

An  
Bord  
Pleanála

**Board Order**  
**ABP-315306-22**

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## Planning and Development Acts, 2000 to 2021

### Planning Authority: Dublin City Council

**Application** by the Land Development Agency, on behalf of 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 9<sup>th</sup> day of December, 2022.

**Proposed Development:** The development will consist of the construction of a residential scheme of 543 number apartments on an overall site of 3.26 hectares. The development (GFA of circa 53,227 square metres) contains the following mix of apartments: 225 number one-bedroom apartments (36 number one-person and 189 number two-person), 274 number two-bedroom apartments (including 52 number two-bed, three-person apartments and 222 number two-bed, four-person apartments), 44 number three-bedroom, five-person apartments, together with retail/café unit (168 square metres), mobility hub (52 square metres) and 952 square metres of community, artist workspace, arts and cultural space, including a creche, set out in 4 number blocks.

The breakdown of each block will contain the following apartments:

- Block DCC1 comprises 111 number apartments in a block of six-seven storeys;
- Block DCC3 comprises 247 number apartments in a block of six-fifteen storeys;
- Block DCC5 comprises 132 number apartments in a block of two-seven storeys;

- Block DCC6 comprises 53 number apartments in a block of seven storeys;

The proposed development will also provide for public open space of 3,408 square metres, communal amenity space of 4,417 square metres and an outdoor play space associated with the creche.

Provision of private open space in the form of balconies or terraces is provided to all individual apartments.

The proposed development will provide 906 number residential bicycle parking spaces which are located within secure bicycle stores. 5% of these are over-sized spaces which are for large bicycles, cargo bicycles and other non-standard bicycles. In addition, 138 spaces for visitors are distributed throughout the site.

A total of 79 number car parking spaces are provided at undercroft level. Six of these are mobility impaired spaces (2 in each of DCC1, DCC3 & DCC5). 50% of standard spaces will be EV fitted. Up to 30 of the spaces will be reserved for car sharing (resident use only). A further 15 number on-street spaces are proposed consisting of:

- 1 number accessible bay (between DCC5 & DCC6)
- 1 number short stay bay (between DCC5 & DCC6)
- 1 number crèche set-down / loading bay (between DCC5 & DCC6)
- 1 number set-down / loading bay (northern side of DCC5)
- 1 number set-down/loading bay (northern side of DCC 3)
- 10 number short stay spaces (north-east of DCC1)

In addition, 4 number motorcycle spaces are also to be provided.

Vehicular, pedestrian and cyclist access routes are provided from a new entrance to the north-west from Margaret Kennedy Road. Provision for further vehicular, pedestrian and cyclist access points have been made to facilitate connections to the planned residential schemes on the Bailey Gibson & Player Wills sites for which there are extant permissions (An Bord Pleanála reference numbers ABP-307221-20 and ABP-308917-20).

The development will also provide for all associated ancillary site development infrastructure including site clearance & demolition of boundary wall along Margaret Kennedy Road and playing pitch on eastern side of site and associated fencing/lighting, the construction of foundations, ESB substations, switch room, water tank rooms, storage room, meter room, sprinkler tank room, comms room, bin

storage, bicycle stores, green roofs, hard and soft landscaping, play equipment, boundary walls, attenuation area and all associated works and infrastructure to facilitate the development including connection to foul and surface water drainage and water supply.

All located on the former St. Teresa's Gardens, Donore Avenue, 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;
- (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, 2009 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 Housing, Local Government and Heritage 2022;
- (g) 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 nature, scale and design of the proposed development and the availability in the area of public transport, water services and social/ community/ educational infrastructure;
- (i) The pattern of existing and permitted development in the area;
- (j) The planning history of the area;
- (k) The submissions and observations received;
- (l) The Inspector's report.

### **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 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 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 the following:

- (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 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 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 developer, and the submissions from the 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:** Impacts are likely to be positive with the provision of additional housing and an increased local population that will avail of services/ facilities in the area. The increased demand on services is likely to require the upgrading of existing services and this will benefit the wider community. No significant negative impacts from the development and no significant residual effects are identified.
- **Biodiversity:** Impacts to be mitigated by the provision of a suitable surface water drainage network and a project ecologist will be employed to ensure that best practice measures are fully operated during the construction phase of the

development. Suitable bat friendly lighting will be provided on site and lighting will be controlled to ensure that there is no spillage onto adjoining lands. No significant negative impacts from the development and no significant residual effects are identified.

