



An
Bord
Pleanála

Inspector's Report PL.29N.248713

Development	Construction of 139 apartments, 5 retail units, meeting rooms, gym and all associated site works
Location	Block 17, Station Square, Clongriffin, Dublin 13
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3634/16
Applicant(s)	Gannon Properties
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Core Estate Management Grange Abbey Residents Association
Observer(s)	1. Cllr. Tom Brabazon 2. Abbey Park & District Residents Association

3. Pam Costello

4. Thomas P. Broughan T.D.

Date of Site Inspection

18th August 2017

Inspector

Joanna Kelly

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1.0 Site Location and Description

- 1.1. The appeal site, with a stated site area of 5,430sq.m. is located to the eastern end of the new urban quarter of Clongriffin adjacent to the Dublin-Belfast rail-line in north County Dublin. This area has been subject to significant development in the last 10 years although the downturn in the economy has delayed some of the developments. The lands in question form part of the Belmayne-Clongriffin Local Area Plan and are located approx. 5km southeast of Dublin airport.
- 1.2. The appeal site is located immediately southwest of the Clongriffin Dart station, bounding the railway lands to the east. The north-western boundary of the site bounds Station Square where the park and ride facility is located underground. A bus terminus is located at this square also.
- 1.3. The appeal site which is relatively flat is currently fenced off. It was noted at time of inspection that there was a site notice for a hotel development (identified as Block 19 on the plans submitted) on the lands immediately south-west of the appeal site. Permission for this development was granted earlier this year.
- 1.4. The appeal site is a centrally located and important landmark site within this new urban quarter. The location of the site is such that will terminate the view on approach along the Main street towards the site. Block 16, a six storey residential block is located immediately north of the appeal site, Bridge Street Apartments. The northern elevation of the proposed development will front directly onto the existing Bridge Street Esplanade.
- 1.5. The main street is characterised with buildings ranging in heights from 4 to part 7 storey with commercial uses at ground floor and residential overhead. Whilst, there is a 'Centra' store, restaurant, off-license, chemist, community hub etc. it was noted that there is still a high vacancy rate along the main street. There are sites located within this urban quarter along the Main Street which have yet to be developed. The residential provision closer to the main street is higher density, decreasing in density towards Father Collins Park. Construction activity is evident on other sites within the vicinity of the appeal site during time of inspection.

2.0 Proposed Development

- 2.1. The applicant is seeking permission for a development consisting of a total of 139 residential units with ancillary common facilities including meeting rooms, gym, cycle park, concierge, entrance courtyard and roof gardens; 5 retail units (c. 427 sq.m. total); and with 139 car spaces and ancillary engineering facilities at basement level, ESB substation and provision for antennae at top roof level.
- 2.2. The breakdown of residential units and commercial floor area are as follows:

Figure 1

Residential		
Unit Type	No units proposed	% of units
1 bed units	28	20
2 bed units	97	70
3 bed units	14	10
Total	139 units	100%
Commercial		
Retail Floor Space	427sq.m.	

- 2.3. The stated floor area of the proposed new building is 21,097sq.m. and the building height ranges from six to 16 stories. The 16 storey element is confined to the north-western most section of the site directly abutting Bridge Street Esplanade reducing to six stories adjoining the railway lands and in the southern portion of the lands adjacent to Dargan Lane/Existing residential Block 18.
- 2.4. In the interests of clarity for the Board, pursuant to further information, the applicant submitted revised floor plans for lower, upper basement and ground floor and all floors up to the eight floor. The remaining floors i.e. ninth to 16th remain unchanged. Therefore, this assessment makes references to the plans submitted at further

information stage and also the original application stage. Unsolicited information was also submitted and received by Dublin City Council on 18 May 2017 which clarified a number of aspects of the FI details submitted but most notably a typo in Figure 29 referring to 'Underway office uses' where the figure 1190m² should read 18288m².

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority granted permission subject to 26 no. conditions. A brief description of the conditions as follows:

Condition 1	Compliance with plans and particulars
Condition 2 & 3	Section 48 and 48 (2)(c) contributions
Conditions 4, 5 &11	External finishes and agreement of materials
Condition 6	Construction hours
Condition 7	Landscaping plan
Condition 8 & 9	Limitations on advertising and other such structures
Condition 10	Limitation on sound levels within the building
Condition 12	External lighting
Condition 13	Aviation warning beacon
Condition 14	Street naming and numbering
Condition 15	Requirements of public lighting division
Condition 16	Requirements of Roads and Traffic Planning Division
Condition 17	Requirements of Drainage division
Condition 18	Compliance with Irish rail requirements
Condition 19	Part V
Condition 20,21 &22	Consultation with Waste Regulation Unit
Condition 23	Control on noise levels

3.2. Planning Authority Reports

3.2.1. Planning Reports

26 October 2016 First planning report recommended further information on the following:

- Assessment of potential amenity impacts upon third party residential developments or potential in terms of impacts upon their access to daylight and sunlight as per BRE's Site Layout Planning for Sunlight and Daylight.
- Clarification if the internal daylight study for the proposal included all the potential obstructions from existing and proposed blocks etc. adjacent to the proposal and to also indicate the uniformity of received daylight to the sample studies as per 5.7 of BS 8206-2:2008 Lighting for Buildings – Code of Practice.
- Evidence that the proposal is acceptable in terms of solar glare/dazzle or micro climate issues.
- Provide viewing lines and distances to potentially vulnerable active elevations and private open space in the vicinity of the proposal and to provide a comparison with the baseline impacts as generated by the previous permission for the primarily office development.
- Provide details of measures to improve or maximise privacy to potentially vulnerable ground floor units and their attendant private open space.
- Provide a comparative visual outline of the proposal in relation to the previous permitted development.
- Provide a noise impact assessment and mitigation plan noting the location of the development adjacent to a station and railway line.
- Confirm that all units catering for 3 persons or more will have a master bedroom of 13sq.m.
- Provide an outline of the potential future development mix of the Clongriffin area – noting that only c. 19,500sq.m. of the c. 100,000sq.m. non-residential uses has been constructed.

- Consider the impact of the development upon the use/operation etc. of the station platform and rail line areas adjacent to the development.
- Clarify if the screening report for Appropriate Assessment has considered cumulative effects upon Natura 2000 sites.
- Clarify how the proposal complies with the 'Assessment Criteria for Higher Buildings' contained in section 16.7.2 of the Dublin City Development Plan 2016-2022 and to submit a design statement including a detailed elevational study, further details illustrating the proposed finishes, more accurate photomontages and an analysis of the slenderness ratio of the tower feature in its totality.

