3. The site contains a number of Protected Structures including The Seminary Building, Holy Cross Chapel, South Link Building, The Assembly Hall and The Ambulatory. The application proposes the renovation and extension of the Seminary Building to accommodate residential units and the renovation of the existing Holy Cross Chapel and Assembly Hall buildings for use as residential tenant amenity. The wider Holy Cross College lands also includes Protected Structures including The Red House and the Archbishop's House these are not included in the application boundary and no works are proposed to these Protected Structures with the exception of the proposed works to the Drumcondra Rd boundary wall which is listed under the Protected Structure of the Archbishop's House as noted below. The works to the Protected Structures within the application site are set out as follows:
- The Seminary Building (Record of Protected Structures Number 1901):  
The works consist of the careful refurbishment and alteration of the existing four storey Seminary Building to provide residential accommodation, with the addition of a new five storey residential block to the rear (West elevation); floor levels carry through on the four lower levels. It is proposed that the existing structure, the Library Wing, on the northern elevation of the Seminary and the connecting corridors to the Seminary will be demolished; new infill concrete walls are located to fill the gap where elements are removed. Materials that can be salvaged from these blocks will be surveyed, their location noted, and re-used in the conservation and restoration works in The Seminary Building. The projecting WC blocks to the rear (west) elevation of The Seminary

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Building are also proposed to be demolished. The external envelope of The Seminary Building, with existing chimneys, stone and render finishes, windows and doors is maintained and re-used; the stone cross from the pediment is removed and built into a wall in the new residential block which forms an extension to the existing Seminary Building. Selected window opes on the lateral North and South elevations are lowered from door opes to provide for balcony access. The scheme proposes 56 number apartments installed within the existing shell on the East side of a corridor running along the rear of the plan; the 48 number apartments in the new block are linked to this corridor through a number of the window opes of the rear elevation which are lowered to ground level. Lightwells, lifts and staircases are also accessed in this way.

- The South Link Building (Record of Protected Structures Number 1901): The South Link Building consists of a two- storey stone and render block with slate roof and bellcote between Holy Cross Chapel and The Seminary Building; this building will be conserved and restored. Alterations to the South Link Building include the insertion of a new doorway within the existing front (Eastern) façade to link the front of the building to the cloister garden, and the insertion of two no apartments in the ground and first floor space. The existing organ at first floor level will be moved to a new location within the Holy Cross Chapel.
- Holy Cross Chapel (Record of Protected Structures Number 1901): Holy Cross Chapel is retained and restored as a tenant amenity space. External alterations include a new metal door and ramp to the South elevation; interior alterations are limited to services and decoration; a section of the existing tiled floor will be lifted to allow for service connections to furniture installations. The following items will be moved from the Chapel as a part of the works: Main altar, two number side altars, two number paintings to either side of chancel arch, Stations of the Cross, two number marble statues to narthex, Loose pews, Confessional, Fixed furniture to sacristy. Method statements for these works are included in the application documents.

- The Assembly Hall (Record of Protected Structures Number 1901): The Assembly Hall comprises a two- storey hall with its front façade, steps and projecting porch orientated towards Clonliffe Road. The building is conserved and restored as a tenant amenity space as a part of the proposal; the existing balcony level within the main space is removed. The existing stage area is also removed to provide a gym area; bicycle storage is provided within the envelope to the North-West. Existing doors and windows are retained and repaired. A new window is provided into the cloister, with smaller secondary opes cut between spaces.
- The Ambulatory (Record of Protected Structures Number 1901): All of the above referenced buildings are linked by a cloister colonnade (i.e. the Ambulatory) around two sides of a central garden; there is a part section of the colonnade on the North side and an indented (enclosed) section directly outside Holy Cross Chapel; the fourth (east) side is completed by the rear elevation of The Seminary Building. The Ambulatory will be retained as part of the proposed development. The cloister garden will be restored and conserved as a part of the project for circulation and amenity use. Mosaic panels to the cloister will be retained and covered to supply a base for a removable light fitting. The courtyard garden will be re-designed and re-planted as a part of the scheme.
- Drumcondra Rd Boundary Wall Entrance (Listed under Archbishop's House Record of Protected Structures Number 2361): The existing entrance gates and the adjoining walls are part of the Archbishop's House Protected Structure. It is proposed to take down the existing stone gate pier to the south and reconstruct this pier in a new location further to the south, widening the gate opening in this location. This will involve the taking down of a small portion of the stone boundary wall.

