



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 25th day of May 2020 by DBTR-SCR1 Fund, a Sub-Fund of the CWTC Multi Family ICAV care of McCutcheon Halley Chartered Planning Consultants, Kreston House, Arran Court, Arran Quay, Dublin.

Proposed Development

A planning permission for a strategic housing development for a Build to Rent Strategic Housing Development at this site, the former 'Bailey Gibson' site, 326-328 South Circular Road, Dublin 8. The application area is circa 2.18 hectares, it includes the Bailey Gibson site (1.53 hectares) and 0.646 hectares to accommodate works to facilitate connections to municipal services and works proposed to public roads.

The development will consist of;

- (i) the demolition of all buildings and structures on the site, including nine number buildings (11,234.42 square metres gross floor area) and one number Electricity Supply Board substation (21 square metres) to make way for development of the site;

- (ii) the construction of 416 number residential units in five number blocks, with a cumulative gross floor area of 31,117 square metres for the residential component comprising;
 - (a) 404 number apartments in four number blocks (BG1-4) ranging in height from two storeys to 16 storeys, over single level basement on part of the site, incorporating 19 number studio units; 251 number one-bed and 134 number two-bed, all with private amenity space in the form of balconies;
 - (b) two number two-storey two-bedroom duplex apartments all with private amenity space in the form of balconies contained in BG3.
 - (c) six number three-storey three-bedroom triplex apartments all with private amenity space in the form of terraces contained in BG1;
 - (d) four number three-storey four-bedroom townhouses all with private amenity space in the form of back gardens and four number car parking spaces contained in BG5;

- (iii) the construction of tenant amenities with a cumulative gross floor area of 812 square metres comprising; in BG1, a concierge office (86 square metres at ground floor level); in BG2, gymnasium (260 square metres), combined concierge/marketing/coworking space (191 square metres) at ground floor and communal living/ kitchen (166 square metres) and residents lounge (29 square metres) at first floor level; and in BG3, a resident's lounge (24 square metres) that connects with the communal garden.

- (iv) provision of 2,618 square metres of communal open space distributed as follows; in BG1, central courtyard area (774 square metres) and roof terrace (60 square metres); in BG2, roof terrace (926 square metres); in BG3, courtyard (545 square metres); and in BG4, courtyard (313 square metres).

- (v) the construction of a childcare facility with a gross floor area of 233 square metres and associated play areas of 50 square metres and three number set-down parking spaces;

- (vi) the construction of 164 square metres of commercial floorspace to facilitate a restaurant/café/bar at ground level in Block BG2 and 224 square metres of commercial floorspace at ground floor level in Block BG1 to facilitate a range of uses including Class 1 (shop), Class 2 (financial/professional services) , Class 8 (health services), Class 10 (community/arts) and Class 11 (bingo hall);
- (vii) the construction of a single storey Electricity Supply Board sub-station (14 square metres gross floor area) and a double Electricity Supply Board sub-station (28 square metres gross floor area);
- (viii) partial realignment and widening of Rehoboth Place to provide a new carriageway width of five metres, enabling fire tender and refuse truck access, and minimum footpath widths of two metres on both sides of the street.
- (ix) at basement level, the provision of 106 number car parking spaces including 10 number dedicated disabled parking spaces. 10% of the spaces will be fitted with electric charging points. 12 number motorcycle spaces will also be provided at basement level.
- (x) at podium level, the provision of 12 number car parking spaces, including one number disabled parking space (10 number reserved for car sharing scheme 'Go Car') and 15 number on street visitor car parking spaces (four number of which will be reserved for 'Go Cars'), including one number dedicated disabled parking space, together with three number set down parking spaces for taxis and crèche drop offs and a loading bay to service the commercial units.
- (xi) the provision of 543 number long-stay bicycle parking spaces, comprising 315 number spaces at basement level, accessed via a dedicated cycle stairway, and 228 number spaces at surface level. 84 number short stay visitor cycle spaces are provided at surface level.
- (xii) vehicular access will be via Rehoboth Place and vehicular exit will be via the existing access on South Circular Road. Provision of three number pedestrian access points; one number from the South Circular Road; one

number from Rehoboth Place; and one number from Rehoboth Avenue. Improvement works to the existing entrance on South Circular Road, removal of existing uncontrolled pedestrian crossing and provision of a new signalised pedestrian crossing is proposed on South Circular Road to facilitate improved access for existing and future residents of the area to bus stops along with improvement to the footpath provision along South Circular Road opposite Rehoboth Place entry.

