



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 30th day of August 2019 by Gerard Gannon Properties care of Downey Planning, 1 Westland Square, Pearse Street, Dublin 2.

Proposed Development:

A planning permission for a strategic housing development at Clongriffin, Dublin 13, on plots known as 6, 8, 11, 17, 25, 26, 27, 28 and 29, located to the north, south and east of Marrsfield Avenue and to the north, south, east and west of Marrsfield Crescent (plots 25, 26 and 27), to the south of Belltree Avenue, east of Park Street, west of Lake Street and north of Dargan Street (plot 6), to the east of Lake Street, north east of Dargan Street, north of Station Hill and bounded to the east by the Dublin Belfast Rail line (plots 8, 11 and 28), to the south of Bridge Street, east of Station Square, north of Dargan Lane and bounded to the east by the Dublin Belfast Rail line (plot 17), and to the west of Grange Lodge Avenue (plot 29); all of which are located to the north and south of Main Street, Clongriffin, Dublin 13.

The development will consist of the construction of a mixed-use development (within 9 number blocks i.e. Blocks 6, 8, 11, 17, 25, 26, 27, 28 and 29) comprising of 1,030 number apartment units (421 number one-beds, 541 number two-beds, and 68 number three-beds) of which 352 number units are residential and 678

number units are 'build to rent' residential units with ancillary residential amenity facilities; two number crèches, 10 number retail units and one number gym, all of which will be provided as follows:

- Block 6 containing a total of 270 number build to rent apartments comprising of 123 number one-beds and 147 number two-beds in five number buildings ranging from four to seven storeys in height surrounding one number landscaped podium garden with all apartments provided with private balconies/terraces, and a total of five number communal roof gardens at fourth, fifth and sixth floor level. Ancillary residential amenity facilities are also proposed including concierge, office, resident's amenity/meeting rooms; resident's gym, cinema room, function room, maintenance suite and stores. Block 6 also provides for one number crèche with associated outdoor play area at ground floor level with one number pocket park to the south east of Block 6 (Grant Park), 119 number car parking spaces at ground floor level accessed via a new vehicular access onto Lake Street, 65 number on-street car parking spaces (8 number spaces on Lake Street, 29 number spaces on Belltree Avenue, 10 number spaces on Park Street, 18 number spaces on Dargan Street) and 572 number bicycle spaces at ground floor level;
- Block 8 containing a total of 114 number apartments comprising of 39 number one-beds, 72 number two-beds, and three number three-beds, in three number buildings ranging from three to eight storeys in height, with one number landscaped podium garden, and all apartments provided with private balconies/terraces. Ancillary residential facilities are also proposed including office suite, laundry room, resident's amenity rooms and bulk store with one number pocket park proposed to the south (Railway Park); 72 number car parking spaces at ground floor level accessed via a new vehicular access onto proposed Marrsfield Lane, 31 number on-street car parking spaces (16 number spaces on proposed Marrsfield Lane, eight number spaces on proposed Station Street, and seven number spaces on proposed Railway Lane North) and 179 number bicycle spaces at ground floor level;
- Block 11 containing a total of 96 number apartments comprising of 44 number one-beds, 12 number two-beds, and 40 number three-beds, in a building four to six storeys in height, and all apartments provided with private

balconies/terraces; 36 number car parking spaces at ground floor level accessed via a new vehicular access onto proposed Railway Lane North, 25 number on-street car parking spaces (6 number spaces on proposed Railway Lane North, 14 number spaces on proposed Station Street, and five number spaces on proposed Railway Lane South) and 144 number bicycle number spaces in external covered stores/sheds;

