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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2205/19**

**Appeal** by Larkmount Developments Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin against the decision made on the 1<sup>st</sup> day of April, 2019 by Dublin City Council to grant subject to conditions a permission to the said Larkmount Developments.

**Proposed Development:** Permission for a Build to Rent residential development on a site at Long's Place, Dublin 8. The application site has an area of circa 0.071 hectares and is bound by Long's Place to the east, C.B.S. James Street to the south and vacant lands to the north. The proposed development consists of the construction of an eight-storey (with single and two-storey element) building, with communal garden terrace, PV panels and plant at roof level. The building will accommodate 28 number Build to Rent units, comprising 21 number studio units and seven number one-bedroom units. Balconies are provided for the residential apartments on the north and east elevations. The development includes a ground floor gym for residents (70 square metres), a communal resource room (38 square metres), a lobby and concierge area, bin store and bike storage are also accommodated at ground floor level. A laundry room is proposed at second floor level. The total

GFA of the proposed building is 2,188 square metres. The development includes a total of 92 number bicycle parking spaces, landscaping, services, ESB substation, private and communal open space and all associated works, all at Long's Place, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **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**

Having regard to:

- (a) the Z5 zoning objective for the area: 'To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity', as set out in the Dublin City Development Plan, 2016 - 2022,
- (b) the Liberties Local Area Plan in which the Grand Canal Harbour area, in which the site is located, is designated as a 'significant redevelopment site',

- (c) The National Planning Framework issued by the Department of Housing Planning and Local Government according to which new residential development in cities should be directed into locations within the existing built-up serviced areas,
- (d) “Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March, 2018 in section 5 of which provision is made for ‘Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord’,
- (e) the design, form, height materials and finishes of the proposed development, the internal layout of the proposed residential units, and access to light, aspect and private open space provision. The extent and range of communal internal and external facilities and amenities available to residents and the established pattern and character of existing development in the area, and
- (f) the location within a well serviced, inner suburban area in close in proximity to the city centre, public transport facilities and a good local road network, and a wide range of community and social facilities,

it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with national strategic policy and local development policies and objectives for the area, as set out in the current Development Plan for the area, would not seriously injure the visual or residential amenities of the area, would not adversely affect the development potential of adjoining lands and would 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 particulars lodged with the application, as amended by the plans and particulars received by An Bord Pleanála on the 29<sup>th</sup> day of April, 2019, 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. Prior to commencement of development, 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.

3. 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” issued by the Department of Housing, Planning and Local Government in March, 2018 and shall be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

4. Prior to the commencement of development, the owner shall submit to, and agreed in writing with, 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 fifteen 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 apartments within the scheme.

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

5. Prior to expiration of the fifteen-year period referred to in the covenant, the owner shall submit to, and agree in writing with, 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 of clarity.

6. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme.

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

7. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development:
  - (a) Materials, colours and textures of all the external finishes which shall be low maintenance;
  - (b) Scaled drawings for the proposed balustrades and privacy screens for balconies to include details of materials, colours and finishes; and
  - (c) External lighting throughout the development.

**Reason:** In the interests of the visual and residential amenities of the area.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

9. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

**Reason:** In the interest of public health.

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. Communal waste storage areas for Phase 1 and for Phase 2 shall be designed and managed in accordance with an operational waste management plan which shall be submitted to, and agreed in writing with, with the planning authority. Waste materials shall be transferred to the designated surface level space on the day of collection only.

**Reason:** In the interests of residential and public amenities.

12. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.

**Reason:** In the interests of visual and residential amenities.

13. Arrangements for clearance and decontamination of the site and for construction of the development shall be managed in accordance with a Construction and Waste and Construction Traffic 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:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse, areas for construction site offices and staff facilities, site security fencing and hoardings, and on-site car parking facilities for site workers during construction;
- (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site, measures to obviate queuing of construction traffic on the adjoining road network, and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Noise levels shall comply with the standards in B.S. 5228: Noise Control on Construction and Open Sites Part 1 Code of Practice for Basic Information and procedures for noise control and shall not result in grounds for complaint as provided for in B.S. 4142. "Method for rating industrial noise affecting mixed residential and industrial areas";
- (d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;



- (f) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority; and
- (g) The plan shall be 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 interests of amenities, public health safety and the proper planning and sustainable development of the area.

- 14. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 landscaping plan, boundary treatment and external communal amenity space provision shall be fully implemented within the first planting season following completion of construction.

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

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

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

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.

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

**Dated this            day of            2019.**