4. Extensive areas of public open space of circa 20,410 square metres or 25% of the site is provided for, including woodland walk, formal lawn seminary garden, dog park and playground. The proposed landscaping scheme provides for the removal of some existing trees on the site as well as extensive new planting.

5. Non-residential uses include a crèche of circa 627 square metres and one number retail unit of circa 329 square metres in Block A4, and one number café unit of circa 273 square metres in Block D1. Total gross floor area of proposed other uses is 1,229 square metres.
6. The development will include a single level basement under Blocks B2, B3 and C1, containing 158 number car spaces, 582 number bicycle parking spaces, plant, storage areas, waste storage areas and other associated facilities, a single level basement under Block D2 containing 86 number car spaces, 528 number bicycle parking spaces, plant, storage areas, waste storage areas and other associated facilities and a part podium level basement, part single level basement under Block A1, containing 233 number car spaces, 500 number bicycle parking spaces, plant, storage areas, waste storage areas and other associated facilities. The remainder of resident's bicycle stores, totalling 645 number spaces, are located proximate to residential buildings. In addition, 31 number parking spaces are located at surface level to include visitor, accessible, electric vehicle, car club and loading spaces as well as 252 number short stay bicycle parking spaces.
7. The site is accessed by vehicles, cyclists and pedestrians from a widened existing entrance on Clonliffe Road, at the junction with Jones's Road, and through the opening up of an existing access point on Drumcondra Road Lower at the junction with Hollybank Road to act as a left in/left out access. No through route for vehicular access through the site for the public is proposed. An additional cyclist and pedestrian access is proposed through an existing access point on Holy Cross Avenue. Access from the Clonliffe Road entrance will also facilitate vehicular access to future proposed Gaelic Athletic Association pitches and clubhouse to the north of the site and to a permitted hotel on Clonliffe Road (Dublin City Council Register Reference: 2935/20, An Bord Pleanála Reference ABP-308197-20).
8. The proposed application includes all site landscaping works, green roofs, boundary treatments, lighting, servicing, signage, Electricity Supply Board Substations, photovoltaic panels at roof level on all residential blocks except E1, E2 and D2, and associated and ancillary works, including site development works above and below ground all located at Holy Cross

College, Clonliffe Road, Dublin 3 and Drumcondra Road Lower, Drumcondra, Dublin 9. The application site contains a number of Protected Structures including The Seminary Building (Record of Protected Structures Number 1901), Holy Cross Chapel (Record of Protected Structures Number 1901), South Link Building (Record of Protected Structures Number 1901), The Assembly Hall (Record of Protected Structures Number 1901), and The Ambulatory Record of Protected Structures Number 1901). The site is bounded by Drumcondra Road Lower, Mater Dei College and the Archbishops House (a Protected Structure) to the West, Clonliffe Road to the South, the Red House (a Protected Structure), the Cornmill Apartments and Belvedere College Rugby Grounds to the East and by the Tolka River to the North.

## 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 close to Dublin city centre, within an established built-up area on lands with zoning objective Z12, which seeks 'to ensure environmental amenities are protected in the predominantly residential future use of these lands' as set out in the Dublin City Development Plan 2016-2022;

- (b) The policies as set out in the Dublin City Development Plan 2016-2022;
- (c) The provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011;
- (d) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) The provisions of the Housing for All, A new Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- (f) The provisions of 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 2019, as amended;
- (g) The provisions of 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;
- (h) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- (i) The provisions of the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009;
- (j) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- (k) The Chief Executive's Report of Dublin City Council;
- (l) The nature, scale and design of the proposed development;
- (m) The availability in the area of a wide range of social, community and transport infrastructure;



- (n) The pattern of existing and permitted development in the area;
- (o) The planning history within the area;
- (p) The submissions and observations received, and
- (q) The report of the Planning Inspector.

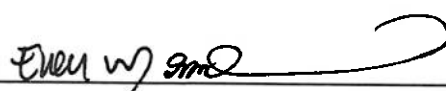
It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this inner suburban location, would respect the existing character of the area and the architectural heritage of the site, would not seriously injure the residential or visual amenities 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 European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European Sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the developer's Appropriate Assessment Screening Report and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects 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.

**Board Order Quashed**  
**By order of the High Court**

**Dated** 20/06/2024

**Signed: Secretary** 

## Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) The submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the developer, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the developer and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- **Biodiversity:** Impacts mitigated by the proposed landscaping strategy which will use a mix of appropriate species that will attract feeding invertebrates; will ensure no invasive species are introduced; the significant provision of active and passive open space; protection of trees to be retained, and measures to avoid disturbance to bats and nesting birds.
- **Land, soils, geology and hydrogeology:** Impacts to be mitigated by construction management measures including minimal removal of soil, reuse of excess material within the site; proposals for identification and removal of any possible contamination; management and maintenance of plant and machinery.

