

An
Bord
Pleanála

Board Order
ABP-312568-22M

Planning and Development Acts 2000 to 2021

Amendment of Board Order

Planning Authority: Dublin City Council

Development Concerned:

The proposed comprises the redevelopment of a vacant former factory site (circa 1.76 hectares) and construction of a mixed use development across five number Blocks (A-E) providing 321 number build to Rent apartments, 110 number one-bed and 211 number two-bed units (each with balcony or terrace) and circa 4,497 square metres gross floor area of commercial uses.

- (a) Demolition of existing Electricity Supply Board substation and boundary treatments.
- (b) Block A (six number storeys) comprises a circa 195 square metre café, bicycle and bin storage, Electricity Supply Board substation, meter room and switch room at ground floor level with 79 number apartments (28 number one-bed and 51 number two-bed units) at ground to fifth floor level.
- (c) Block B (six number storeys) comprises 47 number apartments (23 number one-bed and 24 number two-bed units) with bike storage and meter room at ground floor level.
- (d) Block C (six number storeys) comprises a circa 290 square metre crèche, bin and bicycle storage, Electricity Supply Board substation, meter rooms and

switch room at ground floor and 90 number apartments (34 number one-bed and 56 number two-bed units) at ground to fifth floor level.

- (e) Block D (six number storeys) comprises a circa 450 square metres public gymnasium, Electricity Supply Board substation, switch room, meter room, bin and bike storage at ground floor alongside residential amenity space (circa 841.6 square metres) at ground floor including gym, study area, library and quiet room, lounge, games area, kids play room, shared kitchen and cinema room with 105 number apartments (25 number one-bed and 80 number two-bed units) at first to fifth floor level and external roof terrace (circa 463 square metres).
- (f) Block E (five number storeys) comprises circa 125 square metres of retail, circa 262 square metres of flexible office space, Electricity Supply Board substation, switch room, water closets, reception and bin store at ground floor with circa 2,176 square metres of flexible office space at first to fourth floor level, with circa 686.8 square metres basement below providing 56 number bicycle parking spaces, plant, storage and shower facilities associated with the office building.
- (g) Provision of external communal open space in a landscaped garden courtyard extending to circa 1,891 square metres with children's play area, open air stairs and lift providing access to basement parking and circa 168 square metres of communal open space at residents' allotments at the southern elevation of Block A, with circa 2,045 square metres of public open space provided, bicycle parking areas provided throughout the surface level of the site.
- (h) Shared vehicular and bicycle access is taken from a new secondary access road branching west from Jamestown Road at the northeast corner of the site (extending to the western boundary), with 17 number surface car parking spaces (including eight number visitor [three number accessible], four number crèche, five number Go Car [one accessible] spaces) in the northern part of site, with ramp access to a basement level (circa 6,386 square metres) providing 175 car parking spaces (163 number residential [5 number accessible], five number Go Car, seven number office [one accessible]) and 12

number motorbike parking spaces, with a total of 907 number bicycle parking spaces (171 number at ground floor and 736 number at basement).

- (i) A total of circa 1,049.2 square metres of residential support facilities in the form of laundry, management suite, reception, water closets, bin and bike storage.
- (j) All circulation and ancillary uses, associated infrastructure and enabling works associated with the development, green and blue roofs, telecommunication equipment (radio antennas and microwave link dishes at Block D roof level) landscaping, pedestrian access, set down area at southern perimeter, boundary treatments and Electricity Supply Board substation at northern perimeter all located at Former Factory Site, Finglas Business Centre, Jamestown Road, Dublin.

