



An
Bord
Pleanála

Inspector's Report ABP-302929-18

Development	Revisions to previously permitted mixed-use residential development (previously granted under Reg Ref. 2854/17 to now provide for a 'Build to Rent' Scheme. A Total of 225 units.
Location	Lands at the former Columban Missionary site, Hole in the Wall Road and the R139 Road, Donaghmede, Dublin 13
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	3403/18
Applicant(s)	Midgard Construction Ltd.
Type of Application	Permission
Planning Authority Decision	
Type of Appeal	Third Party
Appellant(s)	Grattan Hall Management Ltd
Observer(s)	None
Date of Site Inspection	07/03/19
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The application relates to a site of c.1.36ha stated area located in the northernmost suburbs of Dublin City, in Donaghmede, c.900m east of key district centre lands and Clarehall Shopping Centre, c.900m southwest of Clongriffin Dart station, c.4km east of M50/M11 junction (J1/J3) and c.8km northeast of Dublin city centre.
- 1.2. The site, which extends c.180 in length (approximately west-east) and c.80m in breadth (approximately north-south), accommodates an institutional-styled building of 888-sq.m stated GFA formerly occupied by the Columban Missionary religious organisation. The site is generally flat and level and is heavily wooded with mature deciduous trees around its perimeter, clustered in the northeast section and dispersed throughout much of the site, in addition to thick coniferous hedging along its southern boundary.
- 1.3. The site is bounded by a substantial detached residential property along the full extent of its northern boundary, beyond which is a significant residential development of 5-storey (4+dormer level) apartment blocks. To the west it abuts the rear gardens of 5no. semi-detached dwellings within Grange Lodge housing estate. To the south the site frontage is onto Clarehall Avenue (R139) and to the east it is onto The Hole In The Wall Road (local road).

2.0 Proposed Development

2.1. Summary description

- 2.2. It is proposed to amend that development previously permitted by the Board under PL29N.249368 for a development of 203no. residential apartments, plus gym, childcare facility and community room, to comprise a built to rent (BTR) scheme with revised number and mix of apartment units, reduced basement extent to accommodate reduced car parking, increased bicycle parking and additional facilities.

- Increase of 22no. residential units from 203 to 225;
- Revised mix of residential bedroom units -

	Permitted	Proposed
1-bed	72	113
2-bed	96 ¹	102
3-bed	35	10
total	203	225

	1-bed	2-bed	3-bed	total
Block A	43	33	2	78
Block B	27	22	2	51
Block C	7	16	2	25
Block A	36	31	4	71
Total proposed	113	102	10	225

- Reduce extent of basement level with reduced parking from 249no. spaces to 151no. inclusive of visitor and e-charging spaces; Increase bicycle parking from 228no. to 348no. spaces through implementation of 'Easy Lift' system; provision of recreation and children's play room (c.169-sq.m GFA), toilets and 20-sq.m office and amended bin stores and plant rooms.

2.3. Supporting documentation

- Cover letter by Downey Planning
- Supporting Planning Statement prepared by Downey Planning
- Easy Lift Premium brochure
- Letter from GoCar
- Validation Letter re Part V from Dublin City Council
- Letter of consent to making a planning application from TighTime (Donaghmede) Ltd, registered owner of the site.

¹ 6no. 2-beds omitted by condition no.3 of the Board's decision.

- Letter of consent to making a planning applicant from Dublin City Council Parks Department, to the extent of DCC's interest in these lands.

3.0 Planning Authority Decision

3.1. Decision

To **GRANT** permission subject to 26no. conditions, including mainly standard type conditions for such development. Non-standard conditions may be summarised as follow:

No.3 – requires payment of special development contribution under s.48(2)(c) to the sum of €479,250.00 for the reason that it is in respect of specific exceptional costs in provision of public infrastructure and facilities which benefit this development located in the North Fringe Framework Plan Area.

No.5 – Relevant terms and conditions of permission PL29N.249368 to be complied with, except where modified by this permission.

No.6 – (a) Requires the applicant to submit for the written agreement of the Planning Authority details of the legal covenant registered on the land title confirming the BTR development is to remain owned and operated by an institutional entity for a period not less than 15 years, during which period no individual residential units shall be sold or rented separately; (b) requires the applicant to submit for the written agreement of the Planning Authority a map of areas to be taken in charge; (c) prohibits selling or renting of apartment units separately during period; (d) requires prior to expiration of the 15 year period the submission for written consent of the Planning Authority the details and management structures proposed for the continued operation of the entire development; (e) explains that the use of apartments for short term letting of less than 3 month constitutes a change of use requiring a separate planning permission.

No.8 – Amend wrap-around balconies to units B4, B9, B23, B33 and B44 omitting eastern portion and reallocating space, as best as possible, and access thereto to southern elevation.

No.9 – Requires 1.8m opaque privacy screens to side of balconies and privacy treatment for ground floor patios, to be submitted for agreement of the planning authority.

No.10 – Detailed Transportation Planning Division requirements – (a) submission of a Residential Travel Plan identifying specific measures to encourage sustainable modes, the preparation, implementation and review of which to be overseen / coordinated by a Mobility Manager appointed for the overall scheme; (b) preparation of a Car Parking Management Plan indicating how spaces will be assigned and segregated, including the 9no. creche parking spaces and with 5no. spaces permanently allocation to Car Club use; (c) detailed specifications of raised pedestrian pavement across site vehicular access; (d) all works to public road to be agreed in advance; (e) provision of pedestrian crossing to details agreed in advance; (f) all to be constructed to taking in charge standards; (g) project traffic management plan to be agreed in advance; (h) all costs incurred by DCC to be at applicant's expense.

No.12 – Archaeological assessment and impact assessment required.

No.13 – Prohibits advertisements.

No.15 – Requires (a) submission of landscaping scheme for agreement in advance including (b) including provision to maximise retention of trees over the site in excess of that previously proposed, particularly to the east of block D and on the north side of the site; (c) retention of the C leylandii tree screen belt to west during construction, to be replaced on phased basis over 10 year period from commencement of works; (d) c.50% of all flat roofs to be green roofs; (e) organisation of creche garden to maximise sun lighting; (f) agree in advance a management plan for designated open space, including proposed opening hours, lighting, security, etc., and *'any change of use of the public open space shall require a separate planning permission'*.

No.16 – Only class 10 use (of schedule 4 of the Regulations, 2001) to be accommodated by community room.

No.23 – Comply with control of obtrusive light recommendations for E3 Suburban Environmental District Zones.

