



An
Bord
Pleanála

Inspector's Report ABP 304331-19.

Development	An eight-storey building Build to Rent Development of Twenty-Eight dwelling units, 21 studio units and 7 No one bed units, communal garden terrace.
Location	Long's Place, Dublin 8.
Planning Authority	Dublin City Council
P.A. Reg. Ref.	2205/19
Applicant.	Larkmount Developments
Type of Application	Permission
Decision.	Refuse Permission
Type of Appeal	First Party X Refusal
Appellant	Larkmount Developments
Date of Site Inspection	12 th July 2019.
Inspector	Jane Dennehy

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1.0 Site Location and Description

1.1. The site has a stated area of 710 square metres and is linear in shape ranging from 7.322 metres to 11,750 metres in width and 79,625 metres in depth. It is that of a former inland canal harbour which was part of the Grand Canal and it is vacant, under hardstanding and enclosed by concrete and block walling. The adjoining lands are included on the Vacant Sites Register. (VS0028) It has frontage onto Long's Place to the east off Grand Canal Place, Brandon's Terrace is to the west. James Walk is a short distance to the south of the lands of St. James Schools and St. James Avenue is to the north west of the Grand Canal Harbour and lands in the ownership of the Dublin City Council are to the north. Basin Street Flats and St James' Hospital are a short distance to the west, a school campus (CBS James' Street) is to the south. The Guinness Distillery and Guinness Storehouse are a short distance to the north and north east, the public entrance to the Storehouse being from Market Street. The area to the west and south is primarily characterised by residential development in apartment blocks and houses interspersed with light industry, convenience retail and institutional facilities.

2.0 Proposed Development

2.1. The application lodged with the planning authority indicates proposals for the construction of a twenty-eight unit Build to Rent (B2R) development in an eight-storey block on the site comprising twenty-one studio units and seven one bed units. A gym is to be provided at ground floor level and activity/resource room, landscaping is to be provided at the entrance and northern side of the building. Also included is a laundry room, bin store, concierge area ninety-two cycle spaces and an ESB substation cycle storage and cycle parking for ninety spaces and an ESB substation. The total stated gross floor area is 2,188 square metres. Pedestrian access is off Long's Place to the east and no vehicular access or carparking provision is included in the proposal.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 8th April, 2019 the planning authority decided to refuse permission for the proposed development based on the reasons reproduced in full below.

1. *“The proposed development by virtue of the significant proportion of single aspect north facing apartments will result in a substandard form of development and is therefore contrary to 16.10.1 Residential Quality Standards – Apartments and the Sustainable Urban Housing: Design Standards for New Apartment as the apartments do not overlook a significant amenity space and are therefore contrary to the Dublin City Development Plan 2016-2022 and proper and sustainable development of the area”*

2. *“The boundary to boundary construction which is exhibited across much of the site would hinder and interfere with the development potential of adjoining sites and result in the depreciation of property value in the vicinity. The proposed development would therefore be contrary to the Dublin City Development Plan, 2016-2022 and to the proper planning and sustainable development of the area.”*

“3. *The proposed development fails to provide for any public open space as required by 16.10.3 Residential Quality Standards – Apartments and the Sustainable Urban Housing: Design Standards for Apartments and Houses. Having regard to the layout and design of the proposed development and the inadequacy of the communal open space proposed, it is considered that the proposed development would provide a poor standard of residential amenity and would therefore be contrary to the Dublin City Development Plan, 2016-2022 and to the proper planning and sustainable development of the area.”*

4. *“The proposed development by virtue of the significant plot ratio on a constrained narrow site, in proximity to an area identified for green open space in the Liberties Local Area Plan, would result in a significant overdevelopment of the site and is therefore be contrary to the Dublin City Development Plan, 2016-2022 and to the proper planning and sustainable development of the area.”*

3.2. Planning Authority Reports

Planning Reports

- 3.2.1. The planning officer concluded in his report in which he provides a detailed assessment, that the proposed development is unacceptable, and that permission should be refused based on the four reasons attached to the decision issued by the planning authority.

