



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305728-19

Strategic Housing Development

Alterations to previously permitted development Reg.Ref:2186/15 (PL29S.245164) increasing the total number of units from 220 no. units to 248 no. units. St. Clare's Convent and No's. 115-119 Harold's Cross Road, Harold's Cross, Dublin 6W.

Location

St Clare's Convent and No.'s 115 -119 Harold's Cross Road, Harold's Cross Road, Harold's Cross, Dublin 6.

Planning Authority

Dublin City Council

Applicant

St. Clare's GB3 Limited

Prescribed Bodies

1. Irish Water (IW)
2. National Transport Authority

3. Department of Culture, Heritage and the Gaeltacht
4. An Taisce
5. Heritage Council
6. An Comhairle Ealaíon
7. Fáilte Ireland
8. Dublin City Childcare Committee

Observer(s)

1. Anne Jennings
2. Anne Walsh
3. Breda Brown
4. Christine Kirwan & Others
5. Enda Berson
6. Harold's Cross Village Community Council
7. Irish Water
8. Mr & Mrs Neville Gough
9. Noeleen & James McCann
10. Norah Campbell
11. Paul Walsh
12. Shane Walsh & Derek Deely

Date of Site Inspection

27th November 2019

Inspector

Fiona Fair

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject site is c. 1.7 hectares which comprises of a residential development previously permitted under DCC Reg. Ref. 2186/15 / An Bord Pleanála Ref: PL29S.245164 including 115-119 Harold's Cross Road.
- 2.2. The application site is located on the eastern side of Harold's Cross Road, Dublin 6W, at the north east corner of Harold's Cross Park. The site is bounded to the north by residential dwellings that front onto Harold's Cross Road and to the north east by St. Clare's National School. To the east and south east, the site adjoins a residential area of two storey terraced dwellings in Mount Drummond Square. To the south, the site adjoins another residential development, Leinster Park. The area to the west of the site comprises of the boundary with Harold's Cross Road and an existing residential development, known as Parkview. The surrounding area is made up of a mix of building styles, of various dates and character.
- 2.3. The site is well served by public transport including multiple Dublin Bus routes which utilise a number of stops along Harold's Cross Road. It is also located close to the Grand Canal which is an important cycling artery reaching into the south docklands.
- 2.4. The permitted Blocks E, F, and G are part 3, 4, and 5 no. storeys in height which is in keeping with the surrounding character and streetscape of the area. The original permitted development provided for the construction of 156 no. residential units over a number of 3/4 storey blocks. Subsequent applications have brought the permitted height to 5 storeys on parts of Blocks E and F and all of Block G. However, other than on Block G, the additional height has not spanned the depths of the blocks but are setback from external boundaries. The proposed additional apartment units will be located on these blocks only.

3.0 Proposed Strategic Housing Development

3.1. The proposed development consists of the alteration of Blocks E, F, and G, currently under construction.

- Block E shall be part 5 and part 6 storeys. It shall include 72 no. apartments (16 no. 1 bed, 39 no. 2 bed, and 17 no. 3 bed units). Additional 7 No. Units.
- Block F shall be part 4, part 5, and part 6 storeys and shall include 57 no. apartments (13 no. 1 bed, 38 no. 2 bed, and 6 no. 3 bed units). Additional 9 No. Units.
- Block G shall be 6 storeys in height. It shall include 68 no. apartments, with 12 no. 1 bed, 46 no. 2 bed, and 10 no. 3 bed units. Additional 12 No. Units.

The total number of units proposed under this application is 197. The total no. of apartment units on site, including permitted Blocks A, B, C, D, J1, and J2, will increase from 220 no. to 248no.

3.2. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022.”

3.3. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development that materially contravenes *Section 16.7 – Building Height in a Sustainable City* in the Dublin City Development Plan 2016-2022: The site is located in the Outer City, where a height of up to 16m is permitted. This is stated in the Newspaper Notice.

3.4. The following tables set out some of the key elements of the proposed scheme:

Table 1: Development Standards

Site Area	1.7 ha
No. of units	From 220 to 248 an increase of 28 no. units
Total Gross Floor Area	16,182.9 sq. m
Gross Density	146 units/ha
Plot Ratio (stated)	1.46
Site Coverage	30.75%.
Proposed communal amenity space and PAS	1,688 sq. m (Communal Open Space is calculated as 5 sq. m for a 1 bed unit, 7 sq. m. for a 2 bed unit, and 9 sq. m for a 3 bed unit).
Public Open Space	20%
Required	8,558.5 sq. m (50%)
Proposed	
Childcare Facility (no. of childcare spaces 50 – 85)	254.4 sq. m

Table 2: Proposed overall unit breakdown

Block	Status	No. of Units			Total
		1-bed	2-bed	3-bed	
Block A	Permitted	0	2	3	5
Block B	Permitted	1	2	4	7
Block C	Permitted	1	5	0	6
Block D	Permitted	9	1	0	10
Block E	Permitted	16	39	17	72
Block F	Permitted	13	38	6	57
Block G	Permitted	12	46	10	68
Block J	Permitted	12	11	0	23
Total		64	144	40	248

Table 3: Unit Mix

Apartments	1 bed	2 bed	3 bed	Total
	64 (26%)	144 (58%)	40 (16%)	248 (100%)
Dual / triple Aspect				58%
Single Aspect				48%
% of units that exceed the minimum size requirements				100%

Table 4: Building Height

Block	Permitted storey	Proposed storey	Max Height m
E	5	5 - 6	19.6
F	4 - 5	4 - 5 - 6	19.6
G	5	6	19.6

Table 5: Car Parking

	Number of car parking spaces
Proposed for 248 Apartments	160 No basement car parking spaces permitted none proposed. Equates to 0.65 spaces per apartment

Table 6: Bicycle Parking

Bicycle parking spaces	283 No. proposed An increase of 57 on the already permitted 226.
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Table 7: Part V

Proposed	25 units (10 % of the 248 no. units proposed)
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- 3.4.1. In term of site services, the proposed development is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third-party consents are required for these

connections. Irish Water submission on file confirms that subject to a valid connection agreement being put in place between IW and the developer, the proposed connections to the IW network (s) can be facilitated.

4.0 Planning History

4.1. There is quite a protracted and complex site history on the subject site:

ABP 301835-18 (Reg Ref 4040/17) (Granted 26th October 2018)

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.

ABP 301600-18 (Reg Ref 3781/17) (Granted 26th October 2018)

Demolition of No 115-119 Harolds Cross Road and the construction of two Blocks, J1 & J2.

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 Pleanála for community use under Condition 4 of An Bord Pleanála 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.

Reg. Ref. 4544/17 (Granted 5th April 2018)

Permission Granted for amendments to the residential development permitted under Reg. Ref: 2186/15 (An Bord Pleanála Ref: PL29S.245164) at a site of c.245sqm (c.0.02ha.) within the overall c.1.7 ha site located at the former St. Clare's Convent

and No's 115-119, Harold's Cross Road, Harold's Cross, Dublin 6. PROTECTED STRUCTURE: The application site includes Protected Structure RPS Ref. No. 3583. The proposed development comprises amendments to Block D1 of the permitted St. Clare's development 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.

- 4.2. This application replaced 3 permitted units with residents' amenities in the Block D, the Chapel, a Protected Structure. This reduced the number of permitted units to 220 no.

ABP- 300031-17 (Reg Ref 2825/17) (date of grant 12/04/2018)

Modifications of a previously permitted development PL29S.245164 (Reg Ref 2186/15) for an increase in units and reconfiguration and 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

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 2186/15) (granted 16/11/2015)

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.

