

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County 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 27th day of September 2022 by Propiteer Ibis Red Cow Limited care of Downey Planning of 29 Merrion Square, Dublin.

Proposed Development comprises of the following:

Construction of a Build to Rent residential development comprising of 115 number apartments (10 number studio units, 62 number one-bed units, 38 number two-bed units and five number three-bed units) in one number block, ranging in height from two storeys to eight storeys over basement level with private balconies and terraces. The proposed development will also comprise of residential amenity facilities and services at ground floor level consisting of a gym, lounges, games room, conference room, meeting room, studio, concierge, bin store, and bike stores (140 number spaces). A total of 48 number car parking spaces at basement level with a drop-off and service lay by at ground level, 224 number bicycle parking spaces across basement, ground floor and surface levels, landscaping including one number communal roof terrace at 2nd floor level and a landscaped courtyard at ground floor level, public realm works including a new pedestrian path from the public open space at Monastery Gate to the north and along the southern site boundary with a pedestrian connection to Monastery Road to the south, public lighting, boundary treatments two number Electricity Supply Board substations at ground floor level, plant at basement and roof levels and all associated site

development and infrastructure works including foul and surface water drainage, necessary to facilitate the development. Vehicular access to the site is from Monastery Road (via the existing access road to the IBIS Hotel) with pedestrian access from Monastery Road and Monastery Gate. The development also provides for all associated site clearance works all located at the IBIS Hotel, Monastery Road, Clondalkin, Dublin 22 and including lands at Monastery Gate, Clondalkin, Dublin 22.

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

- (a) The location of the site on lands with a zoning objective for residential development;
- (b) the policies and objectives as set out in the South Dublin County Development Plan 2022-2028;
- (c) the nature, scale and design of the proposed development;
- (d) the pattern of existing development in the area;
- (e) the provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (f) the provisions of Project Ireland 2040 National Planning Framework;
- (g) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;

- (h) 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;
- (i) 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;
- (j) 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 2022;
- (k) 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;
- (l) the submissions and observations received;
- (m) the Chief Executive's Report submitted by South Dublin County Council; and
- (n) the report of the Planning Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. 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, the submissions on file, the information submitted as part of the applicant's Screening for Appropriate Assessment documentation 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.

Environmental Impact Assessment Screening

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report 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:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- 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 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 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, Screening for Appropriate Assessment, Operational Waste Management Plan, Construction and Demolition Waste Management Plan, Wind and Microclimate Report, Bat Survey Report, Ecological Impact Assessment and Arboricultural Report.

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development 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 that the proposed development would constitute an acceptable quantum and density of development in this highly accessible urban location, 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 safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive's Report received from the planning authority.

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 proposed development shall be amended as follows:

Additional landscaping screening shall be provided on the western side of the ramp access to the open space to the north of the site. This is required to enhance amenity to apartment number C.00.03.

Revised plans and particulars showing compliance with the above requirement shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In the default of agreement, the matter(s) in dispute shall be referred to an Bord Pleanála for determination.

Reason: In the interests of residential and visual amenity.

3. (a) Prior to the commencement of development, the developer shall submit, for the written agreement of Transport Infrastructure Ireland and the planning authority:

Proposals for a new pedestrian access onto Monastery Road to include measures to avoid inadvertent access by foot to the M50 Motorway. The proposed pedestrian access onto Monastery Road shall be maintained by the developer and be designed to include adequate lighting for surveillance without causing distraction to drivers and include installation of rubbish receptacles to avoid litter on public roads.

- (a) The proposed development shall be undertaken in accordance with the recommendations of the Traffic and Transport Assessment including the Road Safety Audit submitted.

Reason: In the interests of pedestrian, cyclist and traffic safety.

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 2022 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 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. This covenant or legal agreement shall also highlight the reduced level of car parking available to future residents.

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.

7. 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 or An Bord Pleanála 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.

8. Access from the open space to the north via the ramp to the development shall be permanent, open 24 hours a day. Gates for residents-only access to the development shall be installed at the north-eastern and south-western corners of the development. Details showing compliance with the above requirements shall be agreed with the planning authority prior to commencement of development.

Reason: In the interests of residential amenity and social inclusion and to secure the integrity of the proposed development including open spaces.

9. Proposals for an apartment naming or numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interests of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. 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.

11. Prior to commencement of the development, the developer shall submit a Biodiversity Gain Plan. This Biodiversity net gain assessment shall establish the current biodiversity metrics on site and identify ways the development will contribute to the recovery and enhancement of nature while developing the site.

