



An  
Bord  
Pleanála

# **S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016**

## **Inspector's Report ABP-303296-18**

---

<b>Strategic Housing Development</b>	8 no. houses and 377 no. apartments including all associated site works.
<b>Location</b>	Griffith Avenue, Marino, Dublin 9.
<b>Planning Authority</b>	Dublin City Council North
<b>Applicant</b>	Cairn Homes Properties Ltd.
<b>Prescribed Bodies</b>	Dept. of Culture, Heritage and the Gaeltacht Irish Water Transport Infrastructure Ireland
<b>Observer(s)</b>	162 no. Submissions – see Appendix I

**Date of Site Inspection**

13<sup>th</sup> March 2019

**Inspector**

Sarah Moran

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	5
4.0 Planning History.....	6
5.0 Section 5 Pre Application Consultation .....	7
6.0 Relevant Planning Policy .....	12
7.0 Third Party Submissions .....	18
8.0 Planning Authority Submission .....	25
9.0 Prescribed Bodies.....	31
10.0 Environmental Impact Assessment (EIA) Preliminary Examination .....	31
11.0 Appropriate Assessment (AA) Stage I Screening.....	32
12.0 Assessment.....	39
13.0 Recommendation .....	61
15.0 Reasons and Considerations .....	61
16.0 Conditions .....	63

## **1.0 Introduction**

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## **2.0 Site Location and Description**

- 2.1. The site is located on Griffith Avenue (R102), c. 4 km north east of Dublin city centre. This part of Griffith Avenue is characterised by a series of institutional / religious / educational land uses between the Malahide Road and the eastern site boundary with 20<sup>th</sup> century residential development to the west of the development site. The planned garden suburb of Marino, a Residential Conservation Area (RCA), is laid out on the southern side of this part of Griffith Avenue. There is a double row of mature lime trees along Griffith Avenue, including the development site frontage, an important part of the character of the area. There are wide footpaths and a cycle lane along the southern side of the carriageway. Griffith Avenue is served by the 123 bus route and there is a stop in front of the development site. There is a vehicular access to the Charlemont housing estate, which also serves the Marino Institute of Education (MIE) campus, to the west of the site frontage. The Casino Marino Architectural Conservation Area (ACA) is to the immediate north east of the site, identified as a buffer to the Marino Casino protected structure (RPS 4858) and Recorded Monument RMP DU018-020144.
- 2.2. The site is currently open space and is part of the MIE campus, which forms the northern site boundary, along with St. Patrick's Monastery. Grounds levels rise by c. 8m from the Griffith Avenue frontage and there is a noticeable slope up to St. Mary's College, a 19<sup>th</sup> century neoclassical building, which presents an imposing frontage to the site and is highly visible from Griffith Avenue. The Christian Brothers European Provence Centre, a contemporary structure containing offices and residential accommodation, is located to the immediate north west of the site. The site is bound by Scoil Mhuire Marino primary school to the east and Charlemont to the west. The overall site has a stated area of 4.4 ha, which includes part of Griffith Avenue required for connection to the Irish Water network and included in the red line site boundary. The residential area of the site is 3.1 ha. There are mature trees inside the

road frontage and at all site boundaries, also within the site. There is a partially completed access road, as originally permitted under PL29N.234636, which traverses the site connecting Griffith Avenue with the MIE campus.

### 3.0 Proposed Strategic Housing Development

3.1. The development involves 385 no. residential units as follows:

UNIT TYPE	NO. OF UNITS	%
<b>Houses</b>		
5 bed	8	2%
<b>Apartments</b>		
Studio	23	6%
1 bed	115	30%
2 bed	190	49%
3 bed	49	13%
<b>Total Houses and Apts</b>	<b>385</b>	<b>100%</b>

The proposed houses are located along the western site boundary, to the rear of nos. 1-6 Charlemont. The proposed apartments are to be constructed in 7 no. blocks of 4-8 storeys over basement. A central public open space is provided on either side of the access road. The development has a stated gross residential density of 124 units / ha based on a site area of 3.1 ha (excluding the area of Griffith Avenue and Malahide Road required to provide site services). The stated net density is 160 units / ha based on a net site area of 2.4 ha (excluding the public park and internal access road).