4.3. **Section 247 Consultation(s) with Planning Authority**

It is stated by the prospective applicants in the submitted documentation that a Section 247 pre-application consultation took place with the planning authority on 15 March 2019. Details of the meeting are submitted.

5.0 **National and Local Planning Policy**

5.1 Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- National Planning Framework 2040;
- Rebuilding Ireland – Action Plan for Housing and Homelessness;
- Eastern and Midlands Regional Assembly; Regional Spatial and Economic Strategy 2019- 2031;

- ‘Urban Development and Building Heights Guidelines for Planning Authorities’ - 2018
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ - 2018
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001
- ‘Architectural Heritage Protection - Guidelines for Planning Authorities’ 2011

5.2 Statutory Plan for the area

The Dublin City Development Plan 2016-2022 is the operative County Development Plan.

The northern half of the subject site is zoned **Z12** with the southern portion of the lands zoned **Z1**. The objective for **Z1** lands is “to protect, provide and improve residential amenities”. The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residential areas are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres. Residential development is a permitted in principle use in the Z1 zone.

The northern portion of the site is zoned Z12. The objective for **Z12** lands is “to ensure existing environmental amenities are protected in the predominantly residential future use of these lands”. Residential is a permitted in principle use in Z12 lands.

The Chapel Building on site, (Block D) is listed as a protected structure. The subject application does not propose any works to the protected structure.

There is a zone of archaeological interest which incorporates the western boundary of the site. A detailed archaeological assessment is submitted with this application. This has been prepared in compliance with Condition No. 7 of the parent permission, which requires an archaeological appraisal of the site to provide for the prevention, recording and protection of archaeological materials or features which may exist with the site. A Final Archaeological Report by Archaeology and Built Heritage is submitted as a fulfilment of this requirement.

Quality Housing and Sustainable Neighbourhoods

Section 2.3.3 of the Dublin City Development Plan 2016-2022 states that it is an objective of the council to create a quality compact city of mixed – tenure neighbourhoods, catering for a wide range of family types. The Development Plan also states that:

“Requiring apartment schemes to have good local facilities, and that large schemes are phased to ensure support infrastructure is provided in tandem with residential development, will assist in achieving this key strategy. An emphasis on effective property management for both apartment and housing complexes will also improve the quality of residential development”

Section 5.5.2 of the Dublin City Development Plan 2016-2022 encourages sustainable residential areas. The plan states that “building at higher densities makes more efficient use of land and energy resources, creating a consolidated urban form which fosters the development of compact neighbourhoods and a critical mass which contributes to the viability of economic, social, and transport infrastructure”.

It is the policy of Dublin City Council:

QH12: To promote more sustainable development through energy end-use efficiency, increasing the use of renewable energy, and improved energy performance of all new development throughout the city by requiring planning applications to be supported by information indicating how the proposal has been designed in accordance with the development standards set out in the Development Plan.

The proposed development will comply with the current NZEB Building Standards.

Building Height

Section 16.7.2 of the Development Plan sets out 3 no. height category limits for the city, Low -rise, Mid- rise and High Rise. The subject site is located within the Outer City which is an area listed within the low – rise (up to 16m) height category.

A number of policies are set out in the Dublin City Plan with regard to building height. These set out that an application for high buildings higher than the maximum set out will be subject to the provisions of an LAP, SDZ or SDRA.

“It is policy of Dublin City Council:

SC16: To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).

SC17: To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in chapter 15 (guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the river Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city

canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.

SC18: To promote a coordinated approach to the provision of tall buildings through local area plans, strategic development zones and the strategic development and regeneration areas principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline.”

The Dublin City Council Development Plan 2016-2022 sets out an indicative plot ratio of 0.5 - 2.0 for lands with a Z1 zoning objective, and 0.5 – 2.5 on lands zoned Z12. The indicative site coverage for Z1 is 45 - 60% while for Z12 is 50%. These figures are indicative only; higher plot ratios and site coverage may be acceptable under the following circumstances:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed
- To facilitate comprehensive re-development in areas in need of urban renewal
- To maintain existing streetscape profiles
- Where a site already has the benefit of a higher site coverage.

6.0 Section 5 Pre Application Consultation

- 6.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 12th September 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 6.2. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following

specific information (synopsised) should be submitted with any application for permission arising from this notification:

1. The intended tenure or ownership of the proposed development.
2. The rationale for the proposed building finishes and materials, specifically for upper storeys
3. Analysis and drawings that detail the impact of the proposed development on the residential amenity of future and existing residents in relation to daylighting, overshadowing and overlooking.
4. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties.
5. A mobility management strategy that shall be sufficient to justify the amount of parking proposed for cars and bicycles.
6. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
7. A housing quality assessment.
8. A report that addresses the surface water management strategy and details of sustainable drainage systems in the management of stormwater.
9. A building life cycle report.

7.0 Applicant's Statement of Consistency

7.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the **nine** issues raised in the Opinion.

7.2. **Item No. 1: Tenure, Drawings of Permitted Development**

The proposed development is a 'Build to Sell' development, intended for owner occupation or individual lease.

The reason for confusion over the issue of tenure arises from the planning history of the site. The planning history for the site is quite complex, reflecting the changes in planning policy legislation and the market that have occurred since permission was granted on the site in 2015. The first permission, DCC Reg. Ref. 2186/15,

PL29S.245164, was for 209 units. Only 156 units were permitted, as two blocks were omitted by way of condition. The decision facilitated a new application for one of the blocks, Block J. The scheme was designed at a time when Dublin City Council policy required that 85% of all residential units were to be dual aspect and single aspect units had to face south or west. The result was that generally only 3 apartment units could be provided around a core. This rendered the project uneconomic to develop.

The next application, DCC Reg. Ref. 2825/17, ABP 300031-17, sought to take advantage of both the Sustainable Urban Housing Guidelines; Design Standards for New Apartments: Guidelines for Planning Authorities 2015 and new legislation. The application was for the reconfiguring of the permitted apartments within roughly the footprint and an increase of 16 units, to avail of the increase in units permitted around a core and the reduction to 50% of apartments to be dual aspect units. The application was brought forward under Section 34.3.A of the Planning and Development Act, 2000, as amended, which allows a planning application to be made, seeking to amend the development to comply with government guidelines. DCC were of the view that as the alterations in the layout gave rise to a new pattern of fenestration, then the application should be dealt with under the normal S.34 planning application process. Although granted by DCC, third party appeals carried the decision to An Bord Pleanála, which also granted permission.

The Sustainable Urban Housing Guidelines; Design Standards for New Apartments: Guidelines for Planning Authorities 2015 brought in a new category of tenure – “Build to Let”. This tenure could avail of an increased number of one bedrooms and studio units in certain locations and allowed for communal facilities to be applied.

At the time of the application, there was no debt funding available from Irish sources to build apartments, for non-NAMA sites. Therefore, the developer sought international capital to finance the development of the site. International institutional funders were interested in the “Build to Rent” or Private Rental Schemes. However, these schemes require more communal facilities than would normally be provided in the traditional “Build to Sell” model. The developer recognised that the former chapel in St. Clare’s would fit the requirement for communal amenity space while providing the Protected Structure with an appropriate use. DCC Reg. Ref. 2826/17 sought the

replacement of 3 no. residential units in Block D of Former Convent, with Resident's Lounge, multi-function room, gym with revised terrace, and manager's office.

While DCC granted planning permission for this, conditions were attached to make the tenure of the scheme "Build to Rent". This had a detrimental impact on the avenue of potential funding for the development of the scheme. Although initially appealed, it was decided to withdraw the application, on the basis that the slate, from a planning perspective, could be wiped clean and the "Build to Rent" conditions expunged.