3.2. Further information

The applicant was requested to address the following six issues by way of further information request:

1. Clarify winter garden locations and concern such space may become used as storage.
2. Potential adverse impact on amenity of balconies in close proximity (e.g. B23 and B24; B44 and B45's bedroom window).
3. Identify number of dual aspect units and potential for provision of additional opes to provide for same.
4. Differentiate 4th floor infilled area from rest of elevation.
5. Housing Quality Assessment referred to is not on file. Schedule of accommodation comparison between permitted and proposed development.
6. Directional windows detail is missing from first floor site layout plan.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The **final report (05/10/18)** of the planning officer is consistent with the decision of the planning authority to grant permission and with the conditions attaching thereto.

The **initial report (21/08/19)** of the planning officer notes the superseding of Development Plan policy and standards by Specific Planning Policy Requirements in the Department's *Design Standards for New Apartments, Guidelines for Planning Authorities* (2018), provides a detailed quantitative and qualitative assessment of the proposed revised scheme and is consistent with the issuing of the further information request by the planning authority and the details thereof.

3.3.2. Other Technical Reports

Drainage Division (02/10/18 and 02/08/18) – No objection subject to standard drainage conditions for such development (as per condition no.11 of the decision).

Roads & Traffic Planning Division (14/08/18) – No objection subject to 8no. conditions (as per condition no.10 of the decision).

City Archaeologist (02/08/18) – Notes the site location ‘*just a little west of the Zone of Archaeological Constraint for the Recorded Monument DU015-069 (Church & Graveyard)*, which is subject of statutory protection’ and raised no objection subject to attachment of condition requiring archaeological assessment (as per condition no.12 of the decision).

3.4. Prescribed Bodies

None.

3.5. Third Party Observations

2no. observations received from Grattan Hall Management Ltd c/o David Moran Architect, and from Councillor Alison Gilliland. The main points raised are repeated in the grounds of appeal (see section 6.1, below). Additional points may be summarised as follow:

- The majority of residents will be car owners and will impact on traffic management in the area.
- Impact on adjacent busy roundabout without sequenced traffic management system in place.
- Attracting traffic to the creche and gym will add to peak time congestion.
- Public transport is at capacity and the Dart station is 1.2km distance and should be disregarded in establishing viable density on this site.
- The road network is not sufficient for an area designed to have 25,000 population.
- High density promoted in the city centre at KDCs and SDRAs is reasonable where the effective infrastructure has not reached capacity. It should be first established that it is possible to increase public transport infrastructure prior to further high-density development.

4.0 Planning History

Relevant recent planning history (last 10 years)

On subject site

PL29N.249368 / reg.ref.2854/17: Permission **GRANTED** by the Board (21/02/18), upholding the decision of the planning authority, for mixed-use development of 209no. residential units (reduced to 206no. by condition), childcare facility, community room and gym, subject to 19no.conditions. Summary of conditions of note:

No.3 – omits units nos.181, 182, 196, 197, 208 and 209 from Block D.

No.4 – prohibits short term letting.

No.8 – limiting use of community room as Class 10 use under schedule 4 of the Regulations, 2001, and shall revert to retail use on cessation of the community use.

No.19 – requires payment of financial contribution as a special contribution under s.48(2)(c) in respect of specific exceptional costs, referred only to as '*public infrastructure and facilities which will benefit this development which is located in the North Fringe Framework Plan Area*'.

Other relevant cases

ABP-302149-18 / reg.ref.3853/17 – Permission **GRANTED** by the Board (24/10/18) upholding the decision of the planning authority to grant permission for the demolition of former factory building and construction of a part 4 / 7 storey residential, described as build-to-let, and retail building, stepping down to 3 storeys to the rear, ground floor retail and car park, and 70 no. apartments from first to sixth floor level at nos.43-50, Dolphin's Barn Street, Dublin 8. Summary of conditions of note:

No.11 – requires a Residential Travel Plan for agreement and the appointment of a Mobility Manager.

No.12 & 13 – Car parking management plan for agreement; parking access and arrangements.

No.14 – Standard Part V condition.

No.15 – submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms the development shall remain in ownership of and operated by an institutional entity for a minimum period of not

less than 15 years and where no individual residential units shall be sold or rented separately for that period.

No.16 - submit, for the written agreement of the planning authority, details of the Management company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

No.17 - Prior to the expiration of the 15-year period for Build-to-Rent use on site, the applicant shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development.

No.18 - The development to operate in accordance with the definition of Build-to-Rent developments as set out in the New Apartments Guidelines and to be used for long term rentals only.

5.0 Policy and Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Land use zoning objectives: Z1 *'To protect and improve residential amenities.'*

Other objectives: Within boundary of LAP objective pertaining to the site and wider area; within boundary of SDRA1 objective pertaining to the site and wider area.

S.14.8.13 Strategic Development and Regeneration Areas – Zone Z14: *'...not all of the identified strategic development and regeneration areas are zoned Z14 in their entirety ...[and] the relevant zoning objective for each area shall be applied to any development proposals.'*

S.15.1.1.1 SDRA 1 North Fringe (Clongriffin-Belmayne) – Fig.20 (key development principles).

S.16.10 Standards for Residential Accommodation

Volume 2, Appendix 10 Guidelines for Waste Storage Facilities

Clongriffin – Belmayne (North Fringe) LAP 2012-2018 (extend for a further period of five years by Council resolution 01/11/17).

S.7.9 Key Urban Design Objectives, including, inter alia, UDO1 (sustainable densities), UDO2 (promote family orientated, adaptable, lifelong homes), UDO3 (promoted passive and active recreation space), UDO5 (design park / open space linkages as part of large green network), and UDO7 (height strategy).