3.2. The development also includes:

- 2 storey mixed use building containing a creche (279 sq.m.), café and multipurpose space (222 sq.m.);
- Residents' amenity building with concierge, residents' lounge, gym, meeting room, cinema / games room, manager's office and caretaker store, located in the basement and ground floor levels of Block 2 (1,485 sq.m.);

- Public open space including a new public park and play area;
- Basement car parking, total 367 no. spaces, car club spaces, 682 no. cycle parking spaces, motorcycle parking;
- New foul and surface water pipes under Griffith Avenue, running eastwards to the Malahide Road junction;
- New signalised junction and pedestrian crossing at the Griffith Road site access and completion of the road through the development connecting Griffith Avenue with the MIE campus;
- ESB substation;
- 3 year permission for a temporary marketing suite and associated signage.
- The development includes the demolition of a shared boundary wall to the rear of nos. 1-6 Charlemont at the western side of the site. The relevant property owners have submitted statements of permission.
- The application is accompanied by a model.

## 4.0 Planning History

### 4.1. PL29N.245580 Reg. Ref. 2347/15

- 4.1.1. Permission granted for 101 no. residential units at the development site, comprising 79 no. houses and 22 no. apartments (stated net density of 33 units / ha).

### 4.2. PL29N.234636 Reg. Ref. 3226/09

- 4.2.1. Permission granted for a new vehicular and pedestrian entrance to the development site from Griffith Avenue. The permission included removal of some existing trees, planting and the boundary wall and railing to part of the boundary with Griffith Avenue and the provision of stone faced flanking pier walls, gates, signage and replacement tree and low level planting and lighting.

## **5.0 Section 5 Pre Application Consultation**

### **5.1. Pre-Application Consultation ABP-301680-18**

- 5.1.1. The pre-application consultation related to the following proposal at the development site:

354 no. residential units (347 no. apartments and 7 no. houses), crèche, café and associated site works.

- 5.1.2. A section 5 consultation meeting took place at the offices of An Bord Pleanála on 2<sup>nd</sup> July 2018. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development.

- 5.1.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the proposed building heights provide the optimal urban design and architectural solution for this site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outline the design rationale for the proposed building heights having regard to inter alia, National policy and Local planning objectives concerning building height, and the site's context and locational attributes. In this regard an appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan, if applicable, is required.
2. An Architectural Heritage Report that responds to the issues raised in the report from the Development Applications Unit (DAU) of the Department of Culture, Heritage and the Gaeltacht dated 16<sup>th</sup> July 2018. It should be noted that An Bord Pleanála received the said report from the DAU after the holding of the

Consultation Meeting of the 2<sup>nd</sup> July 2018. Irrespective of the final design proposed having regard to, inter alia, the report of the DAU, the architectural heritage report should also be accompanied by photomontages of the proposed development and should outline the design rationale for the proposed building heights, scale and massing. Photomontage images from a number of key locations to the development site, in particular from various vantage points along Griffith Avenue and from within the Marino Institute lands should be provided.

3. Revised Traffic and Transport Assessment that takes into account the proposed development and access arrangements to the Marino Institute of Education and sufficiently detailed information regarding the proposed childcare facility.
4. Full and complete analysis and drawings that detail the impact of the proposed development on the residential amenity of future residents in relation to daylighting, overshadowing and overlooking. Specific attention should be paid to the separation distances between opposing blocks and the impact upon privacy and overlooking. Section 3.0 Apartment Design Standards of the Sustainable Urban Housing: Design Standards for New Apartments 2018, provides guidance in respect to these issues.
5. Details of tree protection measures during construction, specifically with regard to trees in the public domain along Griffith Avenue.
6. A phasing plan for the proposed development, including the delivery of key infrastructure such as wastewater and surface water services.
7. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
8. Details of all materials proposed for the proposed buildings, open spaces, paved areas, boundary and any retaining walls or terraces.
9. A construction and demolition waste management plan should be provided.
10. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). Details may include information on the provision of shared residential amenity spaces and their management, maintenance of public open space as well as other communal elements of the development.



11. Sufficiently detailed information and relevant consents as necessary with regard to the proposed installation of piped water services (foul and surface water).

12. An Archaeological Assessment Report should be submitted.

## **5.2. Applicant's Response to the ABP Opinion**

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- The proposed building heights are an appropriate design response and architectural solution to realise the sustainable development of this inner suburban residential site. The majority of the development is 4-7 storeys and is c. 26m at its highest point, which is considered wholly appropriate in this location, given the size of the site, its particular context and locational characteristics. The development includes a transitional height reduction at the western boundary and at the Christian Brother Province Centre.
- The site is c. 4 km from Dublin City Centre and close to a range of high quality public transportation routes including high frequency bus routes on Drumcondra Road and Malahide Road and Clontarf DART Station. The suburb of Marino has an excellent established social infrastructure including high quality educational and community facilities, local shopping, cafes, restaurants, public houses, childcare provision and significant public open space. The site is considered to inherently accord with a location deemed to be appropriate in principle to accommodate higher density residential development as per the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities.
- Aside from nos. 1-6 Charlemont, the site is surrounded by institutional / educational land uses and therefore can deliver a higher density form of residential development that is not constrained by potential impacts on existing residential amenities.
- The existing and proposed boundary treatments will ensure that the site is effectively screened from view when seen from most directions.

