

Planning and Development Acts 2000 to 2021

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 13th day of June 2022 by Seabren Developments Limited and Circle VHA CLG care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin.

Proposed Development comprises of the following:

150 number apartments consisting of 74 number one-beds, 72 number two-beds and four number three-bed residential units, a creche and café. The proposed scheme has an overall gross floor area of 15,767 square metres.

Two apartment buildings are proposed ranging in height from four to six storeys and linked by a carpark at ground floor and a podium at first floor level comprising the following:

- Block A is five to six storeys and consists of 79 number apartments and includes 35 number one-beds and 44 number two-beds units, Electricity Supply Board substation, switch room and metering room of 85 square metres, 42 number secure bicycle storage and bin storage of 44 square metres.

- Block B is four to five storeys and consists of 66 number apartments and includes 38 number one-beds, 25 number two-beds and three number three-beds, a creche of 147 square metres at ground floor level with associated outdoor area, ground floor plant rooms of 74 square metres, Electricity Supply Board substations, switch room, metering room and telecoms of 89 square metres, 188 number secure bicycle storage spaces in two locations, six number motorbike spaces and bin storage of 75 square metres.

Two number three storey pavilion buildings either side of Glebe House to accommodate:

- one number two storey duplex two-bed apartment above one number one-bed apartment at ground floor in the northwest pavilion and,
- one number two storey duplex two-bed apartment above a 55 square metres ground floor café, in the southeast pavilion.

The repair of fire damaged elements (following a fire 21st April 2022) and the refurbishment of Glebe House, a protected structure, into two apartments, one number two-bed unit at lower ground floor and one number three-bed unit at upper ground and first floor;

- Repair of fire damaged elements including the replacement of all roof coverings and structure, replacement of all first floor timber stud walls, replacement of first floor rear return joists, replacement and repair of floor joists at first floor level, replacement of internal render to kitchen and dining area in rear return building and replacement and repair of stair from upper ground to first floor level,
- The refurbishment of Glebe House including the removal of extensions to the rear and sides of the building, restoration of the façade, replacement of polyvinyl chloride windows with sliding sash windows and associated works to the interior and to the curtilage of Glebe House.
- Lowering the front boundary wall and return boundary wall to the front of Glebe House.

Demolition of all workshops, offices and sheds to the rear and sides of Glebe House Demolition of boundary walls around the Coruba land on Somerville Drive, the front entrance and between Coruba and the Glebe lands. Demolition of non-original brick columns at Saint Agnes Road entrance to Glebe House (1,636 square metres).

75 number car parking spaces are proposed:

- 66 number car parking spaces (includes two number GoCar spaces) in ground floor car park below podium and partly in Block A and four number visitor car parking spaces in front of Glebe House all with vehicular access from Saint Agnes's Road.
- Five number assigned car parking spaces on the eastern side of Block B with vehicular access from Somerville Drive.

The development provides 905 square metres of public open space to the front and side of Glebe House, and within the southeast public plaza with a pedestrian route to the side of the Café at Pavilion B and 1,632 square metres of communal open space located at podium level and to the rear of Block A.

76 number visitor bicycle parking spaces are provided in the public accessible areas of the site.

The application also includes the provision of a new footpath along the south-eastern boundary at Somerville Drive, a new controlled gate between Somerville Drive and Saint Agnes Road allowing public access through the site within daylight hours and a new pedestrian access from the public open space onto Saint Agnes Road, boundary treatment, landscaping, solar panels on the roof of Blocks A and B, provision of four number microwave link dishes to be mounted on two number steel support posts affixed to the lift shaft overrun on Block A, lighting, services and connections, waste management and other ancillary site development works to facilitate the proposed development all located at Glebe House (A Protected Structure, Record of Protected Structures Reference Number: 7560) which includes the light industrial lands to the rear and the vacant site of the former Coruba House, Saint Agnes Road, Crumlin, Dublin 12. The site bounds Somerville Drive and Somerville Green to the southeast and southwest, respectively, and includes the grass margin between the Coruba site boundary and Somerville Drive.

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.

Reasons and Considerations

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.