5.2. Reference documents

Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities (DHPLG, 2018)

Chapter 4.0 *Community Facilities in Apartments*

Chapter 5.0 *Build to Rent and Shared Accommodation Sectors: SPPR7 and SPPR8*

5.3. Natural Heritage Designations

Baldoyle Estuary SAC site code 000199 (c.1.7km to northeast)

Baldoyle Estuary SPA site code 04016 (2.1km to northeast)

North Bull Island SPA site code 004006 (2km to southeast)

North Dublin Bay SAC site code 000206 (2km to southeast)

5.4. EIA Screening

The proposed development is development for the Purposes of Part 10 (EIA), falling within the scope of Class 11(b)(i) *construction of more than 500 dwelling units* under Part 2 of Schedule 5. At 225no. dwellings units the proposed development is significantly sub-threshold, is not located on a site, or within close vicinity of a site of particular environmental sensitivity and has no characteristics that would result in likely significant impacts. Accordingly carrying out of EIA and submission of an EIAR is not warranted.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of the appeal submitted by Grattan Hall Management Ltd, c/o David Moran architect, may be summarised as follow:

- The site is zoned Z1, which zoning is external to the LAP and therefore the conditions of the LAP should not apply thereto.
- The LAP zone is designed to facilitate a high-density population of c.25,000 people, which would be increased through high density development outside that zone.
- Access and egress are far less in the Clongriffin / Belmayne LAP than for other LAPs and the majority of the sites of strategic importance noted (including inter alia Dublin Airport, Dublin Bus Network and DART) in the LAP are not serviced directly by public transport networks from Clongriffin / Belmayne.
- Permitting high density development outside the KDC is contrary to the intentions of Dublin CDP and the Clongriffin / Belmayne LAP.
- Suggests that there has been no monitoring of indicators of success of implementation of strategic plans proposed under Article 2.2.8.2 of the CDP and the granting of permission prior to such evaluation is premature.
- SPPR8 of the Apartment Design Standards (2018) concerning BTR under (iii) provide for a default of no parking ... on the basis of BTR being more suitable for central locations and / or proximity to public transport services. Noting the restricted public transport capacity in the vicinity (bus and rail) and the distance to the Dart station (1.25km), without additional traffic measures in the form of private traffic control (traffic lights, widened roads, etc) or additional comprehensive public transport infrastructure the development may be premature.
- The Dublin Transport Strategy for the GDA fails to address the actual population projected use of the bus service

- The proposed reduction in car parking, as consider in the Apartment Design Standards, assumes either a central location or access to sufficient public transport, neither of which applies to this site, and will lead to resident parking demand far exceeding the number of parking spaces proposed.
- The previous development permitted on this site, although not sustainable, is more suitable than that currently proposed.
- Contrary to Dublin City zoning in an area of relatively low density, contrary to sustainable development and contrary to the requirement for adequate onsite parking.
- Addendum comprises notes from previous appeal that are considered pertinent. This suggests the traffic assessment is incorrect, that the road capacity will be exceeded with traffic from the developments already permitted. Further development is premature as the connectivity (referred to in A.4.3 of the CDP) is largely absent, with an increase in population will make access and egress to/from Clongriffin difficult with the current transport service. Contrary to spirit of QH1, QH2, QH7, QH9, QH18 & QH19. The cost of private car travel remains highly competitive in comparison to public transport.

6.2. Applicant Response

The main points of the first party response, submitted c/o Downey Planning, may be summarised as follow:

- The proposal comprises a number of revisions to a previously permitted residential scheme PL29N.249368, in addition to providing for a change to professionally managed Build-to-Rent, all contained within the existing permitted footprint of development, except for the omission of the previously proposed entrance archway omitted by condition no.2.
- Change in proportion of apartment bedspace unit mix between proposed and permitted development: 1-bed 50%:36%; 2-bed 46%:47%; 3-bed 4%:17%.
- The site enjoys excellent connectivity to the M50 and M1, to the adjacent QBC and to Clongriffin Dart station.

- The proposed changes are in response on the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2018).
- Revisions are proposed to address certain conditions attached to the previous permission.
- Evidence based need for the development based on census data showing low net increase in housing stock between 2011-2016 and current housing need for which it is a key objective of Programme for Government to address, and which is supported by the report of Dr Ronan Lyons to alleviate the chronic shortage of apartments in Dublin.
- Census data for the area indicates a low average household size of 2.66 – 3.15 persons, and that more adults up to age of 35 are renting rather than owning which is more in line with the European model, with demand for 1-2 bed units to be the main requirement to serve the future population of the area. Lack of housing stock growth has resulted in increased cost of house prices and rent.
- Density – The Inspector’s report to existing permission considered high density to be acceptable for the location and in accordance with national policy. The proposed increase in density is modest and accords with the CDP and the NPF.
- Traffic and parking – The revised car parking, bicycle parking and provision of ‘Go-Car’ sharing scheme accord with Policy MT18 of the CDP to seek new was to reduce parking requirements; with SPPR8 of the Apartment Guidelines (2018), having regard to traffic capacity, as was accepted by the Inspector and the Board, and with no objection from the Council’s Roads and Traffic Planning Division on the basis of supporting a shift in modal split away from private car usage.
- Other matters raised in the observations previously submitted to the PA have already been addressed by the Board.
- The proposed uses are permitted on lands zoned Z1, no increase in building height is proposed and the sizes and mix of unit types permitted in the CDP accord with the Apartment Guidelines (2018), and the proposed units exceed the

minimum floor space requirements as detailed in the Housing Quality Assessment submitted with the application.

The grounds of the 3rd party appeals are completely contrary to nation planning policy and the planning precedents set by the Board which seek to provide for more compact urban development within zoned, serviced, urban sites.

- The appellant seeks to preserve the status quo of low-density, suburban housing which is proven to lead to sprawl and inefficient use of infrastructure and services.

6.3. Further Responses

6.3.1. The **third-party appellant** made a further submission (11/02/19), c/o David Moran architect, responding to the applicant's response may be summarised as follow:

- Whilst the Board may have been satisfied with the previous proposed development, it is the further intensity of development that is detrimental to the character and density of this zoned area, through generation of additional traffic.
- The appellant has no intention of seeking to delay legitimate development, but only seeks to protect existing amenities that would be seriously and negatively affected impacted.
- Proposed density would be significantly in excess of established density in this zone and contrary to s.16.4 of the CDP which requires 'density to respect existing character, context and urban form ... and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.'
- The New Apartments Guidelines (2018) relate to development in areas that are pedestrian accessible to places of work or be means of adequate public transport access, neither of which apply to this site.
- The future good management of the development, which may be sold on as individual apartments after 15 years, cannot therefore be guaranteed.
- The Board's Inspector recommended refusal on the previous development and, although that development was permitted by the Board any further intensification should not be permitted.