However, when the next application was made, DCC Reg. Ref. 3781/17, ABP 301600, for Block J1 and J2, the planning history included the withdrawn application and the scheme was referred to as a "Build to Rent" development. DCC granted the permission but did not include the "Build to Rent" conditions in the order. When the development was under appeal, the *Sustainable Urban Housing Guidelines; Design Standards for New Apartments: Guidelines for Planning Authorities 2018* was published. This set new requirements for the "Build to Rent" tenure, including the need for the tenure to be specified in the public notice and that the development is to be held in a single ownership for 15 years. This tenure could avail of an unlimited mix of units, all units to minimum floor areas and no limit to the number of units on a core. The scheme under consideration did not have any of these characteristics. However, because of the statement in the DCC report, the Inspector assumed that the scheme was a "Build to Rent" and attached the conditions brought in under the 2018 Guidelines. The same conditions were attached to DCC Reg. Ref. 4040/17, ABP 301835-18.

The error in the order was corrected by An Bord Pleanála under Section 146A of the Planning and Development Act. 2000, as amended and the three "Build to Rent" conditions were removed from both orders.

The scheme is currently under construction. It is not a "Build to Rent" development. The provision of residents' amenity facilities are now becoming the industry norm. To remain competitive in the apartment market, these facilities are standard for large scale developments, to form part of the offer for future residents.

The scheme has reduced the ratio of car parking over time, from a 1 unit per car parking space to 1 unit per 0.62 car parking space. The ability to do so reflects the site's proximity to public transport, cycling facilities and the city centre. In comparison, "Build to Rent" schemes typically have a car parking ratio of 1 unit to 0.3 car parking spaces or less.

This SHD application has not been advertised as a "Build to Rent" scheme. Most of the apartments are above minimum floor area and there is a mix of one, two- and three-bedroom units. The proposed development is a "Build to Sell" development.

A full suite of drawings has been submitted with the application on the permitted development, for information purposes. For clarity, no other changes than those described in the public notice are proposed. The access, ramps and size of basement all remain unchanged. The communal and public open space are unchanged. There is no increase in the creche size or the resident's amenity facilities. Blocks A, B, C, D, J1 and J2 are not being altered by this permission. In regard to the basement, the basement structure is not being changed. Physically, there is sufficient space for the additional waste being generated and additional bicycle parking.

The footprint of Blocks F and G are unchanged. However, in Block E, there is an enlarged stairwell. The fenestration of Blocks E, F and G will remain in the same rhythm and approach currently permitted. There are additional balconies as can be seen on BKD's Drawing 6162-D-PL048.

7.3. Item No. 2: The selection rationale for the proposed building finishes and materials, specifically for upper storeys

The material scheme is based on the approved palette of materials – generally buff brick, fibre cement cladding and metal panels. The approved scheme has brick between the ground floor and roof floors, as more light weight material is used on these floors, to create bands. The effect is that the brick floors "float" between the bands. In a number of locations, the brick is brought up through the roof.

The alternatives included extending the panels over more than one floor, using brick to the top floor and the current proposal. The current proposal was found to achieve the most comfortable proportions.

7.4. **Item No. 3: Daylighting, overshadowing and overlooking.**

A Daylight and Sunlight Report has been prepared by O'Connor Sutton Cronin & Associates. In regard to daylight, the increase in height on residences in the vicinity of the site were assessed.

The analysis has shown that negligible impact is perceived to adjacent properties when compared to the permitted heights. The results for each property and the steps taken are summarised in Table 5 of the report.

The additional floor is demonstrated to have no impact on the level of daylighting in the permitted development within the site.

In relation to sunlight, Figure 14 shows the sunlight experienced in the open space for the permitted development.

There is a slight increase in overshadowing of the open space, but the area still experiences more than 2 hours of sunlight over 50% of the open space on March 21, the BRE standard.

In relation to overshadowing, the difference between the permitted and proposed schemes are minimal.

BKD have prepared a drawing to examine the issue of overlooking from the additional apartments – see BKD 6162-D-PL048. It shows the number of new apartments. In Block G, these are well set back from Leinster Park. In regards to Block F and Leinster Park, distances are closer but the balconies look over the gable of houses or the public road. Where Block F faces Mount Drummond, distances are also satisfactory. Block E overlooks the school, at an acceptable distance. Within the

scheme, the apartments line up over permitted apartments, so no additional overlooking occurs.

7.5. **Item 4 – Changes in levels**

No changes in levels occur in the proposed development different to the levels in the permitted scheme. These are shown in the site section drawings prepared by BKD and extend to include contiguous residential properties.

7.6. **Item 5 – Mobility Management Strategy**

The overall increase in apartment number is 28. An additional 57 bicycle spaces will be provided in the basement. No increase in car parking is proposed. There has been a minor reallocation from 154 no. residential spaces, 3 no. car club spaces and 3 no. creche staff spaces to 153 no. residential spaces and 4 no. car club spaces. There is no change to the creche staff.

The car parking ratio will change from 1 residential unit : 0.7 car parking space to 1 residential unit: 0.6 car parking space. This ratio reflects the general level of car ownership in the area. However, it is a higher rate of car parking than apartment residents in the area, where car ownership is 40%. The number of persons using their cars for commuting to work is 25%. Therefore, there is more than adequate car parking for regular car users and more than adequate car storage spaces. The number of car club spaces have been increased by one. It is considered that car users have been adequately catered for.

The site's location means that other modes of transport are available to future residents. A mobility management plan will be put in place to encourage use of these other modes. There will be 283 cycle spaces – 1.1 spaces per unit - in the basement and 66 spaces at surface. A bike club scheme will also operate, similar to Dublin bikes. There will be an allowance for electric bikes in the basement. There is a dedicated bus cycle lane that connects to the dedicated cycle lane on the Grand Canal to the city centre and Dublin Docklands. Dublin City Council require 248 cycle spaces, so the proposed development is well provided for in cycling terms. These

have been provided with the use of bike stackers – please see BKD Drawing 6162-D-PL 040.

The site is well served by public transport. Four bus routes serve the site and there is a QBC on the road outside the site.

The site is 2.5 km walking distance to the city centre.

Dublin City Council's Transportation Report required details of the location, quantity and design of cycle parking at surface level. This can be seen on BKD drawing 6162 – D-PL004. This also shows the drop off area for the creche. BKD Drawing 6162-D-PL 040 show sections of the bike stackers which demonstrate there is adequate height in the basement.

O'Connor Sutton Cronin & Associates have prepared an outline Mobility Management Plan. The Site Traffic Management Plan has been updated. It should be noted that the bulk excavation dig is nearly complete and will be finished in January 2020. The proposed development will extend the construction period by 10 weeks, but will not increase the volume of construction traffic on a daily basis. Concrete works are due to commence on the 16/04/19 and scheduled deliveries of re bar and concrete will commence from that date. These will now continue up to June 2020. This is an additional 10 weeks of concrete RC works to complete the additional floors.

Site management schedule traffic movements during these operations to ensure that they avoid peak traffic times and off- peak times for the local school. All deliveries are booked in via "Whats Ap". No delivery is allowed until after 8.30- 9.30 or 1.30- 2.30 which is the peak school time hours. No delivery is allowed prior to 8.am or after 6pm Mon- Fri. Deliveries are allowed from 8am to 1pm on Saturday. An entrapment area has been created inside the main gate so that vehicles can pull in off the road into this area so that they do not create any traffic blockages. The fulltime gate man assists all deliveries arriving and leaving the site as part of the TMP.

The proposed development is due to be completed by April 2021.

7.7. **Item 6 – Areas to be taken in charge**

No areas are to be taken in charge, so a drawing has not been submitted

7.8. **Item 7 – Housing Quality Assessment**

The proposed apartments comply with the 2018 Guidelines on Design Standards, as shown in the HQA. The permitted development generally complies with these standards also.