- The internal layout of the apartment block nearest Scoil Mhuire CBS was modified to ensure that it will not overlook the school from living areas. It is also sufficiently set back so as not to adversely affect the school in visual or daylight / sunlight terms.
- National planning policy supports higher buildings as an efficient use of zoned land at this type of location, ref. the National Planning Framework, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the Urban Development and Building Heights Guidelines for Planning Authorities. The proposed 26m height can be approved with reference to SPPR 3 of the Building Height Guidelines, regardless of the 16m height limit specified in Dublin City Development plan policy on building height at this location.
- There is a potential conflict between development plan policies in support of higher residential densities and its current height restrictions. Increased building heights are necessary to develop the subject site at a sustainable residential density whilst maintaining the requirement for 20% public open space as per the Z12 zoning objective.
- The Architectural Heritage Impact Assessment (AHIA) concludes that the Marino Casino ACA is screened from the development site at present and that proposed landscaping would ensure that the development would not have any impact on the character of the ACA other than a minor and temporary visual impact on the adjacent school. Historic maps dating from 1837 to 2017 indicate the original Marino Demesne has undergone very significant and extensive change and fragmentation over this 170 year period. The development site has been consistently zoned for development for many years and already has the benefit of planning permission, ref. PL29N.245580. The ACA designation is in place since 2009 and was in place when planning permission was previously granted at the site. The AHIA concludes that the development would not have any adverse impact on architectural heritage. The conclusions of the Landscape and Visual Impact Assessment (LVIA) are noted in this regard.

- The revised Traffic and Transport Assessment (TTA) takes the proposed creche into consideration.
- A Daylight and Sunlight Assessment of the development is submitted. The east / west separation distances between the apartments are c. 22.5m – 24m and north / south separation distances are c. 12.5m – 21.5m. There is a minimum of 11m to the rear boundary shared with Charlemont.
- Details of tree protection measures are submitted.
- A construction period of c. 3 years is anticipated. The basement is to be constructed first followed by Blocks 2, 3, 4, 5, 6 and 7 at the eastern part of the site. Block 1 to the rear of Charlemont and the creche building will then be constructed. The provision of site infrastructure will commence as the basement structure nears completion. The internal site access roads and landscaping will be completed on a phased basis to serve the apartment blocks as they are constructed. The site infrastructure works will follow the construction of the buildings to the western side of the site and will continue until the development is completed in full. The new foul and storm drains (to be taken in charge) along Griffith Avenue to the Malahide Road will be required in advance of the completion and opening of any of Blocks 2 to 7. This work is to be carried out by agreement with the local schools, educational facilities, Irish Water and Dublin City Council (DCC) and would take advantage of school holidays whenever reasonably possible.
- No areas are proposed to be taken in charge within the development.
- Details of all materials proposed for the proposed buildings, open spaces, paved areas, boundary and any retaining walls or terraces are submitted.
- A Construction and Demolition Waste Management Plan is submitted.
- A Life Cycle Report is submitted.
- The application includes a letter of consent from DCC confirming its agreement to the inclusion of lands within its control on Griffith Avenue and Malahide Road within the application to facilitate the proposed extension to the wastewater network. Correspondence from Irish Water also confirms that a confirmation of

feasibility has issued and that no third party or statutory consents are necessary to facilitate these works.

- An Archaeological Assessment Report is submitted.

## **6.0 Relevant Planning Policy**

### **6.1. Ireland 2040 - National Planning Framework**

- 6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### **6.2. Section 28 Ministerial Guidelines**

- 6.2.1. The following is a list of relevant section 28 Ministerial Guidelines:
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual;
  - Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018);
  - Urban Development and Building Heights Guidelines for Planning Authorities;
  - Design Manual for Urban Roads and Streets (DMURS);
  - The Planning System and Flood Risk Management including the associated Technical Appendices;
  - Architectural Heritage Protection Guidelines for Planning Authorities;
  - Childcare Facilities – Guidelines for Planning Authorities;

### 6.3. Dublin City Development Plan 2016-2022

#### 6.3.1. The site has the zoning objective Z12 (future development potential):

*‘To ensure existing environmental amenities are protected in the predominantly residential future use of these lands.’*

