



An
Bord
Pleanála

Inspector's Report ABP-301835-18

Development

PROTECTED

STRUCTURE:..Amendments to previously permitted development Reg.Ref. 2186/15 (An Bord Pleanála Ref.: PL29S.245164) as amended by Reg. Ref. 2825/17 to include an addition floor level on Blocks E, F & G associated elevation changes, alteration to the basement and removal of 2 apartment units in Block G to accommodate a crèche and all associated works.

Location

Former Saint Clare's Convent, and nos. 115-119, Harold's Cross Road, Harold's Cross, Dublin 6.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4040/17

Applicant(s)

Kavacre St Clares Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal	Third Party
Appellant(s)	Harold's Cross Village Community Council
Observer(s)	1. J. Haverty 2. Michael Kelly.
Date of Site Inspection	29 th of August 2018.
Inspector	Karen Hamilton

1.0 Site Location and Description

- 1.1. The subject site is located along the eastern side of Harold's Cross Road at the north east side of Harold's Cross Park, Dublin 6. The site is bound to the north, east and south by residential dwellings and St Clares National School is located to the north east of the site. The immediate surrounding area is mainly residential in character. Harold's Cross Road, which runs along the front, west of the site is a main bus route into the city centre.
- 1.2. The site includes two protected structures St Clare convent and Chapel building located at the North West corner of the site. The site is c.1.7 ha and forms part of a wider residential development granted permission under PL29S.245164 (Reg. Ref 2186/15) for the construction of 156 no. residential units over 3 /4 storey blocks. The redevelopment of the protected structures formed part of this permitted development.

2.0 Proposed Development

- 2.1. The proposed amendments consist of the following:
 - Amendments to previously permitted development Reg. Ref. 2186/15 (An Bord Pleanála Ref.: PL29S.245164) as amended by Reg. Ref. 2825/17, for an increase of 28 no. additional units, increasing the total number of units permitted from 172 no. to 200 no. units,
 - Alterations to proposed Blocks E, F, G (Reg. Ref. 2825/17) to increase the height of the Blocks from 4 no. storeys (13 m) to 5 no. storeys (16 m),
 - The additional storey in Block F will be set back on the eastern elevation at 4th floor level (5 no. storey); -
 - The additional storeys on Blocks E, F and G will provide for 30 no. units (13 no. in Block E, 5 no. in Block F and 12 no. in Block G) and will comprise of 5 no. 1 beds, 18 no. 2 beds and 7 no. 3 beds.

- Replacement of 2 no. 3 bed units at ground floor level of Block G with a crèche c. 254 m² and associated outdoor play area of c. 150m² with the crèche;
- Elevational amendments to Blocks E, F, G including private balconies/terraces as a result of the additional storey;
- Reconfiguration of permitted basement to provide for 160 no. car parking spaces and 226 no. cycle spaces;
- Revisions to landscape masterplan layout to provide additional hard and soft landscaping;
- Minor alterations to roof plans to provide for flues and lift shafts at roof level and all necessary site works to facilitate the development.

3.0 **Planning Authority Decision**

3.1. **Decision**

Decision to grant permission subject to 15 no conditions of which the following are of note:

C 3- The first floor level landing windows in the rear elevations of units nos. 4, 5 and 6 shall be permanently fitted with obscure glass.

C 12- No additional development above roof level.

C 15- Compliance with the terms and conditions of Reg Ref 2186/15.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The report of the area planner refers to the changes as materially significant and the decision reflects the grant of permission following the submission of further information on the following:

- The submission of a revised car parking strategy for the site clarifying the overall quantum of car spaces as 1 no space per 0.7 apartment units, a revised basement plan designating 3 no. spaces for the crèche and the

submission of a *“Traffic Management Plan”* detailing the traffic management and including a set down area for the crèche. The proposed development will include a GoCar facility on site as part of the overall car parking strategy for a car-club.

- An increase in density from 129 no. units per hectare to 220 no. units per hectare is justified having regard to the location of the site, the National Planning Framework, the national policy for effective density and consolidation, and the new apartment guidelines.
- In relation to the impact of the proposal on No. 87 & 89 Harrold’s Cross and No 8 and 9 Leinster Park, a *“Sunlight and Shadow Study”* was prepared and it was concluded that No. 87 & 89 are currently overshadowed by the convent building and those amenity areas to the south of the Blocks will not be impacted on by an additional floor.

