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## **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 20th day of June 2019 by Glenveagh Living Limited care of Brady Shipman Martin, Canal House, Canal Road, Dublin 6.

#### **Proposed Development:**

A planning permission for strategic housing development on a site of 2.3 hectares at 1-4 East Road, Dublin 3. The site is bounded by East Road to the West, railway tracks to the South, Merchant's Square to the East and Teeling Way and Island Key Apartments to the North.

The proposed development will consist of:

1. Demolition of all existing structures on site and the construction of a mixed use development with a gross floor area of circa. 52,796 square metres (excluding below podium parking areas) set out in nine number blocks, over two separate podium, ranging in height from three to 15 storeys to accommodate 554 number apartments commercial/enterprise space, three number retail units, foodhub/café/exhibition space, residential tenant amenity, crèche and men's shed. The site will accommodate 241 number car parking spaces, 810 number bicycle parking spaces, storage, services and plant areas. Landscaping will include a new central public plaza and residential podium courtyards.

2. The nine number residential buildings range in height from three storeys to 15 storeys, (including podium and ground floor uses) with a total gross floor area of circa. 47,077 square metres (excluding ground floor uses and below podium parking but including residential cores below podium of 826.4 square metres) accommodating 554 number apartments comprising 72 studios, 202 number one-bed units, 232 number two-bed units and 48 number three-bed units. The residential buildings are arranged around a central public plaza (at ground level) and raised residential courtyards at podium level over ground level car-parking and other uses. Balconies and terraces to be provided on all elevations at all levels for each block. The breakdown of residential accommodation is as follows:

- Block A1 with gross floor area of circa. 5,398.2 square metres is a three to seven storey building (including podium and ground floor Level 0), including setbacks and balconies, accommodating 70 number units comprising 15 number studios, 37 number one-bed units, 8 number two-bed units and 10 number three-bed units.
- Block A2 with gross floor area of circa. 5,775.5 square metres is a four to seven storey building including setbacks and balconies, accommodating 69 number units comprising 15 number studios, 15 number one-bed units, 37 number two-bed units and two number three-bed units.
- Block A3 with gross floor area of circa 4,881.5 square metres is a four to seven storey building (including podium and ground floor Level 0), including setbacks and balconies, accommodating 56 number units comprising 21 number one-bed units and 35 number two-bed units.
- Block B1 with gross floor area of circa. 1,676.8 square metres is a three to four storey building (including podium and ground floor Level 0), including setbacks and balconies, accommodating 16 number units comprising five number one-bed units, five number two-bed units and six number three-bed units.
- Block B2 with gross floor area of circa. 3,266.2 square metres is a five to six storey building (including podium and ground floor Level 0), including

setbacks and balconies, accommodating 34 number units comprising 10 number one-bed units, 16 number two-bed units and eight number three-bed units.

- Block C1 with gross floor area of circa. 5,010.3 square metres is a six to eight storey building (including podium and ground floor Level 0), including setbacks and balconies, accommodating 58 number units comprising 24 number studios, four number one-bed units, eight number two-bed units and 22 number three-bed units.
  - Block C2 with gross floor area of circa. 7,230.5 square metres is a five to 10 storey building (including podium and ground floor Level 0), including setbacks and balconies, accommodating 85 number units comprising 11 number studios, 25 number one-bed units and 49 number two-bed units.
  - Block D1 with gross floor area of circa. 6,232.6 square metres is an eight-storey building (including podium and ground floor Level 0), including setbacks and balconies, accommodating 78 number units comprising seven number studios, 26 number on-bed units and 45 number two-bed units.
  - Block D2 with gross floor area of circa. 6,779 square metres is an eight to 15 storey building (including podium and ground floor Level 0), including setbacks and balconies, accommodating 88 number units comprising 59 number one-bed units and 29 number two-bed units.
  - Residential tenant amenity space is provided at ground level of Block C2 with a total floor area of 361.6 square metres. External residential courtyards are provided between Blocks A1-A2-A3-B1, D1:D2-C2 and C1-B2.
3. The residential buildings sit at podium level (Level 1) above ground level which contains residential car-parking, cycle parking, plant areas and ground floor uses. These ground floor uses include a crèche of circa. 539.9 square metres and three number retail units with a total floor area of 344.6 square metres, a foodhub/café/exhibition space of 680.8 square metres, enterprise space of 2,444.6 square metres, tenant amenity space of 361.6 square metres

and a men's shed of 91.8 square metres. Total gross floor area of proposed other uses is 4463.3 square metres.