- (xiii) all ancillary site development works, plant, waste storage, meter rooms, rooftop solar photovoltaics, landscaping, boundary treatment and lighting.

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 location of the site in the established urban area of Dublin City in an area zoned for residential development (partly Z1, partly Z4 and partly Z14, within Strategic Development and Regeneration Area Number 12, SDRA 12);
- (b) the policies and objectives of 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 (and Interim Advice note Covid 19 May 2020);
- (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 May 2009;
- (f) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (g) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (h) the Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) the nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (j) the planning history of the site and within the area, including the non-statutory Framework and Master Plans for the site and wider Strategic Development and Regeneration Area Number 12 lands at this location;
- (k) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;

- (l) the pattern of existing and permitted development in the area,
- (m) the Chief Executive's Report from the planning authority;
- (n) the submissions and observations received, and
- (o) the report and recommendation 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 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

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, 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 application,
- (c) The submissions from the applicant, planning authority, the observers and the prescribed bodies in the course of the application; and
- (d) The Planning Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information

contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board generally agreed with the summary and 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 application, with the exception of population and human health (outlined in 12.3 of the report), landscape and visual impacts (12.4), impacts on the built heritage (12.13) and interaction of the foregoing (12.15), in particular in respect of his conclusion on visual impacts and impacts on existing residential properties in the vicinity, and impacts on the residential properties of future occupants.

As it relates to all other matters, the Board is generally satisfied that the Inspector's report sets out how the potential environmental impacts were addressed in the assessment and recommendation (including proposed environmental conditions which are outlined in the Environmental Impact Assessment Report and/or the Planning Authority Chief Executive's Report) and these are incorporated into the Board's decision.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector with the exception of population and human health (outlined in 12.3 of the report), landscape and visual impacts (12.4), impacts on the Built Heritage (12.13) and Interaction of the foregoing (12.15), in particular in respect of his conclusion on visual impacts and impacts on existing residential properties in the vicinity, and impacts on the residential properties of future occupants.

Reasoned Conclusions on the Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Population and Human Health: Significant direct positive effects with regard to population due to the increase in the housing stock and economic activity. In disagreeing with the Inspector, the Board did not consider the impact to be a significant adverse impact, in that the development:

- (a) does not constitute over development of the site at only 44% site coverage, and at a density, height and layout (including spatial distribution of taller buildings within the site) appropriate to this urban location having regard to National Planning Framework, Regional Spatial and Economic Strategy, and Urban Development and Building Height Guidelines (2018);
- (b) meets or exceeds BER, Sunlight and Daylight, Build to Rent, Design Manual for Urban Roads and Streets and apartment design guidelines and Dublin City Council development standards in respect of minimum apartment sizes, dual aspect provision, communal open space, tenant amenity facilities, and daylight and sunlight;
- (c) responds to the objectives and policies of Rebuilding Ireland Housing Action Plan, providing much needed housing in this area, including 10% social housing, and introducing an alternative housing tenure in the area with private rental housing being proposed, diversifying the mix of housing tenures and typologies available (which heretofore is predominantly social or private ownership within a low-rise traditional older housing stock and no large-scale private rental options available);
- (d) contributes to regeneration of the area, enhances the public realm and increases connectivity and permeability;
- (e) provides a high quality and aesthetically attractive design solution, positively contributing to the urban skyline, creating a sense of place and wayfinding within the Strategic Development and Regeneration Area Number 12 and surrounding area;
- (f) appropriately and adequately mitigates against overlooking, overshadowing and overbearing through design, locating the taller elements centrally within the scheme, maximising separation distances between the development and

opposing windows and where this is not possible using opaque glass to mitigate overlooking, and

- (g) construction impacts will be of a temporary nature and will be appropriately mitigated.

Landscape and Visual Amenity: Significant direct positive effects with regard to landscape and visual amenity. In disagreeing with the Inspector, the Board did not consider the impact to be a significant adverse impact, in that the development:

- (a) results in improvements in the public realm with the creation of new thoroughfares and amenity areas within the site, which currently accommodates old industrial buildings and open stock yards.
- (b) provides a financial contribution to the planning authority to assist and provide for the delivery of a public park within the area, and on lands within the control of Dublin City Council, and as proposed by the Chief Executive as being the preferred means of providing open space for this development and for the existing and future residents of the surrounding area
- (c) is of an architectural quality and design responsiveness to the physical environment into which it is located, contributing to the regeneration of the urban fabric of this part of the city, and
- (d) is of a height, scale, layout and form appropriate to its location, having regard to the objectives of the Development Plan, as they relate to Strategic Development and Regeneration Area Number 12, and the Urban Development and Building Height Guidelines 2018

Archaeological impacts which will be mitigated by archaeological monitoring of ground disturbance works.