- Block 17 containing a total of 210 number build to rent apartments comprising of 90 number one-beds, 111 number two- beds, and nine number three-beds, in a building six to 17 storeys over basement in height, and all apartments provided with private balconies/winter gardens/terraces. Ancillary residential facilities are also proposed including concierge office, resident's amenity rooms, conference room, resident's gym, laundry room and bulk store. Block 17 comprises five number retail units (on ground, first and second floor levels); 2 number communal roof gardens at sixth floor level and seventh floor level; 71 number car parking spaces at basement level accessed via a new vehicular access onto Dargan Lane, four number on-street car parking spaces (three spaces on Station Street, one number space at entrance to proposed basement access), and a total of 225 number bicycle spaces at basement and ground floor level;
- Block 25 containing a total of 63 number build to rent apartments comprising of 25 number one-beds and 38 number two-beds in a building six to seven storeys in height, and all apartments provided with private balconies/terraces and one number communal roof terrace at sixth floor level. Ancillary residential amenity facilities are also proposed including function room, lounge and workspace room, concierge, plant rooms and stores all at ground floor level; 136 number bicycle spaces at ground floor level; six number on-street car parking spaces on Marrsfield Avenue, 33 number off-street car parking spaces accessed via a new vehicular access onto Marrsfield Avenue;
- Block 26 containing a total of 78 number build to rent apartments comprising of 50 number one-beds and 28 number two-beds in a building ranging in height from eight to 15 storeys and all apartments provided with private balconies/terraces and two number communal roof terraces at eighth and thirteenth floor level. Ancillary residential facilities are also proposed including

resident's function room, meeting room, concierge, office, resident's gym, steam room, resident's changing and shower rooms, residents lounge, and cinema/media room; 190 number bicycle spaces at ground floor level; 14 number on-street car parking spaces (six number spaces on proposed Marrsfield Crescent East and eight number spaces on proposed Marrsfield Lane), 38 number off-street car parking spaces accessed via a new vehicular access onto proposed Marrsfield Lane;

- Block 27 containing a total of 57 number build to rent apartments comprising of five number one-beds, 47 number two-beds, and five number three-beds, in a building ranging from five to six storeys in height, and all apartments provided with private balconies/terraces and one number communal roof terrace at fifth floor level. Ancillary residential facilities including concierge/office, resident's lounge and workspace room, and function room. Block 27 also provides for a crèche at ground floor level with associated outdoor play area and a set down area on Marrsfield Avenue; 146 number bicycle spaces at ground floor level; nine number on-street car parking spaces on Marrsfield Crescent West, 18 number off-street car parking spaces accessed via a new vehicular access onto Lake Street;
- Block 28 containing a total of 122 number apartments comprising of 42 number one-beds, 71 number two-beds, and nine number three-beds, in four number buildings ranging from six to seven storeys in height, with one number landscaped podium garden, and all apartments provided with private balconies/terraces. Block 28 also provides for one number gym and five number retail units at ground floor level; 242 number bicycle spaces at ground and first floor level; six number on-street car parking spaces (four number on-street car parking spaces on proposed Railway Lane South, and 2 number on-street car parking spaces on Station Street); 106 number off-street car parking spaces accessed via a new vehicular access onto proposed Railway Lane South);
- Block 29 containing a total of 20 number apartments comprising of three number one-beds, 15 number two-beds and two number three-beds, in a building three to four storeys in height, all apartments provided with private balconies/terraces; 49 number bicycle spaces in external covered stores; 11

number on-street car parking spaces on Grange Lodge Avenue; and nine number off-street car parking spaces accessed via a new vehicular access onto Grange Lodge Avenue.

The development provides for a total of 673 number car parking spaces across surface, under croft and basement levels, 1,883 number bicycle spaces across surface, under croft and basement levels, motorcycle parking, ESB sub-stations, plant room and bin stores at basement level within Block 17 and at ground/surface level within Blocks 6, 8, 11, 25, 26, 27, 28 and 29; associated elevational signage to retail/commercial units; landscaping including play equipment, two number public parks (Railway Park and Grant Park); a Station Square Sculpture and 28 number additional public bicycle stands (56 number bicycle spaces) with associated new canopy at Station Square, roads, footpaths and all associated engineering and site works necessary to facilitate the development.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location in an emerging urban area that is serviced and zoned for development under the Dublin City Development Plan 2016-2022;

- (b) the Local Area Plan for Clongriffin – Belmayne 2012-2018 and the extension of the period of that plan;
- (c) the nature, scale and design of the proposed development;
- (d) its proximity to public transport services and other facilities;
- (e) the pattern of existing and permitted development in the area, and
- (f) the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018;
- (h) the Guidelines on Urban Development and Building Heights issued by the Department of Housing Planning and Local Government in December 2018;
- (i) 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;
- (j) the submissions and observations received, and
- (k) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, section 8.0 entitled Appropriate Assessment Screening in the Planning Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and
- (d) the Inspector's report.