7.9. **Item 8 – Surface water management including green roofs**

An Engineering Services Report was prepared, by O'Connor Sutton Cronin & Associates, and has been submitted. Green roofs have been provided on Blocks E and G, as can be seen on BKD Drawings 6162 -D-PL015 and 6162 -D- PL030. These green roofs will assist in improving water quality but otherwise, the storm drainage design and strategy are identical to that already permitted. The permitted scheme is SUDS compliant and has been approved by Dublin City Council and An Bord Pleanala.

7.10. **Item 9 – Building Life Cycle Report**

Aramark has prepared a Building Life Cycle Report and it has been submitted with the application. It also deals with Estate Management. The Residents Amenities will remain in the ownership of the Estate Management Company. It is acknowledged that the maintenance of the development, which contains a mix of new build and refurbishment, including a Protected Structure, will require more upkeep than a standard new build development.

8.0 **Third Party Submissions**

8.1. Twelve number third party submission received, the list of names for submissions is attached as appendix to this report, they are collectively summarised under the following headings:

Residential Amenity

- Negative overbearing impact upon residents of Mount Drummond Square.
- Diminish natural light
- Overshadowing of gardens and properties.
- Block F is set back 7.042 meters at the closest point from the boundary wall to Mount Drummond Square rear gardens.
- Size and scale (6th Floor) inappropriate, proposal will exacerbate overshadowing of dwellings at Mount Drummond Square during spring to summer months
- Height) and its impact by way of overshadowing was a concern in earlier planning applications on this site. While the Boards Inspector in the case of Reg. Ref. 4040/17 ABP 301835 considered the 5th floor should be removed from Blocks D and F, this condition was removed by the Board in the final order.
- Cumulative negative impact of the permitted and the additional proposed development (6th Floor) on the residential amenity of a number of homes in Mount Drummond Square.
- In particular, the additional floor proposed on Block F and G should be omitted due to overshadowing, overbearing and overlooking impact.
- Additional 6th floor is entirely unacceptable.
- Loss of privacy – overlooking
- Precedent set in the area to protect existing residential amenity on Briargate and Garavagh developments should be observed here.
- Design of the development, configuration of windows and height would adversely overlook existing dwellings in Mount Drummond Square and Leinster Park.
- Cumulative impact on residential amenity of the overall development has not been considered.
- The proposed development does not comply with day light standards.
- Substandard development should not be allowed to facilitate excessive heights

- BRE Guidelines apply to all development and should not be allowed to be ignored.

Visual Amenity

- 6th floor height is unacceptable
- Totally out of character with the surrounding area.
- No other examples of six floor housing units beside two storey houses in the area.
- Western elevation of Block G presents a blank façade to the street.
- Inappropriate scale and incongruous development form as viewed from Harold's Cross Road.
- The proposal is not responding to the local built environment and detracts from urban neighbourhood.
- Trees along the southern boundary have been removed / have not been provided to prevent overlooking and protect privacy as proposed.
- Landscape and visual impact assessment is not available on the website for viewing.
- Visual Impact of the proposal is substandard and inadequate.

Lan Use Zoning

- Transitional zone and the height is inappropriate to the rear of the site where it adjoins existing traditional two storey residential area.
- Unacceptable abrupt transition that conflicts with the Development Plan.

EIAR

- The need for EIAR has not been given appropriate consideration.
- Piecemeal development unacceptable.
- Impact of the development upon human health
- The dwellings of surrounding residents are demonstrable sensitive environmental features.
- The impact of 248 units needs to be assessed and not just the up lift of 28 units.

Excessive Density

- 145 units / ha is city centre density.
- The density is not justified in terms of public transport available.
- Developer is clearly seeking to maximise profit.

Traffic / Car Parking

- There is a need for an assessment of the cumulative impact of the overall development on traffic.
- Negative impact upon car parking in the area.
- Negative knock on effect to wider area from under provision of car parking.

Material Contravention

- No policy basis that the significant increase in building height can be justified.
- No basis in law to allow An Bord Pleanála to permit a material contravention
- Section 37 (2) (b) relates to an appeal regarding a planning authority refusal. This is not an appeal against a refusal by a p.a.

9.0 Planning Authority Submission

9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 16th December 2019. The report may be summarised as follows:

9.2. Appendix A

Summary of the chief Executive and Departmental Reports

The report concludes that on the basis of the information received it is considered that the proposed development for alterations to the previously permitted development Reg. Ref, 2186/15 / PL29S.245164 is considered acceptable.

9.3. Appendix B

Summary of the South East Area Committee Meeting. Concerns expressed.

9.4. **Summary of Inter-Departmental Reports**

Roads and Traffic Division: Report received it recommends a grant of permission subject to 11 no. conditions.

Drainage: No objections subject to conditions.

Parks and Landscape Services: No objections subject to conditions.

Housing Section: Report received dated 24.10.2019 and indicates no objection to a grant of permission. Standard condition requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act 2000 (as amended) prior to commencement.

9.5. **Summary of Planning Assessment:**

- The proposed density on the site with the additional 28 units works out at c. 145 units per hectare. It is considered that the density proposed is appropriate given the context of the site in addition to Development plan and National policy in relation to increasing densities.
- It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly large town and cities.
- Although Development plan policy indicates heights of up to 16m, new national policy on building heights do allow for consideration of increased building heights.
- The p.a. have no objection in principle to the height of 19.615 as indicated on the drawings, having regard to the building height guidelines and location of the site on a major corridor into the city and also to the height already permitted on the site.
- The proposal is assessed in terms of:
 - Design, scale, visual impact
 - Impact on amenity of adjacent residential development.
 - Residential amenity / quality / standards
 - Open Space

- Impact upon Protected Structures
- Part V
- Flood Risk
- AA
- EIA

9.6. **Grant Recommended**

The planning authority recommends that permission be granted subject to 12 no. conditions.

10.0 **Prescribed Bodies**

10.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- National Transport Authority
- Department of Culture, Heritage and the Gaeltacht
- An Taisce
- Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- Dublin City Childcare Committee

10.2. **SUMMARY OF PRESCRIBED BODY REPORTS:**

Irish Water: Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

11.0 Oral Hearing Request

None requested.

12.0 Assessment

12.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- **Site Zoning and Principle of the Development**
- **Residential Mix, Density and Design**
- **Visual Amenity**
- **Residential Amenity**
- **Landscape and Open Space**
- **Transportation and Carparking**
- **Other Issues**
 - **Material Contravention**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

12.2. Site Zoning and Principle of the Development

12.2.1. Having regard to the nature and scale of development proposed, to amend an existing planning permission that is currently under construction, reference number ABP 301835-18 (Reg Ref 4040/17) and others refer. The development will entail the provision of 248 dwelling units in accordance with the definition of Strategic Housing Development, as defined by the Act under the definitions contained in section 3, as follows:

“strategic housing development” means—

a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,

(b) the development of student accommodation units which, when combined, contain 200 or more bed spaces, on land the zoning of which facilitates the provision of student accommodation or a mixture of student accommodation and other uses thereon,

(ba) development —

(i) consisting of shared accommodation units that, when combined, contain 200 or more bed spaces, and

(ii) on land the zoning of which facilitates the provision of shared accommodation or a mixture of shared accommodation thereon and its application for other uses,

(c) development that contains developments of the type to which all of the foregoing paragraphs, or any two of the foregoing paragraphs, apply, or

(d) the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) where the proposed alteration relates to development specified in paragraph (a), (b), (ba) or (c),

I am of the opinion, that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.2.2. In the Dublin City Development Plan 2016-2022 the northern half of the subject site is zoned Z12 with the southern portion of the lands zoned Z1.

