

An  
Bord  
Pleanála

**Board Order**  
**ABP-314978-22**

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3826/22**

**Appeal** by Residents of Sweeney's Terrace and Clarence Mangan Road care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin against the decision made on the 4<sup>th</sup> day of October, 2022 by Dublin City Council to grant subject to conditions a permission to Clarman Developments Limited care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of all structures on site, except Number 4 Sweeney's Terrace, and construction of a mixed use, primarily residential development comprising: A part three, part four-storey apartment block of 25 number units (4 number studio units, 8 number one-bed units, and 13 number two-bed units) over a partial basement level with ground floor terraces and upper floor balconies on the eastern, southern and western elevations. The proposed apartment block incorporates a dedicated bin storage area, substation and switch room at ground floor level, together with gated and controlled access to two number external amenity areas comprising a communal courtyard to the east and a landscaped open space area along the

partially culverted River Poddle to the south; and, a change of use of Number 4 Sweeney's Terrace from residential to office use, incorporating an extension at ground and first floor level to increase the Gross Floor Area (GFA) from approximately 81 square metres to 88 square metres GFA, together with associated internal reconfiguration and modifications to elevations, a total of 69 number bicycle parking spaces are proposed, consisting of 65 number spaces for the apartment block (40 number resident spaces, 3 number cargo bike spaces and 22 number visitor spaces) and 4 number external bicycle parking spaces for the office use at Number 4 Sweeney's Terrace. 3 number vehicle parking spaces are provided, consisting of 2 number spaces to serve the apartment block (1 number parking/set down to the north-west and 1 number car-sharing space to the north-east) and the use of 1 number existing space to the west of Number 4 Sweeney's Terrace to serve the proposed office use. The proposed development incorporates all associated site and development works, landscaping, boundary treatments and public lighting, together with remedial works to an exposed area of the River Poddle channel in the south-western part of the site (to match previously approved works on an adjoining site to the east under An Bord Pleanála appeal reference number ABP-303436-19) and the culverting of a small exposed area of the River Poddle adjoining the south-western boundary. Public access to the landscaped open space to the south of the proposed apartment block along the partially culverted River Poddle will be limited to daylight hours, all at Sweeney's Terrace, Dublin, including Number 4 Sweeney's Terrace (a habitable house to the rear of Number 1 Sweeney's Terrace). The site is generally bound by a Student Accommodation and Residential Scheme permitted under An Bord Pleanála appeal number ABP-303436

## **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

Having regard to the Z10 zoning objective relating to the site and the nature and extent of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, housing quality, residential amenity and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the plans and particulars submitted On the 7<sup>th</sup> day of September 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. Details of the provision of one number accessible car parking space within the site boundaries in lieu of one of the three proposed spaces (with all three incorporating EV charging) shall be submitted to, and approved in writing by, the planning authority prior to the commencement of development. The development shall fully comply with the transport requirements of the planning authority in all other respects.

**Reason:** In the interests of amenity, accessibility, and to ensure a satisfactory standard of development.

4. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

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

5. During the construction and demolition phases,
  - (a) the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

- (b) noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in British Standard 4142, 'method for rating industrial noise affecting mixed residential and industrial areas'.

**Reason:** In order to ensure a satisfactory standard of development, in the interests of residential amenity.

6. Water supply and drainage arrangements, including the disposal of surface water, attenuation, and all works to the River Poddle, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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

**Reason:** In the interest of public health.

8. 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 subject to the prior written agreement of the planning authority.

**Reason:** In the interest of residential amenities of surrounding properties and in the interest of clarity.

9. The demolition and construction of the development shall be managed in accordance with a Demolition and 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, management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

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

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

11. (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 prior to commencement of 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.

12. The developer shall provide a detailed management plan for all external amenity spaces together with specific opening hours for public access. This management plan shall be submitted for the written agreement of the planning authority prior to commencement of above ground development.

**Reason:** In the interest of residential amenity, orderly development, and visual amenity.

13. Proposals for a street/development name (which shall be in both English and Irish), and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

14. Prior to commencement of development, the developer shall submit the for the written agreement of the planning authority, a full Archaeological Assessment (including test trenching), as outlined in Section 3.6 of the Framework and Principles for the Protection of the Archaeological Heritage (1999); the developer shall consult with the City Archaeologist in preparing this assessment. The following information shall be included:
- (a) An impact assessment of the proposed development on archaeological features, including the River Poddle and associated walls/embankments within the proposed site.
  - (b) A full drawing survey including a photographic record of the River Poddle embankments (both north and south), in particular confirming whether upstanding sections of the southern embankment remain extant. Where extant a method statement shall be provided for the retention and repair of upstanding sections of the southern embankment wall.



- (c) A full drawing survey including photographic record of the existing boundary walls to Warrenmount Convent. Detailed schedules and method statements for repair and reinstatement shall be provided (to include mortar specification, capping details and removal of tree growth demonstrating a consistency of approach with the approval under planning reg. ref. SHD0003/19)

**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.

15. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

**Reason:** To provide for the future maintenance of this [private] development in the interest of residential amenity and orderly development.

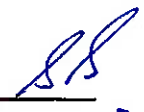


16. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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.

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

**Reason:** To ensure the satisfactory completion of the development.



18. 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. This shall include a payment in lieu of open space. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.



19. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City Scheme (St. Stephen's Green to Broombridge Line), in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

---

Stephen Bohan

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

Dated this 11<sup>th</sup> day of January 2024.