22 May 2017 The subsequent planner's report dealt with the applicant's response to further information and is summarised as follows:

- Requirements of BRE would require overly wide streets that could not feasibly engender an urban/town centre format and is not appropriate in this instance. The applicant instead assessed impacts on access to daylight by testing outcomes based on required average daylight factors (ADFs) for habitable rooms. The study indicates that the adjacent habitable spaces will meet the recommended ADFs.
- The sample light study took account of previously permitted Block 19 baseline impacts, as well as other existing, permitted and proposed obstructions and it is considered that the concurrent block 19 application will not have a material effect on the units assessed in the sample study.
- The applicant indicates that their expert commissioned in respect of reflectance impacts indicates that such are in the low to very low categories. The report concludes that the very low levels of solar glare nuisance warrant specific mitigation.
- The applicant provided comparative separation distances between the proposal and adjoining blocks which generally indicate similar set-backs.
- Ground level private spaces in Block 17 will be raised from footpath level and private areas will have 1100mm railing around the patio as well as planting.

This scheme has a plinth that elevates the garden and allows a Georgian like buffer zone to occur.

- A noise study for proposed Block 17 has been carried out. The onsite noise study carried out over a period of 7 days, gives a performance specification for the building envelope.
- The applicant indicates that the design intention of Block 17 is to provide outstanding residential accommodation that will also strengthen and invigorate its urban context. It will specifically densify and activate Clongriffin Town Centre, creating a desirable location that will lead to increased footfall and a presence that will help enable other quality commercial and residential development to follow.
- It is submitted that maximum slenderness has been an aim of this design from inception stage in order to achieve the most elegant form possible. This has to be balanced with the viability of the development.
- The planner recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Waste Management Division

This report outlines standards in relation to construction and demolition projects and other waste requirements.

Drainage Division

27/09/2016 No objection the proposal subject to conditions

04/05/2017 Fi noted and no change to report.

Roads, Streets and Traffic Department

13/10/2016 No objection to the proposal subject to conditions.

3.3. Prescribed Bodies

National Transport Authority

- Supports this proposal in principle.
- Transport Strategy seeks to prioritise developments adjacent to public transport routes.
- The Authority welcomes the proposal to provide active ground floor uses along the northern façade of the development, offering passive supervision for passengers travelling to and from the station. The Authority recommends that the details of these ground floor uses including their permitted and likely operating hours are carefully considered in the event of a grant of permission in order to maximise their hours of use.
- The Authority welcomes the opportunity to minimise the level of parking to be provided.
- The provision for pedestrian access from Station Way to Bridge Street to the south west of the proposal is welcomed.

Iarnród Éireann

- Object to the proposal as presented.
- Applicant's drawings 1519 P 312 and to a lesser extent in drawing 1519 P 314 shows the development very close to the railway boundary which will require interference with the railway envelope in order for construction to take place.
- The development runs so close to the railway boundary there is a consequent risk of electrocution due to proximity to overhead power lines. The building as proposed should be set back a minimum of 4m horizontally from the boundary fence at its closest point to the nearest point of the structure including balconies.
- The design of the structures due to proximity, balconies on the railway elevation and interconnectivity to railway structures does not cater for the abatement of noise and vibration which occurs normally from railway operations and maintenance.

- Balconies facing the railway give the opportunity for projectiles to be thrown onto staff working on the railway. No balconies should be constructed on the railway elevation.

The file was referred to Transport Infrastructure Ireland, Irish Aviation Authority and Irish Water however no responses are noted on file.

3.4. Third Party Observations

There were a number of third party submissions/observations in respect of this application which raised issues *inter alia*,

- Excessive height
- Sub-standard road widths
- Reference to illegal turn at the end of Main street
- Proposed wood finish unsuitable to Irish weather
- Rationale to change from commercial to residential use is inadequate
- Clongriffin needs 'Z6' style developments to facilitate opportunities for employment creation.
- Reference to anti-social behaviour.
- Community needs social facilities such as medical centres, nursing homes etc.
- Dart services are limited.
- Overlooking and overshadowing
- Loss of commercial use
- Loss of light, shadow impact assessment required.
- Physical model would assist in understanding the impact
- Currently inadequate parking available.
- Impact on balconies facing out onto Block 18
- Area would benefit from a direct connection with the airport.
- Concerns regarding fire and ability to deal with a fire at this location.

- School and childcare facilities are running at full capacity.
- Significant high density is not complemented with provision of significant open space and amenity.
- Lack of town centre with commercial, community and other services to serve existing and future residents.
- Contrary to good planning for Dublin City Council to unilaterally allow for massive leap frogging of height and scale in such a transitional area of the city.
- The building would be less than 1km from the strategic green belt separating Baldoyle from Portmarnock.
- The proposal seeks to replace commercial office space at a key transport hub.
- Flooding and drainage concerns.
- Concern about impact on flight paths associated with Dublin airport.
- Shadows over local preserved wetlands and coastal area and may affect the numbers of birds which migrate to the area.
- Drinking water quality is already an issue in the area.

4.0 Planning History

PL.29N.131058/File ref. No. 0132/02 Permission to grant a mixed use town centre development was upheld on appeal. Development included 3,576 dwellings, 80,600sq.m. of mixed retail, commercial, leisure and community uses together with all associated site works on lands north of Grange Road, Donaghmeade, Dublin13. This permission expired in September 2013 and was the parent permission (10 years) pertaining to the town centre lands.

File Ref. No. 5973/07 Permission granted for **revisions to block 17** of existing permission (Ref. 0132/02 & PL29N131058). The approved 5-14 no. levels over basement level comprising retail, restaurant & offices are to be omitted and replaced

by mixed use development consisting 5-14 no. levels over 2 level basement comprising: 1 no. restaurant unit accessed from Bridge Street to include the sale of hot food for consumption off the premises (unit no. 1, 3 levels, 608sqm total) with outdoor seating to north elevation and external seating to second floor podium; 3 no. retail units each to include i) the sale of hot food for consumption off the premises and ii) for the sale of intoxicating liquor (off-license) for consumption off the premises (unit no. 2 accessed from Bridge Street, 2 levels, 486sqm total; unit no. 3 accessed from Dargan Lane, 209sqm; unit no. 4 accessed from Dargan Lane, 134sqm); offices (,7678sqm) with 2 no. street entrances (at Station Sq. and Dargan Lane), external balconies to west elevation at second, third and fourth floor and external terrace to north elevation at second floor and external terrace to second floor podium and external terraces at roof level to fifth, eight and thirteenth floors; loading dock below podium accessed from road to east; 2 no. substations; 70 car-parking spaces within 2 level basement entered via Dargan Lane to east.

Adjacent lands west of the appeal site

File Ref. No. 2569/17 Permission recently granted for development of a new hotel, located at the site known as Block 19, Station Square, Clongriffin, Dublin 13. The site is located on the south side of Station Square, Clongriffin, Dublin 13 and is bounded by station square to the North, Railway Road to the west and south west, Station Way to the south east and the proposed Block 17 (current planning application reg.Ref.3634/16) to the east. Heights vary from 7 storeys over basement carpark on Station Square to 4 and 5 storeys over basement on the other street frontages. The development will comprise principally. 209 guest bedrooms, hotel bar/restaurant/front of house reception areas, main and secondary function rooms and meeting rooms, kitchen/service/ancillary facilities, fitness suite, service and plant areas, 20 apartments (with balconies) for short term letting for holiday and business use, (4 x 3 bed, 8 x 2 bed, 4 x2 bed+study, 4 x 1 bed), basement carpark, controlled carpark access ramps, electrical substation, external illuminated signage, site services and site development works, minor repositioning of existing bus stop, soft and hard landscaping.