The following specific requirements arise from the Z12 zoning objective:

- A minimum of 20% of the site, incorporating landscape features and the essential open character of the site, will be required to be retained as accessible public open space. The 20% public open space shall not be split up into sections and shall be comprised of soft landscape suitable for relaxation and children’s play, unless the incorporation of existing significant landscape features and the particular recreational or nature conservation requirements of the site and area dictate that the 20% minimum public open space shall be apportioned otherwise;
- The preparation and submission of a masterplan setting out a clear vision for the future for the development of the entire land holding, to identify the strategy for the provision of the 20% public space requirements associated with any residential development to ensure a co-ordinated approach to the creation of high-quality new space linked to the green network and/or other lands, where possible;
- Development at the perimeter of Z12 sites adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards pertaining to aspect, natural lighting, sunlight, layout and private open space;
- At least 10% social and affordable housing requirement will apply in the development of lands subject to the Z12 zoning objective.

The uses ‘residential’ and ‘childcare facility’ are permissible in principle under the Z12 objective. Development plan section 16.5 states an indicative plot ratio of 0.5-2.5 and section 16.6 states an indicative site coverage of 50% for Z12 lands.

#### 6.3.2. The site is not located in an area designated as suitable for high or mid rise buildings as per development plan section 16.7. There is a general height limit of 16m for commercial and residential developments in the outer city. Development plan section 4.5.4.1 sets out the approach to taller buildings (> 50m) and identifies locations

where taller or mid rise buildings may be appropriate, i.e. taller buildings at major public transport hubs and some SDRAs and mid rise buildings (up to 50m) at sites that are the subject of a LAP, SDZ or within a designated SDRA. The following policies are noted.

*SC16: To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA).*

*SC17: To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in Chapter 15 (Guiding Principles) and Chapter 16 (development standards). In particular, all new proposals must demonstrate sensitivity to the historic city centre, the River Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.*

#### **6.4. Applicant's Statement of Consistency**

6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the City Development Plan and other regional and national planning policies. The following points are noted:

- The development complies with the overarching themes of the NPF by proposing a compact, well-designed, sustainable form of residential development on an existing underutilised brownfield site located in close proximity to high quality public transport services and a well-established social infrastructure that will contribute to the consolidation of Dublin.
- The development will make a substantial and sustainable contribution towards reaching the housing and population targets of the Regional Planning Guidelines 2010-2022.

- The provision of a high density residential development on zoned urban serviced land within the Dublin City and Suburbs area and well served by public transport services inherently accords with the central thrust of the DRSES, the proposed MASP strategy and the general objectives of the Dublin City Development Plan 2016-2022.
- The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities do not provide any upper limit on residential density. It is submitted that the proposed density is compliant, appropriate and sustainable with regard to the locational characteristics of the site.
- The site is located in a 'central and / or accessible urban location' as per the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, being within walking distance of the city centre, immediately adjacent to a third level institution and well served by public transport. In such locations, there is no upper residential density limit. The proposed residential density) is considered acceptable and in line with the Guidelines. Details of compliance with the quantitative design provisions of the Guidelines are submitted.
- The applicant has submitted relevant assessments of performance criteria as required by the Urban Development and Building Heights Guidelines for Planning Authorities, except for micro-climate / wind assessment, which is not considered to be an issue for 4-8 storey development. The relevant performance criteria primarily relate to sunlight, daylight and visual impact and the submitted assessments demonstrate that the scheme will not give rise to any significant adverse impacts. The Daylight and Sunlight assessments confirm that the development will not give rise to overshadowing of any existing properties outside the site. In addition, the development achieves a 96.5% apartment compliance rate (98.6% of all rooms assessed) with the internal daylight requirements of the BRE Guidelines in respect of the individual apartment units.
- The development is c. 26m at its highest point, which is in excess of the blanket restriction of 16m applied in this area in the City Development Plan. A Statement

of Material Contravention is submitted. The development site is capable of easily accommodating the additional height proposed without giving rise to any significant adverse planning impacts in terms of daylight, sunlight, overlooking or visual impact, with reference to the Daylight and Sunlight Assessment and the LVIA. It is submitted that the material contravention can be justified under Section 37(2)(ii) and (iii) of the Planning and Development Act 2000 (as amended), on the basis of the site's locational characteristics proximate to high quality bus services and an established social infrastructure. The development will inherently accord with National and Regional sustainable planning principles particularly in relation to the promotion of more compact and efficient forms of urban development on brownfield sites and significantly increased residential densities in appropriate locations. This is in line with the NPF, the 2018 apartment design and building height guidelines. It is submitted that the realisation of the objectives of this national guidance necessitates facilitating residential development to a height >16m in appropriate locations or otherwise, in order to achieve sustainable densities. There is also a potential conflict between development plan policies in support of higher residential densities and its height restrictions.