Other Technical Reports

- 3.2.2. The report of the Transportation Planning Division dated, 22nd March, 2019 indicates acceptance of the proposal to exclude parking to serve the proposed development, acceptance of the proposed cycle parking arrangements, the proposed construction traffic management involving carsharing (to be addressed by condition) notes the proposal for a Mobility Management Plan to be prepared following appointment of a Management Company, and, the proposed waste storage and collection arrangements is to be adjacent to the northern elevation following completion of the road extension and, in advance, at the rear at the eastern boundary. A set of conditions recommended for inclusion is provided.
- 3.2.3. The report of the City Archaeologist dated 25th February, 2019 in which the location adjacent to the Zone of Archaeological Constraint for Monument DU018-04301 (watercourse) is noted indicated no objection to the proposed development subject to attachment of an archaeological monitoring condition.
- 3.2.4. The report of the Drainage Dept dated 27th February, 2019 indicated no objection to the proposed development subject to conditions.
- 3.2.5. The report of Irish Water indicated no objection to the proposed development. In the report it is noted that a combined sewer traverses the site which necessitates a minimum separation distance of three metres between structures and the line of the sewer.
- 3.2.6. The report of the Housing and Community Services Division/Architect in which reference is made to the proposed link extension road which it is recommended be taken into consideration in the assessment and be subject to a financial contributions condition if permission is granted. It is confirmed that a Wayleave to services in

adjoining lands under the control of the county council is not acceptable and that servicing must be directly into the public roadway.

4.0 Planning History

- 4.1.1. According to the planning officer report, Outline Permission was refused for five two bed and five one bed apartments on the site under P. A. Reg. Ref. 3564/98.
- 4.1.2. At Grand Canal Harbour to the north there is a current application, by Atlas GP before the planning authority for permission, for a ten-year period for a substantial Build to Rent Scheme in several blocks providing for five hundred and fifty units along with associated facilities and amenities. The application includes conservation proposals for the curved building at the northern end of the site which is included on the record of protected structures. There is a prior grant of permission under P. A. Reg. Ref. 3855/08 for the Grand Canal Harbour which was not taken up. This site is included on the City Council's Vacant Sites Register. (VS0028)

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022 (CDP) according to which the site location is within an area subject to the zoning objective: *Z5: "To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity."*

Indicative site coverage is 90 per cent and indicative plot ratio is 2.5-3.0 for development within Z5 zoned lands.

SDRA 16 provides for the Liberties Local Area Plan, 2008 (LLAP) the duration of which, as a statutory local area plan is extended to May, 2020 according to section 15.1.19.

5.2. Liberties Local Area Plan.

The site location is within the "Grand Canal Harbour/Former City Basin" character area and is identified as coming within a wider significant redevelopment site within

the Grand Canal Harbour for which there is a strategy for significant improvements to the layout of the area

The Grand Canal Harbour Area is a “Significant Redevelopment Site” Section 7.6 (pages 164-169)

The planning authority considers it critical that landowners cooperate and agree an overall integrated masterplan and phasing of development ensuring that objectives be implemented It is the policy of the planning authority to endeavour to ensure that developments in the southern part of the basin be undertaken in conjunction with the northern parts of the basin

Strategic layout “5” provides for a “high-quality linear amenity and green space” parallel to Longs Lane a “new linkage” east west adjacent to the northern boundary of the site.

5.3. **Statutory Strategic Guidance:**

“Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities, DOECLG 2018. and Houses.” (2018 Apartment Guidelines)

The guidance, standards and recommendations prevail if there is conflict with development plan/local area plan policies and objectives.

“Urban Development and Building Height : Guidelines for Planning Authorities”, (2018) (Building Height Guidelines)

According to the Guidelines, numeric limitations in development in respect to building height may not be applied by planning authorities (SPPR1)

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. An appeal was received from Tom Philips Associates on behalf of the applicant on 29th April, 2019 attached to which are drawings indicating design revisions for the roof level, boundary treatment and southern lightwell for consideration in connection with the appeal if the original proposals for these elements are unacceptable. It is submitted that:

- the proposed development is a high-quality Build to Rent (B2R) utilising a brownfield site in an area which is destined for comprehensive regeneration and which is close to transport links, the city centre and major centres of employment.
- accords with the policies and standards within the LLAP, CDP and Section 28, Apartment Guidelines and Urban Development and Building Height Guidelines.
- is development that even without application of the derogations and relaxations in the 2018 Apartment Guidelines provides for fifty percent of the units which are dual aspect with high standards for light ingress for the north facing units.
- complies with policy and key objectives as reflected in “*A Strategy for the Rental Sector*”, December, 2016 providing for maintaining and adding to the supply stock of rental accommodation through the Build to Rent Scheme”