- To encourage people out of private cars requires a paradigm shift in attitudes and good, not merely adequate, public transport which is not the case in this area, with traffic congestion likely to further increase at the adjacent roundabout which has recently been controlled with four pedestrian crossings seriously increasing the inconvenience experienced as evident by the previously submitted traffic report.
- The applicant quotes selectively from the Board's Inspector's report.
- Improvements to the rail service network under Project Ireland 2040 is likely to take many years, is proposed to encourage greater rail use by towns to the north and is therefore likely to impact negatively on the usability of Clongriffin station. Extensive and ongoing upgrading of bus services will likely be required prior to the PI 2040 development, but the efficacy of same is highly unlikely to encourage public transport use.
- The applicant is highly reliant on the proposed public transport provision and infrastructure at a strategic level, effectively forcing residents onto public transport by reducing on-site parking.
- The provision of GoCar on site, being a commercial service, is not included in the public notices, as it should have been having regard to the provisions of Article 10(1)(2)(b)(iv) (refers to exclusions from exempted change of use 'the hire of motor vehicles') and the car rental facility should not therefore be considered in the context of the overall application and any benefit that might accrue especially when related to a reduced parking provision.

Summary of additional letter attached from Grattan Hall Management CLG –

- Grattan Hall Management has been managing Grattan Wood for almost 20 years and are experts in property management and comprehensively understand the issues pertaining to the local area in terms of residency, traffic patterns and anti-social behaviour.
- Downey Planning appear to have no expertise or experience in residential property management or seasoned, first-hand experience of the Donaghmede-Balgriffin area and their elegant theory does not comply with practical reality.
- Tenant behaviour is far more difficult to control than that of residential owners.

- No change in pattern of usage of cars by Grattan Wood residents has been observed since Clongriffin DART station opened and many of the residents consider repeatedly walking almost a mile to the station does not fulfil their needs for transport convenience.
- Only a single bus service serves the Hole In The Wall road directly and it is questioned whether this will be sufficient to serve the growing needs of Clongriffin, Marsfield, Belmayne and the very large developments taking place at the northern end of the said road.
- Traffic congestion exacerbated by the 4no. pedestrian crossings on the roundabout.
- A paradigm shift in modal split will take many years to occur, if at all, with existing residents left to live with the resultant problems.
- The applicant relied on Clongriffin planning density to justify the previously proposed density but has subsequently responded to the appellant's observations to the effect that it submits the site is not located in Clongriffin. The previously permitted density was therefore not justified, nor was the Board's decision to grant permission.
- Concerning the submission of letter of intent from GoCar, it is noted that there was no reference in the original application to allow a car rental business to operate from the site; if a car rental business is operated from this site the impact on traffic congestion will be no different from providing higher parking capacity; the service will clearly have to be underpinned by providing services to non-residents in order to be viable, as will be the case for the gym, creche and community centre proposed on site; the proposed commercial agreement with GoCar stretches the boundaries of the terms under which the original permission was granted.
- Takes issue with the applicant's reference to the appellants as having the effect of delaying the commencement of development through the exercising of their legal right under planning law to protect the wellbeing of the residents of Grattan Wood, when the developer has been at liberty to commence construction of that development already permitted on the site.

6.3.2. The **applicant** made a further submission (15/03/19), c/o Downey Planning, responding to the third party's further submission, which may be summarised as follow:

- Build to rent forms one of the pillars of the Rebuilding Ireland Plan to address the chronic shortage of housing.
- The appeal delays the development.
- The merits of the scheme have been set on in previous documentation submitted on file by the applicant.
- The Apartment Guidelines do not state that development should only be accessible to places of work by walking, but there needs to be better urban design and permeability and the proposed development provides for improved connectivity including a pavement to the south of the site which is planning gain.
- The applicant's concerns regarding BTR are unfounded.
- The Board did not agree with the Inspector's view and recommendation on the previous case and the proposed development was endorsed by the Board.
- Agrees with the appellant that there needs to be a paradigm shift to support a modal shift towards public transport, which is encouraged through reduced parking in the development in addition to proximity to improved public transport and a car club facility.
- GoCar is not a car hire company but a car sharing operation where people pay an annual subscription to join the club to have use of any of the vehicles through a booking system and are invoiced for mileage. There are no actual business premises located at the bases as it is all online.
- Grattan Hall Management's letter raises no new issues. The management of the neighbouring development is wholly different to the managing of the BTR scheme which include on site management to ensure residents live in accordance with their tenancy agreements, and which are successfully operating in other locations, including Clancy Quay, without the problems alluded to by the appellant.

7.0 Assessment

Having regard to the nature of the development proposed, the provisions of the relevant legislation, the grounds of appeal and content of observations to the application, I consider the issues arising under this appeal may be limited to the following:

- 7.1 Validity of appeal
- 7.2 Principle
- 7.3 Development standards
- 7.4 Visual Impact
- 7.5 Impact on residential amenities
- 7.6 Appropriate Assessment Screening

7.1. Validity of appeal

- 7.1.1. The case relates to a third-party appeal against a proposal to amend an existing recent grant of permission by the Board on appeal (PL29N.249368 21/02/18) for a substantial, primarily residential scheme, to provide for a '*Build to Rent*' scheme including the provision of 22no. additional apartment units within the 4no. previously permitted block, including associated elevational changes to Blocks A, B and D. The applicant's Planning Statement states:

'This current proposal seeks to revisit the internal layout of the approved blocks having regard to the current Apartment Guidelines (March, 2018), which will facilitate the provision of additional apartments within the blocks, as well as seeking to incorporate some of the design amendments that An Bord Pleanála attached to the permission by way of conditions.' (s.1.0 Introduction)

And

'...as this proposed development does not seek to increase the footprint of the previously permitted blocks or increase their height, Downey Planning are of the considered opinion that the environmental considerations that

were assessed as part of the previous application do not need to be revisited...' (Preamble)

7.1.2. Section 34(3A) of the Planning and Development Act, 2000, as amended, provided that:

'In determining an application for permission that relates to an existing planning permission for a residential multi-unit development ... and where the purpose of the application for permission is to take account of specific planning policy requirements ... of new or revised guidelines issued by the Minister under section 28 with regard to the previously permitted development, the planning authority concerned or the Board ... shall, notwithstanding section 34(2)(a), be restricted in its determination of the application to considering the modifications proposed by the applicant.'

7.1.3. Based on the wording of the public notices, the content of the Planning Statement and the details of the proposed modifications, I am satisfied the application falls within the scope of 34(3A).

7.1.4. Section 34(3B) provides that:

'Notwithstanding section 37, no appeal shall be made to the Board in respect of the determination by the planning authority concerned of an application to which subsection (3A) relates unless it would relate to a materially significant change to the approved external appearance of the proposed development.'

7.1.5. I find that the wording of 34(3B) is somewhat ambiguous and is open to two different interpretations. It may be interpreted that an appeal is allowed only where the appeal relates to 'a materially significant change to the approved external appearance of the proposed development', that is the appeal is made on grounds of a materially significant change to the approved external appearance of the proposed development.