- With regard to the Childcare Guidelines, permission was granted at this site by DCC and ABP for 101 no. units with no childcare facilities under PL29N.245580 Reg. Ref. 2347/15. This was on the basis of the existing childcare provision serving the catchment area and the level of vacancies in childcare facilities in the area. A survey, as carried out by the local Childcare Committee, confirmed that some 108 no. vacancies existed in these facilities as of May 2015. Whilst the current scheme is larger, this is predominantly in the form of studio, 1 and 2 bedroom apartments. Having regard to the existing level of childcare provision in the catchment area and the level of vacancy recorded in relation to the previous decision, it is considered that the proposed childcare provision is sufficient to cater for the childcare requirements of the development and complies with the Childcare Guidelines.



- Z12 Objective. The development incorporates a centrally located public open space (c. 6,250 sq m) that equates to 20% of the site area (3.1 ha). The siting and layout of this open space adheres to the previously permitted parameters as granted by both ABP and DCC under PL 29N. 245580 Reg. Ref. 2347/15. A detailed Masterplan is submitted including site analysis with regard to the relationship between existing and proposed residential development to ensure no adverse impacts on residential amenities. The daylight and sunlight assessment considers both internal and external impacts. A landscaping strategy is submitted. A Part V proposal as discussed with, and accepted by, the Housing Department in DCC is submitted.
- Development Plan building height policy. Refer to Material Contravention Statement.
- Development policy on residential density. The proposed density is considered sustainable having regard to the site's location within 4km of the city centre in an inner suburban area within short walking distance of high quality public transportation services. The development includes a significant new public open space. The site is sufficiently large to accommodate a well-designed higher density residential development without giving rise to any adverse impacts on existing residential amenities whilst adhering to development plan plot ratio and site coverage standard and maintaining generous separation distances between units within the proposed development.
- The proposed car and cycle parking provision is compliant with development plan parking standards given that the standards are maxima and DCC encourage parking provision below these standards where possible.
- The development generally complies with development plan policies on apartment living and housing, public realm strategy, urban form, transport, water supply, SUDS, waste management and flood risk, green infrastructure, parks and open space, sport, recreation and play.
- The submitted AHIA addresses impacts on the adjoining ACA.

## 7.0 Third Party Submissions

7.1. The submissions were primarily made by or on behalf of local residents, particularly residents of Charlemont, Griffith Avenue and the Marino area. There are also submissions by several local representatives, i.e. Cllr. Jane Horgan-Jones, Cllr. Naoise Ó Muirí, Cllr. Damian O'Farrell, Cllr. Deirdre Heaney, Finian McGrath T.D., Thomas P. Broughan T.D., Sean Haughey T.D., Senator Aodhán O'Riordáin and local concerns / groups comprising Griffith Avenue and District Residents Association; the Griffith Avenue Save Our Trees Group, St Vincents GAA Club, Scoil Mhuire CBS also Board of Management of Scoil Mhuire CBS, St. Vincent de Paul Infant School and St. Vincent de Paul Girls School; the Fairview Marino Tuesday Club; All Hallows Area Association; Marino and District Community Centre Ltd. and Marino Residents Association. The main points made may be summarised as follows.

### 7.2. 3<sup>rd</sup> Parties General Issues

- Concerns about lack of public consultation during the SHD process and insufficient time for public view of the application and lodgement of 3<sup>rd</sup> party comments.
- Lack of clarity regarding Part V provision. Proposed Part V housing should be dispersed throughout the site rather than concentrated in a single block. Lack of affordable housing in the development.
- Residents of nos. 1-6 Charlemont agree to the demolition of a shared boundary wall but state concerns about a lack of detailed specification for its replacement, also a timeline for the proposed works.
- No indication that proposed building materials are environmentally friendly, e.g. use of solar panels.
- Development should be the subject of EIA.
- Reference to the Aarhus Convention, further consideration of the application should be deferred until EU has formally decided measures to be taken consequent to a current review of same.

- Application is premature pending a review of the City Development Plan by councillors in order to include policies, objectives and development control standards to reflect the National Planning Framework and the Guidelines on Urban Development and Building Heights.