6.1.2. In response to Reason 1 for the decision to refuse permission it is submitted that:

- Fourteen units, (fifty percent) are double aspect in that they wrap around corners of the building. The north facing units accord with the 2018 Apartment Guidelines which allow for consideration of north facing single units if they overlook significant amenities as they will benefit from a good quality outlook over planned development. The LLAP providing a new roads layout with appropriate frontage mitigating risk of overshadowing.
- The 2018 Apartment Guidelines which take precedence, also allow for relaxation in urban infill schemes, (such as the proposed development on the site of 0.071 hectares) on a case by case basis on sites less than 0.25 hectares in size. Under SPPR 4 Less than 33 percent of the units having a dual aspect on a case by case basis can be considered. Given the narrow site the single aspect north facing units were designed so that good light and residential amenity standards are achieved. The orientation and aspect standards take precedence SPPR 4 Light access is enhanced by balconies effectively built into the facade allow light ingress from east and west, lightwells, and the louvred circulation areas on the south side and large and additional windows to the centre and lightwells.

- The sunlight and daylight analysis based on the existing school to the south and, based on a solid wall on the southern boundary at the height of the proposed development demonstrates that the proposed scheme benefits from adequate levels of light well within compliance with the BRE guidance. The views to the north are to water bodies in the restored old dock basins under development to the cityscape which includes the Guinness complex and these views are of high quality. It is anticipated the redevelopment of the lands to the north will benefit the development.
- The proposed development benefits the regeneration of the Grand Canal Basin even acting as a catalyst for the area's improvement encouraging the development of the surrounding underutilised sites included the land to the north on the Derelict Site Register.

6.1.3. With regard to Reason No 2

- The development potential of adjoining sites is not affected by the build out to the site, subject to the development of the lands to the north according to the strategic layout within the LLAP. The southern elevation is innovative and avoids overlooking of the adjoining development while bringing in additional light through the lightwell and louvering arrangement and fresh air. The proposed development will contribute to the enhancement and viability of the development of the area, benefiting landowners and property value.

6.1.4. With regard to Reason No 3

- The proposed development does provide for an element of public open space, (192 square metres or 27 per cent of the site area) in the landscaped public space facing Long's Place and it is appropriate for an infill. The design and orientation allow it to integrate into the wider linear open space indicative in the strategic layout within the LLAP. Section 1610.3 of the CDP allows for financial contributions in lieu where it is not feasible due to site constraints to provide public open space. If the accessible open space provide with in the scheme is not acceptable as fulfilment of this requirement, the applicant is willing to accept a financial contribution condition in lieu. There is precedent having regard to grants of permission under P. A. Reg Refs 3086/17, 2853/17 (PL 302149-18.) and 3047.18.

- The layout is predicated by the strategic layout for the area in the LLAP and the design was an iterative and collaborative process responding to the site context including the planned road extension to the north and open space to the east and south east. The Phase 2 access would come into effect after the Long's Place extension is available. The scheme benefits for an appropriate and considered layout with ample residents' amenity space at ground floor level and appropriate parking laundry storage .
- A revised roof level for communal space provision increased in size relative to the original layout is included for consideration and it is facilitated by relocation of solar panels. The quantum at 156 square metres exceeds the minimum requirement by thirty square metres and is high in quality and amenity potential.

6.1.5. With regard to Reason No 4:

- The policy framework allows for indicative standards for plot ratio to be exceeded, that of the proposed development at 3.07 being just above the indicative ratio for Z5 zoned lands. It is inevitable that is high because the LLAP provides for a six to eight storey building on the site as part of the regeneration. The proposed development also satisfies criteria in the CDP which allows for exceedance of the indicative plot ratio, including comprehensive redevelopment of an area in need or urban renewal which is applicable to the site. The scale of the development in proximity to and in relation to the linear open space is wholly in accordance with the LLAP
- In the LLAP six to eight storeys are provided for along the entire linear open space identified for green space. The step back from Long's Place allowing for the proposed hard landscaping will mesh the delivery of the future open space providing a hard-urban edge without encroachment by the building.