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

- (a) The site's location on lands with a zoning objective for residential development and the relevant policy and objective provisions of the Dublin City Development Plan 2016 – 2022;
- (b) the nature, scale and design of the proposed development which is consistent with the relevant provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein;
- (c) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (d) 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;
- (e) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government in December 2020,
- (f) The provisions of the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht in October 2011,

- (g) The availability in the area of a wide range of social and transport infrastructure,
- (h) The pattern of existing and permitted development in the area,
- (i) The Chief Executive's Report and supporting technical reports of Dublin City Council,
- (j) The comments made at the Dublin City South East Area Committee meeting,
- (k) To the submissions and observations received, and
- (l) The Report of the Planning Inspector.

Appropriate Assessment

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 suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report 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.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective Z1, 'to protect, provide and improve residential amenities', in the Dublin City Development Plan 2016 - 2022, and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the Strategic environmental assessment SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The location of the development outside of any sensitive location specified in Article 299(C)(1)(v) of the Planning and Development Regulations 2001, as amended,
- The provisions of 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),

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

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 at this location, would not seriously injure the residential or visual amenities or architectural character of the area or of property in the vicinity, would entail the positive refurbishment of the protected structure on site and would provide an appropriate design context for the overall site including the protected structure, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of pedestrian and traffic safety. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, apart from the building height parameters and unit mix, broadly compliant with the current Dublin City Council Development Plan 2016 - 2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the plan with respect to building height limits and unit mix. 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 2016-2022 would be justified for the following reasons and considerations:

With regard to section 37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under supply as set out in the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

With regard to section 37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically National Policy Objective 13 and National Policy Objective 35, and is in compliance with the provisions of the Urban Development and Building Height Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, in particular Specific Planning Policy Requirement 3 and in terms of unit mix, the proposed development is in compliance with 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, in particular Specific Planning Policy Requirement 1.

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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, or as otherwise stipulated by conditions hereunder, 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 restoration of Glebe House shall be undertaken in accordance with the restoration recommendations outlined in the 'Architectural Heritage Impact Assessment' prepared by Mullarkey Pedersen Architects, submitted with the application.

Reason: In order to ensure an appropriate standard of restoration works for this protected structure.

3. Details of the management of the pedestrian route between Somerville Drive and Saint Agnes Road shall be submitted for the written agreement of the planning authority prior to the commencement of development. The minimum opening hours of this route shall be from 0700 hours to 2100 hours, seven days a week. Any change in the operating hours, subsequent to agreement with the planning authority, shall be subject to a new planning application to the planning authority.

Reason: In the interest of clarity and in the interest of promotion of sustainable forms of transport and access.

4. Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. No additional development that is not described in the public notices 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.

6. Proposals for a development name 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.

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

Reason: In the interests of amenity and public safety.

8. 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.

9. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas and the undercroft car park shall be in accordance with the detailed construction standards of the planning authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.
- (b) Two of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the planning authority of any change in the status of this car sharing club.
- (c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

11. A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning electric vehicle charging stations or points.

Reason: To provide for and or future proof the development such as would facilitate the use of electric vehicles.

12. A total of 306 number bicycle parking spaces and room for seven number cargo bicycles shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted with this application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

13. 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.



14. 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 surface water management.

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

Reason: In the interest of public health.

16. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

17. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse and bin storage, and all areas not intended to be taken in charge by the planning authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and plans and particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

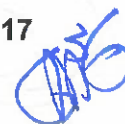
Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

18. (a) 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

19. 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 provisions of 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.



20. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

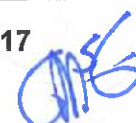
Reason: In the interest of amenities, public health and safety.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

22. Prior to commencement of development, the applicant 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.



23. 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 and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance 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 and maintenance of the development until taken in charge.



24. 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.

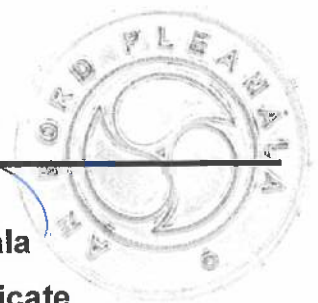


Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 19th day of October 2022