Noise and Vibration and Air: Air quality impacts which will be mitigated by dust minimisation measures during the construction phase.

Traffic and Transportation impacts which will be mitigated by the management of construction traffic, urban realm improvement works and the modest provision of car parking within the scheme. The Board note the recommendation of Transport Infrastructure Ireland for zero car parking, but are satisfied that it is appropriate that the potential impact of car ownership of future residents of the development, should

be mitigated by the provision of a quantum of on-site car parking rather than overspill into the surrounding streets.

Noise and Vibration and Air: Noise and vibration impacts which will be mitigated by adherence to requirements of relevant codes of practice, proactive community relations, and noise control techniques.

Built Heritage: Positive impact with any adverse impact mitigated by design. In disagreeing with the Inspector, the Board did not consider the impact to be a significant adverse impact, in that the development does not result in the loss of any of the protected built heritage in the area. The Board, as outlined above considers the development to positively contribute to the visual amenity of the area, based on the architectural scale, design, mass and the high quality of materials proposed throughout the scheme, and as such does not consider there to be a negative impact on the built heritage by reason of the visual or residential impact on the neighbouring residential architectural conservation area.

Material Assets-Services impacts which will be mitigated by consultation with relevant service providers, a final Construction Management Plan and a Traffic Management Plan to be implemented, and service disruptions kept to a minimum.

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

Interaction of the foregoing - the Board is satisfied that the development would have a significant positive impact, having regard to the above assessment.

The proposed development is not likely to have significant adverse effects on human health, biodiversity, land and soil, climate, micro-climate, material assets and archaeological, architectural and cultural heritage. Further, it is not likely to increase the risk of natural disaster.

The Board is satisfied that the issue of Covid-19 has in so far as is practical has been considered, and that the development by reason of its density does not

exacerbate or contribute to the pandemic or its effects on the community (in terms of any assessment of such that may be considered under population and human health).

The Environmental Impact Assessment Report has considered that the main significant direct and indirect effects of the proposed development on the environment (largely relating to the visual impact relating to taller buildings, increase in housing provision, regeneration of an underutilised derelict site, with moderate increase in vehicular traffic, and temporary increase in noise and dust during construction), would be primarily mitigated by environmental management measures, as appropriate. In conclusion, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed.

In deciding not to accept the inspector's conclusions that the impacts arising would justify refusing planning permission for the proposed development. The Board considered that the proposed development would not have significant adverse landscape and visual impacts arising from either the number, form, bulk, scale or height of the proposed blocks and did not consider that the proposed development would have an overbearing impact on surrounding area, including the Residential Conservation Areas. In coming to this conclusion, the Board considered that the design, while incorporating height greater than that of the surrounding area and heretofore existing pattern and scale of development, the proposed height and higher elements is achieved through a series of buildings of differing heights and scales and those elements of height are designed to be slender and carefully located within the scheme so as to minimise their impact and to act as focal points contributing to the sense of place and way finding within the scheme. The Board generally accepts the rationale outlined in the applicant's Environmental Impact Assessment Report, their visual assessment and associated photomontages/CGIs, and their material contravention statement, and the assessment and conclusions of the planning authority as outlined in the Chief Executive's Report. The Board is satisfied that the siting within this land holding, design and height of the two taller buildings do not adversely impact on the surrounding area or undermine the general objectives of Strategic Development and Regeneration Area Number 12

(which provides for two taller buildings), such as would warrant a refusal of the proposal.

Furthermore, the Board did not accept that the proposed development would have significant adverse impacts on the residential amenities of properties in the vicinity due to either the layout, proximity, scale, height nor mass of the proposed development and was satisfied that the placing of taller blocks within this site were well considered and adequacy situated to avoid and prevent any overbearing impact.

Furthermore, the Board did not accept that the proposed development would have significant adverse impacts on the built heritage of the area, in so far as it impacted on the residential and visual amenities of residential properties in the architectural conservation area in the vicinity due to either the layout, proximity, scale, height nor mass of the proposed development and were satisfied that the placing of taller blocks within this site were well considered and adequacy situated to avoid and prevent any overbearing impact and enhanced the skyline within this general area and contributed to the regeneration of the area.