Lands on the opposite side of the rail-line

File Ref. No. PL.248970 / F16A/0412 Fingal County Council granted permission for 550 units on lands directly opposite the appeal site on the opposite side of the railway station. This application is currently on appeal with ABP and is due for a decision in December 2017.

5.0 Policy Context

5.1 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, (Cities, Towns & Villages) 2009

These guidelines should be read in conjunction with the Department's planning guidelines on design standards for new apartments, published in 2007. The objective of these guidelines is to promote high quality developments. These guidelines have a companion design manual showing how design principles can be applied in the design and layout of new residential developments at a variety of scales of development and in various settings. The design manual sets out a series of 12 criteria which should be used at pre-application meetings and in the assessment of planning applications and appeals.

5.2 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2015

These guidelines seek to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types and sizes – including households with a child or children, students, older people and an increasingly mobile workforce and secondly to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

These guidelines specify planning policy requirements for:

- Internal space standards for different types of apartments, including studio apartments;
- Dual aspect ratios;
- Floor to ceiling height;
- Apartments to stair/lift core ratios;
- Storage spaces;
- Amenity spaces including balconies/patios;
- Room dimensions for certain rooms.

The focus of this guidance is on the apartment building itself and on the individual units within it.

Circular PL11/2016 amends and updates parts of this document.

5.3 **Design Manual for Urban Roads and Streets**

This manual seeks to achieve better street design in urban areas by facilitating the implementation of policy on sustainable living by achieving a better balance between all modes of transport and road users. The Guidelines set out that street networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all users, in particular more sustainable forms of transport.

5.4 **The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009**

Flood risk assessments require identification and assessment of all three components:

- The probability and magnitude of the source(s) (e.g. high river levels, sea levels and wave heights);
- The performance and response of pathways and barriers to pathways such as floodplain areas and flood defence systems; and

- The consequences to receptors such as people, properties and the environment.

The ultimate aim of a flood risk assessment is to combine these components and map or describe the risks on a spatial scale, so that the consequences can then be analysed. FRAs need to consider the situation both as it is now and also how it might change in the future.

5.5 Dublin City Development Plan 2016-2022

Chapter 5 deals with quality housing. Relevant policies include:

QH1: To have regard to the DECLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007); ‘Delivering Homes Sustaining Communities – Statement on Housing Policy (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009).

QH4: To support proposals from the Housing Authority and other approved housing bodies and voluntary housing bodies in appropriate locations subject to the provisions of the development plan.

QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH8: To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.

Section 5.5.6 of the development plan deals specifically with apartment living.

QH18: To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

QH19: To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.

QH20: To ensure that apartment developments on City Council sites are models of international best practice and deliver the highest quality energy efficient apartments with all the necessary infrastructure where a need is identified, to include community hubs, sports and recreational green open spaces and public parks and suitable shops contributing to the creation of attractive, sustainable, mixed-use and mixed-income neighbourhoods.

Section 9.5.3 deals with flood management.

SI12: to implement and comply fully with the recommendations of the Strategic Flood Risk Assessment prepared as part of the Dublin City Development Plan.

SI13: That development of basements or any above-ground buildings for residential use below the estimated flood levels for Zone A or Zone B will not be permitted.

Chapter 10 deals with Green Infrastructure, Open Space, and recreation.

GI13: To ensure that in new residential developments, public open space is provided which is sufficient in quantity and distribution to meet the requirements of the projected population, including play facilities for children.

Volume 7 Strategic Flood Risk Assessment also provides policies and objectives in respect of flooding.

5.6 Clongriffin Belmayne Local Area Plan 2012-2018

The lands of the North Fringe area were initially designated for development in 1999 and in 2000, the North Fringe Action Area Plan was published to guide developments across the area. The two main objectives of the plan have been to provide a coherent urban structure with distinct identity and to integrate new and existing communities successfully.

It is essential that the developing area integrates successfully with the communities and character areas adjoining. Residents of the existing communities should be encouraged to interact with new public spaces, facilities and residents of the developing area and likewise new residents of the developing area should be encouraged to access and interact with public spaces, facilities and residents in the communities adjoining.

5.7 Natural Heritage Designations

There are no natural heritage designations within the site.

6.0 The Appeal

6.1 Grounds of Appeal

6.1.1 Stapolin Management Ltd and Red Arches Management Ltd.

- The appellant is the management company for, *inter alia*, the adjoining “Myrtle, The Coast, Grange Road, Baldoyle, Dublin 13” and “Red Arches, The Coast, Baldoyle”. The Myrtle complex has 361 residential units, a crèche and a retail unit, while the Red Arches complex has 273 residential units, a crèche and a retail unit. The Red Arches complex has 273 residential units, a crèche and a retail unit. Both of these developments would be affected by the proposed development due to its orientation, location, size and height which

along from being overbearing and visually obtrusive would also overlook residents of these development from close quarters, create overshadow and block sunlight from the many small private open spaces around their properties.

- The residential amenities presently enjoyed by residents in the area would be significantly affected by the manner in which the proposed development is designed.
- The main concern is the interface between the subject site – which is contiguous to and immediately west of the two apartment developments i.e. Myrtle and Red Arches.
- While the LAP supports the provision of seven to ten stories, the suggestion that sixteen storeys would be acceptable is clearly wrong and indeed must represent a material contravention of the development for the area. By revising the height down to a maximum of ten storeys the density will still be high though consistent with densities at transport hubs, and concerns of the appellant would partially be satisfied.
- Concerns are raised with the density of the development on the site and the lack of communal open space and private open space. The proposal would put pressure on the fragile social infrastructure in the area, particularly schools, child minding and general community facilities.
- The appellant raises a procedural issue in respect of the overall site boundaries.
- Reference is made to the previous site area of File Ref. No. 07/5973 and the current application where it is stated that the site area has increased from 4053sq.m. to 5430sq.m. It is set out that the difference in site area between the two applications appears to be made up by the inclusion of existing roads and landscaped areas to the north, west and south of the site map submitted. The difference in the site areas significantly affect the density parameters on the site i.e. plot ratio, site coverage and density. If the original area was the basis for these calculations, the plot ratio would be 5.2 (as opposed to 3.1), and site coverage nearly 95% as opposed to 33.9%. The density would also jump from 255 units per hectare to 341 units per hectare which would be well

in excess of the maximum recommended in the Residential Density Guidelines, the Clongriffin-Belmayne Local Area Plan 2012-2018 and the Dublin City Development Plan.

