



An
Bord
Pleanála

Board Direction
BD-003627-19
ABP-303803-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on the 17th of May 2019 and following the holding of a limited agenda oral hearing held on the 9th of July the Board held another meeting on 24/07/2019 at which the various submissions received, and the addendum report of the Inspector were also considered.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

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

- a) the policies and objectives in the South Dublin Development Plan 2016-2022;
- b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- d) the Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of the Environment, Community and Local Government in March 2018;
- e) the Urban Development and Buildings Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- f) nature, scale and design of the proposed development;

- g) the availability in the area of a wide range of social, community and transport infrastructure in particular the proximity of the Luas Stop to the site;
- h) the pattern of existing and permitted development in the area;
- i) submissions and observations received including the submissions made at the Oral Hearing 9 July 2019 and
- j) the Inspector's report,

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design and would be acceptable in terms of vehicular, pedestrian and aviation traffic. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 area, the Appropriate Assessment section of the Statement of Consistency and Planning Report 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 Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Assessment section of the Statement of Consistency and Planning 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.

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.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

Reason: In the interest of the proper planning and sustainable development of the area.

3. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the Planning Authority:

- (a) Details of the solar panels to be erected which shall also be forwarded to the Irish Air Corps and Irish Aviation Authority for agreement.
- (b) Details of landscaping, play equipment and play opportunities for children within the development site which shall be provided prior to first occupation of any residential unit.

Reason: In the interest of residential amenity of future occupants

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

Reason: In the interest of the visual amenities of the area.

5. 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.

6. Prior to commencement of development, the developer shall

- (a) Notify the Irish Aviation Authority – Safety Regulation Division 30 days in advance of erection of tower or mobile crane. All cranes used during construction shall be fitted with aviation warning lights. The lighting scheme shall be agreed with the Authority prior to installation.
- (b) Engage directly with the operator of Casement aerodrome to determine if obstacle lighting is required for the permanent structure and agree the exact requirements regarding any such lighting. The lighting shall be provided on the structure as required by the operator of the Casement Aerodrome.

Reason: In the interests of aviation and public safety

7 The Developer shall comply with the following:

- (a) The development shall comply with the Transport Infrastructure Ireland’s ‘Code of Engineering Practice for works on, near, or adjacent the Luas light rail system.
- (b) Luas tracks must be kept free of dirt or debris from the construction site at all times.
- (c) The developer shall apply for a works permit from the Luas Operator by virtue of the Light Railway (Regulations of Works (By-Laws 2004 (S.I. No. 101 of 2004) which regulates works occurring close to the Luas Infrastructure in accordance with Transport Infrastructure Ireland’s ‘Code of Engineering Practice for works on, near, or adjacent the Luas Light Rail System’. The following information shall be submitted for the written agreement of the Planning Authority with written approval by Transport Infrastructure Ireland
 - (I) Plans and details depicting OCS pole protection and safety distances;
 - (II) A demolition and construction method statement which shall resolve all Luas interface issues and shall (i) identify all Luas interface issues (ii) contain a risk assessment for works associated with the interfaces and (iii) provide mitigation measures for unacceptably high risks.
 - (III) A vibration and settlement monitoring regime for Luas track infrastructure shall be submitted for the written approval of the planning authority and Transport Infrastructure Ireland. This monitoring regime shall be

undertaken strictly in accordance with Transport Infrastructure Ireland's 'Code of Engineering Practice for works on, near, or adjacent the Luas Light Rail System' and shall contain inter alia the proposed regime operation and mitigation responses. The monitoring regime is required to ensure the track rail alignment remains within tolerance and shall be wholly carried out at the developer's expense.

(d) The Developer shall be required to retain or replant trees in accordance with the existing light rail landscape scheme. Prior to commencement of development, revised plans to complement and reinforce the public realm works including hard and soft landscaping shall be submitted for the written agreement of the planning authority and written approval of Transport Infrastructure Ireland.

Reason: To protect existing public transport infrastructure in the area

8 Proposals for a development name, and for residential unit /commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the Planning Authority. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

9 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.

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

Reason: In the interest of public health.

11. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority and Transport Infrastructure Ireland prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

13. 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.

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

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

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. The plan shall also identify measures to protect operational Luas infrastructure.

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

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

17. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

18 All basement car parking spaces to be provided within the development shall be provided with electric vehicle charging points. Details of how it is proposed to comply

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

Reason: To promote the use of sustainable transport.

19. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-rent Management Plan which demonstrates clearly how the proposed Build-to-rent scheme will operate.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area.

20 Prior to the commencement of development, the owner shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period.

Reason: In the interests of proper planning and sustainable development of the area.

21 Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

22 Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

23 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

24 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.

Board Member

Date: 24/07/2019

Paul Hyde