Finally, the Board also considered that the proposed residential blocks would provide an acceptable level of residential amenity for the future occupants of the scheme having regard to the layout of the blocks and the high quality of the associated public open space, to be delivered by Dublin City Council on their lands in the area at the request of the planning authority who proposed a financial contribution from the developer in lieu of on-site open space, and other amenities serving the scheme, including the private and semi-private open space areas, enhanced public realm surrounding the scheme and integrating the scheme with the surrounding area.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that 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 safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the planning authority.

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 Dublin City Development Plan 2016-2022 in relation to building height. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the 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) 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.

It is further considered to be strategic in so far as it contributes to the achievement of the National Planning Framework objective in respect of delivering compact growth and urban regeneration specifically in this instance involving the

regeneration of a disused former industrial site, brownfield infill development, within close proximity of the city centre, adjacent to significant public transport links

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

Permission for the development should be granted having regard to Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35), and the Board is satisfied that the applicant has set out in the Statement of Consistency with National, Regional and section 28 Ministerial Guidelines how the proposed development complies with the development management criteria in sections 3.1 and 3.2 of the Building Height Guidelines, and the Board concurs and considers that the said criteria are appropriately incorporated into the development proposals, and the Board notes the Chief Executive's report in this regard. The Board is satisfied that Specific Planning Policy Requirement 3 (A) of the Building Height Guidelines is applicable and that the Board may approve the proposed development even where specific objectives of the development plan may indicate otherwise.

The Board assessed the proposed development against the criteria in section 3.2 as follows:

- (a) The first criterion assessed relates to the accessibility of the site by public transport. The site is located adjacent to the Crumlin Road/Dolphin's Barn/Cork Street radial route which accommodates a large number of bus routes including numbers: 68, 122, 27, 56A, 77A, 151, 150 and 17. The site is also located within a kilometre of the Luas Red Line. Bus numbers 68, 68A and 122 run along the South Circular Road to the south of the site; it is clear to the Board that the site has excellent existing public transport accessibility to high frequency bus services and good access to the wider network including rail links.
- (b) The second criterion relates to the character of the area in which the development is located. The Board is cognisant of national policy which supports the increased scale of residential buildings in appropriate locations and that this will invariably mean that residential buildings become more

prominent structures in the townscape. The tallest part of the proposed development is located on the centre and to the east of the site, focusing height away from the more sensitive residential properties to the west and south. The Board considers that the site is therefore appropriate for buildings of increased height and scale. The development incorporates stepped heights, transitioning in scale to neighbouring lower rise buildings to the west and south. CGIs and visualisations of the proposed development have been submitted alongside a Landscape and Visual Impact Assessment with associated commentary to accompany the visualisations of the proposed development. The Board considered that the design adequately articulates the massing of the proposed development, with stepped heights to transition scale to the more sensitive areas adjacent to the site and considered that the proposed materials and architectural detailing will contribute to the creation of a positive addition to the streetscape, which will appear in the setting of the architecturally sensitive areas and protected structures located around the site. The Board was satisfied that the height and massing of the development will enhance the character of the area.

- (c) The remaining criteria under section 3.2 of the Building Height Guidelines relate to the following; contribution of the proposal to the place-making; its contribution to the streetscape; the avoidance of uninterrupted walls; contribution to public spaces (including inland waterway/ marine frontage) and compliance with flood risk management guidelines; improvement of legibility; contribution to mix / typologies in the area; and daylight performance against Building Research Establishment criteria as well as consideration of overshadowing / ventilation / views / telecoms. Specific assessments are also required depending on the scale of the building proposed.

Having carried out an assessment of the proposed development against these criteria, and having noted the manner in which the applicant has set out how the proposed development addresses each of the criteria at sections 3.1 and 3.2 of the guidelines, the views of the Inspector, Dublin City Council, the prescribed bodies and the public, the Board was satisfied that the proposed development conforms with the development management criteria in section 3.2 of the guidelines.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the Inspector's conclusion and acceptance "that the development of these lands will bring a brownfield site into productive use, that it takes cognisance of flood risk, and that it clearly has the potential to improve legibility, permeability and connectivity"; however, the Board also concurred with the assessment of the planning authority that the proposed development was acceptable as assessed above in terms of compliance with the other criteria of the Height Guidelines and did not accept the concerns of the inspector about "the potential monolithic representation of the new Strategic Development and Regeneration Area Number 12 when the overall scheme is built out premised upon the guidance of the new Master Plan, of which the proposed development forms a part". The Board was satisfied that the proposed development responds sensitively and appropriately to its context and is in accordance with proper planning and sustainable development when assessed on its own merits as a stand-alone development. When viewed as potentially the first phase of development of an overall scheme of development and regeneration, as set out in the masterplan, the Board is satisfied that the proposed development forms a coherent element of the new Masterplan prepared by the planning authority for the Strategic Development and Regeneration Area. Accordingly, the Board considers that the height of the proposed development materially contravenes the Development Plan but that such contravention is justified under s.37(2)(b)(i) and (iii) for the reasons set out above.