- **Land & Soils:** The impacts to be mitigated by construction management measures including control/ management of water/ surface water runoff, management of works in the vicinity of water courses, management of material removal/ delivery, control of use of fuel/ chemicals/ plant and machinery and management processes for unanticipated discharges on site. A Construction Environment Management Plan (CEMP) will be put in place during the construction phase of this development. No specific measures are required at the operational stage of this development. No significant negative impacts from the development and no significant residual effects are identified, subject to appropriate mitigation measures.
- **Water:** The impacts to be mitigated by management of surface water run-off during construction; management/ control of materials from off-site sources, appropriate fuel/ chemical handling, and management of accidental discharges on site. Suitable monitoring measures will be put in place during the construction phase of this development. No significant negative impacts from the development are identified.
- **Air Quality & Climate:** The impacts will be mitigated by suitable measures taken on site during the construction phase of development. These will be detailed in the adopted Construction Environment Management Plan (CEMP). The list of measures is standard for a development of this nature. No specific measures are required at operational stage of this development.
- **Microclimate:** The proposed site landscaping has been developed to have full regard to wind speed through the development. No specific monitoring is required.
- **Noise & Vibration:** Impacts will be mitigated by adherence to requirements of relevant code of practice; location of noisy plant away from noise sensitive locations and through the use of suitable noise control techniques on site such

as the use of acoustic screening. As a precautionary measure, vibration monitoring will be undertaken in a number of vibration and noise sensitive locations during piling and similar works. The outline CEMP submitted with the application will include the noise and vibration management measures listed in the Environmental Impact Assessment Report. No specific measures will be required at operational stage of the development though it has been agreed with the Coombe hospital that certain plant will be removed from the hospital laboratory.

- **Landscape & Visual Impact:** No mitigation or monitoring measures are proposed during the construction phase. Operational phase measures will rely on the design and type of materials that will be used for the proposed units. A suitable landscaping proposal is included with the application. No monitoring measures are required during the operational phase of the development.
- **Archaeology and Cultural Heritage:** Archaeological testing will be undertaken prior to the commencement of development and will be in accordance with the requirements of the National Monuments Service. Ongoing monitoring will take place during the construction phase and no specific measures will be required in the operational phase of this development.
- **Material Assets – Traffic:** Impacts to be mitigated by implementation of a Construction Traffic Management Plan (CTMP) during the construction phase, and the promotion of sustainable travel patterns by residents during the operational phase of this development.
- **Material Assets – Waste & Utilities:** Impacts will be mitigated by consultation with relevant service providers; adherence to relevant codes of practice and guidelines; service disruptions kept to a minimum.

The submitted Environmental Impact Assessment Report has been considered with regard to the guidance provided in the Environmental Protection Agency documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018); 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and

'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015).

In conclusion, the submitted details have sufficiently demonstrated that the proposed development would not adversely impact on the existing environment. The proposed development is located on lands that are suitably zoned for residential development and these zoned lands have undergone Strategic Environment Assessment (SEA) as part of the county and local plan processes.

### **Proper Planning and Sustainable Development and Likely Significant Effects on the Environment**

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 established urban character of the area and would otherwise be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed 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 local 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.

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

2. The Mitigation and Monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 of the Environmental Impact Assessment Report 'Mitigation and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. 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 local authority prior to commencement of development.

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

4. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, 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.

5. The operating hours, details of all security shuttering, external shopfront, lighting and signage of the café/ retail unit shall be agreed in writing with the local authority prior to the commencement of operation of this unit.

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

6. 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 local authority prior to commencement of development/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.

7. 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.

8. 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 car park shall be in accordance with the detailed construction standards of the local 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 traffic and pedestrian safety.

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All residential 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) 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 local authority.

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

10. A minimum of 10% of all car parking spaces should be provided with functioning Electric Vehicle (EV) charging stations or points, and ducting infrastructure shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations to enable the subsequent installation of recharging points at the location of these car parking spaces. Proposals relating to the installation of EV ducting and charging stations/points shall be submitted and agreed in writing with the local authority prior to the occupation of the development. All of the car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/points.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the local authority for such works and services.

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

12. The developer shall enter into water and waste water connection agreement(s) with Uisce Éireann, prior to commencement of development.

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

13. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the local authority prior to commencement of development.

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

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
  - (a) notify the local authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the local authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

**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. 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 local 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.

This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

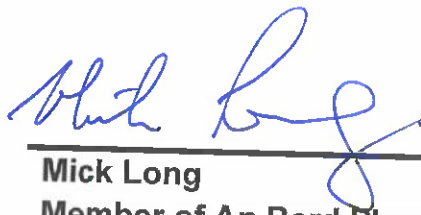
**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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

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

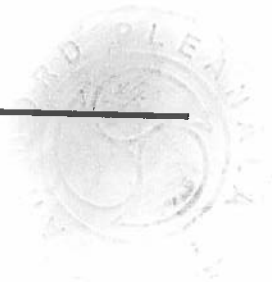
17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the local authority.

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



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



Dated this *27* day of *June* 2023