



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 16th day of December 2019 by Ballymore RCP Development Services Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin.

Proposed Development:

A planning permission for a strategic housing development at a site circa 1.88 hectares, known as the Former Ormond Printworks site, at Ratoath Road and Hamilton View, Pelletstown, Dublin 11. The site is generally bounded by the Ratoath Road to the east; Royal Canal Park Phases II and III, including Spindrift Avenue, Hamilton Walk and Hamilton view to the west; the Royal Canal and permitted Royal Canal Greenway to the south; and the Tolka Valley Park to the north.

The proposed development will form Phase IV of Royal Canal Park and comprises a mixed-use (residential and commercial) scheme, including 435 number dwellings (218 number one-bed, 217 number two-bed apartments) and employment uses (circa 4,162 square metres), accommodated in five number buildings (Blocks A to E inclusive) ranging in height from 4 to 13 storeys and incorporating an undercroft level.

- Block A: 4 to 13 storeys, accommodating one number primary health care centre with a café (circa 2,364 square metres), four number own door office units (circa 304.5 square metres), one number pharmacy unit (circa 181 square metres), 130 number apartment units and residential amenity roof terraces at levels four and eight.
- Block B: eight storeys, accommodating five number own door office units (circa 346 square metres total), 83 number apartment units and residential amenity roof terrace at level eight.
- Block C: seven storeys, accommodating 48 number apartment units and residential amenity roof terrace at level seven.
- Block D: 7 to 13 storeys, accommodating one number fitness centre with a juice bar (circa 703 square metres), 96 number apartment units and residential amenity roof terrace at level seven.
- Block E: four to six storeys, accommodating two number own door office units (circa 262 square metres total), 78 number apartment units and residential amenity roof terrace at level four.

All apartments units provided with individual private balconies, terraces, patios or winter gardens, located on north, south, east and west elevations, communal amenity space immediately adjacent to the proposed buildings and ancillary residential reception/workspace amenity at western gateway (circa 427 square metres).

And all associated and ancillary site development and infrastructural works, hard and soft landscaping and boundary treatment works, including: two number new vehicular site entrances at Hamilton View. 242 number ancillary car parking spaces at undercroft level to serve the proposed residential and employment uses. In addition, 16 number on-street car parking spaces facilitating; car club, set down/loading, electric vehicle charging points, disabled parking and refuse collection area. 942 number bicycle parking spaces (total) at surface and undercroft levels. (Ancillary plant, bin storage, Electricity Supply Board substations). Public open space/three number plazas (circa 3,459 square metres total) at entrances to the scheme located at the north adjacent to the Ballyboggan Road and Ratoath Road junction, at the south adjacent to the Royal Canal, and at the west adjacent to Hamilton View.

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 a 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 Council Development Plan 2016-2022;
- (b) the policies and objectives in the Dublin City Council Development Plan 2016-2022;
- (c) the site's location within a Strategic Development and Regeneration Area (SDRA 3 Ashtown-Pelletstown);
- (d) the policies and objectives in the Ashtown-Pelletstown Local Area Plan;
- (e) objectives 3a, 3b, 11, 13 and 35 of the National Planning Framework;
- (f) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (g) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

- (h) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) 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;
- (j) 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;
- (k) the Childcare Facilities – Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in June 2001;
- (l) 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;
- (m) the Planning System and Flood Risk Management guidelines (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (n) the nature, scale and design of the proposed development;
- (o) the availability in the area of a range of social, community and transport infrastructure;
- (p) the submissions and observations received, and
- (q) 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 Natura 2000 Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening 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 Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that Chapter 14 of the report titled 'Planning Application Report and Statements of Consistency' 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 other 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 quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities 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.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Ashtown-Pelletstown Local Area Plan in relation to building height and residential unit mix and the Dublin City Development Plan 2016-2022 in relation to core strategy unit allocation for SDRA 3 and residential unit mix. The Board considers that, having regard to the provisions of section 37(2)(b)(i),(ii) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Local Area Plan and City Development Plan would be justified for the following reasons and considerations:

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to: the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended); its location within the 'Ashtown-Pelletstown' area identified as a strategic development area in the Dublin Metropolitan Area Strategic Plan (part of the Eastern & Midland Regional Assembly RSES 2019-2031); its location within an area designated as a Strategic Development and Regeneration Area (SDRA 3 – Ashtown-Pelletstown) in the Dublin City Development Plan 2016-2022, and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the

achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended):

The conflicting objectives between the Dublin City Development Plan 2016-2022 and the Ashtown-Pelletstown Local Area Plan in relation to building height objectives for the application site.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 3a, 3b, 11, 13 and 35), the 'Dublin Metropolitan Area Strategic Plan' (in particular the provisions relating to 'Ashtown-Pelletstown'), the 'Urban Development and Building Height Guidelines' (in particular section 3.2, SPPR 3 and SPPR 4), 'Sustainable Urban Housing: Design Standards for New Apartments' (in particular section 2.16-2.22 and SPPR 1) and the 'Guidelines for Sustainable Residential Developments in Urban Areas' issued 2009 (in particular section 5.8).

Conditions

1. The proposed 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, or as otherwise stipulated by conditions hereunder, and the proposed 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. (a) The proposed development shall be made available for occupation by the developer on a phased basis, such that not more than 300 number residential units, shall be made available prior to confirmation that there is capacity available in the Irish Water wastewater infrastructure to serve the remaining 135 number residential units.

(b) The final 135 number residential units shall not be made available for occupation by the developer, until such time as the planning authority provides written confirmation of capacity in the Irish Water wastewater infrastructure to serve those units.

Reason: In the interests of clarity and public health.

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

Reason: In the interest of public health.

4. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, detailed specifications for high performance/enhanced acoustic glazing to the apartments proposed in the south-west and south-east facing elevations of Block E and the south-west, south-east and north-east facing elevations in Block D.

Reason: To provide for an adequate standard of residential amenity for future occupants of the development having particular regard to the proximity of some residential units to an Irish Rail compound to the south of the site.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

6. 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.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

8. Proposals for a development name, office/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. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 196 number clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

10. Prior to the opening/occupation 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 carpooling by residents/occupants/staff employed in the development and 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 commercial element of 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.

11. A minimum of 10% of all communal car parking spaces shall be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, to facilitate the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in writing with the planning authority before making available by the developer for occupation of the residential units in the proposed development.

Reason: To provide for and future proof the development such as would facilitate the use of Electric Vehicles.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

13. 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.

Reason: In the interests of visual and residential amenity.

14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there have been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

15. The development shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of residential and visual amenity.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. 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 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

18. 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 Construction Management Plan shall clearly indicate how vehicular access is to be maintained to the existing residential and commercial property along Hamilton View during the construction phase.

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

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

20. 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.

21. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

22. 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.