The Board does not agree with the Inspector's opinion that the proposed development also constitutes a material contravention of the Development Plan by reason of the number of taller buildings within the proposed development site. In coming to its decision that the number of taller buildings did not materially contravene the City Development Plan, the Board had regard to the objectives contained in Strategic Development and Regeneration Area Number 12 which provides for two taller buildings as proposed in this instance.

Furthermore, the Board did not accept the Inspector's recommendation that the quantum of public open space in the proposed development would constitute a material contravention of the City Development Plan.

Notwithstanding that the Dublin City Policy contained in section 16.3.4 of the Dublin City Development Plan , whereby all developments are required to provide a minimum 10% open space generally and at least 20% of the Strategic Development and Regeneration Area Number 12 lands be retained for public open space, recreation and sporting facilities, including a new public park, significant greenery, sports facilities for use by local sports club and wider neighbourhood, the Dublin City Development Plan also provides for “Financial contributions in lieu: In the event that the site is considered by the planning authority to be too small or inappropriate (because of site shape or general layout) to fulfil useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required (having regard to the City’s Parks Strategy).” This is further strengthened by Section 16.10.3 as cited hereunder.

Section 16.10.3 - In new residential developments, 10% of the site area shall be reserved as public open space.

Public open space will normally be located on-site, however in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme, in fulfilment of this objective.

To this end, having regard to the Chief Executive’s report, which proposes a financial contribution in lieu of public open space within the proposed development site itself, by way of recommended planning condition and the agreed Master Plan which indicates how and where the preferred open space location and provision would be met and would serve the wider area (i.e. on Dublin City Council lands), the Board is satisfied that the applicant, with the support of the planning authority, has demonstrated that the needs of the population would be better served by the

provision of a new public park and playground and recreational space including sports pitches in the adjoining Dublin City Council owned lands, and that a financial contribution in lieu is applicable and the location of the new park and amenity facilities have been identified and are in accordance with Dublin City Council's strategy for the area (based on the agreed Master Plan). In light of the policies, objectives and development plan standards of the Development Plan, which specifically provide for contributions in lieu of open space. In appropriate circumstances such as this, and in so far as this has been proposed and agreed by the planning authority with the agreement of the applicant as evidenced in the jointly prepared Master Plan, the Board is satisfied that there is no material contravention of the Development Plan relating to open space provision.

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. Prior to the commencement of development, the developer shall submit 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. The period of fifteen years shall be from the date of occupation of the first residential unit ['shared living units'] within the scheme.

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

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

Reason: In the interests of orderly development and clarity.

4. 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.

5. The boundary planting and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

6. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

7. 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.

8. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. 543 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise 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.

10. The Mobility Management Plan submitted with the application shall implemented by the management company for all units within the development.

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

11. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

12. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The 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.

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

13. 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.

14. Details of any alterations to the road and pedestrian network serving the proposed development, including loading areas, footpaths, kerbs and access road to the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

15. 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 has 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.

16. The developer is required to sign a connection agreement with Irish Water prior to any works commencing and connecting to its network. All development is to be carried out in compliance with Irish Water Standards codes and practices.

Reason: In the interest of public health.

17. Construction and demolition waste shall be managed in accordance with a final 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 final 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:

- (a) Works to remove trees and structures from the site shall take place outside of bird nesting season;
- (b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (c) Location of areas for construction site offices and staff facilities;
- (d) Details of site security fencing and hoardings. Hoardings shall include a one square metre area on each road frontage detailing site management contact details;
- (e) Details of on-site car parking facilities for site workers during the course of construction;
- (f) Details of 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;
- (g) Measures to obviate queuing of construction traffic on the adjoining road

network;

- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Details of dewatering arrangements for construction of the basement to be determined in consultation with the Drainage Division at Dublin City Council and Inland Fisheries Ireland;
- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (o) 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.
- (p) A community liaison officer shall be appointed for the duration of the construction works.

Reason: In the interest of amenities, public health and safety.

19. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1300 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.

20. 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.

21. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. 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.

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. 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 for Dublin City Council 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.