- Reference is made to the Guidelines for Planning Authorities on sustainable residential development in urban areas. It is noted that the test of whether the density of development on a particular plot of land is acceptable and would, or would not represent overdevelopment relies on the related qualitative and quantitative factors such as: - characteristics and context of the receiving environment; access to public transport; road capacity/traffic conflicts; drainage etc.
- Specific reference is made to section 5.8 of the guidelines which recommend minimum net densities of 50 dwellings per hectare. The proposed development provides for a density of 341 units per hectare and as such is deemed to be inconsistent with the guidelines with respect to residential development. The proposal would create huge negative impacts through overlooking, overshadowing and overbearing on existing developments.
- The submission quotes specific development plan policy and standards.
- With regard to building heights, there are a few areas where there are good transport links and sites of sufficient size to create their own character, such that a limited number of mid-rise (up to 50m) buildings will help provide a new urban identity. These areas are subject of a local area plan, strategic development zone or within a designated strategic development and regeneration areas (SDRA). In all cases, proposals for taller buildings must respect their context and address the assessment criteria set out in the development standards section, to ensure that taller buildings achieve high standards in relation to sustainability, amenity, etc.
- Specific emphasis is made to proposals for taller buildings respecting their context and addressing the assessment criteria set out in the development standards section.
- It is submitted that while higher plot ratios and site coverage can be considered “adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is provided”. In the

present case, this relaxation is not permitted as the proposed land use is only residential. The plot ratio of this development is 3.0-5.0 which exceeds the maximum plot ratio for consideration in Outer City areas.

- It is submitted that the site coverage is substantially higher than submitted.
- It is submitted that the proposal fails to obey simple rules such as respecting character and density or architectural form of the existing area. It is difficult to see how the development could be seen as anything other than unnecessary and a damaging intrusion into a well-established residential area in a very pleasant environmental setting.
- While maximum densities are not prescribed in the plan, in the present instance the proposed density, plot ratio, and site coverage are outside what would reasonably be expected in a primarily residential area.
- All proposals for mid-rise and taller buildings must have regard to the assessment criteria for high buildings. It is policy to retain the remaining areas of the city to a maximum height of between 16 metres to 28 metres depending on location.
- Reference is made to local area policy and that while the original strategic development and regeneration area plan was intended to be a long-term plan for the area, the slowdown in the construction sector from 2008 meant that many key sites remain undeveloped. A statutory local area plan was subsequently produced for the area and adopted by the City Council in December 2012.
- A Planning Assessment is provided based on specific development criteria.
- Key points raised are that the proposed development is over the 50m maximum proposed for a building in the North Fringe Action Area Plan. The building is primarily residential which again runs counter to the objectives of the Planning Authority for a commercial building.
- The proposal would represent a material contravention of the LAP.
- There is no evidence to support claims that the proposed development is in any way compliant with the planning authority's private open space, public open space and communal open space standards.

- The proposed 16 storey development in an embedded site in the middle of a low rise housing area would by virtue of its location, scale, height, density and type be out of character with the pattern of development already in the area.
- The form and unforgiving dominance of the proposal will be overwhelming in terms of visual impact, overshadowing, loss of sunlight, and overbearing. The proposal is therefore, inappropriate, out of character unsympathetic and will cause a serious diminution to the quality of residential amenity of existing residents.
- The submission concludes setting out that the proposal represents an oversized residential development at a density well in excess of what is set out in the Strategic Development and Regeneration Action Area Plan and the Local Area Plan for the area. It is set out that the impacts of the proposed development can be significantly ameliorated in two interlinked ways i.e. a significant reduction in the density of development on the site and by the reduction in the height of the development which creates overlooking, shadowing and overbearing features.

6.1.2 Anne Keating on behalf of the Grange Abbey Residents Association

- Any new building should be in keeping with the height of the existing development and not towering over it.
- There are major traffic problems in the area with the Hole-in-the-wall roundabout highly congested on a daily basis. Clongriffin traffic exits to Hole-in-the-wall road and any increase in traffic on to this road will further increase the congestion at the Hole-in-the-wall roundabout.

6.2 Applicant Response

The applicant's response to the two third party appeals is summarised as follows:

6.2.1 Grange Abbey Residents Association

Grange Abbey is an existing development south of Clongriffin and north of the R139. It has single vehicular access onto the Hole-in-the-wall Road. At its nearest point this development is 340m from the appeal site.

- Building Height – The proposal is a high building which is intended to orientate the neighbourhood, to provide legibility, and to dramatically mark the centre of the town. A building of this general height has been permitted twice at this location.
- Fire safety – it is submitted that concerns following the recent events in the UK are a matter for Building Control and Building Regulations. This process is separate from the planning process.
- Traffic exiting from Grange Abbey – the proposed scheme is for 139 units with 130 car parking spaces located beside the train station. TII commends the density and parking proposals. The main traffic movement out of the North Fringe is east-west while north-south is supplemented by good public transport in the form of Malahide QBC and Dart. The Mayne Road to the north of Clongriffin has now been connected eastwards to meet the Malahide Road to provide a more direct route to the R139 and the M50 beyond. It is suggested that the Grange Abbey junction onto Hole-in-the-road is an issue onto itself and that this development will not materially impact on its performance.

6.2.2 Core Estate Management

Core Estate Management Ltd. represents two management companies, namely Stapolin Management Company for the 'Myrtle' development and Red Arches Management Ltd. For the 'Red Arches' development. Myrtle is south of the application site and Red Arches is east of the appeal site.

- Interface – The appeal site and existing developments are separated by an extensive development site destined to have a three to five storey development on it. It is the intervening development which will be seen from Red Arches and Myrtle.

- Overlooking to Myrtle and Red Arches from close quarters – the proposal is 400m to the nearest part of Red Arches and 250m to the nearest part of Myrtle and therefore cannot possibly overlook at close quarters.
- The proposal will block sunlight and cause shadow – The appeal site is north of Myrtle and could not block sunlight or cause shadow. The site is west of the Red Arches with a height to distance ratio of 1:8. The proposed development is too far away and the western sun angle too low for any material impact to occur.
- That it will strain existing community facilities in the area – Clongriffin has a town centre largely constructed including provision for a supermarket, shops, parking etc. due to economic crash most of the retail units were never occupied. Each increase in population helps increase the critical mass necessary to users for these units.
- Does not comply with the Local Area Plan – The proposal does comply with the LAP with permission previously granted for landmark buildings.
- The land use/zoning is residential only – this is clearly not the case. The lands are zoned Z14 for mixed use zoning. The adjacent Block 19 has recently been granted permission as a hotel.
- Density and site coverage are too high – it is the ability to vary density within the town which will contribute most to the variety and choice of dwellings available to residents and to the viability of the town as a whole. The proposal represents a density of 256/ha. A landmark tall building will generate high figures by definition and it occurs in the context of densities of c. 175/ha on Main Street. Plot ratio is calculated at 3.009 which is at the recommended level. The site immediately adjoins the Dart station and a QBC bus terminus.
- A high building is not appropriate – the City Development Plan identifies the North Fringe as a location suitable for mid-rise development that is 50m high. The appellant incorrectly states development plan policy regarding heights include plant rooms, lift over runs etc. Reference is made to section

16.7.2 where it is set out that plant, flues etc. should not be included in the height of the building.