In addition to the above the planner referred to the reports for Reg Ref 3781/17 in particular the density on site at c.129units and considered the overall increase to c.220 units acceptable and in line with the National Planning Framework and the new Apartment Guidelines and location beside the city centre and a major transportation route.

3.2.2. Other Technical Reports

Conservation Officer- No objection to proposal.

Roads Department- No objection subject to conditions.

Drainage Division- No objection subject to conditions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

5 no. observations were submitted from the parents of children in St Clare’s National School, the local residents association, residents in the vicinity and an agent from Naas and the issues raised are summarised below:

- Impact on the residential amenity
- Overdevelopment on the site,
- Uneven ratio of residential mix type,
- Negative impact from the traffic,
- Incorrect information in the submitted plans and particular,
- Destruction of Heritage,
- Impact on the surrounding area from construction activities,
- Unsuitable building height,
- Improper density on the site,
- Clarity over the submission of a Build To Rent (B2R) scheme,
- Design of the crèche and associated area,
- Quantum of open space provision,
- Allocation of car parking,
- Duration of development.

4.0 Planning History

ABP 301600-18 (Reg Ref 3781/17)

Permission currently with the Board for decision for the demolition of No 115-119 Harolds Cross Road and the construction of two Blocks, J1 & J2.

Reg Ref 4544/17

Permission granted for amendments to Reg. Ref: 2186/15 (PL29S.245164) amendments to Block D1 to consist of the replacement of previously proposed office area (conditioned by An Bord Pleanala for community use under Condition 4 of An Bord Pleanala Ref: PL 29S.245164) and 3 no. previously permitted residential units (1 no. 1 bed, 1 no. 1 bed plus study and 1 no. 2 bed) in Block D1 with resident's amenity facilities comprising of: a concierge, residents lounge, multi-function room, meeting room and co-working spaces, gym with revised terrace at lower ground floor on northern elevation and associated facilities; manager's office; and all associated

works (total tenant amenities floor space provided is c.396sqm). Minor elevational amendments are also proposed as part of this application. This application will reduce the number of units in Block D from 13 no. to 10 no. resulting in an overall decrease from 156 no. to 153 no. residential units.

ABP 301716-18 (Reg Ref 4040/17)

Leave to appeal refused as the conditions set out in the planning authority's decision did not materially alter the development as set out in the application for permission.

ABP- 300031-17 (Reg Ref 2825/17)

Permission granted to modifications of a previously permitted development PL29S.245164 (Reg Ref 2186/15) for an increase in units and reconfiguration an elevation amendments at Blocks E, F and G and reconfiguration of basement car park providing for increase in parking spaces and associated site works.

Condition No 1 required compliance with Condition No 4 of the parent permission Reg Ref 2186/85 (PL29S.245164) and "community related purpose".

Reg Ref 2826/17

Permission granted for replacement of three residential units with residential amenity facility including concierge, residents lounge, multi- function room, meeting room, co working space, gym and associated facilities. Block D would be reduced to 10 units instead of 13 and the overall units within the development would decrease from 156 to 153. Appeal PL248916 was withdrawn.

PL29S.245164 (Reg Ref 2085/15)

Permission granted for 156 apartments in six blocks (Block A-G). Block C includes the change of use of the former Bethany Orphanage to 6 residential units. Block D comprises a change of use of convent to 13 units. The nun's chapel is to be converted to and residential building and the main chapel and office. A basement carpark includes 155 car parking spaces.

Condition No 2- Block H shall be omitted and replaced with a proposal for a revise area of public open space.

Condition No 3- Block J shall be omitted and any redevelopment shall be the subject of a separate planning application.

Condition No 4- The proposed mezzanine in the chapel omitted and the chapel used for community related purpose and not office.

Condition No 9 All trees to be retained within the site unless specifically authorised by the planning application.

5.0 Policy Context

5.1. National Planning Framework, Project Ireland 2040 (Government of Ireland).

5.2. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018).

Circular 11/2016 Department of Housing, Planning, Community and Local Government which makes the provision for Build to Rent (B2R).

- Provides for on-site amenities to support apartment developments.

5.3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009).

5.4. Urban Design Manual, A Best Practice (DOEHLG, 2009)

5.5. Childcare Facilities, Guidelines for Planning Authorities (2001)

- Requirement for one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings.