### 7.3. 3<sup>rd</sup> Parties Building Height, Quantum and Principle of Development

- Development is out of scale with existing development in the vicinity and will result in over development of the site with excessive residential density.
- Substantial increase in height and scale from the development previously permitted at the site under PL29N.245580.
- Development contravenes the Z12 zoning objective as there is a public road through the 20% public open space.
- Adequate open space should be achieved by omitting Block 1 to the west of the access road. This would be consistent with other ABP decisions in the area, ref. PL29N.245745 and PL29N.246430.
- Proposed play area is located to the rear of the development where it is less accessible to the public.
- Development materially contravenes development plan building height policy and contravenes the Urban Development and Building Height Guidelines as it is not within the required distance of a public transport hub. Development is within 500m of a bus stop on Griffith Avenue but is 1.6 km from the nearest DARTY station.
- Question of whether plant rooms on building roofs are included in the stated height of the development.
- Development does not fully meet the required daylight standards.
- Unbalanced housing mix with lack of family size dwellings and too many studio and 1 bed units. The development should cater for downsizers.
- All ground floor units do not meet the minimum 2.7m floor to ceiling height required by SPPR 5 of the Apartment Guidelines.

- Development appears to be designed for the rental market and not as family homes. Proposed apartments are likely to be used for short term rental.
- Development does not make adequate provision for housing units for older people, the proportion of the older age cohort in the area is projected to increase over the next couple of decades. The proposed housing typology should match the projected age demographic of the area.
- Existing education and health services in the area do not have capacity to cater for the development. Lack of consideration of the adequacy of existing local services.
- Development should include a retail unit to cater for local residents and students of MIE.
- Development should include a shared community facility with kitchen and safe parking to cater for older people in the area.
- Proposed creche provides an inadequate no. of childcare places.

#### 7.4. 3<sup>rd</sup> Parties Residential Amenities and Visual Impacts

- Loss of the existing open space as an amenity enjoyed by local residents.
- Adverse visual impacts on the important historic streetscape of Griffith Avenue which has a unique and special character. Development at this sensitive location should have a positive visual impact and provide amenity value. Proposed development is out of character with the area.
- Development does not respect the established building line on Griffith Avenue.
- Development will create an unattractive break in the streetscape along Griffith Avenue.
- General concerns about the ongoing management of the apartment units, e.g. the proposed glass balconies will not be maintained adequately resulting in adverse visual impacts.
- Lack of storage facilities for the apartment units.
- Development contravenes Z12 zoning objective due to adverse impacts on existing environmental amenities.

- Adverse impacts on the privacy of properties within Charlemont, also overshadowing and visual impacts.
- Adverse microclimate impacts due to building height.
- Development should have a landscaped buffer at all site boundaries.
- Charlemont residents request a condition requiring no west facing windows at attic level of the houses on the western side of the development.
- Unacceptable overlooking of the adjacent National School, concerns about child safeguarding issues. Also adverse impacts on the development potential of school grounds. Scoil Mhuire CBS requests that Blocks 4 and 5 be omitted from the development or significantly reduced in height and the existing line of evergreen trees at the site boundary be retained. Concerns about works to the boundary wall between the development site and school grounds.
- Development will result in an increase in noise pollution.
- Adverse impacts on traffic and residential amenities during the 3 year construction period. Restrictive conditions to manage construction activity are requested, including a request by Scoil Mhuire CBS that traffic be restricted during 8.00 – 9.30 am and 1.45 – 3.00 pm on weekdays.

#### 7.5. 3<sup>rd</sup> Parties Conservation Issues

- The scale, height and arrangement of the development will detract from the amenity and integrity of surrounding historic streetscape and buildings, i.e. Marino Casino and associated landscape features, later Victorian protected structures, Marino housing estate, Griffith Avenue and the associated church and school complex. Development will sever the relationship between St. Mary's and St. Patrick's.
- Development will have adverse impacts on the view of St. Mary's building from Griffith Avenue.
- Adverse impacts on the setting of Marino Casino ACA.
- Various deficiencies in the AHIA. It refers to a smaller no. of units than is currently proposed. It does not provide an assessment of the significance /

importance or quality of adjacent buildings, as required by Appendix B of the Architectural Heritage Protection Guidelines for Planning Authorities, e.g. Marino Casino ACA. The conclusions of the AHIA are challenged. It understates the sensitivity and significance of the ACA.