12.2.3. The objective for Z1 lands is “to protect, provide and improve residential amenities”. Residential development is a permitted in principle use in the Z1 zone. The objective for Z12 lands is “to ensure existing environmental amenities are protected in the predominantly residential future use of these lands”. Residential is a permitted in principle use in Z12 lands.

12.2.4. The principle of residential development on this site has been established by a number of previous applications on the site. The proposed development consists of the alteration of Blocks E, F, and G, currently under construction.

- 7 No. additional units on Block E,
- 9 No. additional units on Block F and

- 12 No. additional units on Block G.

12.2.5. Block E was previously permitted as 5 storey in height. Block F was previously permitted as part 3, 4 and 5 storey in height. Block G was previously permitted as 5 storeys in height. There were 169 units permitted in these blocks, with a ground floor creche (254.4 sq. m) in Block G.

12.2.6. The additional units will be provided for by way of an additional storey or part storey, thus giving rise to consequential modifications to the permitted development.

12.2.7. A detailed description of the development proposal is set out in section 3.0 of this report above. The revised proposals consist of:

- Block E shall be part 5 and part 6 storeys. It shall include 72 no. apartments (16 no. 1 bed, 39 no. 2 bed, and 17 no. 3 bed units).
- Block F shall be part 4, part 5, and part 6 storeys and shall include 57 no. apartments (13 no. 1 bed, 38 no. 2 bed, and 6 no. 3 bed units).
- Block G shall be 6 storeys in height. It shall include 68 no. apartments, with 12 no. 1 bed, 46 no. 2 bed, and 10 no. 3 bed units. It shall also include ground floor creche.

12.2.8. The total no. of units in Blocks E, F, and G will increase from 169 to 197. The proposed alterations will result in an overall increase of 28 no. additional units, increasing the total number of units permitted under DCC Reg. Ref. 2186/15 (An Bord Pleanála Ref: PL 29S.245164), and as amended by DCC Reg. Ref. 2825/17 (An Bord Pleanála Ref. 300031 -17), DCC Reg. Ref. 3781/17 (An Bord Pleanála Ref. 301600 -18), DCC Reg. Ref. 4040/17 (An Bord Pleanála Ref. 301835-18) and DCC Reg. Ref. 4544/17, from 220 no. to 248 no. units.

12.3. The proposed development, as set out in this application, seeks to achieve greater height and density. It is submitted that It is a national policy objective to increase heights and densities in appropriate urban locations adjacent to quality public transport routes. The proposed development is located in an existing and established urban area. The subject site is also located along one of the major arterial routes into the city centre and is located within an existing urban area well

served by amenities such as Harold's Cross Park, a quality bus service and the proposed BusConnects route. The proposed development therefore is in accordance with National Policy objectives to increase residential density and building heights at such locations.

12.3.1. Overall, I agree with the planning authority and the applicant that the proposed development is in compliance with the zoning objectives for the area, as set out in the operative Dublin City Development Plan 2016-2022 and national planning guidance and is therefore acceptable in principle at this location.

12.4. Residential Mix, Density, Height

- 12.4.1. Third party concern is raised with respect to over densification / intensification on the site and to the 6th storey height proposed in the context of the sites setting adjoining two storey residential dwellings in Mount Drummond Square and Leinster Park.
- 12.4.2. The density is 146 units per hectare and the proposal has a stated plot ratio of 1.46. As stated above the principle of residential development has been established on this site. This application sets to increase the number of units on the site to 248 i.e. an additional 28 units. The uplift in the number of units is considered appropriate and acceptable in terms of sustainable use of zoned lands, services and viability of public transport. Dublin city Development Plan (DCDP) plot ratio standard is 0.5 – 2.0. The proposal is within this development plan standard and the planning authority has no objection to same.
- 12.4.3. Section 3.0 of this report above sets out Development Standards, Break Down of Units, Unit Mix, Building Height,
- 12.4.4. The applicant has proposed 41 no. 1 bed units (21%), 123 no. 2 bed units (62%) and 33 no. 3 bed (17%). It is noted that the housing mix proposed is in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically SPPR1 which allows for the inclusion of up to 50% one-bedroom apartments in a scheme and no minimum requirement for apartments with three or more bedrooms. In this regard I consider that the mix proposed adheres to the guidelines and is acceptable.
- 12.4.5. The permitted development ranges in height from 3 no. storeys to 5 no. storeys. This application seeks to replace the permitted 5 storey and part 5 storey Blocks E, F,

and G, with blocks which reach a maximum height of 6 storeys and part 6 storeys. All three blocks are increasing in height from 16m to 19.615m.

- 12.4.6. The height of replacement Block F steps down to 4 and 5 no. storeys on the eastern, boundary to respect the existing 2 no. storey residential properties in Mount Drummond Square. It remains at 5 no. storeys on the western side of replacement Block E to respect the adjoining Protected Structure and memorial garden. The development increases to 6 no. storeys fronting the internal courtyard.
- 12.4.7. The proposed maximum heights of 19.615m exceed the building height as set out in the development plan. However, given the context of the proposed development and the location of the subject site adjacent to quality public transport services it is considered that the proposed development is capable of achieving greater heights at this location. The matter of material contravention is dealt with separately in a succeeding section of this report.
- 12.4.8. The recently adopted national policy in the form of The Urban Development and Building Height Guidelines for Planning Authorities (Dec 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and larger towns. Building height is identified as an important mechanism to delivering compact urban growth. Specific Planning Policy Requirements (SPPRs) of the recently published height guidelines take precedence over any conflicting policies, and objectives of the Dublin City Development Plan.
- 12.4.9. The building height proposed has been considered in detail in the p.a.'s submitted report and cognisance being had to precedent set in the area, planning history and planning policy both nationally and locally, the p.a. considered that the height is acceptable.
- 12.4.10. While height objections from third parties living in the immediate area are noted I have no objection in principle to the proposed increase in height of 19.615m as indicated on the drawings, having regard to the Guidelines, the location of the site on a major corridor into the city and also to the height already permitted on the site.

The increased height is positioned to have minimal effect on the amenity of surrounding buildings / dwellings.

12.5. Visual Amenity

12.5.1. A simple palate of materials is proposed using buff brick, fibre cement cladding and metal panels as the principle materials on all facades. I am of the opinion that the proposed buildings are of high quality and well designed. An Architectural Design Statement and a Landscape and Visual Assessment has been submitted as part of the application in addition to the planning report. Views of the buildings from public roads in the immediate vicinity as well as wider views are indicated. The proposed additional floors will not be visible along Harold's Cross Road but will be most visible from the residential area of two storey houses in Mount Drummond Square. There is no change to levels across the site. I consider that the visual impact of the proposed development is acceptable. The CGI's, photomontages and visual impact assessment submitted with the planning application indicates that the impact of the proposal on the area will be neutral and that the development will not have a negative visual impact upon amenities of the wider area.

12.6. Residential Amenity

- 12.6.1. 'A Statement of Consistency' has been submitted it specifies that replacement Blocks E, F, and G provide for a mix of 41 no. 1 bed units, 123 no. 2 bed units, and 33 no. 3 bed units. The proposed apartments have been designed having regard to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, and storage.
- 12.6.2. The permitted development provides for in excess of 8,000 sq. m. of communal space in a combination of internal and external areas including a landscaped courtyard, and other open spaces located around each of the apartment blocks, gym, meeting rooms, multi-function room, residents' lounge, concierge and resident reception. The provision of communal space is therefore in excess of the requirements as set out in the Apartment Guidelines.