5.6. Dublin City Development Plan 2016-2022

The subject site is located on lands zoned Z12, Institutional Lands (Future Development Potential) and Z1, (Sustainable Residential Neighbourhoods)

Z1

- To protect, provide and improve residential amenities.
- Section 16.5 Plot ratio 0.5-2.0
- Section 16.6 Site Coverage 45% - 60%

Z12

- To ensure existing environmental amenities are protected in the predominantly residential future use of these lands.

- A minimum of 20% will be required to be retained as accessible public open space.
- Development in the vicinity of the site will have regard to development standards
- 10% social and affordable required
- Section 16.5 Plot ratio 0.5-2.5
- Section 16.6 Site Coverage 50%

Building Height

Section 16.7.2 - Up to 16m for residential in Outer City.

Additional assessment criteria for higher buildings is included.

Apartment Development

Section 16.10.1 – Standards for Residential Accommodation.

Mix of sizes

- Max 25-30% one bedroom
- Min 15% three bedroom
- B2R 42-50% can be one bedroom (long term managed schemes)

Public open space

- 10% residential
- 20% for the institutional lands.

Infill

Section 16.10.10- Regard should be given to the existing character of the street, proportion heights, materials etc.

5.7. **Natural Heritage Designations**

The site is located c. 4km to the west of South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the residents association in the vicinity of the site and the issues raised are summarised below:

Building Height and Residential Amenity

- The guidance documents which informed the up to date apartment guidelines should be acknowledged, in particular the impact on the residential amenity.
- Sufficient consideration was not given to the protection of residential amenity for existing properties on Harold's Cross Road, Mount Drummond Square and Leinster Park.
- There are no cross sections through the proposed development and Harold's Cross Road.
- The cross sections through Leinster Park demonstrate potential overlooking and overbearing on existing residents. The apartments to the south of the block should be omitted.
- There is potential overlooking towards Drummond Square and those windows should be opaque with no access to the roof area facing Drummond Square.
- The three dimensional views do not illustrate the relationship between the proposed blocks and the surrounding area.
- Illustrations included indicate the relationship between the proposal and Mount Drummond and Leinster Park and the potential for overlooking.

Childcare Facilities

- The provision of the childcare facility is welcomed.
- The crèche can accommodate up to 50 children.
- Based on the Childcare Guidelines and the requirement for 20 no. childcare spaces per 75 units, both developments would require the provision of 112 childcare spaces, therefore the proposed crèche is inadequate.

Communal facilities

- The increase in residential units has not be commensurate with an increase in the communal facilities on site.
- It is requested that an increase in communal facilities is required by way of condition.

Impact on character and content of the protected structures

- There are no three dimensional drawings submitted to indicate the impact on the protected structures.

6.2. Applicant Response

A response from the applicant in relation to the third party appeal was received which is summarised below:

Residential Amenity

- The Board has granted permission for 179 no. units on the site and has accepted the principle of higher densities.
- The National Planning Framework (NPF) promotes a compact urban form, specifically Objective 37 increasing residential density through infill, re-use of vacant buildings etc. and Objective 13 where building height and car parking will be based on performance criteria subject to public safety protection and environment suitability protected.
- The new apartment guidelines have been issued since the initial application which allow greater flexibility in terms of units per core, floor to ceiling heights and densities.
- The set back on Block F is respectful to the existing dwellings along Mount Drummond Square range c. 4.6m on the north east end to 9.9m on the south east end.
- Additional cross sections are submitted for Harold's Cross, Mount Drummond Square and Leinster Park.

Childcare Facility

- The proposed development would result in c.22 no units, the development plan requires all development of 75 no. units or more to provide 20 childcare

spaces, therefore, and 58 no. spaces are required. The proposed crèche can accommodate between 50 to 85 no. childcare spaces.

- The proposed crèche will be available to the wider community.
- The apartment guidelines state that one bedroom units will generally not contribute to the requirement for childcare facilities.
- The mix provided consists of 60 no 1 bed, 125 no 2 bed and 35 no 3 bed.