7.1.6. The subsection may also be interpreted as meaning an appeal is allowed only where the application relates to 'a materially significant change to the approved external appearance of the proposed development', in which case the grounds of appeal would not appear to be limited. In a related issue, whilst 34(3A) limits the

considerations of the Board, this refers only 'to *determination of the application*' and it does not technically restrict the scope of considerations of the Board in determination of an appeal under 34(3B).

7.1.7. Having regard to the provisions of section 34(3A) and the restrictions on the considerations of the planning authority, I am satisfied that it is reasonable, in view of the limitations imposed under 34(3A), to interpret 34(3B) as not allowing an appeal to the Board in respect of an application under 34(3A) except where the *appeal* relates to 'a *materially significant change to the approved external appearance*'. As the grounds of the third-party appeal do not relate to 'a *materially significant change to the approved external appearance*', I would advise the Board that the appeal is not a valid appeal in view of the provisions of section 34(3B) of the Act and, accordingly, the appeal should be dismissed.

7.1.8. However, in the event the Board concludes that the latter interpretation of 34(3B) is correct, I have reviewed the proposed elevation against the approved elevations (as modified by conditions of the permission) to determine whether the *application* for modifications of the permitted scheme included 'a *materially significant change to the approved external appearance of the proposed development*'.

- The proposed modifications to the external appearance of Block A (permitted drawings nos.AI-104 and AI-105; proposed drawings nos.PL-104 and PL-105) are not materially significant.
- The proposed amendments to the external appearance of Block B (permitted drawings nos.AI-109 and AI-110; proposed drawings nos.PL-109 and PL-110) include an increased extent of fourth floor plan with omission of setback from east facing elevation and additional projecting balconies at that level (not correctly shown on east elevation but evident in profile on north and south elevations and in plan), changes to the western wing of the south elevation from angled fenestration bays to standard fenestration, additional fenestration and additional balconies. These changes are material and, within the context of the permitted scheme I consider them to be materially significant.
- The proposed modifications to the external appearance of Block C (permitted drawings AI-115 and AI-116; proposed drawings PL-115 and PL-116) are not material.

- The proposed modifications to the external appearance of Block D (permitted drawings AI-121 and AI-122; proposed drawings PL-121 and PL122), although material in respect of the 5no. additional balconies and associated enlarged fenestration and patio door on the eastern section of the southern elevation are, in my opinion, not materially significant within the context of the permitted block D.

I am satisfied that the proposed modification includes a '*a materially significant change to the approved external appearance of the proposed development*' and the Board, should it disagree with my interpretation of 34(3B) above, may consider the appeal and the full grounds of same without restriction.

7.2. Principle

- 7.2.1. The principle of the proposed mixed used development and high-density residential development has been established on the site through the previous permission PL29N.249368 with a density calculated at c.149uph (203units / 1.36ha). However, as the proposed revision would further increase the density to c.165uph and would change the nature of the residential development it is therefore reasonable to consider the nature of the proposed residential use and the issue of density in view of the applicable policy context which has been amended since the Board's decision.
- 7.2.2. The *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (March 2018) are the relevant Section 28 guidelines and the provisions of same supersede the relevant provisions of the County Development Plan. The guidelines advise that '*central and / or accessible urban locations*' are appropriate to accommodate higher density development and defines same. The site is at least 1220m from the site entrance to Clongriffin Dart station, which is outside the 800m-1000m '*reasonable walking distance*'. The public roads to the south and to the east include dedicated bus lanes, with bus stops either direction adjacent the south of the site. The information available online indicates that the route is served by the no.15 (8-12min frequency each direction, city centre to Clongriffin dart station) and no.29a (15-20min frequency each direction, city centre to Baldoyle) and therefore the site can be considered an accessible location under the

Guidelines². The Guidelines do not define an upper limit for high density and the proposed increased density may therefore be considered acceptable in principle.

- 7.2.3. Build to rent development is addressed under section 5.0 of the Guidelines, including specific planning policy requirements, SPPR7 and SPPR8, relating to such development and with which the planning authority and Board are required to comply (section 28(1C) of the Act, 2000) and apply (under section 34(2)(aa)).
- 7.2.4. The Guidelines anticipate that such development is suitable for more central locations and /or proximity to public transport services, as per high density development. As I have determined the site may be considered an accessible location under the Guidelines, the principle of BTR is therefore appropriate to this site.

7.3. Development standards

- 7.3.1. SPPR7 requires that BTR be stated in the public notices and accompanied by a proposed covenant or legal agreement, in addition to appropriate planning conditions, to ensure that the development remains as such for a minimum period of not less than 15 years during which period no individual residential units may be sold or rented separately. The public notices refer clearly to the proposed scheme as '*built to rent*', as required under the SPPR, and the Planning Statement states that the proposed development will be a long-term rental scheme as per the definition of BTR under section 5.2 of the Guidelines. However, the applicant has not submitted a copy of a proposed covenant or legal agreement to this effect, which is a requirement under SPPR7, in addition to the attachment of any appropriate conditions that may be attached to a grant of permission, to ensure the development remains a long-term rental housing scheme. The Guidelines advise that conditions include a requirement that the development remains owned and operated by an institution entity for a minimum period of not less than 15 years, during which period no individual residential units be sold or let separately.
- 7.3.2. Communal and recreational amenities are usually characteristic of BTR development and SPPR7 requires detailed proposals for such facilities, including residential

² I also note the draft proposed improvements to bus services and infrastructure within the vicinity under the BusConnect Core Bus Corridor Project that would serve the site, which can be expected to further improve the accessibility of the site. However a final plan has not been published to date.

support facilities and resident services and amenities, to be submitted as part of the application. The nature and extent of such facilities will depend on the scale, location and intended market for the scheme and may be agreed with the planning authority, with the developer *'required to provide an evidence basis that he proposed facilities are appropriate to the intended rental market'* (para.5.11), but detailed guidance is provided in chapter 4.0 of the Guidelines. In this regard the applicant's Planning Statement does not identify a specific target market that would inform the provision of appropriate associated facilities and amenities but indicates that the scheme is aimed at the open market and *'will provide ...homes for people and families and for the 'trade-down' market'* (Preamble).