- Public, communal and private open space is inadequate – Reference is made to Section 28 guideline requirements for open space standards. 1635sq.m. and internal leisure facilities are provided for.
- In conclusion, compliance with the development plan and the local area plan is well articulated in the architect's report with the application. Permission has been twice granted on the site for a tall building. Office use is not viable to deliver. It is difficult to see how the proposed building could cause loss of amenity to Myrtle or Red Arches residents. It is requested that the proposal is granted.

6.3 Planning Authority Response

None noted on file

6.4 Observations

6.4.1 Cllr. Tom Brabazon

- Supports the appeal being brought by Grange Abbey Residents Association.
- Roads infrastructure in the area from R139 to Baldoyle and from Portmarnock to Raheny cannot bear more vehicular traffic.
- The roundabout at Clarehall Avenue on Grange Road needs to be signalised and in order for that to happen the Malahide Road by-pass at the R139 at the rear of the Hilton at Northern Cross needs to be implemented.
- Difficulties in dealing with fire in high rise developments.
- Impact on residential amenity arising from tall building.

6.4.2 Abbey Park & District Residents Association

- Proposed 16 storey block would be out of character with the area and its visual impact on the area would be visually overpowering and out of character with the low to medium rise developments on the area.
- The building's scale, bulk and design would be contrary to the policies SC7 and SC17 of the Dublin City Development Plan
- The policies of the Development plan are clear that the Council recognises the importance of the generally low rise character of the City.
- The plan is explicit that exceptions to this are warranted in limited locations and identifies that certain locations within the city centre have been identified as being appropriate for a high building subject to further detail being provided.
- The proposal would set a precedent for other such development.
- It is considered that the Council did not consider the impact that this building will have on Baldoyle which is a semi-rural area and adjoins the boundary of the site.
- While the recommended heights proposed in Clongriffin-Belmayne Local Area Plan of seven to ten storeys, the suggestion that 16 storeys would be acceptable is clearly wrong and must represent a material contravention of the statutory development plan for the area.
- High buildings are a fire risk. It should be a prerequisite that all high buildings should not be granted unless the fire service can realistically service such buildings.
- Most transport services in Dublin tend to travel towards the city centre which is not where a large percentage of the population work or need to travel to. Hence most need to use a car thus increasing traffic.
- The only road out of this area, Main St. leads onto the Hole-in-the-Road which is already choked with traffic during day light hours.
- The tower block does not have a very family design. Consequently, it will have a relatively transient population.

- Concerns are raised about the long term social and health issues with high rise developments.
- Concerns are expressed about the density of development on the site and the lack of communal open space and private open space.
- The site is within a designated area i.e. North Fringe where it is a policy of the Planning Authority to have regard to the impact of development on the immediate streetscape in terms of compatibility of design, scale, height, roof treatment, landscaping and mix.
- The observation cites policy in relation to high buildings.
- It is submitted that the proposed density, plot ratio, and site coverage are outside what could reasonably be expected in a primarily residential area.
- Reference is made to the LAP land use zoning and the key objectives/guiding principles of that plan.
- In conclusion, it is set out that the planning application for a 16 storey high primarily residential development flies in the face of all the underpinning documents prepared for the area. It is submitted that the proposal is a material contravention of the development plan in terms of height, use, density and impact.
- The impacts of the proposed development can be significantly ameliorated in two interlinked ways i.e. significant reduction in the density in development on the site; and by the reduction in the height of the development which creates overlooking, shadowing and overbearing features.

6.4.3 Pam Costello

- Concerns about the high rise development in an area of low-lying development.
- Clongriffin has a failed town centre with anti-social behaviour.
- The scale of the site will impact on flora, fauna and ambience for the public from 'Myrtle', the adjacent development and Clongriffin apartments. The walk has beautiful birds flowers which will be impacted upon.

- The proposal will cause overshadowing to 'Myrtle and Red Arches' developments.
- An EIS is needed.
- Homes will be affected by a reduction in less sunshine.
- Observer lives in a north-facing communal garden development and is concerned about the reduction in sunlight.
- Concerns raised by the council not being aware of the exact materials to be used.
- The failure of Dublin City Council and Fingal County Council to collaborate together for the greater good of the community is concerning.
- Reference is made to existing vacant retail space within Clongriffin.
- Clongriffin is not inner city Dublin.

6.4.4 Thomas P. Broughan T.D.

- Residents have serious concerns that the proposed landmark building constitutes overdevelopment on this 0.543ha site. and the conditions attached did not address the main problems identified.
- The proposal does not adhere to the plans for a landmark building in the Clongriffin masterplan of 2002/2003 and the later 2007 permission.
- Residents previously felt that the intended 12 storey landmark building and the 2007 permission for a 14 storey commercial office block were completely uncharacteristic for Clongriffin compared to the higher 6 and 7 storey heights of Station Square and the main boulevard of the district.
- Following the Grenfell Tower disaster in London, conditions 5 and 6 will now be critical for a 16 storey building and these conditions should be much more rigorous and focus on fire safety standards.
- The height and mass of the proposed design will totally dominate and overlook the new residential districts of Clongriffin and the Coast and other 2-storey estates. The new building will be visible for several kilometres in every direction.

- While the landmark tower tapers up to a single penthouse from the 8th storey, the four apartment cores constitute a massive basic design which has a far greater impact on the receiving environment than the two older designs for the site.
- The building is said to be designed to ‘weather elegantly’ over time but given the past history of the North Fringe in relation to poor construction standards, there remains a fear that the current plan could become an eyesore.
- A signature building more in keeping with the existing 6/7 storey height may be the best solution for the site.
- Given the height of the building, it seems critical that a sprinkler system should be installed on every floor.
- Having regard to housing lists and the number of people looking to obtain their first home, it seems that there should be more provision for single people and for families. The lack of both of these apartment sizes has affected those two categories of households badly over the past decade.
- The provision of 139 car parking spaces seems too low for such a development.
- Condition 16 (c) of the notification to grant permission is insufficient and does not address the problems of existing parking congestion in Clongriffin. A site inspection over the weekend or in the evening would demonstrate the congestion in parts of Beaupark, Park Avenue and Marrsfield.
- Open space provision is deficient given the density of the proposal.
- The very high density envisioned for Clongriffin/Belmayne was not complemented by additional amenity and recreational space for the new district. The neighbouring Coast development in Fingal was accompanied by the development of the Racecourse Park.
- Condition 7 fails to address the deficiency in open space amenity in the vicinity of the development. There is no detail as to what a ‘landscape scheme’ would entail.
- Local services are still grossly deficient in Clongriffin and the North Fringe.

- The development in the area is over half way through its second decade and the key local services which were promised in master plans and local area plans have still not been delivered.
- The main street is still a boulevard to no-where.
- Part of this problem results from the division of Clongriffin and Belmayne from The Coast so that a single co-ordinated new town centre has stalled.
- People must drive to shop at retail outlets such as Tesco, Dunnes or Aldi etc.
- Condition 19 on the provision of Part V is welcome but additional social housing needs to be provided in a well-designed and sustainable lower density proposal.
- Until concerns are addressed the proposal should not be approved.