- **Hydrology:** Impacts to be mitigated by management of surface water run-off during construction; adherence to Construction Management Plan; to attenuate surface water flow and avoid uncontrolled discharge of sediment. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- **Landscape and Visual:** The development will present as a new development in the landscape. There will also be changed views for some viewers in nearby residences and nearby locations. A significant alteration in landscape character will occur at the site. The potential impact will be mitigated by the establishment of solid perimeter fencing to restrict views and minimise a sense of visual disruption into site during construction works; design and landscape strategy; maintenance regime.
- **Architectural Heritage:** Impacts mitigated by the salvage and re-use of historical features; use of a qualified conservation architect to oversee works.
- **Archaeological:** Impacts which will be mitigated by archaeological monitoring of ground disturbance works.
- **Traffic and Transport:** Impacts to be mitigated by the implementation of a Construction Environmental Management Plan as well as a Mobility Management Plan which includes appointment of a Mobility Manager to promote sustainable travel patterns by residents during the operational phase, upgrading of site access junction.
- **Air quality and climate:** Impacts which will be mitigated by a dust minimisation plan.
- **Noise and vibration:** Impacts which will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations; noise control techniques; quality site hoarding to act as a noise barrier.
- **Material Assets Services:** Impacts which will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions to be kept to a minimum.
- **Material Assets Waste:** Impacts which will be mitigated by the preparation of site specific Construction and Demolition Waste Management Plan.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **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 residential density in this inner suburban location, would respect the existing character of the area and the architectural heritage of the site, would not seriously injure the residential or visual amenities 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.

The Board considered that a grant of permission that would materially contravene section 16.10.1 of the Dublin City Development Plan 2016-2022 in relation to unit mix and floor area, which applies to the site, would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) Specific Planning Policy Requirement 3 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020 which sets minimum apartment floor area of 37 square metres for studio units and
- (b) Specific Planning Policy Requirement 8 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020 which states no restriction on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise and

that the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to Build to Rent schemes; with which the proposed development would comply.

The Board considered that a grant of permission that could materially contravene section 16.7.2 of the Dublin City Development Plan 2016-2022 in terms of height would be justified in accordance with sections 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, having regard to:

- (a) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in the Rebuilding Ireland Action Plan for Housing and Homelessness 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.
- (b) It is considered that permission for the proposed development should be granted having regard to Government Policies as set out in the Project Ireland 2040 National Planning Framework in particular Objectives 13 and 35 and the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018 in particular Specific Planning Policy Requirement 1 and Specific Planning Policy Requirement 3.

In accordance with section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, was satisfied for the reasons and considerations set out in the decision.

**Board Order Quashed**

**By order of the High Court**

**Dated** 21/08/2021

**Signed: Secretary** 

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## Conditions

1. The 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, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.

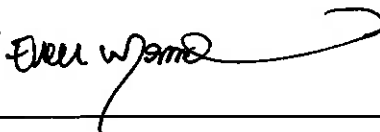
Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.

**Reason:** In the interests of clarity and protection of the environment during the construction and operational phases of the proposed development.

Board Order Quashed  
By order of the High Court

Dated 20/06/2024

Signed: Secretary



3. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
- (a) The footprint of Block B3 shall be reduced by approximately 18 metres on its eastern side, thereby increasing its buffer zone with Red House. This will result in the loss of 22 number residential units. The proposed access road in front of Red House shall be rerouted accordingly so as to also increase the buffer zone with Red House. Additional, revised landscaping proposals for the buffer zone in front of Red House within the red line boundary shall be submitted. Amended plans, section and elevations, at scale of not less 1:200, shall be submitted and agreed with the planning authority, prior to the commencement of construction of Block B3.
  - (b) Further details of proposed residential tenant amenity facilities to include the provision of increased workstations, working from home hubs and laundry facilities.
  - (c) Existing trees within the buffer zone between Block D2 and Red House shall be retained and maintained, where possible.
  - (d) Additional planting along the boundary with the Archbishop's House.
  - (e) Additional privacy details for ground floor terraces.
  - (f) The internal bin store at ground floor level to Blocks A2 and A3 shall be repositioned so as provide greater separation distance with adjoining residential units.
  - (g) Elevational drawings, at an appropriate scale, of proposed Electricity Supply Board substations.
  - (h) Method Statement detailing construction of proposed basement underneath Formal Garden.