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

The Board 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 made in the course of the application.

The Board considers that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population, land and material assets arising from the additional housing and other accommodation that would be provided on the site
- Potential effects on air quality and from noise during construction which will be mitigated by appropriate monitoring and management measures

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

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 Chapter 16 of the environmental impact assessment report, and, 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.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to the emerging character of the area and would provide a substantial amount of residential accommodation of an acceptable standard with a suitable range of commercial and community services without injuring the amenities of other properties in the vicinity, and that it would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed Block 8 only shall be omitted from the permitted development. The associated land shall be retained for a maximum period of five years for potential use as a school site. If at the end of the period works have not commenced for a school, the site shall revert to a residential use.

Reason: The Local Area Plan for Clongriffin-Belmayne 2012-2018, the period of which was extended by Dublin City Council in November 2017 after the adoption of the Dublin City Development Plan 2016-2022, requires the reservation of land for a school in this part of the site. The omission of Block 8 is required to provide a site that would be large enough to accommodate a school and to give effect to that provision of the Local Area Plan. The information submitted with the application was not sufficient to justify setting aside the reservation of land for a school, having regard to the significant growth in the population of the area that is likely to occur, the extension in the period of the Local Area Plan containing that provision and the role of the Department of Education and Skills in assessing the demand for schools subject to a time limit of five years.

3. The mitigation and monitoring measures outlined in Chapter 16 of the environmental impact assessment report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4. The streets that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013. All streets shall be local streets as set out in section 3.2.1 of DMURS whose carriageway shall not exceed 5.5 metres in width. Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall

be incorporated into the spaces in accordance with figure 4.82 of DMURS.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS.

5. The buildings identified on the submitted plans and particulars as Blocks 6, 17, 25, 26 and 27 containing 678 residential units 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 (March 2018) and shall be used for long term rentals only.

Prior to the commencement of development on site the developer shall submit for the written agreement of the planning authority details of the following in respect of each of the blocks permitted as the Build-to-Rent developments:

- 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.
- A covenant or legal agreement which confirms that each block shall remain owned and operated by a single institutional entity as a Build-to-Rent scheme for a minimum period of not less than 15 years and that no individual residential units shall be let or sold separately in that period.

Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit and agree in writing with the planning authority details of the ownership and management structures for the continued operation of the blocks as Build-to-Rent schemes. Any proposed amendment or deviation from the Build-to-Rent model authorised in this permission for those blocks shall require a separate grant of planning permission.

Reason: In the interests of orderly development and clarity.

6. Prior to the commencement of development, the development shall submit for the written agreement of the planning authority details of screens, planting or other physical means to provide adequate privacy for balconies and terraces that serve the permitted apartments as private open spaces.

Reason: In the interest of residential amenity.

7. The materials, colours and finishes of the permitted buildings and the treatment of streets and open spaces shall be in accordance with the details submitted with the application including the retail design guidelines, unless the prior written agreement of the planning authority is obtained for departures from those details.

Reason: In the interest of visual amenity.

8. Proposals for street names, numbering schemes 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. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

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. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. 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.

12. 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 within each block shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. 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.

14. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

15. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10 percent of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

16. 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:

- (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 the course of construction and the prohibition of parking on neighbouring residential streets;

- (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;
- (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.

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. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

17. Site development and building works shall be carried out only between the hours of 0800 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.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

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

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the

matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

21. The developer shall 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.