7.0 Assessment

Having regard to national, regional and local policies, having inspected the site and immediate environs, and following examination and consideration of all the submissions and documentation on the file, I consider that the substantive planning issues pertaining to this *de novo* assessment can be encapsulated under the following headings:

- Principle and consistency with statutory plans
- Height
- Design and Layout
- Impact on adjoining residential amenities
- Flooding
- Impact on rail network
- Roads Network
- EIA
- Appropriate Assessment
- Special Development Contribution

- Build to rent Schemes

7.1. Principle and Consistency with Statutory Plans

- 7.1.1. The Dublin City Development Plan 2016-2022 is the current statutory development plan for the area. The vision for the city as identified in this plan is summarised as follows:

“...Dublin will have an established international reputation as one of Europe’s most sustainable, dynamic and resourceful city regions. Dublin...will be a beautiful, compact city with a distinct character, a vibrant culture and a diverse, smart, green, innovation-based economy. It will be a socially inclusive city of urban neighbourhoods, all connected by an exemplary public transport, cycling and walking system and interwoven with a quality bio-diverse green space network...” (my emphasis)

This vision is consistent with the national ministerial policies which seek to promote higher densities, particularly along transport routes.

- 7.1.2. The settlement strategy (section 2.2.3) identifies the sub-area North Fringe (including Clongriffin/Belmayne area) as Strategic Development Regeneration Area (SDRA) 1, which has estimated capacity to provide 7,100 residential units. The development plan sets out that Dublin City in its entirety lies within the metropolitan area and the RPGs give direction to Dublin City as the ‘gateway core’ for high-intensity clusters, brownfield development, urban renewal and regeneration. There is a strong policy emphasis on the need to gain maximum benefit from existing assets, such as public transport and social infrastructure. Figure 2 of the Core Strategy identifies Clongriffin/Belmayne (North Fringe) as a key district centre, representing the top tier of urban centres outside the city centre. These key district centres (with the exception of two) closely align to public transport rail corridors.
- 7.1.3. Chapter 15 of the City Development Plan deals with the Strategic Development and Regeneration Areas (SDRAs) and sets out guiding principles for development. The

North Fringe Action Area Plan was first produced in 2000 setting out the objective to extend the metropolitan core and create a new dynamic mixed-use urban quarter. The development plan states that key water and drainage infrastructure, a new railway station and public square, sections of the new main street boulevard and the much acclaimed Father Collins Park are all in place. The downturn in the construction sector has meant key sites remain undeveloped. Block 17, which is the site pertaining to this appeal is one such site. It is a key gateway site which is located adjacent to Congrifin Dart station that is an essential component of the urban quarter. The proposed structure will terminate the view along Main Street in the direction of the Dart station and provide an opportunity for a high quality architectural response in framing the quarter and enhancing the built environment at this location.

7.1.4. The Local Area Plan (LAP) is based on key objectives/guiding principles and it is these that are considered most relevant to the development in question:

- To create a highly sustainable, mixed-use urban district, based around high-quality public transport nodes, with a strong sense of place.
- To achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.
- To establish a coherent urban structure, based on urban design principles, as a focus for a new community and its integration with the established community, comprising, *inter alia*, of the following elements,
 - A central spine route, in the form of a boulevard or high street, linking the Malahide Road with the proposed train station to the east
 - Two high quality urban squares (one at the junction of Malahide Road with the Main street boulevard and the other adjacent to the rail station) as the main focus for commercial and community activity.
 - A series of smaller urban squares
 - A flagship urban park in the re-designed Father Collins Park.
 - A new perimeter route running north from the Malahide Road via Belcamp Lane, relieving traffic pressure from the N32 and from the proposed Main Street boulevard.

- To promote the creation of high-quality public domain by establishing a high standard of design in architecture and landscape architecture.
- To use building heights to define key locations, including:
 - Minimum heights of 5 stories for the key district centres at Clongriffin rail station and the N32/Malahide Road junction
 - Minimum heights of four to five storeys for the Main Street Boulevard
 - **A landmark structure of 10-14 storeys (office height) adjacent to the rail station.**

7.1.5. The appeal site has a land-use zoning objective 'Z14- to seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and "Z6" (enterprise and employment) would be the predominant uses'. It is proposed to provide 5 retail units with a total floor area of 427sq.m. Such use is considered suitable for the location in question. The design and location of the units is such that will have direct access from the esplanade reinforcing this location as a civic area. The permitted hotel use on the adjoining site will also reinforce the enterprise and employment use whilst complementing the retail units in this proposal.

7.1.6. The overarching principles and objectives of the LAP is to provide a high quality urban quarter with mixed-uses. Having regard to the clear provision within the LAP on the appeal site for a structure of 10-14 storeys (office height), I am satisfied that the proposal is not such that represents a material contravention of the development plan or the LAP as set out in the grounds of appeal and indeed observations received in respect of the appeal. Whilst it is now proposed to have retail and mainly residential development as opposed to a previously proposed office block, the proposed uses are consistent with the provisions of the CDP and the LAP. The provision of retail at ground, first and second floor will ensure the delivery of an active streetscape with residential uses overhead providing a critical mass within this new neighbourhood. Critical mass is essential to ensure the viability of retail and other commercial units.

7.2 Height

7.2.1 The third party submissions and observers raise concerns about the overall height of the proposal in particular the 16 storey element. The LAP sets out that proposals for tall buildings should be assessed against the policy of the Dublin City Development Plan. A tall building is defined as any building that is significantly taller than the prevailing height. The LAP also sets out that a significant increase in building height may be accepted where it can be demonstrated that there is a strong urban design rationale for doing so, and where specific social, economic, or architectural gains will be delivered by increasing height above the established height. All proposals for tall buildings must have regard to the criteria set out in section 17.6.3 of Dublin City Development Plan 2011-2017. As this development plan has been superseded by the more recently adopted CDP 2016-2022, section 16.7 'Building Height in a Sustainable City' is the applicable criteria. The City Plan is clear that all planning assessments for tall buildings should be assessed against the building heights and development principles established in the relevant LAP or SDRA. There is no question of ambiguity regarding the policies and guiding principles in each of these statutory plans.

7.2.2 The North Fringe is identified in the mid-rise building height category with heights up to 50m. It is very clearly identified in section 16.7.2 of the development plan

“that plant, flues and lift over runs should **not be** included in the height of the building, as long as they are set back and properly screened and do not significantly add to the shadowing or otherwise of natural light beyond that of the main structure”. (my emphasis)

The plan also specifies that 50m is the equivalent to 16 storeys residential or 12 storeys commercial. The overall height of the tallest element of the proposal is 50m above ground level with lift overrun and plant occurring above this height. It is considered that the proposal is such that is consistent with the development plan policy and does not represent a contravention of the development plan or local area plan.

One of the criterion identified in the development plan is:

- Architectural excellence of a building which is of slender proportions, whereby a slenderness ratio of 3:1 or more should be aimed for.

The tower block is considered to be consistent with this criterion and in general has similar proportions to that previously granted.