Communal Facilities

- There is 396m² of communal facilities provided
- The application has been applied for as a “Build-to-Rent” and there is no requirement in the apartment guidelines for communal facilities.
- In addition, the permitted development allows for 8,558.5 m² of open space which is 50% of the overall site area in excess of the 20% required for institutional lands. In addition a shared courtyard area of c. 703m² is provided between the two blocks J1 & J2.

6.3. Planning Authority Response

No response received.

6.4. Observations

Two observations received from both owners of No 85 & 87 Harold's Cross Road and the issues raised in both observations have been summarised under the following headings:

Impact on Residential Amenity

- The proposed development will directly overlook adjoining properties and these issues have not been addressed.
- The submitted shadow analysis states that there will be further significant impact on properties along Harold's Cross Rd.
- The ground levels of No 87 is between 1.5m and 2m above the ground level of the proposed development which causes a lengthening of shadows.

- The use of apartments for short-term letting will have a negative impact on the local communities.
- No topographical surveys are submitted in relation to the proposal and surrounding areas and given the lack of detail the sunlight analysis is flawed.
- No contiguous site section/ massing and contextual drawings are submitted.
- The proposal does not comply with the landuse zoning Z12, as it does not respect the prevailing height in the vicinity.
- The orientation of balconies and terraces to the North West elevation & western elevation of Block E will give rise to overlooking of 12-14 properties.
- A 20% of open space has not been provided as per Z12 and hard surface areas on the emergency vehicle drawing are included for soft landscaping in the landscape drawings. The areas demoted as Z12 have not been checked by the planners.
- The plot ratio is higher than Section 17.4.
- No management of the open space area has been detailed.

Ecology

- No bat survey is included
- No environmental impact assessment/ ecology is submitted.

Drainage

- The potable water is already weak in the area and the pressure should be maintained.
- There does not appear to be any consultation with Irish Water/ Dublin drainage department in relation to the capacity of the existing infrastructure.
- There does not appear to be any SUDS incorporated.

Traffic

- Additional problems with an increase in traffic flow have not been addressed
- The new layout will make it difficult for emergency vehicles to access Blocks E, F & G.

- The engineer's road construction drawings do not include detail for the soft landscaping.
- There is inadequate provision for car parking and there will be overspill onto the road.

Built Heritage

- Preservation and protection of protected structures have not been addressed.

6.5. Further Responses

A further response was received from the appellant in relation to the applicant's response which is summarised as follows:

- We note the more detailed cross sections provided through Block G & F although there are no visualisation of the linear space and the boundaries of the scheme and there are no cross sections through the terraces to the north of St Clare's on Harold's Cross Road.
- It is difficult to assess the impact of the increase in height on the surrounding area.
- The separation distance between Block G and the dwellings on Leinster Park is 20m- 29m and the separation distance between the rear of Block F and Drummond Square is between 32-35m. Block F proposes a set back of the upper level with the upper ground floor overlooking the open space only, while Block G proposes dwellings along the front and it is requested these are set back with no windows overlooking.
- The applicants argue the childcare facility is 254m² although the guidelines state that it is exclusive of ancillary spaces therefore only 116.4m² has been provided. It is requested that the childcare facility can accommodate at least 80 children. (Extract from drawings submitted).
- Inclusive of Block J there is an increase of 67 units, therefore the communal facilities should be commensurate with the development.

7.0 Assessment

7.1. The main issues of the appeal can be dealt with under the following headings:

- Planning History
- Design, Layout and Built Heritage
- Impact on Residential Amenity
- Childcare Facility
- Communal Facilities
- Archaeology
- Traffic and Access
- Appropriate Assessment
- Environmental Impact Assessment

Planning History

- 7.2. Planning permission was granted in 2015 for 155 no. apartment units and ancillary residential services under PL29S.245164 (Reg Ref 2186/15). This grant of permission included the removal of Block J, along the south west of the site of which an application for Blocks J1 & J2 is currently before the Board ABP 301600-18 (Reg Ref 3781/17) for 23 no. units and associated works.
- 7.3. An amendment application to the parent permission, Reg. Ref 2825/17, was granted permission for alterations to Block E, F and G for alterations to the internal configuration and increase in 16 no residential units.
- 7.4. The proposal is a Build to Rent Scheme (B2R) and therefore is subject to Circular PL11/2016 and national guidance on “Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)”. The applicant submitted the application to the planning authority under Section 34 (3A) and (3B) of the Act (2015) which restricts the Board (as the case may be), notwithstanding section 34(2)(a), in its determination of the application to considering the modifications proposed by the applicant and also removes the appeal process unless the proposal would relate to a materially significant change to the approved

external appearance , in order to allow for the streamlining of applications which seek modifications on foot of the revised apartment standard guidelines.