Reason: To reduce fragmentation, protect and enhance the biodiversity and ecological value of the site.

12. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping proposal shall have particular regard to the northern site boundary and the future outlook of residents of the ground floor apartments. Sufficient planting depths in the raised planters shall be agreed with the planning authority for all podium and roof level planting. 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 three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

13. The mitigation measures outlined in the Ecology Impact Assessment and Bat Survey Report submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment and in the interest of wildlife protection.

14. In the interest of residential and visual amenity a schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

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

15. Prior to the commencement of any work on site, the developer:
- (a) shall engage the services of an independent, qualified arborist, for the entire period of construction activity,

- (b) shall inform the planning authority in writing of the appointment and name of the consultant. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the revised tree reports and plans, once agreed,
- (c) shall ensure the protection of trees to be retained,
- (d) submit photographs and confirmation that fencing for retained trees meets BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" for the written agreement of the planning authority,
- (e) all works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development,
- (f) the clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season, 1st day of March to the 31st day of August inclusive, or as stipulated under the Wildlife Acts 1976 and 2000,
- (g) the arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees,
- (h) 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,
- (i) the certificate shall be submitted to the planning authority for written agreement upon completion of the works.

Reason: To ensure the retention, protection and sustainability of trees during and after construction of the permitted development

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

17. Public lighting shall be provided in accordance with a scheme, 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 apartments. The lighting scheme shall form an integral part of landscaping of the site.

Reason: In the interests of protection of bats, public safety and amenity, to prevent light pollution.

18. 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

19. A minimum of 10% of all car parking spaces should be provided with 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 have not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

20. The internal road network serving the site as outlined in red, including set down areas, footpaths and kerbs, adjoining hotel and the underground car park and ramps to same 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. Details of signage in relation to bicycle parking and safe access to same should also be submitted for agreement 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 interests of amenity and of traffic and pedestrian safety.

21. Prior to the opening or occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents, occupants or staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The Mobility Management Strategy shall also incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and units over time and shall include a strategy for the community use and any car-share parking.

Reason: In the interest of encouraging the use of sustainable modes of transport.

22. The construction of the development shall be managed in accordance with a Construction Management Plan and Environmental Management Construction 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 hours of working, noise and dust management measures, traffic management arrangements or measures and off-site disposal of construction and demolition waste. It shall also address the operation of cranes as raised in the submission of the Department of Defence.

Reason: In the interests of public safety.

23. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan and construction environmental 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' for the preparation of resource and waste management plans for construction and demolition projects' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

24. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.
- (b) Prior to commencement of development the developer shall submit to the planning authority within the meaning of Part II of the Building Control Regulations 1997:
- (i) Additional natural Sustainable Urban Drainage System features should be incorporated into the proposed drainage system for the development such as rain gardens, filter drains, permeable paving, green roofs that are green, i.e. planted, but ideally blue or green roof,
 - (ii) Rainwater harvesting for use in basement water tank,
 - (iii) Underground tanks should be avoided as they will only be considered as a last resort after the full extent of sustainable natural solutions have been explored,
 - (iv) Street trees along Mount Talbot Road shall have bioretention in Sustainable Urban Drainage System tree pits or linear trenches and rain gardens or bioretention features. Additional Street trees with Sustainable Urban Drainage System bioretention features to be planted on the opposite side to match those proposed,
 - (v) Detailed design of Sustainable Urban Drainage System features showing how they work,

- (vi) A comprehensive Sustainable Urban Drainage System management Plan shall be submitted and agreed in writing by South Dublin County Council Public Realm Section to demonstrate that the proposed Sustainable Urban Drainage System features have reduced the rate of run off into the existing surface water drainage,
 - (vii) A maintenance plan shall also be included as a demonstration of how the system will function following implementation,
 - (viii) The applicant shall demonstrate how the proposed natural Sustainable Urban Drainage System features will be incorporated and work within the drainage design for the proposed development.
 - (ix) Landscape and drainage proposals to be consistent in Sustainable Urban Drainage System proposals.
- (c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.
- (d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage Systems infrastructure and the petrol and oil interceptors should be submitted to and agreed in writing with the planning authority prior to occupation of proposed dwelling units and shall be implemented in accordance with that agreement.

Reason: In the interests of public health and surface water management.

25. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

27. Site development and building works shall be carried out only between the hours of 0700 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

28. 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.

29. 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.

30. 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.

31. 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.



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

Dated this *28th* day of *July* 2023