

An
Bord
Pleanála

Board Order

ABP-314791-22

Planning and Development Acts, 2000 to 2021

Planning Authority: Dublin City Council

Application by Dublin City Council care of John Spain Associates of 39 Fitzwilliam Place, Dublin for approval under section 175 of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and a Natura Impact Statement lodged with An Bord Pleanála on the 7th day of October, 2022.

Proposed Development: The development will comprise 578 number apartments, consisting of 110 number studio apartments, 172 number one-bedroom apartments, 250 number two-bedroom apartments (including 17 number duplex apartments) and 46 number three-bedroom apartments (all apartments/duplexes to have balconies or terraces), community hub/library, creche, supermarket, 5 number retail/café/restaurant/class 2 financial services units and 2 number café/restaurant units), a public plaza fronting onto Emmet Road and the installation of a new watermain circa 200 metres in length along Emmet Road to the junction with Tyrconnell Road/Grattan Crescent. The proposal includes works to a protected structure (8705 - Richmond/Keogh Barracks, relating to works to rubble stone boundary wall). The proposed development will consist of and includes:

- (a) In the southern portion of the site ('Main Residential Area 01' - Block A), comprises a courtyard perimeter building (306 number apartments consisting of

76 number studio apartments, 100 number one-bedroom apartments, 104 number two-bedroom apartments and 26 number three-bedroom apartments as well as a management office (circa 59 square metres) in a series of blocks as follows:

Block A1 – five-storeys (35 number apartments), Block A2 – seven-storeys (55 number apartments), Block A3 – five-storeys (39 number apartments), Block A4 – five-storeys (20 number apartments), Block A5 – seven-storeys (54 number apartments), Block A6 – five-storeys (37 number apartments with café/restaurant at ground floor circa 80 square metres), Block A7 – seven-storeys (54 number apartments), and Block A8 – three-storeys, (6 number apartments/ 6 number duplex units);

- (b) In the central portion of the site ('Main Residential Area 02' - Block B), comprises a courtyard perimeter building (181 number apartments consisting of 24 number studio apartments, 43 number one-bedroom apartments, 103 number two-bedroom apartments and 11 number three-bedroom apartments) in a series of blocks as follows:

Block B1 – five-storeys over partial below ground partial basement level (33 number apartments) with an adjacent two-storey creche of circa 816 square metres with associated play areas, Block B2 – seven-storeys (54 number apartments), Block B3 – three-storeys (4 number apartments/4 number duplex units), Block B4 – five-storeys (38 number apartments), Block B5 – seven-storeys (48 number apartments), including 2 number duplex units fronting onto internal street, as well as provision of energy centre with associated plant/switch rooms and water storage/plant space (at partial below ground/basement level);

- (c) In the northern portion of the site – the provision of a commercial mixed use Block C (five-storeys with seven-storey element) consisting of 91 number apartments (10 number studio apartments, 29 number one-bedroom apartments, 43 number two-bedroom apartments and 9 number three-bedroom apartments – including 5 number duplex apartments fronting onto internal street), communal open space at third floor level, supermarket (including off-licence) of circa 2,476 square metres GFA (circa 1,765 square metres net retail

sales area) at first floor level, with ground floor café/restaurant (circa 205 square metres), 5 number units (retail/café/restaurant/class 2 financial services floorspace circa 564 square metres – to be amalgamated/subdivided as required);