6.1.6. In addition to the rebuttal of the four reasons for the decision to refuse permission the appeal includes some observations on the Planning Officer's report. Several of the observations on the content of the planning officer report are addressed in the rebuttal of the reasons for refusal of permission and, to avoid repetition the following outline summary is limited.

- The southern façade will not give rise to overlooking, the development potential of the land to the north would not be affected as it is designated for a road extension and not for residential development. The development functions fully with or without the road extension in place.
- Boundary treatment to the north pending delivery of the road extension comprises timber fencing and planting on the internal side (Drawing 180111-PLA-3001B included in Appendix 3 refers.)
- Adequate cycle parking at 92 spaces are provided and secure cycle storage and lockers are available at ground level at a choice of locations.
- The density of the proposed development respects the character and urban form, there being higher buildings in the area. All accord with the 2018 Apartment Guidelines, the Building Height Guidelines, the LLAP and the CDP including the qualitative criteria for higher buildings. The design does not include uninterrupted walls of slab blocks.
- There is no way of assessing impacts on a possible development of lands to the north but the separation by the future road extension greatly reduces risk of overshadowing impact.

7.0 **Assessment**

7.1. The issues raised in the appeal and are considered below under the sub-categories set out below:

Strategic Policy

Building Height and Form

Qualitative Standards – Residential Amenities

Environmental Impact Assessment

Appropriate Assessment.

7.2. **Strategic Policy:**

7.2.1. The proposed development substantively accords with the policies and objectives of the Liberties Local Area Plan, (LLAP) for the 'Grand Canal Harbour Area' which is

identified as one of the 'significant sites' for redevelopment in Section 7.6. However, as indicated in the LLAP there lands within the Grand Canal Harbour Area are in multiple ownerships and it is the objective of the LLAP to encourage preparation of a masterplan based on collaboration between the various landowners/stakeholders.

7.2.2. While no such overall masterplan is available at present, it is of note that an application for the development of the Grand Canal Harbour Lands to the north was lodged with the planning authority in June 2019 and it comprises proposals primarily for a B2R residential development of five hundred and fifty apartments in multiple blocks along with facilities and services such as a primary health centre and conservation and re-use of the curved building which is included on the RPS. Having regard to the 2018 Apartment Guidelines and in particular, para 5.1 thereof, it appears that it was envisaged that B2R Schemes would comprise larger schemes of several hundred units with good the scope and potential for development of wide-ranging communal facilities and amenities including parklands as opposed to a scheme of the scale and intensity subject of the current application. There is no doubt less scope for incorporation of quality communal amenities and facilities, in a small-scale single, twenty-eight unit B2R development in isolation. In addition, there is some concern that without the benefit of an agreed masterplan there is some potential for emergence of piecemeal as opposed to coordinated development with consequential quality implications.

7.2.3. The proposed development while standalone has a complicated site configuration and is distinctly separated from the lands to the north subject of the concurrent recently lodged application for the large scale B2R scheme by reason of the road extension the corridor for which of which is in a east west direction on the north side of the application site. There is no clearly stated preclusion or advice and recommendations against consideration of a B2R scheme of the scale and intensity proposed in the 2018 Apartment Guidelines. The application does include satisfactory provision for community facilities and amenities for residents to include the gym, concierge, storage, laundry, landscaped space at ground floor level and roof garden, as proposed in the appeal submissions. The proposed development accords with the requirements set out in the 2018 Apartment Guidelines and are considered reasonable having regard to the scale and intensity and provision of facilities and amenities for residents. Furthermore, the site location is in an area in

which there is a strong rental market for small single dwelling units, given proximity to the city centre and proximity to places of significant employment and higher education and training and good sustainable transport routes.