4. The site is accessed from a relocated entrance off East Road, and the below podium car parking, split into two areas, accommodates 810 bicycle parking spaces, 241 car parking spaces, plant, ESB sub-stations, storage areas, waste storage areas and other associated facilities. The application includes for alterations to the existing road layout and junction on East Road.
5. The development also includes for a new centrally landscaped public plaza, which also incorporates surface car-parking and cycle parking. The proposed application includes all site landscaping works, green roofs, boundary treatments, lighting, servicing, signage, and associated and ancillary works, including site development works above and below ground.

## **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 close to Dublin city centre, within an established built-up area on lands with zoning objective Z14, which is to 'seek the social, economic

and physical development and/or rejuvenation of an area with mixed use, of which residential and “Z6” would be the predominant uses’ in the Dublin City Development Plan 2016-2022,

- (b) the policies set out in the Dublin City Development Plan 2016-2022,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (d) 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,
- (e) 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 2009,
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in 2018,
- (g) 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,
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018,
- (i) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area,
- (m) 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 of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) The submissions from the planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Biodiversity impacts mitigated by proposed landscaping strategy which will use mix of appropriate species that will attract feeding invertebrates; will ensure no further invasive species introduced; clearance of scrub outside of nesting period; bird nesting surveys be undertaken.
- Land, soils, geology and hydrogeology impacts to be mitigated by construction management measures including minimal removal of topsoil and subsoil, reuse of excess material within the site; assessment for possible contamination; management and maintenance of plant and machinery.
- Hydrology impacts to be mitigated by management of surface water run-off during construction; to attenuate surface water flow and avoid uncontrolled discharge of sediment; appropriate interceptor drainage and diversion of run-off. Operational impacts are to be mitigated by surface water attenuation to prevent flooding.
- Landscape (townscape) and visual impacts which will be mitigated by the establishment of solid perimeter fencing to restrict views into site during construction works; high quality landscaping proposals.
- Archaeological impacts which will be mitigated by archaeological monitoring of ground disturbance works.
- Air quality and climate impacts which will be mitigated by dust minimisation plan.
- Traffic and transportation impacts which will be mitigated by the management of construction traffic; mobility management plan; upgrading of East Road/Church Road/site access junction.
- Noise and vibration impacts which will be mitigated by adherence to requirements of relevant code of practice; location of compound away from noise sensitive locations; noise control techniques.
- Microclimate-wind impacts which will be mitigated by use of landscaping; provision of wind screens.
- Material Assets-Services impacts which will be mitigated by consultation with relevant service providers; final Construction Management Plan and Traffic

Management Plan to be implemented; service disruptions kept to a minimum.

- Material Assets-Waste impacts which will be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

## **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 suburban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would 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.

## **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. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:

The men's shed shall be made available for use by the residents of the development and the wider community. Any proposed change of use from men's shed shall be subject of a separate application for planning permission.

**Reason:** In the interest of ensuring adequate provision of community space.

- 3 Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interests of protecting the environment and public health.

4. 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.

5. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) The roads and traffic arrangements serving the site, including signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
- (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths

and corner radii.

- (c) Pedestrian crossing facilities shall be provided at all junctions.
- (d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) 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.
- (f) One car parking space per ten residential units shall have a functional electric vehicle charging point.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

- 6. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 three years of planting shall be replaced in the first planting season thereafter.

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

7. Security roller shutters, if installed, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

8. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of the amenities of the area/visual amenity.

9. Prior to the occupation of the ground floor units, the developer shall submit full details of the location and management of the area to be reserved for social, cultural, creative and artistic purposes. This area shall amount to five percent of the floor area of the permitted development and shall not include outdoor amenity space or childcare facility.

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

10. 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 amenity of property in the vicinity and the visual amenity of the area.

11. Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates, security barrier or security hut at the entrance to the development or within the development in a manner which would prevent pedestrian access between the areas identified above.

**Reason:** In the interest of social inclusion.

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

**Reason:** In the interest of visual amenity.

13. Site development and building works shall be carried only out 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.

14. 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.

15. 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 Owners' 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.

16. 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 interests of orderly development and the visual amenities of the area.

17. 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 carry out site testing and 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, in situ or by record, of any remains that may exist within the site

18. 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.

19. 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.

20. 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 a demolition management plan, together with details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

21. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the Irish Aviation Authority in relation to this development.

**Reason:** In the interest of safety.

22. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of Iarnród Éireann in relation to this development

**Reason:** In the interest of safety and to ensure an orderly form of development.

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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

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.

25. The developer shall pay to the planning authority a financial contribution in respect of extension of Luas Line C1 – Red Line Docklands Extension 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 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.