- 12.6.3. All of the residential units in replacement Blocks E, F, and G contain private open space in the form of terraces or balconies, however, in certain circumstances and to avoid overlooking of existing residential properties to the east of the site, balconies have been set back into the building. The proposed development in this instance provides for a variety of communal internal and external spaces which are in excess of the Apartment Guidelines minimum standards.
- 12.6.4. The orientation of the proposed development has been designed to ensure that the vast majority (97.3%) of the proposed units achieve adequate levels of daylight/sunlight throughout the year. Only 42% of the proposed units are single aspect with 58% dual or triple aspect, which is above the 33% requirement set out in the Apartment Guidelines.
- 12.6.5. I consider that the overall form of the scheme has been designed to be respectful to its local surroundings and in particular the residential amenities of the surrounding properties.
- 12.6.6. A daylight / sunlight assessment was prepared by O'Connor Sutton Cronin & Associates to accompany this application. The daylight / sunlight analysis tested the sunlight received in the amenity space provided in the development. It also analysed the daylight levels within the living and bedroom areas of selected apartment, and any potential impact the proposed alteration may have on adjacent properties.
- 12.6.7. The report concludes that in accordance with the BRE Guidelines, on the 21st March, that the proposed development (replacement Blocks E, F, and G) would not have a significant additional level of impact over the permitted scheme on the sunlight received in the rear gardens of the existing neighbouring dwellings surrounding the site along Mount Drummond Square. Minimal impact in relation to sunlight would arise as compared to the permitted development.
- 12.6.8. An internal analysis of various rooms within the proposed development was also carried out. The results indicate that the majority of rooms meet or exceed BRE recommendations, with ADF compliance of 97.3%. Some rooms do not fully meet the BRE requirements. It is argued that the BRE Guidelines are in fact guidelines and are not minimum standards for development. That the guidelines are in place to suggest the optimum light values within a specific room, they are not intended to

suggest that failure to comply with this would not result in an attractive residential unit.

12.6.9. In addition, the apartment guidelines 2018 note that “in assessing development proposals, planning authorities must however weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development”.

12.6.10. It is noted that while some of the proposed units do not fully meet the BRE Guidelines, the design of the units have been considered in order to provide for appropriate design solutions such as increased glazing on the elevations, maximising dual orientation and reducing balcony depths in order to increase the levels of light into the units.

12.6.11. The proposed development is surrounded by existing residential properties to the south (Leinster Park) and to the north east (Saint Clare’s Convent National School) to the east of the subject site (Mount Drummond Square). It is submitted that the proposed development has regard to overbearing and overlooking impacts on the surrounding existing properties. In this regard the proposed development has been designed to ensure appropriate separation distances are provided.

12.6.12. Along the north eastern boundary of the development, the permitted Block E is 5 storeys in height and 3,180mm from the site boundary. A separation distance of a minimum of 22,660mm is provided between Block E and the adjacent St. Clare’s Convent National School. The replacement Block E will be part 5 and part 6 storeys, with no change to separation distances proposed.

12.6.13. There is no change to the position of Block F and separation distances to dwellings in Mount Drummond Square. There is a minimum separation distance of 22.23m. The 6th floor is stepped away from the eastern boundary. The proposed treatment along this boundary has regard to the potential overlooking impact of the development on the dwellings in Mount Drummond Square. In this regard, the provision of balconies have been designed to avoid overlooking the existing residential dwellings. In addition, the majority of balconies along the eastern elevation of replacement Block F have been set back into the building envelope.

- 12.6.14. To the south of the site, a separation distance of c. 11.7m is permitted between Block F and the residential dwelling at no. 29 Leinster Park. It is not proposed to alter this separation distance. The separation distance proposed is sufficient as to not create any overlooking or overbearing impacts to the existing residential units.
- 12.6.15. A drawing has been prepared by BKD Architects, and submitted, which sets out the relationship of the proposed Blocks E, F and G with adjoining property (6162-D-PL048).
- 12.6.16. Having considered the analysis submitted I am of the opinion that the proposed amendments has no further overshadowing, overlooking or overbearing impact when compared to the currently permitted storey heights. Also that the design of the development ensures that levels of daylight and sunlight within the development have been safeguarded and the impact to adjacent properties is negligible when compared to the currently permitted scheme. Overall it is considered that the development will not have a significant undue adverse impact on the amenity of the adjoining area.

12.7. Landscape and Open Space

- 12.7.1. There is no alteration proposed to the quality and quantum of hard and soft landscaping and open space provision within the subject site. The permitted development provides for in excess of 8,000 sq. m. of communal space in a combination of internal and external areas including a large internal landscaped courtyard, and other open spaces located around each of the apartment blocks. The provision of communal space is excess of the requirements as set out in the Apartment Guidelines and the Development Plan for Z 12 zoned lands.
- 12.7.2. I note that the p.a. is of the opinion that there is enough open space on the site to accommodate the additional 28 apartments.
- 12.7.3. The layout and orientation of the scheme has been designed to have regard to aspect and views and ensure dwellings and areas of open space achieve light throughout the day. The permitted development provides for significant improvements to the public realm and pedestrian accessibility to the site, therefore creating a people friendly environment of streets and spaces. The proposed

development will also provide for high quality ground floor residential units with large windows and terraces, which will provide passive surveillance, thereby creating attractive and friendly spaces.

12.7.4. The provision of communal areas overlooking the courtyard areas will ensure a safe and secure environment is maintained within the outdoor space. This will ensure a safe and enjoyable environment for the future residents.

12.7.5. I consider the level and quality of landscaping and public open space proposed is appropriate and acceptable.

12.8. Transportation and Carparking

12.8.1. The subject site is located in Category Zone 3 in relation to car parking which requires the following spaces for residential use listed below (Source Table 16.1 Dublin City Development Plan 2016-2022;

Use	Car Parking Requirement (Maximum)
Residential	1.5 per dwelling

12.8.2. In terms of bicycle parking, Table 16.2 of the Dublin City Development Plan 2016-2022 sets out the following cycle parking standards in accordance with the different land uses.

Use	Cycle Spaces
Residential	1 per dwelling

12.8.3. The Apartment Guidelines 2018 also set out specific requirements for car and cycle parking. In relation to carparking, it states that; "In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances."

- 12.8.4. It is submitted that a compliance submission was agreed in February 2017 to amend the basement to provide for 155 no. car parking spaces to reflect the condition of grant of permission by An Bord Pleanála. DCC Reg. Ref. 2825/17 increased the number of car parking spaces to 160 no.
- 12.8.5. There is no amendment proposed to the permitted car parking on this site. The number of car parking spaces proposed remains at 160 no. as per the planning application Reg. Ref. 2825/17 at further information stage. The car parking spaces are provided at basement level. Car club spaces are also provided within the development and have been increased from 3 spaces to 4 spaces. The car parking provision is therefore provided at a rate of 0.65:1 spaces per dwelling. The Traffic Impact and Parking Strategy Report submitted with this application sets out the rationale for car parking provision on site. It notes that the subject development is located along a bus corridor with frequent service into the city centre. In addition, the proposed development is located only circa 2.5km from the city which is considered an acceptable walking / cycle distance.
- 12.8.6. 283 no. secure bicycle parking spaces, will be provided at basement level, to cater for the development, an increase of 57 on the already permitted 226.
- 12.8.7. I note that the Traffic Impact and Parking strategy document submitted with the application sets out a Site Traffic Management Plan (construction traffic) and also operational traffic management plan. The p.a. consider that the quantity of car parking to be provided is acceptable, subject to the implementation of the Mobility Management Plan and, in particular, the measures set out in the car parking strategy submitted. The statement of Consistency indicates that an on-site bike share scheme is proposed.
- 12.8.8. The development site may be defined as a Central Accessible Brownfield site, well placed to capitalise on existing and planned cycling and public transport infrastructure in the area. The subject site provides an opportunity to deliver a high quality sustainable residential development in a highly accessible location. Given the site's proximity to a high frequency bus corridor and within walking distance of the city centre, the cycle parking and car parking ratio is considered acceptable.