- 7.5. The proposed development includes an increase in height of Blocks E, F & G to accommodate an additional 5th storey, 30 no. units, the removal of 2 apartment units in Block G to accommodate a crèche and provision of associated open space, and alterations to basement parking.
- 7.6. The report of the area planner refers to the guidance in the circular PL 12/2016, An Board Pleanála decision the change of use from residential to short term letting (RL3490), in particular the definition of what constitute a materially significant change and concluded that subject to the scale of the works proposed, the submitted adjoining application and the increase in the density it was considered the proposed development should be fully assessed and therefore the terms of Section (3A) and (3B) did not apply.
- 7.7. I note the proposed development in particular the increase in units and additional 5th storey on the permitted apartment Blocks, E, F & G and the inclusion of a new crèche facility and having regard to scale and nature of these works I consider the proposal is materially different from the existing permitted development on the site and therefore should include third party participation. Therefore, I do not consider the application should be determined under Section 34 (3A) and (3B) of the Act.
- 7.8. I have assessed the terms and conditions of the parent permission PL29S.245164 (Reg. Ref 2186/15) and those subsequent granted amendments, 4544/17, 4040/17, 2826/17 and I note there are no conditions included which would preclude the alterations proposed. Therefore, having regard to the planning history on the site, subject to complying with other planning requirements as addressed in the following sections, the principle of the proposal is acceptable.

Design, Layout and Built Heritage

- 7.9. The proposed development includes an additional floor on permitted Blocks E, F & G increasing the height from 13m to 16m. Block J is submitted to the Board as part of a concurrent application, ABP 301600-18 (Reg Ref. 3781/17). Section 16.7.2 of the development plan permits up to 16m for residential in the Outer City, therefore the increase in height complies with the development plan standards. The grounds of appeal raise concern in relation to the appropriateness of the increase in density,

overdevelopment on the site, the lack of available facilities to accommodate the increase and impact on the protected structures and observers consider the cumulative increase in density will have a negative impact. The residential amenity of those in the vicinity, which I have dealt with separately below.

- 7.10. The conversion and alteration of the two protected structures on the site, St Clare Convent and the chapel are permitted as part of the parent permission (PL29S.245164) and will not be altered as part of this proposal.
- 7.11. The proposed development includes an additional 30 no. units (13no. Block E, 5 no. in Block F and 12 no. in Block G) and includes the removal of 2 no. 3 bed units in the ground floor of Block G for a crèche. The report of the area planner includes a breakdown of the unit mix including those already permitted on the site as 1 bed (29%) 2 bed (53%) and 3 bed (18%), which I consider complies with Section 16.10.1 of the development plan (max 30% one bed) and the B2R allowance for up to 50% one bed apartments.
- 7.12. In relation to density, the density for the permitted development on the site of c. 92 per hectare and the proposed density, including this proposal and the concurrent application is c. 105 units per hectare. Policy SC13 of the development plan promotes the provision of sustainable densities particularly along public transport routes. Harold's Cross Road is a main bus route. The Sustainable Urban Design Guidelines refer to the provision of minimum densities rather than maximum and I consider the increase in density is modest. Following a response to further information a schedule of floor space of each of the apartments and compliance with the apartment guidelines was submitted to the planning authority, which I have assessed and consider acceptable.
- 7.13. The permitted apartment scheme includes communal facilities and the proposed development includes a crèche. Having regard to the design and location of the additional 30 no units as a fifth floor to the permitted apartment blocks I consider the overall cumulative impact of the density on the site complies with the guidance in the National Development Framework which promotes compact urban form and higher densities in appropriate locations which are served with infrastructure and facilities.