- 7.3.3. It also requires that applications for BTR must be accompanied by proposals for supporting communal and recreational amenities including residential support facilities (facilities related to the operation of the development such as laundry facilities, concierge, management facilities, maintenance / repair services, waste management facilities, etc.) and residential services and amenities (facilities for communal recreation and other activities – sports facilities, shared tv/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities) as compensatory measure flexibility on standards for provision of storage and private amenity space with individual units and provision of communal amenity space for the scheme (according to SPPR8) . The nature and extent of these facilities may be agreed with the planning authority and will vary, with the developer required to provide evidence basis that the proposed facilities are appropriate to the intended rental market.
- 7.3.4. Residential support facilities - The proposed residential support facilities includes a concierge office, of 60-sq.m GFA (inclusive of ancillary space) which was permitted under the previous grant. The developer provides no evidence basis that the facility is appropriate to the intended rental market, or what services it would provide, or value it would add to the development.
- 7.3.5. The proposed residential support facilities also include waste management facilities, which are evidently essential and a requirement under Development Plan standards for residential development of the scale proposed. The WMF comprise 3no. bin stores of c.157-sq.m combined GFA near the access points to blocks A (2no.) and B(1no.), almost doubling GFA for waste storage previously proposed. The permitted

development provided WMF within the vicinity of access to each of the 5no.blocks, totalling c.87.5-sq.m). Notwithstanding the increased GFA dedicated to WMF, the location and arrangement of these facilities relative to the access cores Blocks C and D is poor and would result in a reduced level of amenity to residents compared to the permitted scheme and is contrary to the provisions for such facilities under sections 4.8 and 4.9 of the Guidelines which require that the facilities shall be accessible to each apartment stair/ lift core.

- 7.3.6. The applicant includes no details of waste management, including the facilitation and promotion of the three-bin waste separation system. The best practice guidelines on delivering homes and sustaining communities, the *Quality Housing for Sustainable Communities* (DEHLG, 2007)³, advise that an appropriate waste management plan should be adopted when dealing with higher densities or larger schemes. No WMP has been included with the current application, but none was proposed under the development previously permitted by the Board and no condition was attached in this regard.
- 7.3.7. The provisions under the CDP include policy SI19 of the CDP, to implement best international practice in relation to waste management and objective SIO16 to require the provision of adequately sized recycling facilities in new large-scale residential developments where appropriate. Standards for WM facilities in apartment schemes are set out in Appendix 10 of the Plan, including requirement to provide access for all (including people with disabilities) to the WMF in a brightly lit, safe and well-signed area, spacious enough for easy manoeuvrability, good ventilation and ready access if required for the control of potential vermin; where storage is provided in a basement area, sufficient access and egress must be provided to enable receptacles to be moved easily from the storage area to an appropriate collection point on the public street nearby; to provide for three-bin collection system – general waste, dry recyclables and organic food / garden waste – with sufficient space provided to accommodate collection of dry recyclables and organic waste. A proposal on the three-bin system including bin quantity, type and frequency of collection must be submitted in writing to the Waste Regulation Unit in Dublin City Council for agreement. No details have been submitted with the

³ The new Apartment Guidelines advise that this complementary policy advices should be considered.

application in this regard and no report was received from the Council's waste section to advise on the proposal.

- 7.3.8. The Guidelines advise that basement refuse stores be avoided where possible, but that where they are provided they must ensure adequate manoeuvring space for collection vehicles, which is a more onerous standard than that required by the local authority. According to section drawing PL-200 the headroom height is as low as 2.4m at the entrance ramp which would be insufficient to accommodate refuse collection vehicles⁴. In addition, the internal basement layout does not appear likely to accommodate manoeuvrability for refuse collection facilities (no swept path analysis has been submitted with this application and the analysis for basement access submitted with the parent application related only to motorcars). It would not be feasible to address the issue of accessibility by condition. The Board will note that Guidelines on refuse storage are not prescriptive but advisory and therefore accept the provision of basement refuse storage in accordance with the requirements of Appendix 10 of the Development Plan.
- 7.3.9. Residential services and amenities – The development includes a gym, a community room (multi-functional space to be booked by residents for events, parties, meetings, cinema, etc.) and a childcare facility at ground floor level, in addition to a recreational space (c.133-sq.m) and children's play (36-sq.m) at basement level. The basement level facility is the only additional amenity additional to the previously permitted scheme, indicated as a recreation room and children's play area. I have doubt about its use and value as a recreational space being a basement room without access to natural light, although access to daylight would not be a prerequisite to accommodate the snooker and table tennis facilities indicated. I consider it wholly unacceptable as a children's play area and not to be in accordance with the provisions for children's play under sections 4.13 and 4.14 of the Guidelines. In this regard, the scheme does not cater for the needs of children's play, including for older children and teenagers in terms of external space. The Board may attach a

⁴ For comparison, the general site requirements applicable to University of Edinburgh require a minimum headroom height of 3.72m at any entrance gate or archway.
[http://www.docs.csg.ed.ac.uk/EstatesBuildings/Guidelines/EnvironmentalandSustainability/Section 4_Waste_Recycling_Container.pdf](http://www.docs.csg.ed.ac.uk/EstatesBuildings/Guidelines/EnvironmentalandSustainability/Section4_Waste_Recycling_Container.pdf)

condition in this regard requiring the submission of details for the agreement of the planning authority.

- 7.3.10. Whilst childcare facilities requirements are governed by the *Childcare Facilities Guidelines* (2001) and are necessarily a commercial facility, they are also considered suitable as communal facilities within residential schemes under chapter 4.0 of the Guidelines even where they are open to non-residents. According to SPPR8 the obligation is on the applicant to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity. The Planning Authority raised no issue with the nature and quality of the compensatory amenities and facilities proposed and the Board may therefore consider that same has been agreed to by the planning authority, in accordance with the suggested approach under para.5.11 of the Guidelines. The Board may take the view that in this case the proposed units overwhelmingly meet or exceed the standards for storage and private amenity space and provision of communal amenity space, according to the Housing Quality Assessment schedule submitted as further information, and that the justification of the value of the ancillary amenities is less pressing in this case.
- 7.3.11. Housing mix, floor sizes and core access – Under SPPR8 the housing mix requirements, the requirement for majority of apartments to exceed minimum floor space by 10% and the limit of 12 apartments per floor core do not apply.
- 7.3.12. The minimum floor space requirements, accepting flexibility regarding private storage and amenity space, do apply. The HQA schedule indicates that all apartment units meet or exceed the minimum floor space standards per unit type under the Apartment Guidelines (2018)⁵.
- 7.3.13. Parking and accessibility – SPPR8 provides that default minimal / reduced parking apply to BTR schemes, subject to provision of a strong central management regime to contribute to capacity to establish and operate shared mobility measures. I consider the car parking proposals (151no. spaces inclusive of 6no. disabled driver spaces and 12no. shared-GoCar spaces; plus 13no. motorcycle spaces) to be

⁵ The HQA suggests units nos. D60, D61, D67, D68 and D69 do not meet required aggregate living area, however this is against an incorrect standard of 25-sq.m when the correct standard is 23-sq.m for a 1-bed unit. The Board will note that the numbering of the proposed units in Block D differs between the HQA schedule and the submitted drawings such that comparison is not possible.

acceptable in view of the proposal to provide for a shared car facility onsite through GoCar, the bicycle parking proposals and the level of accessibility of the site in terms of public transport (quality public bus and rail service) and to existing and proposed public services and facilities without and outside the LAP.