7.3 Design and layout

- 7.3.1 There are section 28 Ministerial guidelines which should be considered in conjunction with the provisions of the Dublin City Development Plan with regard to the overall design and layout of the proposed scheme. The most relevant of these are 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2015' and 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) 2009'. Both of these Ministerial Guidelines advocate high quality sustainable development that are well designed and built so as to integrate with the existing or new communities. The principle of universal design is also advocated so as to ensure that the environment can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability. The Design Manual which accompanies the Sustainable Residential Development Guidelines provide best practice design manual criteria such as context, connections, inclusivity, variety, efficiency, layout etc.
- 7.3.2 An Architect's report was submitted with the application. This indicates that the housing market at present creates pressure for houses as opposed to apartments and so it is desirable to increase apartment numbers on suitable sites to help facilitate increased housing in other parts of Clongriffin without compromising the overall density of the scheme. The proposal for apartments is based not on a 'sale' model, but on a 'managed rental' model i.e. build to rent.
- 7.3.3 Block 17 is a proposed tower marking the south east corner of Station Square. It flanks and marks the civic esplanade steps to the Dart station. It closes the vista of both Main Street and the diagonal green route from Father Collins Park. The report identifies this tower as a 'way-finder, a landmark for the town centre'. The report sets out that the base of the block is a 6 storey 'plinth' that will create strong street edges to Station Square and Dargan Street to the south-east. The northern part of the site is bounded by existing esplanade steps which rise c. 6m from the square to the railway overbridge and station. The new building will rise in tandem with the steps

along this face, so it is proposed that the ground, first and second floors of this part of the block are occupied by shops.

- 7.3.4 The residential element of the scheme consists of four cores of apartments, one of which rises to become the 16 storey element. The residences are entered through a double height opening from Station Square leading to an inner courtyard. The garden gives access to the four residential cores. It is submitted that this contrast entering from busy Station Square into the leafy quiet of the south facing courtyard will enhance the development's sense of place. The six storey elements edging the courtyard become a roof garden at the 7th floor level with shared communal meeting and exercise area opening onto it. From the 8th storey upwards the massing of the block reduces to a slender tower element of 9 storeys. The architect sets out that the plan of the tower element is designed with 4 units off a single core, all of which will have panoramic dual aspect views. The two penultimate floors are just 2 apartments per core while the final floor is single 3 bed penthouse.
- 7.3.5 I consider that the proposed design is such that accords with the principles set out in the CDP and the LAP for the area. Using the 12 indicators in the companion document to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', it is considered that the proposed design is such that would positively contribute to the character and identity of the neighbourhood. The development will create a strong urban edge along a key transport route, i.e. Belfast to Dublin rail line. The overall height reduces as it radiates out towards the other existing developments. In terms of proposed uses, the proposal will contain retail uses across three floors with residential use on the remaining floors. This in conjunction with permitted developments in the area will continue to enhance and contribute to the vitality and viability of the urban centre by helping to enhance critical mass at a key transport hub.
- 7.3.6 With regard to the individual apartments themselves, they have been designed to a high standard and all apartments exceed the minimum floor areas. The majority of the units are dual aspect. Where units are single aspect for example, unit 16 or 103 they are south-west or west facing and as such I consider that such is acceptable in this instance. The layout and configuration of the units are functional and spacious. Whilst there are a number of two and three bed units which have unconventional/awkward configurations, e.g. unit 68, the overall size of the

bedrooms ensure that they are functional with adequate storage spaces. A number of apartments also contain walk-in storage rooms/areas and study areas which will enhance the overall residential functionality and amenity for future residents. The generous floor areas of most of the units will provide flexibility for residents in terms of adaption/use of units and should, notwithstanding the rental model approach, ensure that units are occupied on a longer term basis by residents.

7.3.7 Private open space is provided by way of terrace or balcony area. Winter gardens are provided on the upper floors of the 16th storey element. Public open space is provided by way of a courtyard at ground level and garden areas at 6th and 7th floor. In general I am satisfied that adequate public and private open space has been provided within the overall scheme. Father Collins Park is within walking distance of the site.

7.4 Impact on adjoining residential amenities

7.4.1 The main concerns raised regarding impact on existing residential amenities pertain to overlooking and overshadowing.

7.4.2 With regard to overlooking I do not consider that the proposal is such that will give rise to undue overlooking of nearby properties. The overall height of the structure is such that would give rise to perceived overlooking, however the location of balconies, roof terraces, windows etc. are such that do not give rise to overlooking. Block 18 is located south-west of the proposed development. No overlooking arises as there is a blank gable on Block 18 at this location. The eastern elevations overlook the train station.

7.4.3 With regard to overshadowing and in the context of the overall height of the structure it is understandable that there would be concerns regarding over-shadowing. The applicant was requested to provide assessments of potential amenity impacts upon third party residential sites developed or potential in terms of impacts upon their access to daylight and sunlight as per the BRE's Site Layout Planning for Sunlight and Daylight. The applicant indicated that the street width that would be needed to maintain the height of Block 17 under section 2.2 of BRE's site layout planning for sunlight and daylight would be approx. 40m which is not considered appropriate in a densely populated urban area. The LAP is prescriptive with regard to the envisaged

heights on the appeal site and on the LAP lands in general. The LAP seeks the achievement of higher densities particularly in close proximity to the train station. The applicant responded by setting out that the Average Daylight Factor (ADF) has been used to assess the impact of the proposed block on daylighting of Block 18. The results indicate that the minimum ADFs have been exceeded. The scale and height of the proposed development is similar to that previously granted on the site and as such there would be no significant increase in overshadowing in comparison to the previously permitted scheme.

7.5 Flooding

Notwithstanding the submission of a flood risk assessment for the proposed development on the subject site, I am satisfied that the likelihood of flooding is extremely low. The most likely source of flooding identified in the report is from overland flooding from the site leading to downstream flooding. Mitigation measures are outlined and include adequate sizing of the on-site surface water network, attenuation and use of SuDS devices to absorb and slow down surface water discharge.

7.6 Impact on rail network

- 7.6.1 The appeal site bounds the railway lands. Iarnód Éireann (IE) made a submission in respect of the proposal objecting to the proposed development. Reference is made to the proximity of overhead power cables and the risk of electrocution. Concerns are raised about noise to the apartments arising from normal railway operations and maintenance and also projectiles that may be thrown from balconies.
- 7.6.2 The nearest point of the proposed structure is over 4m away from the railway boundary which is considered to be consistent with the details set out in the submission from Iarnód Éireann. Furthermore, there are no balconies to the railway elevation and thus no risk of the potential of projectiles. With regard to the use of overhead machinery that have the potential to interfere with the safety of the railway, I consider that such issues are not planning issues per se but rather fall within the remit of health and safety governed by separate legislation. I also note that the

applicant indicated in the further information response that they have met with IE who have indicated that there would be further contact with them if permission was granted when preparing the construction management plan. It is also indicated that there is adequate space to access the building where it is closest to the rail-line.

7.7 Roads Network

7.7.1 Third party concerns were raised in respect of the impact of the proposed development on the roads network in particular on the Hole-in-the-Road. This road is located approximately 840m west of the appeal site. Approx 400m south of the junction of Main Street with Hole in the Road there is a roundabout providing access to the Grange Road/R139.