13.0 Other matters

Material Contravention Issue

- 13.1.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022.”
- 13.1.2. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- 13.1.3. Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location.
- 13.1.4. The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.
- 13.1.5. The planning authority do not state that the proposed development is a material contravention of the DCDP 2016 – 2022 and have clearly stated in their report that the recently published height guidelines take precedence over any conflicting policies and objectives of the DCDP.
- 13.1.6. Should the Board, however, determine that 6 floors up to 19.615 m in height is appropriate on this site, they should consider that this may materially contravene Policy SC16 , Section 4.5.4.1 and Section 16.7.2 of the DCDP 2016 – 2022 which indicates that there is not a maximum height stipulated on the application site; therefore the building height policy for this area of the city in the Development Plan is up to a maximum of 16 meters.
- 13.1.7. In such circumstances, section 37 (2)(b) of the 2000 Act is relevant, it states that the Board may only grant permission where it is considered that:
- i. The proposed development is of strategic or national importance,
 - ii. There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
 - iii. Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy

directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

iv. Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

13.1.8. Regard being had to the foregoing, I am of the opinion, that exemptions set out in Section 37 (2)(b) (iii) could be relied upon in this instance. The newspaper notice states that the application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37 (2) (b) of the Planning and Development Act 2000, as amended.

13.2. Environmental Impact Assessment

13.2.1. EIA is not mandatory for the proposed project and I do not consider that there is a sub-threshold requirement. The Environmental Impact Assessment Screening Report is noted and considered acceptable. The report concluded that the requirement of an EIAR is not required in respect of the proposed development as it is sub threshold.

13.2.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, 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.

13.3. Appropriate Assessment (AA)

- 13.3.1. An Appropriate Assessment Screening Report has been prepared by Altemar Consultants. The AA Screening report concludes that significant effects to the Natura 2000 network are not likely to arise, either alone or in combination with other plans or projects.
- 13.3.2. The AA screening report states “We can confirm that the proposed modifications outlined within this application involve no changes to the overall drainage design as per the permitted development. The number and location of connections to the public drainage networks, both foul and storm, remain as per the permitted development. With respect to storm drainage, the proposals are for additional height of development only and so have no impact on total hardstanding area. As a result, the overall storm water run-off will not increase and be attenuated and treated in accordance with the permitted development storm drainage design. The additional foul flow from the development as a result of the additional 28 no. units is considered to be negligible. As per Irish Water requirements, the permitted development is to be served by a 225mm diameter foul connection to the public network which has a capacity of 35 litres/sec. The proposed development with the additional 28 no. units will have a calculated foul design flow of 8.3 litres/sec. As a result, the permitted design has more than sufficient capacity to cater for the proposed additional units”
- 13.3.3. Based on discussions with OCSC, the combined sewer terminates at Ringsend Waste Water Treatment Plant (WWTP). The Ringsend WWTP has just been granted permission under section 37G of the Planning and Development Act 2000 (Board Order ABP-301798-18), 10-year permission for development comprising revisions and alterations to the existing and permitted development at the Ringsend Wastewater Treatment Plant and for a new Regional Biosolids Storage Facility, being two components of an integrated wastewater treatment facility. These works will bring the capacity of the Wastewater Treatment Plant from its current 1.9 million PE to 2.4 million PE.
- 13.3.4. A total of 14 Natura 2000 sites were identified within the AA Screening Report with potential of hydrological connection to the proposed development. See Table 8.

Table 8. Natura 2000 sites

Site Code	Name	Distance
IE0000210	South Dublin Bay SAC	4.8 km
IE0000206	North Dublin Bay SAC	8.1km
IE0002122	Wicklow Mountains SAC	9.5 km
IE0001209	Glenasmole Valley SAC	9.5 km
IE0003000	Rockabill to Dalkey Island SAC	12.5 km
IE0000199	Baldoyle Bay SAC	12.9 km
IE0000202	Howth Head SAC	13.7 km
IE00001398	Rye Water Valley/Carlton SAC	14.7 km
IE001209	Knocksink Wood SAC	13.3km
IE0004024	South Dublin Bay and River Tolka Estuary SPA	4.6 km
IE0004006	North Bull Island SPA	7.6 km
IE004040	Wicklow Mountains SPA	9.8 km
IE0004016	Baldoyle Bay SPA	12.9 km
IE0004172	Dalkey Islands SPA	13.5 km

South Dublin Bay SAC

Conservation Objectives: To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets:

- The permanent habitat area is stable or increasing, subject to natural processes.
- Maintain the extent of the *Zostera* –dominated community, subject to natural processes.
- Conserve the high quality of the *Zostera* –dominated community, subject to natural processes
- Conserve the following community type in a natural condition:
- Fine sands with *Angulus tenuis* community complex.

Feature of Interest

- Mudflats and sandflats not covered by seawater at low tide

North Dublin Bay SAC

Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Features of Interest

- 1140 Mudflats and sandflats not covered by seawater at low tide

- 1210 Annual vegetation of drift lines
- 1310 Salicornia and other annuals colonising mud and sand
- 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- 1395 Petalwort *Petalophyllum ralfsii*
- 1410 Mediterranean salt meadows (*Juncetalia maritimi*)
- 2110 Embryonic shifting dunes
- 2120 Shifting dunes along the shoreline with *Ammophila arenaria*(white dunes)
- 2130 Fixed coastal dunes with herbaceous vegetation
- 2190 Humid dune slacks

Wicklow Mountains SAC

Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Qualifying Interests

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
- Natural dystrophic lakes and ponds
- Northern Atlantic wet heaths with *Erica tetralix*
- European dry heaths
- Alpine and Boreal heaths
- Calaminarian grasslands of the *Violetalia calaminariae*
- Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)
- Blanket bogs (* if active bog)
- Siliceous scree of the montane to snow levels

Glenasmole Valley SAC

Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Qualifying Interests

- 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco Brometalia*) (* important orchid sites)
- 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- 7220 Petrifying springs with tufa formation (Cratoneurion)

Rockabill to Dalkey Island SAC

Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests

- Reefs
- Harbour porpoise *Phocoena phocoena*

Baldoyle Bay SAC

Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests

- Salicornia and other annuals colonising mud and sand (1310)
- Atlantic salt meadows (*Glauco - Puccinellietalia maritimae*) (1330)

- Mediterranean salt meadows (*Juncetalia maritimi*)(MSM) (1410)
- The following habitats were recorded during the Coastal Monitoring Project (Ryle *et al.*, 2009) but they are not listed in the qualifying interests for the site:
- Annual vegetation of drift lines (1210)
- Embryonic shifting dunes (2110)
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) (2120)
- Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130)
- Humid dune slacks (2190)

Howth Head SAC

Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests

- (1230) Vegetated sea cliffs of the Atlantic and Baltic coasts
- (4030) European dry heaths

Rye Water Valley/Carnton SAC

Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:

Qualifying Interests

- 7220 Petrifying springs with tufa formation (*Cratoneurion*)*
- 1014 Narrow-mouthed Whorl Snail (*Vertigo angustior*)
- 1016 Desmoulin's Whorl Snail (*Vertigo moulinsiana*)

Knocksink Wood SAC

Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected

Features of Interest

- Petrifying springs with tufa formation (*Cratoneurion*)

- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)

13.3.5. The proposed development is not situated within or adjacent to a Natura 2000 site. No Annex species or habitats were noted on the site or in its immediate environs. The proposed site is located in a suburban environment 4.6 km from the nearest Natura 2000 site. Watercourses and surface runoff are seen as the main potential pathway for impacts on Natura 2000 sites. However, the site is not proximate to and does not have a direct pathway to watercourses that could act as potential vectors for impact on Natura 2000 sites. There is no direct hydrological pathway from the proposed development site a Natura 2000 site. There is an indirect pathway to Ringsend WWTP. Foul water from the development will be processed in the Ringsend Treatment works.