**Reason:** In the interests of proper planning and sustainable development and to safeguard the amenities of the occupants.

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By order of the High Court

4. The development hereby permitted shall be for Build to Rent units 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 issued by the Department of Housing, Planning and Local Government in December 2020 and be used for long term rentals only. No portion of this development shall be used for short term lettings.

**Reason:** In the interests of the proper planning and sustainable development of the area and in the interest of clarity.

5. Prior to the commencement of development, the owner 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 residential unit within the scheme.

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

6. Prior to expiration of the 15 year period referred to in the covenant, the owner shall submit for the written agreement of 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.

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7. (a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates, security barrier or security hut at the entrance to the development or within the development in a manner which would prevent pedestrian access between the areas identified above.
- (b) Prior to the occupation of any residential unit, the developer shall ensure that the public realm areas and new routes, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.

**Reason:** In the interest of social inclusion and to secure the integrity of the proposed development including open spaces.

8. All works to the protected structures, shall be carried out under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise, Royal Institute of the Architects of Ireland Grade 2 or higher.

**Reason:** To secure the authentic preservation of these protected structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

9. Prior to the occupation of the development, a schedule of proposed uses for the proposed ground floor retail and commercial units shall be submitted for the written agreement of the planning authority. In addition, prior to the occupation of these units, details of openings, signage, shopfronts and layout and window treatment of the subject unit shall be agreed in writing with the planning authority.

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

10. Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not required at this time.

**Reason:** To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

11. The internal road network serving the proposed development, including 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 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 2019, as amended. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. In particular:

- (a) The roads and traffic arrangements serving the site including signage shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (b) The roads layout shall comply with the requirements of 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 2019, as amended, in particular carriageway widths and corner radii.
- (c) Pedestrian crossing facilities shall be provided at all junctions.
- (d) The materials used in any roads and footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works and

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**By order of the High Court**

- (e) A detailed construction traffic management plan, including a mobility 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 traffic, cyclist and pedestrian safety and to protect residential amenity

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

13. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** in the interests of sustainable transportation.

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By order of the High Court

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*Ellen W. Jones*

14. Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** In the interests of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.

15. 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 interests of public health and surface water management.

16. 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.

17. 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.

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By order of the High Court

Dated 20/08/2021

Signed: Secretary

18. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority, prior to the commencement of any works on site. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Render shall not be used as an external finish.

**Reason:** In the interests of visual amenity and durability.

19. Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

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

20. Proposals for a development name, creche and commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

21. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

Board Order Quashed  
By order of the High Court

22. 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.

23. (a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.
- (b) No external security shutters shall be erected for any of the commercial premises other than at services access points unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interests of clarity.

24. 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 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.

Board Order Quashed  
By Order of the High Court

Dated 20/08/2024

Signed: Secretary

*Even Wayne*

25. 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.

26. The site shall be landscaped in accordance with a landscape scheme, 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 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 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interests of residential and visual amenity.

Dated 20/06/2021

Signed: Secretary

*Ellen W. Jones*

27. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Tree Survey Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March to 31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

**Reason:** To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

Board Order Quashed  
By order of the High Court

Dated 20/06/2021

Signed: Secretary

*Ellen W Jones*



28. The construction of the development shall be managed in accordance with a Final 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 proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction and demolition waste and or by-products.

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

29. 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.

30. 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.

Board Order Quashed  
By order of the High Court

31. 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.

32. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, 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.

Board Order Quashed  
By order of the High Court

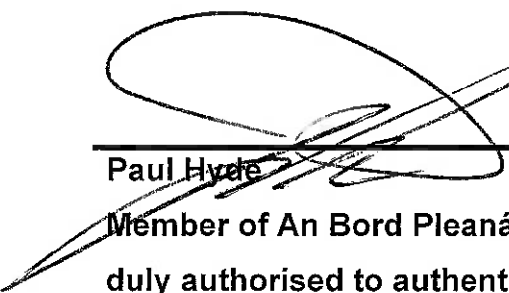
Dated 20/08/2024

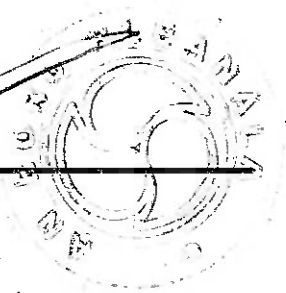
Signed: Secretary

*Ellen Wynn*

33. 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 4<sup>th</sup> day of November 2021  
~~Board Order Quashed~~  
~~By order of the High Court~~

Dated 20/06/2021

Signed: Secretary

