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## **Planning and Development Acts 2000 to 2020**

### **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 12<sup>th</sup> day of August 2020 by Camgill Property A Seacht Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin 2.

#### **Proposed Development comprises of the following:**

The construction of 191 number residential units in a part seven, part eight and part nine storey building, over a lower ground floor or upper basement level and lower basement level. The 191 number apartments consist of six number studio units, 76 number one-bed units and 109 number two-bed units.

The proposal contains a total of 118 number car parking spaces, 103 number of which are located at upper basement level and 15 number at surface level, and 424 number bicycle parking spaces, 328 number of which are located at upper and lower basement level and 96 number at surface level. Access to the upper and lower basement parking facilities is proposed from the north of the development via an extension of Mayne River Street provided as part of this application. Bin stores, plant rooms, storage rooms, management areas and the Electricity Supply Board substation, which are provided with external access doors, are located at lower ground floor or upper basement level and lower basement level.

The proposed development includes private amenity space in the form of balconies or terraces for all apartments, public and communal open space at podium, ground floor and roof level, photovoltaic panels at roof level, pedestrian access routes, children's play space, foul and surface water drainage, hard and soft landscaping, lighting, alterations to the adjacent public park, including provision of a play area, and all associated and ancillary site works all located on lands known as Site 2, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17. The site is bound by an existing office building and surface car park to the west, the Mayne River corridor to the north, a public park and nursing home building to the east and Mayne River Avenue to the south.

## **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 close to Dublin city centre, within an emerging built-up area, including the bus corridor along the Malahide Road,
- (b) the provisions of Dublin City Development Plan 2016-2022, including the zoning objective Z14, which aims to 'seek the social, economic and physical development and or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses',
- (c) the policies set out in the Dublin City Development Plan 2016-2022, including the location of the site within the North Fringe Key District Centre,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (e) 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 2019, as amended,
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (g) the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- (h) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (i) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (j) the nature, scale and design of the proposed development,

- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area,
- (n) the report of the Chief Executive of the planning authority and associated appendices,
- (o) the report of the Inspector and the submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the information contained in the Screening Report for Appropriate Assessment and the Natura impact statement 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 Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the developer, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations, as amended,
- (b) the location of the site on lands zoned to provide for residential uses in the Dublin City Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the plan,
- (c) the existing use on the site and pattern of development in the surrounding area,
- (d) the planning history relating to the site,
- (e) the availability of mains water and wastewater services to serve the proposed development,
- (f) the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as amended,
- (g) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government August 2003,
- (h) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended,

- (i) the features and measures proposed by the developer envisaged to avoid or prevent which might otherwise be significant effects on the environment, including measures identified in the proposed Construction Environmental Management Plan (CEMP),

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. 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 period during which the development hereby permitted may be carried out shall be five years from the date of this Order.

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

3. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
  - (i) All apartments shall fully comply with Appendix 1 of 2018 Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities;
  - (ii) Details of privacy screens or buffer zones, shall be provided between balconies at ground floor levels and above;
  - (iii) The brick treatment shall be light or pale in colour;
  - (iv) Details of the location of vents and appropriate landscaping in their vicinity. Proposals shall include details for natural screening, with vents incorporated into planter beds where they are located within open space or landscaped areas;

- (v) Details of additional measures to minimise noise and vibrations for units located near the car ramp to the basement and undercroft area;
- (vi) Existing palisade fencing to the north of the site to be removed and replaced with a more visually pleasing railing, more appropriate to a residential area;
- (vii) Proposals for the greening of elements of ground floor level at northern and eastern elevations, in addition to proposals for high quality, visually pleasing access doors to service the area at the northern elevation;
- (viii) Details of 'bat friendly' public lighting;
- (ix) A revised Construction Environmental Management Plan, which refers to specific measures within the Ecological Report and Tree Protection Plan;
- (x) Details of protection measures for trees located within the woodland area at the northern end of site;
- (xi) Details of updated surveys of nesting birds, bats and otters, which includes any proposed mitigation and management or relocation with appropriate licences, as required.

**Reason:** In the interests of proper planning and sustainable development and to safeguard the amenities of the area.

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

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

5. The developer shall enter into water and or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

**Reason:** In the interest of public health.



6. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
- (b) The findings of the Stage 1 Road Safety Audit and the undertaking of a Stage 2/3 Road Safety Audit and its findings, shall be closed out, signed off and incorporated into the development at the developer's expense. Exact details of any improvement measures shall be submitted to the planning authority for written agreement prior to the commencement of development.

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

7. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

8. A detailed mobility management strategy shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The strategy shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking, as well as identifying car club spaces outside of the development, in the vicinity of the site. This strategy shall be prepared and implemented by the management company for all units within the development. This strategy shall also incorporate a Car Parking Management Strategy for overall development, details of which to be agreed with the planning authority, prior to the commencement of development. It shall address the continual management and assignment of spaces to users and residents over time.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

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

10. Prior to the opening or occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, occupants or staff employed in the development and to reduce and regulate the extent of parking. Details may include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

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

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

12. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

13. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Render finishes shall be replaced with pale coloured brick.

**Reason:** In the interest of visual amenity.

14. 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 amenity of property in the vicinity and the visual amenity of the area.

15. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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 amenities of property in the vicinity.

16. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

**Reason:** In the interest of orderly development.

17. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

18. 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 carry out site testing and 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 (in situ or by record) of any remains that may exist within the site.

19. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

21. A Final Site Specific detailed Construction and Environmental Management Plan shall be submitted, for the written agreement of the planning authority at least five weeks in advance of site clearance and site works commencing.

**Reason:** To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding.

22. Prior to the commencement of any works on site, the developer shall agree measures with the planning authority to mitigate any impacts on the continued safe operation of Dublin Airport, for both the construction and operational phases of the development.

**Reason:** In the interest of public safety.

23. Prior to the occupation of any unit, the implementation of the measures specified in section 8.3 of the submitted 'Noise & Vibration Impact Assessment Report' shall be completed in full.

**Reason:** In order to ensure the proposed development is designed with noise mitigation to an appropriate standard.

24. The developer shall enter into an agreement with the planning authority, pursuant to section 47 of the Planning and Development Act 2000, which shall allow for provision of shared accesses over the proposed access road as detailed in the developers submission. This shared access shall make provision for facilitating the possible future development of lands located within the site of the proposed Block 10 and access into the Mayne River corridor area.

**Reason:** In the interests of co-ordinated development.

25. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.



26. 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.

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

**Dated this          day of                                  2020**