



An
Bord
Pleanála

Board Direction
BD-006452-20
ABP-306335-20

The submissions on this file and the Inspector's report were initially considered at a Board meeting held on 14/05/2020 and following the issue of a Section 132 Notice, the Board met again on 11/08/2020 to consider the response. The Board decided to circulate the response under Section 131 and subsequently met on 14/09/2020.

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 taking into account the revised details submitted by the applicant in response to the Section 132 request.

Reasons and Considerations

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

- a) the 'Urban Development and Building Heights Guidelines for Planning Authorities' issued by the Department of Housing, Planning and Local Government in December, 2018,
- b) the National Planning Framework,
- c) the Dublin City Development Plan, 2016-2022 (zoning objective Z5 - "to consolidate and facilitate the development of the central area and to identity, reinforce, strengthen and protect its civic design, character and dignity"),
- d) the George's Quay Local Area Plan 2012, which was extended to 2022 in June 2017,

- e) the existing character and pattern of development in the area and the city centre location of the site together with its proximity to public transportation infrastructure,
- f) plans and details included with the application and the appeal, and
- g) the layout, form, mass, height, materials, finishes, design detail, and the public realm provision and enhancements.
- h) the submissions on file
- i) the report of the inspector

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application, as superseded and/or amended by the plans and particulars submitted in response to the section 132 request on the 10th day of July, 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be carried out in accordance with the conditions attached to the parent permissions granted under planning register reference number 3036/16, An Bord Pleanála appeal reference number PL 29S.247907, planning register reference number 3637/17, An Bord Pleanála appeal reference number PL 29S.300709, planning register reference number 2415/19, planning register number 2907/19, An Bord Pleanála appeal reference number ABP 304950-19 and planning register number 3668/19, An

Bord Pleanála appeal reference number ABP 305652-19, except as amended in order to comply with the conditions attached to this permission.

Reason: In the interest of clarity.

3. Prior to commencement of development, the developer shall contact the Irish Aviation Authority to agree an aeronautical lighting scheme for the development and provide notification of intention to commence any crane operations with a minimum of 30 days' notice.

Reason: In the interest of health and safety and to ensure a satisfactory standard of development.

4. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, details regarding the lighting of the building at night.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, the developer shall submit, for the written agreement of the planning authority, details of a proposed covenant or legal agreement which confirms that the residential 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. The period of fifteen years shall be from the date of occupation of the first 'shared living units' within the scheme.

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

6. Prior to expiration of the 15-year period referred to in the covenant, the developer 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 Accommodation scheme. Any proposed amendment or deviation from the Build to Rent Accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

7. A total of 450 number cycle spaces shall be provided at basement level providing for key/fob access for the cycle compounds and wheel and frame locking. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. Prior to the commencement of development, details of the proposed loading bay arrangements for Poolbeg Street and Hawkins Street, which shall be provided, along with any other alterations to the road network which are required, at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority.

Details of all ground floor external seating areas shall be agreed in writing the planning authority prior to commencement of development.

Reason: In the interests of clarity and orderly development.

9. A minimum of 10% of all the commercial parking areas serving the development shall be provided with electric connection points to allow for functional electrical vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of design and signage for the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

10. The developer shall ascertain and comply with the requirements of the roads and traffic planning division of Transport Infrastructure Ireland and the operator of LUAS Cross City throughout the entirety of the demolition and construction stages to the satisfaction of the planning authority. All works shall be in accordance with the recommendations set out in the “Code of Practice for works on, near or adjacent to the LUAS Tramway”.

Reason: In the interests of clarity, safety and convenience.

11. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) 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 carpooling by occupants/staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 96(4) and 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 97(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 for the area.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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.

14. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Board Member

Date: 14/09/2020

Paul Hyde