- Application does not refer to specimen trees within the MIE to the north of the site, which likely date from the original 18<sup>th</sup> century Charlemont Estate. The presence of these trees warrants the inclusion of the MIE grounds in the Marino Casino ACA.
- The site adjoins a group of buildings of social and historical significance. Their assessment as 'architecturally undistinguished' is questioned. The buildings are included in the ACA boundary and are clearly intended to be protected in their own right and not just as a buffer zone between the Casino building and the edges of the ACA.
- The application does not address issues raised in the submission by the Dept. of Culture, Heritage and the Gaeltacht during the pre-application process. This highlights the significance of the site as a 'character area' between the early 20<sup>th</sup> century garden city residential area south of Griffith Avenue and the 18<sup>th</sup> century landscape with its surviving architectural features, sites and relationships to the north.
- Development plan policy and the Architectural Heritage Protection Guidelines for Planning Authorities refer to the potential for works outside an ACA to have impacts on the ACA character. Further assessment of the development is required with regard to the ACA. Development contravenes relevant development plan policies with regard to its dominant forms and impact on local character, particularly the significance of the setting outside the ACA boundary.
- Impacts on the Marino Residential Conservation Area (RCA), refers to the character and historic importance of same, also Griffith Avenue.
- Development should be set back the same distance from Griffith Avenue as the adjacent institutional buildings and not the 2 storey housing. The presence of tree lines does not justify the proposed building height.

## 7.6. 3<sup>rd</sup> Parties Impacts on Trees and Wildlife

- Development will result in the removal of a substantial amount of trees from the site. Associated visual impacts and increase in noise pollution. Associated adverse visual impacts on Griffith Avenue, particularly due to the removal of lime trees at the road frontage. Other developments on Griffith Avenue in recent decades, i.e. Charlemont and Beresford, have retained tree belts inside their boundaries. A significant no. of trees have already been removed from the site. The Arborist Report indicates that many of the trees to be removed from the site are in good condition.
- No permission should be granted for the removal of trees on Griffith Avenue, including to facilitate proposed road works. They are an important part of the local heritage and environment. Griffith Avenue is the longest tree lined residential, non-commercial avenue in Europe. The submitted documentation does not provide adequate justification in support of the removal of trees on Griffith Avenue. It may be necessary to remove additional trees with further adverse impacts.
- Over 200 people have signed a petition by the Griffith Avenue Save Our Trees Group at a public gathering in support of the retention of the 3 trees proposed to be removed on Griffith Avenue. Over 400 people have signed an online petition.
- Adverse impacts on wildlife due to the removal of trees at the development site. There have been a pair of buzzards (*Buteo buteo*) within the MIE campus for 2 years and using the development site for roosting and hunting. There is a possibility that they may breed at the site in the future. Any permission should have conditions requiring mitigation measures for this species.
- Brent Geese have feeding grounds within 200m of the proposed development. Adverse impacts on the species due to the development, including impacts on their flight path. Reference to the recent refusal of development at St. Anne's Park in Raheny and the Judicial Review relating to the same site.
- Destruction of nesting and foraging habitat of a large no. of species including the Soprano Pipistrelle Bat.

### 7.7. 3<sup>rd</sup> Parties Traffic, Transportation and Access

- Development will generate a substantial amount of additional traffic congestion in the area.
- Proposed signalised junction will increase traffic delays on Griffith Avenue. The design of the signalised junction is not finalised.
- Potential future use of the road through the site for further developments could worsen traffic impacts.
- The TTIA is out of date as it is based on surveys from 2013. There have been significant developments in the area since then, e.g.:
  - Pobalscoil Rosmini, ref. PL29N.249253
  - Educate Together, All Hallows Reg. Ref. 2470/18
  - Proposed development at High Park ABP-303303-18

Also subsequent increase in traffic levels due to national economic development and increase in local traffic levels due to the expansion of the MIE. IN addition, the TTIA does not consider projected growth of the MIE.

- Discrepancy in the TTIA, the development access is not 350m from Charlemont junction. TTIA assumes that the Bus Connects redesign will be implemented without changes from the consultation phase. TTIA assumptions on car ownership and local commuting are questioned.
- Inadequate car parking provision in the development. There is limited on street parking in the area and the development will result in the removal of existing parking spaces on Griffith Avenue. Commuters currently park in the area and then use public transport. Development will result in further uncontrolled on street parking in the area.
- No road safety audit of the development.
- Development will interrupt existing pedestrian and cycle facilities on Griffith Avenue. Resulting danger to pedestrians and cyclists.



- There are 3 no. primary schools and a secondary school close to the development, which generate a substantial amount of traffic. Concerns about road safety issues for school children in the area.
- Development should be the subject of a traffic management plan.
- Lack of public transport in the area to cater for the development. Existing services are oversubscribed. The 123 bus route may be changed under the Bus Connects plan. Additional traffic generated by the development will have adverse impacts on high frequency bus services on Griffith Avenue.
- Residents of Charlemont state concerns that the Charlemont access to Griffith Avenue could be used as a 'rat run'.