- (d) In the northern portion of the site the provision of a community hub/library of circa 2,810 square metres (four number storeys) with flexible internal meeting rooms/spaces including internal double height halls as well as roof garden/terrace areas at second and third floor (roof levels);
- (e) A new Vehicular access (as well as new adjacent service access) will be provided from St. Vincent's Street West into the undercroft level of Block C (with 3 number internal streets provided between St. Vincent's Street West and "Patriot's Path" and Thornton Heights along boundary with Goldenbridge cemetery). The proposal also provides 106 number car parking spaces, 8 number motorcycle spaces as well as 1,285 number cycle spaces within the blocks and single storey external covered store as well as surface spaces. (At undercroft level of Block C, the development includes 54 number car parking spaces, 5 number motorcycle spaces and 104 number cycle spaces);
- (f) Provision of 3 number main areas of public open space and a "sports zone" area adjacent to the existing Inchicore Sports Community Centre circa 0.72 hectares as well as communal open space for the residents within the blocks;
- (g) The proposal includes works, and alterations (including reduction in height, removal of sections, and provision of new openings) into the existing rubble stone wall (a protected structure number 8705);
- (h) The development includes water main upgrade along the Emmet Road from the subject site for circa 200 metres to the junction with Tyrconnell Road/Grattan Crescent and tie in works surrounding the site;
- (i) The development will also provide for all associated works and infrastructure to facilitate the development, including accommodation works, site clearance, hard and soft landscaping (to tie into existing streets), ESB substations, bin storage, green roofs, solar panels, heat pump systems (at roof level), play equipment, attenuation areas and connection to foul and surface water drainage and water supply, and construction access will be from St. Vincent's Street West and Patriot's Path as required.

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The main development site is bounded by Emmet Road to the north, Goldenbridge Cemetery to the south, "Patriot's Path" and Richmond Barracks to the east and St. Vincent's Street West to the west, Inchicore, County Dublin.

Decision

APPROVE the above proposed development 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 in the established urban area of Dublin City in an area zoned for mixed use/predominately residential (Z14 'Strategic Development and Regeneration Areas (SDRAs)' where the proposed uses are permitted in principle use;
- (b) the policies and objectives of the Dublin City Development Plan 2022-2028;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All: A new Housing Plan for Ireland 2021;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Local Government and Heritage 2022;
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (h) the Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) the nature, scale and design of the proposed development and the availability in the area of public transport, water services and social/community infrastructure;
- (j) the pattern of existing and permitted development in the area;
- (k) the planning history of the area, and consideration of protected structures in, and proximate to, the site (particularly the former Richmond Barracks);
- (l) the submissions and observations received; and
- (m) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the Dublin City Development Plan 2022 – 2028, with particular reference to the designation of the site as a Strategic Development Regeneration Area (SDRA), would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be appropriate to the historic sensitivity of the site and would otherwise 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:

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, the distances to the nearest European Sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's appropriate assessment screening 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 an effect on any European Site in view of

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the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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 application,
- (c) the submissions from the local authority, the observers and 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 applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Assessment Report and supplementary

information provided by the local authority and the submissions from prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and human health - during the construction phase, minor temporary residual impacts on population and human health will likely result with respect to nuisance caused by construction activities. Mitigation relates to a range of construction related remedial and mitigation measures. Positive impacts will result during operation in relation to the provision of new homes in close proximity to public transport, increased economic activity (both during construction and operation) and with the provision of new public spaces and community uses.

Biodiversity – with the application of mitigation described in the Environmental Impact Assessment Report, no significant negative residual impact upon local ecology or designated conservation sites are anticipated to result from the proposed development. Measures include protection of surface waters; controlled removal of invasive plant species; lighting will meet the most recent Bat Conservation Trust Lighting Guidelines; limitation of noise disturbance and dust; clearance of vegetation out of main bird breeding season; pre-demolition bat survey; measures for enhancing bat roosting opportunities in the development.

Land, soils, geology, water, air quality or climate - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters, there is no risk of significant negative impacts. While construction works invariably lead to some disturbance, this is demonstrated to range from an imperceptible to slight level of effect with mitigation in place and reflective of impact that would generally be experienced across brownfield development sites in the city.

Noise and vibration – during the construction phase, impact from construction related activities and plant is anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, no negative impacts are identified. After implementation of mitigation measures, there are no significant negative residual effects.

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Transportation – mitigation measures described in the Construction and Environmental Management Plan will limit negative residual impact during construction to not significant, local, likely and short-term. During the operational phase, impact arising from traffic growth will not be significant, neutral, local and long-term.

Material Assets - Archaeology and cultural heritage – no risk of significant permanent adverse impacts upon archaeological cultural heritage, with the application of mitigation measures. With reference to architectural cultural heritage, permanent residual impact will result from alteration to the protected wall (RPS number 8705) and closing off of views southwards towards the Goldenbridge Cemetery, however this is appropriately balanced against the fact that the proposed development will bring the site back into use, with the incorporation of remaining sections of the wall (including repair and retention into the future), and contributing positively visually and socially to the amenity of the area, ensuring that impact will not be significant.