7.3.14. Condition no.10 attaching to the planning authority's decisions, addressing inter alia mobility, transportation and parking is generally appropriate and should, in the event of a decision to grant permission, be attached by the Board, although I note that controlled pedestrian crossings (required under condition 10(e)) have already been provided adjacent the site.

7.3.15. I consider the design of the proposed bicycle parking areas should, as far as practicable, not be enclosed but be visually open to the wider basement area in the interest of providing passive surveillance of bicycle parking and for the security of its users. This may be facilitated by use of cage compound design. In addition, having regard to the *Bike Parking Infrastructure Guidance* (Dublin Cycling Campaign, 2017) referred to in the Guidance, parking for cargo bikes at the rate of 5% of all spaces, is required, as are more appropriately located visitor parking spaces at ground level within the vicinity of entrances to the apartment blocks. These issues may be addressed by condition.

7.4. Visual impact

7.4.1. The appellant did not include in its grounds of appeal the potential for adverse visual impacts arising from the proposed external modifications of the development approved under PL29N.249368. I consider the proposed modifications to be materially significant in respect of changes to Block B, only. I do not consider the proposed changes to be such as to have a significant impact on the visual amenities of the site and the surrounding area.

7.5. Impact on residential amenities

7.5.1. I am satisfied that the proposed modifications are not such as would be likely to have any significant effect on the amenities of neighbouring residential properties by way of overlooking, overbearing, overshadowing or otherwise.

7.5.2. In addition, I consider the provision of side screens as proposed to the balconies to units B4, B9, B23, B33 and B44 are sufficient to protect the amenities of the neighbouring residential units, that condition no.8 attaching the planning authority's decision is unnecessary and would unduly adversely affect the amenities of the aforementioned units.

7.6. **Appropriate Assessment Screening**

7.6.1. No AA stage 1 screening report was submitted with the current application but was submitted with the previous application, PL29N.249368, being the parent permission which it is proposed to amend, and the Inspector and the Board carried out stage 1 screening in that case. The said screening report is applicable to the current proposed development as there is no change to the arrangement of development on site other than a significant reduction to the basement extent (resulting in a reduced potential for adverse effects during construction), internal amendments within the envelope or the buildings permitted on site; no change in the nature of uses proposed which remain primarily residential; and no changes to permitted drainage and services layout and arrangements. Excepting the proposed amendments, the development to be constructed is to accord with the terms and conditions of permission PL29N.249368.

7.6.2. There are 4no. European sites within the vicinity: Baldoyle Estuary SAC site code 000199 (c.1.7km to northeast), Baldoyle Estuary SPA site code 04016 (2.1km to northeast), North Bull Island SPA site code 004006 (2km to southeast), North Dublin Bay SAC site code 000206 (2km to southeast). There are no natural pathways between the site and any European site in terms of watercourses (according to the EPA's catchments.ie maps), but the lie of the land would suggest that it is drained by the Mayne River, to the north, which discharges to the Baldoyle Estuary, rather than south to Bull Island. Potential for significant effect on North Bull Island SPA and North Dublin Bay SAC can therefore be ruled out.

7.6.3. The conservation objectives for Baldoyle Estuary SAC is to maintain the favourable conservation condition of the habitats for which the site was selection, comprising mudflats and sandflats not covered by seawater at low tide, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) and Mediterranean salt meadows (*Juncetalia maritimi*). The Natura

Standard Data Form indicates that external threats of negative impacts to the site include roads, paths and railroads; golf course; and urbanised areas, human habitation.

- 7.6.4. The conservation objectives for Baldoyle Estuary SPA is to maintain the favourable conservation objective of Light-bellied Brent Goose (*Branta bernicla hrota*), Shelduck (*Tadorna tadorna*), Ringed Plover (*Charadrius hiaticula*), Golden Plover (*Pluvialis apricaria*), Grey Plover (*Pluvialis squatarola*), and Bar-tailed Godwit (*Limosa lapponica*) and Wetland. The Natura Standard Data Form indicates that external threats of negative impacts to the site include urbanised areas / human habitation, fertilisation, golf course, and roads / motorways.
- 7.6.5. The proposed development would have no direct effect on either of these European sites as it would be located at a distance therefrom. Having regard to the absence of direct source-pathway-receptor connections to the two European sites, to the site's location within the existing built up area and on a brownfield site with direct access to existing transport and services infrastructure, and to the governing of development of the site and surrounding area by the statutory Development Plan and a statutory Local Area Plan, both of which are subject of Appropriate Assessment, I am satisfied that there is no likelihood of significant effects on the European site in view of its conservation objectives subject to adherence to standard best practice construction management.

8.0 Recommendation

- 8.1. I recommend that permission be **GRANTED** having regard to the reasons and considerations under section 9.0 and subject to the conditions under section 10.0 below:

9.0 Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2016-2022 and zoning of the site Z1 '*To protect and improve residential amenities*'; and to the provisions of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (DHP&LG, March 2018), the location of the site in a location which falls within the definition of an accessible location under the said

guidelines; it is considered that the proposed amendment of the residential scheme permitted under PL29N.249368 to accommodate a 'Build to Rent' scheme would be in accordance with the provisions of the Development Plan and of the Guidelines and would be in accordance with the proper planning and sustainable development of the area subject to compliance with the conditions set out under section 10.0.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information received 12 September 2018, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 21st day of February 2018 under An Bord Pleanála appeal reference number PL29N.249386.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission</p>
3.	<p>Prior to the commencement of any development, the applicant shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain in ownership of and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold or rented separately for that period.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>