Impact of Residential Amenity

- 7.14. Block E is located at the north east of the site, Block F is along the east and Block G is along the south. The site is bound to the east by 2 storey dwellings with Mount Drummond Square, along the south with Leinster Park and No 86 & 87 Harold's Cross is to the **west of the Block C, the existing San Domaio building**. The grounds of appeal consider the additional fifth floor will have a negative impact on the amenities of the surrounding area and should be amended to prevent any overlooking.
- 7.15. Overbearing- The separation distance of Block G from Leinster Park is c. 30m and Block F is c. 38m from Mount Drummond Square as permitted in PL29S.245164. The height of the three apartment blocks will increase by c. 3m. The proposal also includes elevation changes to the eastern façade of Block E, F & G. The principle of the four storey apartment blocks are accepted in principle and I do not consider the fifth floor will significantly alter the scale and bulk of the permitted development, therefore I consider the overall design acceptable.
- 7.16. Overlooking- The separation distance from the existing dwellings around the site is detailed above. The additional floor will not significantly alter any impact on the surrounding properties from additional overlooking. Condition no 3 stated that the first floor level stairwell landing windows in the rear elevations of unit nos. 4, 5 and 6 shall be permanently glazed with obscure glass although I find no reference to this in the report of the area planner and I note the drawings submitted include reference to the related Blocks of the apartment number. Therefore, having regard to my assessment above I do not consider it necessary to include a requirement for any additional obscure glazing for the apartments.
- 7.17. Overshadowing- The site is located to the north of Leinster Park, west of Mount Drummond Square and west of No 85 & 87 Harold's Cross Road. The report of the area planner noted that the submitted sunlight and daylight analysis illustrated the inclusion of overshadowing of the residential amenity space of No. 87 and No. 89 Harold's Cross from the existing permitted development and not the additional fifth floor. Shadow analysis drawings were submitted in the design statement as part of a further information response which illustrate an increase in shadow projection on the play area of St Marys National School in early evening and the rear of c. 6 no

dwellings along Mount Drummond Square in the late afternoon. I have assessed the sunlight analysis, which I consider reasonable and consider the additional floor on Block F will increase the overshadowing, particularly into the rear rooms of those properties along Mount Drummond Square . Having regard to the Z1 zoning and the need to protect residential amenity I consider the fifth floor of Block F should be removed. I consider this can be included as a condition on any grant of permission.

- 7.18. Having regard to the existing permitted development on the site, the separation distance from the existing dwellings in the vicinity of the site and the overall design and layout of the proposed development, subject to the removal of the additional fifth floor on Block F, I do not consider the proposed development would have a significant negative impact on the residential amenities of those properties in the vicinity.

Childcare Facilities

- 7.19. The proposed development includes the removal of 2 units on the ground floor at the west of Block G and replacement with a crèche c. 254 m² which includes an associated outdoor play area of c. 150m². The grounds of appeal do not consider the crèche is sufficient to accommodate the size requirement of the development plan and the national guidelines and consider the provision of a minimum of 80 spaces necessary.
- 7.20. The national guidelines "*Childcare Facilities, Guidelines for Planning Authorities (2001)*" includes a requirement for a minimum 20 childcare places per approximately 75 dwellings. The parent permission included communal facilities to support the Build To Rent (B2R) scheme a crèche was not specifically detailed.
- 7.21. A response from the applicant to the grounds of appeal refers to development plan compliance of 20 childcare spaces per 75 unit and states that the crèche can accommodate between 50-85 no. childcare spaces. In addition, the application refers to the apartment guidelines which state that one bedroom units will generally not contribute to the requirement for childcare facilities and the mix proposed is 60 no. 1 bed, 125 no. 2 beds and 35 no. 3 beds.
- 7.22. I note the childcare and apartment guidelines and consider the provision of 40 no. childcare spaces is appropriate for 160 residential units. Appendix 1 of the childcare guidelines requires a minimum floor space of 2.32m² per child, exclusive of kitchen,

bathroom and hall, furniture or permanent fixtures. The size of the crèche is c. 254 m² where c. 130m² of space is provided, exclusive of the areas stated above which would accommodate c. 56 children. Therefore I consider the proposed crèche is sufficient to accommodate the overall residential scheme.