WHEREAS the Board made a decision to grant permission, in relation to the above-mentioned development by order dated the 22nd day of August 2022:

AND WHEREAS it has come to the attention of the Board that a clerical error had occurred in omitting this condition from the Order,

AND WHEREAS the Board considered that the correction and clarification of the above-mentioned error would not result in a material alteration of the terms of the the development, the subject of the permission or decision,

AND WHEREAS having regard to the nature of the issue involved, the Board decided not to invite submissions in relation to the matter from persons who had made submissions or observations in relation to the application the subject of this amendment,

NOW THEREFORE in accordance with section 146A(1) of the Planning and Development Act 2000, as amended, the Board hereby amends the above-mentioned decision with the insertion of a new condition, Condition Number 7 to its Order and the reason therefor shall be as follows:

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, or as otherwise stipulated by conditions hereunder, and the 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. The proposed development shall be amended as follows: -
 - (a) All seven number units (B.G.01, B.G.02, B.G.03, B.G.04, B.G.05, B.G.06 and B.G.07) at the ground floor level of Block B, shall be permanently omitted and replaced with internal residential amenity space. The details of the proposed mix of uses and facilities provided within this internal amenity space shall be agreed with the planning authority.
 - (b) The five number corner windows on the northern elevation of Block B and the five number corner windows on the southern elevation of Block B, at first to fifth floor level, shall be fitted with louvers or an alternative appropriate screening. In the interest of clarity this relates to unnumbered units above ground floor units B.G.01 and B.G.03.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of privacy and residential amenity.

3. The development hereby permitted shall be for Build to Rent units which shall operate in accordance with the definition of Build to Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020 and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

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

Reason: In the interests of orderly development and clarity.

5. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the proposed 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 15 years shall be from the date of occupation of the first apartments within the scheme.

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

6. (a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates or security barrier at the entrance to the development or within the development in a manner which would prevent pedestrian access
- (b) Prior to the occupation of any residential unit, the developer shall ensure that the public realm areas and new pedestrian routes, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.

Reason: In the interests of social inclusion and to secure the integrity of the proposed development including open spaces.

7. Prior to the commencement of the development, the applicant shall agree in writing with the planning authority, details in relation to all crane operations, with a minimum of 30 days prior notification of their erection. Details of a suitable marking and lighting scheme shall also be agreed, together with additional information regarding crane type tower, mobile, elevation of the highest point of crane, dimensions of crane, ground elevation and location co-ordinates. The planning authority may consult, as required, with the Irish Aviation Authority.

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

8. (a) Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority final details of the number and location of bicycle parking spaces within the scheme. Bicycle parking spaces shall be secure, sheltered and conveniently located.
- (b) Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed with the planning authority prior to the occupation of the development.

Reason: In the interests of encouraging the use of sustainable modes of transport and residential amenity.

9. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or 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

10. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 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 to prevent inappropriate commuter parking.

11. Prior to the occupation of the residential units, 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. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

12. 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 interests of visual amenity and to ensure an appropriate high standard of development.

13. The hours of operation of the roof terrace at Block D shall be 0700 to 2200 hours Monday to Sunday, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

14. Prior to commencement of the development, details of all areas of boundary treatment, play equipment and planting, shall be submitted to, and approved, by the planning authority. Boundaries and areas of public 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. 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.

15. Prior to commencement of development the applicant shall agree in writing with the planning authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

Reason: In the interest of place making and visual amenity.

16. 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 and 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.

17. 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.

18. Proposals for an apartment naming and numbering scheme, commercial unit identification and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements or marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

19. In the event of the proposed telecommunications structure becoming obsolete and being decommissioned, the developers shall, at their own expense, remove the mast, antenna and ancillary structures and equipment.

Reason: In the interests of visual and residential amenity.

20. 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.

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

22. 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 provisions of the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

23. 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 and demolition waste.

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

24. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

25. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management³

26. 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.

27. 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

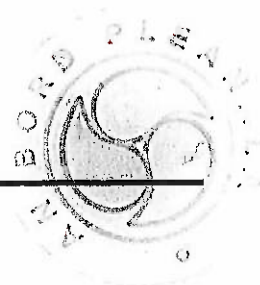
28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Dave Walsh

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



Dated this 6th day of October
2022