



An
Bord
Pleanála

Board Order
ABP-319492-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3406/23

Appeal by Grelis Limited care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 14th day of March, 2024 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Revisions to the granted residential development Register Reference 4105/15 (An Bord Pleanála Reference PL29N.246430) as extended under Register Reference 4105/15/x1. Permission is sought to omit the granted four storey 69 number bedroom nursing home to facilitate alterations and an extension to the previously permitted Block B. Alterations include an increase in height of permitted apartment Block B from four storeys to six storeys (five storey with sixth floor set back) over basement, with associated internal and external elevational and layout changes providing for a residential development comprising 99 number apartments (41 number one beds and 58 number two beds) each with associated balcony, to all elevations, in lieu of the permitted 20 number apartments (one number one bed, 18 number two bed and one number three bed units) and the 69 number bedroom nursing home. The proposed development will include revisions to the permitted basement car park to now provide 72 number car parking

spaces (with nine number visitor spaces, three number disabled parking spaces and 14 number electric vehicle charging points), three number motorbike parking spaces and 212 number bicycle parking spaces (200 number at basement level and 12 number at surface level). Access to the basement level has been altered with vehicular access now proposed along the western boundary of Block B and pedestrian access to the northwest. Access to the proposed Block B is from Grace Park Road as permitted under Reference 4105/15. Planning permission is also sought to move the permitted ESB substation to the north of previously approved in addition to all ancillary site, landscaping and engineering works necessary to facilitate the development at the former Carmelite Convent of the Incarnation (PROTECTED STRUCTURE (RPS Reference: 3238) Hampton, Grace Park Road and Griffith Avenue, Drumcondra, Dublin.

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 planning history of the subject site, the nature, scale and extent of the proposed development, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, including property in the vicinity, and would be acceptable in terms of visual impact and residential amenity, and would be in accordance with the relevant provisions of the Dublin City Development Plan 2022-2028. It is, therefore, considered that the proposed development would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered in full and accepted as reasonable, the amendments put forward by the applicant at appeal stage, to address directly the reasons for refusal as set out in the planning authority decision. In this regard, the Board determined that the amendments, including omission of the originally proposed underpass and dividing the building into two number separate blocks, would not be considered a material departure from the original proposal with consequent new issues of planning relevance. The Board did not therefore share the opinion of the Inspector, that it would be inappropriate to consider the information supplied at appeal stage, given the nature of the change offered therein, with no outward negative planning impacts, yet with a specific approach to addressing the net reasons for refusal of the planning authority.

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 further plans and particulars received by the planning authority on the 20th day of February 2024, and as further amended by the plans and particulars received by An Bord Pleanála on the 10th day of April 2024, 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference 4105/15 (An Bord Pleanála Reference PL29N.246430), as extended under Register Reference 4105/15/x1, unless the conditions set out hereunder specify otherwise.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. 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, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall 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 for the area.

4. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

5. Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

7. (a) Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, noise and dust management measures and off-site disposal of construction/demolition waste.
- (b) The Construction Management Plan shall confirm whether any piling is to be utilised in the construction. If piling is proposed, a method statement for any works above the Dublin Port Tunnel shall be submitted for the prior written agreement of the planning authority.

Reason: In the interests of public safety and amenity.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company.

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



9. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(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 interest of urban legibility.

10. Details of all external materials, colours and finishes, as well as landscaping and paving of communal open spaces, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

11. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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 interests of reducing waste and encouraging recycling.

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 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 agreed waste facilities shall be maintained and 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.

13. A minimum of 50% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.



14. (a) Provision shall be made for a mix of bicycle types including cargo bicycles (minimum of 5%) and individual lockers. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Electric charging points shall be provided at an accessible location for charging cycles/scooters/mobility scooters. Details shall be submitted to, and agreed in writing with, the planning authority.

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

15. 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.

16. 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.



Liam McGree

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

Dated this 12TH day of JUNE 2025.