13.3.6. No Natura 2000 sites are within the zone of influence of this development. Taking into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface runoff, it is concluded that this development that would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites.

13.3.7. I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

13.3.8. AA Screening Conclusion

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites: Glenasmole Valley SAC, Wicklow Mountains SAC, Rye Water Valley/Carton SAC, South Dublin Bay SAC,

North Dublin Bay SAC, Knocksink Wood SAC, Wicklow Mountains SPA, South Dublin Bay and River Tolka Estuary SPA, Howth Head SAC, Baldoyle Bay SAC/SPA or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommendation

14.1.1. I recommend that permission be **granted** for the proposed development subject to the following conditions:

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st day of October 2019 by St. Clare's GP3 Limited of Heritage House, 23 St. Stephens Green, Dublin 2.

Proposed Development:

A planning permission for strategic housing development on a site of 1.7 hectares at St. Clare's Convent and No.'s 115 -119 Harold's Cross Road, Harold's Cross Road, Harold's Cross, Dublin 6. The site is bounded to the north by residential dwellings that front onto Harold's Cross Road and to the north east by St. Clare's National School. To the east and south east, the site adjoins a residential area of two storey terraced dwellings in Mount Drummond Square. To the south, the site adjoins another residential development, Leinster Park. The area to the west of the site comprises of the boundary with Harold's Cross Road and an existing residential development, known as Parkview. The surrounding area is made up of a mix of building styles, of various dates and character.

The proposed development will consist of the alteration of Blocks E, F, and G, currently under construction.

- Block E shall be part 5 and part 6 storeys. It shall include 72 no. apartments (16 no. 1 bed, 39 no. 2 bed, and 17 no. 3 bed units).
- Block F shall be part 4, part 5, and part 6 storeys and shall include 57 no. apartments (13 no. 1 bed, 38 no. 2 bed, and 6 no. 3 bed units).
- Block G shall be 6 storeys in height. It shall include 68 no. apartments, with 12 no. 1 bed, 46 no. 2 bed, and 10 no. 3 bed units.

The total number of units proposed under this application is 197. The total no. of apartment units on site, including permitted Blocks A, B, C, D, J1, and J2, will increase from 220 no. to 248 no.

- 15.1.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022.”
- 15.1.2. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development. This is stated in the Newspaper Notice.
- 15.1.3. Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location.
- 15.1.4. The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered by the applicant that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.

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.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location on lands with zoning objective 'Z1' for 'Sustainable Residential Neighbourhoods' with the objective 'to protect, provide and improve residential amenities' and also with zoning objective 'Z12' with the objective 'to ensure existing environmental amenities are protected in the predominantly residential future use of these lands' as per the statutory Dublin City Development Plan 2016-2022:
- (b) the sites setting in a 'Central Accessible Location' within c. 2.5 Km of Dublin City Centre, proximity to high quality public transport links and also the proximity of the site with regard to cycling and walking distances to economic and social amenities.
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan and appendices contained therein, and National Planning Guidance.
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),

- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018,
- (i) to Section 37 (2)(b) (iii) of the Planning and Development Act 2000, as amended
- (j) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (k) the nature, scale and design of the proposed development,
- (l) the pattern of existing and permitted development in the area and
- (m) to the submissions and observations received,
- (n) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for

Appropriate Assessment document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant 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 screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this zoned, central accessible location, which would, subject to condition, not seriously injure the visual amenity of the area, would, subject to condition, be acceptable in terms of urban design, height and quantum of development and would, subject to

condition, be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

1. The 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 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 comply with the terms and conditions governing the overall site under Reg. Ref. 2186/15 / PL29S.245164, unless modified or otherwise required by this grant of planning permission or any conditions contained in this schedule.

Reason: In the interest of orderly development and clarity.

3. (a) The site shall be landscaped in accordance with the submitted scheme of landscaping. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

(b) Where feasible the planting of native pollinator friendly species of plants and trees shall be incorporated into the landscape plan.

(c) Prior to construction of the proposed development the route of pedestrian access from Harold's Cross Road to the scheme's public open space shall be submitted for the written agreement of the planning authority.

(d) Prior to construction, inclusive of section drawings, the potential to retain T932 (Betula Utilis) shall be submitted to the planning authority for approval. The tree to be retained as per the Tree Impacts and Protection Plan (July 2019) shall be adequately protected during the period of construction as per BS 5837, with no construction work or storage carried out within its canopy or root zone.

(e) Prior to construction a photographic record of the implemented tree protection measures shall be submitted for written agreement of the planning authority.

Reason: In the interest of conservation, residential and visual amenity.

4. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

5. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. Each apartment shall be used as a single dwelling unit, only.

Reason: To prevent unauthorised development.

7. 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 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.

8. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interests of traffic safety and residential amenity.

9. The following revised details shall be submitted to and agreed in writing with the planning authority:

- (i) Within three months of the date of the decision, an updated Construction Management Plan prepared by the main contractor. This plan shall outline any updates and amendments to construction practice for the development, construction phasing and programme, the site traffic management plan including off-site traffic routing, hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.
- (ii) Within three months of the date of the decision, the applicant shall liaise with National Transport Authority and the relevant bodies for the relocation of the existing bus stop/shelter adjacent to the application site. A separate planning application shall be submitted for the proposed relocation of the bus stop/shelter. All costs associated with works shall be at the applicant's expense.
- (iii) Within six months of the date of the decision, any alterations to the public road including the provision of the proposed new entrance shall be agreed in writing with the planning authority. Details of the materials proposed in public areas shall be in accordance with the document Construction

Standards for Roads and Streets Works in Dublin City Council. All works on the public road shall be carried out at the expense of the applicant.

- (iv) Pedestrian priority design measures shall be provided at the basement access and the access road to the creche drop off area in order to facilitate pedestrian movement within the proposed development.
- (v) Road markings or signage etc. shall be provided at the proposed basement access ramp to communicate the 'shared surface' nature of the ramp to all users, specifically the drivers.
- (vi) Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties. 4 no. car parking spaces within the development shall be permanently allocated to Car Club use.
- (vii) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key / fob access shall be required to bicycle compounds. Cycle parking design shall allow both wheel and frame to be locked. 2 no. of sheltered and secure cycle spaces shall be allocated to creche staff and shower and changing facilities shall also be provided as part of the development.
- (viii) Prior to occupation of the development a full mobility management framework / plan shall be carried out for written agreement of the planning authority. Commitments made in the mobility management plan shall be fully adhered to.
- (ix) All costs incurred by the City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.
- (x) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of traffic and public safety.

10. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

11. 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.

12. (a) Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of development.

(b) During the construction phase 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.'

Reason: To protect the residential amenities of property in the vicinity.

13. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

16. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 occupation of the childcare facility full signage detail shall be submitted for the written approval of the planning authority.

Reason: In the interest of visual amenity.

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, 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.

19. 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 or maintenance 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 and maintenance of the development until taken in charge.

Fiona Fair

Planning Inspector

27.01. 2020

Decision Quashed

APPENDIX A- List of submissions received

1. Anne Jennings
2. Anne Walsh
3. Breda Brown
4. Christine Kirwan & Others
5. Enda Berson
6. Harold's Cross Village Community Council
7. Irish Water
8. Mr & Mrs Neville Gough
9. Noeleen & James McCann
10. Norah Campbell
11. Paul Walsh
12. Shane Walsh & Derek Deely

Decision Quashed