Material Assets – Utilities and waste - no significant effects are anticipated. During construction phase, new connections may be required which could cause disruption to service, and this impact would be controlled and temporary in duration. Mitigation is formed of adherence to relevant codes of practice, design guidance and consultation with local and statutory authorities. An Operational Waste Management Plan will mitigate impacts in terms of waste. With mitigation in place, no significant residual impacts will result.

Landscape and visual impacts – no significant negative permanent impact, with short-term temporary negative impact predicted during the construction which is consistent with the impact resulting from any development site in an urban area. During operation, neutral or positive impact will result from the proposed development upon the visual and landscape character of the area.

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Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application to An Bord Pleanála except as may otherwise be required in order to comply with the following conditions. Where any such conditions require details to be prepared by or on behalf of the local authority, prior to commencement of development, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report (EIAR) submitted with this application as set out in Chapter 17 of the EIAR 'Summary of EIA Mitigation and Monitoring Measures', shall be carried out in full, except where otherwise required by conditions attached to this Order.

Reason: In the interest of protecting the environment.

3. Prior to the commencement of development, the local authority or any agent acting on its behalf shall prepare a Construction and Environmental Management Plan (CEMP) including demonstration of proposals to adhere to best practice and protocols. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment and public health.

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4. Details of the materials, colours, and textures of all the external finishes to the proposed building shall be prepared by the local authority prior to commencement of development and shall be placed on file and retained as part of the public record.

Reason: To protect the visual amenity of the area.

5. Proposals for a development name and numbering scheme and associated signage shall be prepared by the local 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.

6. The operating hours of the café/retail unit shall be placed on file and retained as part of the public record prior to the commencement of operation of this unit.

Reason: In the interest of clarity.

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 prepared by the local authority prior to commencement of development and shall be placed on file and retained as part of the public record. 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

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underground. Ducting shall be provided by the local authority, or any agent acting on its behalf, to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. The local authority, or any agent acting on its behalf, shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site and these details shall be placed on the file and retained as part of the public record. The local authority, or any agent acting on its behalf, shall also comply with the following requirements:-
- (a) Satisfactory arrangements shall be put in place for the execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works.
 - (b) This archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimised. In this regard, the proposed locations of piled foundations, shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be placed on the file and retained as part of the public record.
 - (c) Satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be placed on the file and retained as part of the public record. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared.

Reason: In order to conserve the archaeological heritage of the site, it is considered reasonable that the local authority, or any agent acting on its behalf, should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable

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that the local authority, or any agent acting on its behalf, should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.

10. The local authority, or any agent acting on its behalf, shall comply with the following requirements in relation to the proposed modification, removal of parts and restoration of the protected structure, which shall be carried out in accordance with the document: "Architectural Heritage Protection – Guidelines for Planning Authorities" (Department of Arts, Heritage and the Gaeltacht, 2011):

The replacement of any brick/stonework or any works of re-pointing shall be undertaken so that it matches the original existing wall finish and shall be in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht.

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

11. Prior to commencement of the development, the local authority, or any agent acting on its behalf, shall enter into water and waste water connection agreements with Uisce Éireann.

Reason: In the interest of public health.

12. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials shall be placed on file and

retained as part of the public record prior to commencement of development. Thereafter, the waste shall be managed in accordance with the plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

13. Site development and construction 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 shall only be allowed in exceptional circumstances.

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

14. The local authority, or any agent acting on its behalf, shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works. The Landscape Consultant shall be engaged to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the local authority to be placed on the public file, as verification that the approved landscape plan and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

15. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting infrastructure (consisting of conduits for electrical cables) shall be provided for all remaining car parking spaces, to enable the subsequent installation of recharging points at the location of these car parking spaces.

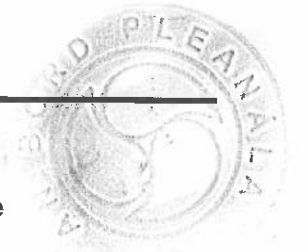
Reason: To provide for and or future proof the development such as would facilitate the use of electric vehicles.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 6th day of July 2023