7.3. Building Height and Form.

- 7.3.1. The building height accords with the policies and objectives and standards of the CDP and LLAP, notwithstanding the requirement in The Guidelines (Section 2.3) according to which a blanket ban on building heights should not be applied in planning authority policies. There is no dispute between the parties over this matter and the proposed development is considered acceptable in principle in this regard. The housing for the plant and equipment is appropriate and in the event of favourable consideration an appropriate condition can be attached to address materials and finishes. The revisions shown in the drawings accompanying the appeal for the roof garden/communal amenity space in the roof level layout is also acceptable.
- 7.3.2. There are relatively high buildings of recent construction within and in the immediate environs, many of which are six storeys or five with a setback floor in and in the environs of the area defined as the “Grand Canal Harbour Area” in the LLAP and some of the industrial buildings, at the Guinness Brewery complex are higher. Furthermore, the concurrent application for development on the Grand Canal Harbour lands to the north of the site indicates proposals for multiple storey residential blocks.
- 7.3.3. The proposed eight storey block is in line with the current Building heights policy as represented in the 2018 Building Height Guidelines. While higher than surrounding residential blocks the Grand Canal Harbour area identified as a significant site for overall redevelopment in the LLAP has both size and capacity to accept its own building typology and height allowing for variation from that which is established in the environs. Notwithstanding the constraints of the application site, it is considered that a sustainable development proposal in a building of good quality design has been achieved in the application.

7.4. Qualitative Standards – Residential Amenities

- 7.4.1. With regard to the 2018 Apartment Guidelines, it is considered that the application fulfils the minimum requirements for B2R Schemes, as set out in section 5 of

Sustainable Urban Housing: Guidelines for New Apartments. In this regard it is of note that there are no dwelling mix requirements those applying to generic schemes being relaxed. As previously stated, the proposed development satisfies the minimum requirements in B2R developments for provision of amenities and facilities on a communal basis confined to residents' use. The proposed provision for a concierge, lobby area, gym, communal laundry facilities and cycle parking and storage and, a roof garden at roof level is sufficient for a B2R scheme.

- 7.4.2. The omission of any provision for on-site parking facilities having regard to SPPR 8 in the 2018 Apartment Guidelines according to which there is no requirement for on-site parking provision for B2R schemes is reasonable. It is accepted that the area well serviced by public transport (LUAS Red Line), bus services, the Dublin Bike scheme, Go Car and is within walking distance of facilities, amenities, employment and the City Centre. It is noted that these proposals are acceptable to the Transportation Planning Division subject to inclusion of conditions relating to Mobility Management including carsharing.
- 7.4.3. With regard To Reason 1 for the decision to refuse permission and having regard to SPPR 3 and paragraphs 3.2-3.4 of the Guidelines, it is considered that the applicant has demonstrated that the internal layout and floor area of the one bed apartments and studios is consistent with the recommendations in the 2018 Guidelines.
- 7.4.4. With regard To Reason 1 for the decision to refuse permission, given the site configuration relative to possible future development on the lands to the south and, having regard to SPPR 4 and paragraphs 3.17 to 3.19 it is considered that the applicant, taking into account the revisions shown in the further information submission has made a satisfactory case for the predominance of north facing aspects. The design measures incorporated in the balcony/fenestration design to broaden the range of light penetration and the incorporation of additional lightwells is effective. The internal layout and floor area of the one bed apartments and studios is consistent with the recommendations in the Guidelines. It is considered that the proposed development, incorporating the modifications proposed in the appeal submission is satisfactory in this regard.
- 7.4.5. With regard to Reason 2, it is considered that although the details of the future development of the lands to the north, beyond the corridor of the planned road

extension, and consequently, the outlook from the north elevation has yet to be finalised and determined, it can be anticipated that reasonable reciprocal qualitative and quantitative standards with regard to separation distances, outlook and amenity can be achieved without impact on development potential in respect of layout and form of development on third party lands. It would be unreasonable to delay consideration of the proposed development pending finalisation of masterplan or application details for the harbour lands to the north.

- 7.4.6. With regard to lands to the south which are designated as a schools' complex, on which replacement of the existing school buildings is planned it is of note that due to the north south orientation the potential for undue overshadowing is marginal, that the possible future potential for overlooking has been addressed in south elevation for the proposed structure. The proximity to the boundary of the proposed may affect the development capacity in terms of footprint and distance from the common boundaries having regard to building form and height possible future build out at a higher level.
- 7.4.7. With regard to Reason 3, it is agreed that the site configuration is such that the scope for meaningful public open space provision in combination with a higher density scheme appropriate to a brownfield site with the central city area is restricted. To this end it is considered reasonable that public open space is not provided other than the within and adjacent to the public realm of a semi private nature at entrance and adjacent to linear green space shown in the LLAP. It is considered that, in the absence of a masterplan in this instance, the potential for negative impact by fragmented or incremental development is not significant.
- 7.4.8. It is considered that the quantum and quality of private open space provision in the form of balconies and communal open space at roof is sufficient notwithstanding some concern as to usage by residents. Ground level communal sitting out space, ideally adjacent to the communal facilities within the building at ground floor level has greater accessibility and potential for amenity potential for residents than the roof garden space.
- 7.4.9. With regard to Reason No 4, the plot ratio, is slightly above the indicative range for development on lands within area subject to the 'Z5' zoning objective. Having regard

to the foregoing observations on the design and form for the proposed B2R scheme, it is considered that the proposed development does not constitute overdevelopment