4.	<p>Prior to the commencement of development, the applicants shall submit, for the written agreement of the planning authority, details of the Management company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.</p> <p>Reason: In the interests of orderly development and the proper planning and sustainable development of the area.</p>
5.	<p>Prior to the expiration of the 15-year period for Build-to-Rent use on site, the applicant shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
6.	<p>The development hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March 2018 and shall be used for long term rentals only. No portion of this development shall be used for short term lettings.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
7.	<p>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)</p>

	<p>may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>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.</p>
8.	<p>Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority full details and drawings of proposals for the appropriate provision of children’s play facilities for children of all ages in accordance with sections 4.13 and 4.14 of the <i>Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities</i> (Department of Housing, Planning and Local Government, March 2018), with particular regard to external space.</p> <p>Reason: To provide for an adequate standard of development in the interest of residential amenity for future residents.</p>
9.	<p>Prior to the commencement of development the developer shall submit revised details and drawings of waste storage facilities proposals to the planning authority for its written agreement which comply with the following requirements of the Planning Authority under Appendix 10 of Volume 2 of the Dublin City Development Plan 2016-2022:</p> <p>(i) provide access for all (including people with disabilities) to the facilities in a brightly lit, safe and well-signed area, spacious enough for easy manoeuvrability, good ventilation and ready access if required for the control of potential vermin;</p> <p>(ii) where storage is provided in a basement area, sufficient access and egress shall be provided to enable receptacles to be moved easily from the storage area to an appropriate collection point on the public street nearby;</p> <p>(iii) to provide for three-bin collection system (including bin quantity, type and frequency of collection) – general waste, dry recyclables and organic food / garden waste – with sufficient space provided to accommodate collection of dry recyclables and organic waste.</p>

	Reason: To provide for an adequate standard of development in the interest of residential amenity for future residents.
10.	<p>(a) Prior to the commissioning of the development the developer shall have submitted a Residential Travel Plan (RTP) to the Planning Authority, the details of which shall have been agreed in writing by the Planning Authority prior to the first occupation of any unit within the scheme. The RTP shall identify the specific measures to be implemented by the body managing the operation of the development facility to encourage use of sustainable modes of transport by occupants of the development.</p> <p>(b) A Mobility Manager shall be appointed for the overall scheme and shall oversee and co-ordinate the preparation and implementation of the RTP. The Mobility Manager shall monitor and review the RTP at intervals to be agreed with Dublin City Council. The Mobility Manager shall carry out travel habit surveys of residents and identify actions for the applicant and future tenants of the development, so that progress towards meeting the targets set out in the plans can be maintained. This review may, from time to time, result in the adjustment of targets.</p> <p>(b) Prior to the commissioning of the development the developer shall submit a Car Parking Management Plan (CPMP) Planning Authority for its written agreement before any unit is occupied. The CPMP shall indicate (i) how spaces will be assigned and segregated by use and how use of the car parking will be continually managed; (ii) specific details regarding the allocation and management of the 9no. crèche car parking spaces and 5no. car share spaces which shall be permanently allocated to Car Club use.</p> <p>(c) Car parking spaces shall not be sold, rented or otherwise sub-let or leased to other parties separate from the overall development.</p> <p>(d) Prior to commencement of development the applicant shall submit details and drawings to the Planning Authority for its written agreement prior to the occupation of any unit within the development, showing: (i) At the vehicular access/exit point to the development, the public footpath shall be continued at a raised level across the site entrance and exit, but shall be ramped and dropped as necessary (e.g. 32mm kerb over carriageway) to</p>

<p>facilitate car-entry/exit; (ii) Measures to be implemented, including contrasting materials, signing, road marking, etc., to make clear to vehicle drivers entering/leaving the development that pedestrians/cyclists have priority across the site entrance and that vehicles must yield right-of-way.</p> <p>(e) Prior to the commencement of development the developer shall submit for the prior written agreement of the planning authority full details and drawings of all works proposed on the public road, including removal of road marking, new road markings and any other works proposed; any works to the existing public road including footpath modifications, signage shall be carried out to the detailed requirements of the Planning Authority and at the applicant's own expense at no cost to Dublin City Council.</p> <p>(f) The internal road network serving the proposed development, including footpaths and kerbs shall be constructed to taking in charge standards. All materials to be used in the proposed new access road, public areas, and footpath and parking areas shall be agreed in writing with the Roads Maintenance Division of Dublin City Council prior to commencement of development.</p> <p>(g) A project traffic management plan for all stages of construction traffic shall be agreed in writing with the Planning Authority before demolition, excavation and construction commences, which shall detail access arrangements for labour, plant and materials and indicate the locations of plant and machine compounds.</p> <p>(h) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, including relocation of any public lighting shall be at the expense of the developer.</p> <p>(i) The developer shall be obliged to comply with the requirements set out in the Code of Practice.</p> <p>Reason: To provide a standard of development that facilitates and encourages a modal split in favour of sustainable transport modes in</p>
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	accordance with Government Policy in the interest of proper planning and sustainable development of the area.
11.	<p>The following details of bicycle parking layout shall be agreed with the Planning Authority and shall be installed and operation prior to first occupation of any unit within the development:</p> <p>(i) The design of the proposed bicycle parking enclosures shall be visually open to the wider basement area in the interest of providing passive surveillance of bicycle parking and for the security of its users, which may be facilitated by use of cage compound design.</p> <p>(ii) Provision shall be made for cargo bikes at the rate of 5% of all bicycle parking spaces;</p> <p>(iii) Visitor bicycle parking spaces shall be provided at ground level within the within the vicinity of each of the entrances to each of the apartment blocks within the development at a rate of at least 5no. per entrance unless otherwise agreed with the Planning Authority.</p> <p>Reason: To provide bicycle parking of a suitable standard to facilitate and encourage a modal split in favour of sustainable transport modes in accordance with Government Policy in the interest of proper planning and sustainable development of the area.</p>
12.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply fully with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company or other security, to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting sewers and drains, and to secure the satisfactory completion and maintenance of services/infrastructure until taken in charge by a</p>

	<p>Management Company or by the local authority of roads, open spaces, car parking spaces, public lighting sewers and drains.</p> <p>The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To secure the satisfactory completion and maintenance of the development until taken in charge.</p>
14.	<p>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.</p> <p>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.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of specific exceptional costs not covered in the Development Contribution Scheme which are incurred by the planning authority in respect of public infrastructure and facilities which will benefit this development which is located in the North Fringe Framework Plan Area. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

	<p>matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
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John Desmond
Senior Planning Inspector

26 March 2019