



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 4, 5 and 14, located to the east of Park Street, south of Market Street, and west of Lake Street (plot 4), to the north of Market Street, to the south of Dargan Street, to the east of Park Street and Belltree Park (under construction), and west of Lake Street (plot 5), to the north of Main Street, south of Market Street, west of Market Lane and east of Lake Street (plot 14); all of which are located to the north of Main Street, Clongriffin, Dublin 13.

The development will consist of the construction of a mixed-use development (within three number blocks i.e. Blocks 4, 5 and 14) comprising of 500 number apartment units (49 number studios, 167 number one-beds, 259 number two-beds, and 25 number three-beds) of which 235 number units are residential and 265 number units are 'build to rent' residential units with ancillary residential amenity facilities; one number crèche, one number community centre, one number men's shed, three number cafés/restaurants, six number retail/commercial units, all of which will be provided as follows:

- Block 4 containing a total of 74 number build to rent apartments and own door duplex units comprising of nine number one-bed apartments, 46 number two-bed apartments, nine number two-bed own door duplex units and 10 number three-bed apartments, in two number buildings ranging from two to six 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, guest suite, resident's rooms, games room, store, etc. Block 4 also provides for one number crèche at ground and first floor level with associated outdoor play area, one number community centre, one number men's shed with associated outdoor area, and one number café/restaurant, all at ground floor level; 45 number car parking spaces at ground floor level accessed via a new vehicular access onto Lake Street, five number on-street car parking spaces (three number spaces on Lake Street, and two number spaces on Park Street) and 132 number bicycle spaces (34 number on-street and 98 number at ground floor level);
- Block 5 containing a total of 138 number apartments comprising of 52 number one-beds, 83 number two-beds and three number three-beds in one number building ranging from three to seven storeys in height surrounding one number landscaped podium garden with all apartments provided with private balconies/terraces, and a total of one number communal roof garden at fourth floor level. Ancillary residential amenity facilities are also proposed including concierge, laundry, and resident's amenity and meeting rooms. Block 5 also provides for four number retail units at ground floor level; 54 number car parking spaces at ground floor level accessed via a new vehicular access onto Park Street, 42 number on-street car parking spaces (17 number spaces on Dargan Street and 25 number spaces on Lake Street) and 224 number bicycle spaces (30 number on-street and 194 number at ground floor level);
- Block 14 containing a total of 288 number apartments in two number buildings ranging from six to eight storeys over basement in height as follows: Block A comprising 97 number residential units (four number studios, 43 number one-beds, 44 number two-beds and six number three-beds) and Block B

comprising 191 number build to rent units (45 number studios, 63 number one-beds, 77 number two-beds, and six number three-beds) surrounding one number landscaped courtyard, and all apartments provided with private balconies/terraces. Ancillary residential amenity facilities including concierge, laundry, bulk stores, resident's gym and resident's amenity room. Block 14 also provides for 2 number retail/commercial units and two number cafés/restaurants at ground floor level, 162 number car parking spaces at basement level accessed via a new vehicular access onto Lake Street, 49 number on-street car parking spaces (14 number spaces on Lake Street, 24 number spaces on Market Lane, and 11 number spaces on Main Street) and 651 number bicycle spaces (10 number on-street, 553 number at basement level and 88 number at ground floor level).

The development provides for a total of 357 number car parking spaces across surface, undercroft and basement levels, 1007 number bicycle spaces across surface, undercroft and basement levels, motorcycle parking, ESB sub-stations, plant room and bin stores at basement level within Block 14 and at ground/surface level within Blocks 4 and 5; associated elevational signage to retail/commercial units; landscaping including play equipment; 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;
- (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 on lands that have previously be subject to works,
- (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 development shall be amended as follows:
 - (a) The proposed junction of Lake Street onto Main Street shall be amended to provide a safe pedestrian crossing across Lake Street in line with the footpaths along Main Street on either side of the junction in accordance with the guidance given at section 4.3.2 and 4.3.3 of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013. To this end the width of the carriageway of Lake Street at the junction shall be reduced by the extension of the public square and footpaths on either or both sides of the junction and the installation of pedestrian refuge and/or a raised table within the junction. Guardrails shall not be installed. The development proposed on the adjoining land to the west of the site within the control of the applicant shall be amended to facilitate the required pedestrian crossing.
 - (b) The width of the carriageways on the streets within the proposed development shall not exceed 5.5 metres. 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 without increasing the width of the carriageway to more than 5.5 metres.

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

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.

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 buildings identified on the submitted plans and particulars as Block 4 and Block 14B containing 265 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 proposed 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 Block 4 and Block 14B 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.

5. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details of the control and operation of the permitted community centre and men's shed in Block 4 which shall be sufficient to ensure that it is occupied on a not-for-profit basis for the benefit of the local community and that its use remains within Class 8 or 10 of Part 4 of Schedule 2 to the Planning and Development and Development Regulations, 2001, as amended,

Reason: In the interest of clarity.

6. Prior to the commencement of development, the developer 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 per cent 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 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.

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.

Paul Hyde

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019