7.7.2 In general, I consider that the proposal complies with national guidance in terms of locating high density development along public transport routes. TII also supported the proposal for this reason. The appeal site is located immediately adjacent to Clongriffin Train Station and a bus terminus. At time of inspection, I noted that the road network in the immediate vicinity was operating within capacity with no undue delays although I do accept that the inspection was carried out prior to the re-opening of schools which tend to give rise to more urban congestion. The applicant responded to the concerns in respect of impact on roads by setting out that Grange Abbey junction onto the Hole-in-the-Road is an issue onto itself and development would not materially impact on its performance. As the lands are zoned for residential use and located immediately adjacent to both a bus terminus and railway station providing future occupants with a choice of public travel modes I consider the proposal to be acceptable.

7.8 Environmental Impact Assessment

7.8.1 The proposed development is of a class identified for the purposes of EIA as per Schedule 5 of the Planning and Development Regulations as amended i.e. Infrastructure project, construction of more than 500 dwelling units. The proposal is below the mandatory threshold for EIA. Having regard to the proposed size of the development i.e. 139 residential units, the proposal does not exceed a quantity, area

or other limit specified in that schedule. Having regard to the criteria for determining whether a development would or would not be likely to have significant effects on the environment, specific regard has been given to the characteristics and location of the proposed development along with the characteristics of potential impacts. Regard has also been given to the permitted hotel development on the adjoining site. It is concluded that the proposed development is not considered to give rise to significant environmental effects such as to warrant an EIA.

7.9 Appropriate assessment

7.9.1 A screening report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. The report considers the following Natura 2000 sites:

- Baldoyle Bay SAC (Site Code 0199)
- Baldoyle Bay SPA (Site Code 4016)
- North Dublin Bay SAC (Site Code 0206)
- South Dublin Bay SAC (Site Code 0210)
- South Dublin Bay and Tolka Estuary SAC (Site Code 4024)
- Poulaphouca Reservoir SPA (Site Code 4063)

7.9.2 As outlined in the screening report there are no protected plant species growing on the site and there are no habitats that are listed on Annex I of the Habitats Directive. The appeal site forms part of the urban lands identified in the Belmayne-Clongriffin LAP identified for development. The site itself is adjacent to the train station and comprises of disturbed lands. There are no streams or water channels on the site and the screening report confirms this.

7.9.3 Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2

Appropriate Assessment is not therefore required. The Board should note that due regard was given to the recently permitted Block 17 (hotel development) adjoining the appeal site to the south-west.

7.10 Special development contribution

7.10.1 The planning authority has sought a special development contribution in respect of Father Collins Park. The Board will be aware that the provisions of section 48 (12) of the Planning and Development Act as amended, provides such a condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates. The only information on file regarding the contribution relates to the calculation i.e. €2,130 per unit.

7.10.2 Order No P1000 from Dublin City Council refers to an alteration to the statutory register with regard to development contributions, i.e. Father Collin's Park – North Fringe Special Development Contribution. The provisions of this order (enclosed as an Appendix for ease of reference) set out that the funding of this park is not covered under the general development contribution scheme adopted by the City Council in December 2003 and thus a special contribution in respect of the Park was established. However, a new development contribution scheme was adopted by the City Council in 2016 and this general scheme identifies Father Collins Park as a project listed under Parks/Recreation. It appears that the special development contribution previously identified for Father Collins Park has been superseded by the general scheme as the Park is now mentioned. There does not appear to be any recent special contribution scheme pertaining to the Father Collins Park. I do not therefore consider it appropriate to seek a special development contribution scheme as there does not appear to be any justification for the additional contribution having regard to the most recent general contribution scheme and therefore consider that such a condition is inappropriate notwithstanding the inclusion of such condition by the planning authority.

7.11 Build to Rent Schemes

7.11.1 Circular PL11/2016 refers to “Ensuring Delivery of Build-to-Rent Housing Projects”.

This Circular amends and updates the document “Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities”. The proposal currently before the Board is a Build-to-Rent Scheme and therefore the “management” provision within the circular should be considered. The circular provides that the following paragraph is inserted after paragraph 5.11 of the Apartment Guidelines,

“5.12 Where a planning authority is minded to approve build-to-rent housing projects, it is reasonable to expect that the unique characteristics of such projects and their advantages from a housing delivery perspective are secured for a specified period of time, at a minimum of 15 years and more normally at least 20 years”. (my emphasis)

7.11.2 In this instance, the applicant has not sought derogation from the statutory development plan unit mix standards nor are there any unique characteristics, e.g. shared living accommodation, about this project that would give rise for the need to include a condition securing the delivery of a build-to-rent scheme. The standards in this instance comply and generally greatly exceed the standards provided for in the applicable section 28 guidelines in respect of residential developments.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions:

9.0 Reasons and Considerations

Having regard to the nature and scale of the proposed development, to the zoning of the site in question and its location within a key district centre and a Strategic Development and Regeneration Area in the Dublin City Development Plan 2016-2022, the proximity of public transport facilities it is considered that, subject to

compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of both the Dublin City Development Plan 2011-2017 and the Clongriffin-Belmayne Local Area Plan 2012-2018. The proposed development would, therefore, 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 the 26 day of April 2017, 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. 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.

Reason: In the interest of the visual amenities of the area.

3. 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.

4. The proposed shopfronts shall be in accordance with the following requirements:-
- (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
 - (b) lighting shall be by means of concealed neon tubing or by rear illumination,
 - (c) no awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission,
 - (d) external roller shutter shall not be erected and any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
 - (e) no adhesive material shall be affixed to the windows or the shopfront.

Reason: In the interest of visual amenity.

5. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

6 The internal noise levels, when measured at the windows of the proposed development, shall not exceed:

(a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and

(b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity.

7. The car parking facilities, hereby permitted, shall be reserved solely to serve the proposed development and shall provide for the following:

(a) A total of 139 number car parking spaces shall be reserved to serve the proposed residential units. At least one clearly identified car parking space shall be

assigned permanently to each residential unit and shall be reserved solely for that purpose.

(b) A total of 10 number car parking spaces shall be reserved for persons with impaired mobility. The layout and design of such designated spaces shall be in accordance with the guidance set out in the document "Building for Everyone - a Universal Design Approach" published by the National Disability Authority.

Reason: To ensure that adequate parking spaces are permanently available to serve the proposed residential units and other commercial uses within the development [and also to prevent inappropriate commuter parking].

8. 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.

9. Prior to commencement of development, the developer shall liaise with Irish Aviation Authority with regards to the potential requirement for an aviation warning beacon.

Reason: In the interests of public safety.

10. Proposals for a development name, office/commercial unit identification 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 such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

11. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

12. 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.

13. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this [private] development in the interest of residential amenity and orderly development.

14. 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.

15. 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.

16. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the

methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

17. 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.

18. 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.

Joanna Kelly
Senior Planning Inspector

21 September 2017