7.5. **Environmental Impact Assessment Screening.**

Having regard to the nature and scale of the proposed development and to the brownfield site in a serviced central city location, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.6. **Appropriate Assessment Screening.**

Having regard to the small-scale nature of the proposed development and to the brownfield site in a serviced central city location, no Appropriate Assessment issues proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. In view of the foregoing it is recommended that the planning authority decision to refuse permission be overturned, that the appeal be upheld, and that permission be granted. Draft Reasons and Considerations and Conditions follow:

9.0 **Reasons and Considerations**

Having regard to:

- The Dublin City Development Plan, 2016-2022 according to which the areas within the site are subject to the zoning objective: *Z5: To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity*;
- The *Liberties Local Area Plan* in which the Grand Canal Harbour area in which the site is located is designated as a *'significant site'* for redevelopment;
- The National Planning Framework issued by the Department of Housing Planning and Local Government. in February 2018 in accordance to which new

residential development in cities should be directed into locations within the existing built up serviced areas.

- *“Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities”* DOHCLG, 2018 in section 5 of which provision is made for, *‘Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord’*;
- The design, form, height materials and finishes for the building, the internal layout of the proposed residential units, access to light, aspect and private open space provision. and extent and range for communal internal and external facilities and amenities available to residents, to the location within an inner-city area close to major transport services and facilities and, the established pattern and character of existing development in the area,
- The location within a well serviced, inner suburban area in close in proximity to the city centre, public transport facilities and a good local road network, and a wide range of community and social facilities,

It is considered that subject to compliance with the conditions set out below, the proposed development would accord with national strategic policy and local development policies and objectives for the area, would not seriously injure the visual and residential amenities of the area or adversely affect the development potential of adjoining lands and, would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 6th February, 2019 as amended by the plans and particulars received by An Bord Pleanála on 29th April, 2019 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning

authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-rent scheme will operate.

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

3. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in: *"Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities"* (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

4. 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 development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than fifteen years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.

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

5. Prior to expiration of the fifteen-year period referred to in the covenant, the owner shall submit 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 scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

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

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

7. Details of the following shall be submitted to and agreed in writing with the planning authority prior to the commencement of the development

- Materials, colours and textures of all the external finishes which should be low maintenance self finish surfaces and a panel shall be displayed on the site to facilitate the planning authority.
- Scaled drawings for the proposed balustrades and balustrades and privacy screens for balconies to include details of materials, colours and finishes.
- External lighting through the development

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

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

Reason: In the interests of visual and residential amenity.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

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

Reason: In the interests of residential and public amenities.

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

Reason: In the interests of visual and residential amenities.

12. Arrangements for clearance and decontamination of the site and for construction of the development shall be managed in accordance with a Construction and Waste and Construction Traffic Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during construction;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of

construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Noises levels shall be managed to accord with the standards in BS 5228: Noise Control on Construction and Open Sites Part 1 Code of Practice for Basic Information and procedures for noise control and shall not result in grounds for complaint as provided for in B.S. 4142. "Method for rating industrial noise affecting mixed residential and industrial areas"

(d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

(f) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

(g) The plan shall be in accordance with the "*Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects*", published by the Department of the Environment, Heritage and Local Government in July 2006.

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

13. Hours of work shall be confined to 0700 to 1900 Mondays to Fridays inclusive, excluding bank holidays and 0800 to 1400 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances subject to the prior written agreement of the planning authority.

Reason: In the interest of residential amenities of surrounding properties and clarity.

14. The landscaping plan and boundary treatment, and external communal amenity space provision shall be fully implemented within the first planting season following completion of construction.

Reason: In the interests of the visual amenities of the area and orderly and sustainable development.

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

16. 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.

Jane Dennehy
Senior Planning Inspector
21st July, 2019.