Communal Facilities

- 7.23. The parent permission was submitted as a B2R scheme. Circular PL11/2016 includes guidance for the appropriate development of B2R housing schemes where associated on-site amenities will be provided appropriate to the scale of the project. No ratio or detailed quantum is required in the guidelines. The parent permission (PL29S. 245164 Reg Ref 2825/17) included 396m² tenant amenities the chapel building and Condition No 4 required that the proposed mezzanine in the chapel omitted and the chapel used for community related purpose and not office. Permission Reg Ref 2826/17 included the replacement of three residential units with residential amenity facility including concierge, residents lounge, multi- function room, meeting room, co working space, gym and associated facilities. ABP- 300031-17 (Reg Ref 2825/17). Condition No 1 required compliance with Condition No 4 of the parent permission Reg Ref 2186/85 (PL29S.245164) and retention of the chapel for “community related purpose”.
- 7.24. The proposed development includes the removal of 2 no residential units for the provision of a childcare facility, as discussed above Circular PL11/2016 recommends, in addition to others, the inclusion of a crèche within the private facilities. I note the provision of the childcare facility is in addition to those onsite amenities provided in subsequent permissions and I consider it an appropriate increase of services to facilitate an increase in the community on the subject site.

Archaeology

- 7.25. The site is located within a site zoned for archaeological interest. Section 16.10.20 of the development plan requires the applicant to employ a qualified archaeologist for site investigation works where necessary. Condition No 7 of the parent permission included archaeological monitoring on the site which I consider reasonable.

Traffic & Access

- 7.26. The site is located in Zone 3 of Map J of the development plan and Harold's Cross Road is a proposed BRT (Bus Rapid Transit) route, Clongriffin to Tallaght included under the Transport Strategy for the Greater Dublin Area 2016-2035. Table 16.1 of the development plan allows the provision of 1.5 spaces per dwelling as a maximum. The proposed development is modified to comprise of 16 no. dwellings and utilises the access granted in the parent permission. The basement of J2 links into the basement of Block G and no additional parking or cycle spaces are included. The TIA submitted with the parent permission relates to a development of 208 units and the report of the Inspector on the parent permission notes the inclusion of a design speed of 50km/hr for the internal roads as per Table 4.2 of DMURS.
- 7.27. A submission from an observer argues the proposed development would generate a car parking demand of 264 spaces. Following a request for further information on the car parking strategy the applicant submitted a proposal for 220 no units (including the concurrent application before the Board (ABP 301835-18 Reg Ref 3781/17) stating that 0.70 no. spaces per unit would be provided including 3. No car club spaces. Details of a Management Company, prospective tenants, car park access, unauthorised parking etc. was included as part of the further information submitted. In addition a designated set down area was included beside Block G for the crèche and 3 designated parking spaces within the overall scheme for staff parking. The report of the Roads & Traffic Division had no objection to the overall proposal subject to compliance with the terms of the parent permission, the inclusion of the car club and the implementation of the measures in the Parking Management and Strategy Report.
- 7.28. I note the scale of the permitted development on the site and the inclusion of 154 no spaces on the site and secure bicycle parking and the location of the site along the main Harold's Cross Road which is a main bus corridor into the city centre and the maximum requirement for car parking in Table 16.1 of the development plan and I consider the overall access and parking on the site acceptable for this city centre site.

Appropriate Assessment

- 7.29. Having regard to the nature and scale of the proposed development within a serviced area and separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on the conservation objectives of any European site.

Environmental Impact Assessment

- 7.30. Having regard to the nature and scale of the structure there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

9.0 Reasons and Considerations

Having regard to the national guidelines, the residential zoning (Z1) on the site, the policies and objectives of the Dublin City Development Plan 2016-2022, the current planning history on the site and the pattern of development in the area, it is considered that subject to compliance with the conditions as set out below the proposed development would not seriously injure the amenities of the area, or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not have a negative impact on the character and setting of any protected structure. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

10.0 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 An Bord Pleanála on the 12th day

of July, 2018, 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. The proposed development shall be amended as follows:

- (a) The omission of the fifth floor of Block F.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission(s) granted on 16/11/2015 under appeal reference number PL29S.245164, planning register reference number 2186/15, and any agreements entered into thereunder.

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

4. Not more than 75% of residential units, of the overall scheme, shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity

5. The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Saturday inclusive except public holidays, and shall not operate on, Sundays or public holidays.

Reason: In the interest of residential amenity

6. 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 commencement of development.

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

7. 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

8. Prior to the opening 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 car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the management company for all units within the scheme. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development

for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

9. Site development and building works shall be carried out only between the hours of 0800 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

10. 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.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of

archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

Reason: In the interest of public health

13. 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.

Karen Hamilton
Planning Inspector

27th of September 2018