#### 7.8. 3<sup>rd</sup> Parties Site Services / Flooding

- Water pressure is currently very weak in this area. The development will exacerbate this situation. Ongoing issue of inadequate water capacity in the Greater Dublin Area.
- There is frequent flooding on Griffith Avenue in front of the development site.

#### 7.9. Third Party Submissions Conclusion

7.10. I have considered all of the documentation included with the above submissions.

### 8.0 **Planning Authority Submission**

8.1. Dublin City Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members as expressed at the meeting of the North Central Area Committee Meeting on the 21<sup>st</sup> January 2019. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The submission includes several technical reports from relevant departments of Dublin City Council, which are incorporated into the following summary.

#### 8.1.1. PA Comment on Principle, Quantum and Density of Development

- Notes that the total no. of residential units has increased from 354 to 385 since the pre-application, also an increase in the total no. of apartment blocks from 6 to

7 and an increase in the no. of houses from 7 to 8. The former Block 4 at the eastern site boundary is now divided into Blocks 4 and 5. The footprint of the development is largely the same. Car parking provision has decreased from 412 to 367 no. spaces. Cycle parking has increased from 645 to 682 no. spaces.

- The 20% public open space area as required under the Z12 objective is arranged around the access road, separating the public park into 2 distinct areas. The access road has already been permitted. On balance, having regard to the overall layout which places the park in a central position, which would open up views from Griffith Avenue towards the MIE campus to the north of the site and to the quality of the proposed public park, it is considered that the layout and position of the access road and park are acceptable.
- The proposed site coverage is 23% and the plot ratio is 1.16. The site coverage is low due to the extensive areas of public open space provided across the site. The site coverage and plot ratio are acceptable and in accordance with development standards.
- The proposed density is considered appropriate given the National Policy objective to increase residential density in existing urban infill locations.

## 8.2. PA Comment on Building Height

- The proposed height materially contravenes development plan policy. The Statement of Material Contravention is noted. Relevant national policy is noted. The development is considered with regard to the criteria set out in section 3.1 of the Urban Development and Building Heights Guidelines as follows.
- The site generally well served by public transport, principally bus services.
- The LVIA states that a number of factors combine to limit the site's visibility from the surrounding townscape. Views from Griffith Avenue are obscured by trees. Only one short street in Marino (Turlough Parade) has direct views of the site, therefore the site is not visible from Marino except for houses on Griffith Avenue. The MIE campus and extensive open space to the north and the schools and church to the east of the site buffer the site from sensitive visual receptors in those directions. Due to the separation distance, the local topography and the mature vegetation of the MIE campus, the suburbs to the north (Charlemont) and

north east (Belton Park, Donnycarney) have no visual relationship with the site. The suburban residential area of Glandore Road and Sion Hill to the north west of the site is elevated above the site. However, despite the elevation there is limited visibility of the site from these areas due to:

- a) the convex form of the hill;
- b) the large buildings in the intervening landscape including the Griffith Hall apartments, MIE student residence blocks and St. Mary's;
- c) the alignment of the Glandore Road and Sion Hill streets which generally direct views away from the site and
- d) the visual enclosure generated by the terraced and semidetached houses along the streets.

The above is verified by the LVIA photomontages. The LVIA concludes that despite its urban location the site has a limited extent of visual influence in the townscape, which contributes to the capacity of the receiving environment to accommodate change. On the basis of the LVIA, it is considered that the development successfully integrates in to the area.

- It is considered overall that the development makes a positive contribution to place making, incorporates new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.
- It is considered that the proposed massing and choice of material will provide a high quality development that responds well to the site context and which is likely to have a positive impact on the character of the area. Given the use of material and the articulation of the facades, the proposal provides visual interest and appropriate massing.
- Given the layout, mass, scale and height of the development it is considered that the proposal achieves an appropriate sense of scale and enclosure to public and communal open spaces.
- The development establishes clear legibility and distinction between public, communal and private open space, ensuring provision of a safe environment for

future residents. Given the open nature of the Griffith Avenue frontage to the east and west of the public park, it is considered that the development will encourage permeability and accessibility through the scheme and will provide a positive addition to the public realm of the wider area.

- The development will provide an alternative house typology in a location where the usual house typology is 3 bed family homes and will provide additional community facilities to the area.
- Having regard to Policy SC17 and the above assessment against section 3.1 of the Building Height Guidelines, it is considered that the proposed height at a maximum of 26m is acceptable and will not adversely impact on the residential amenities of adjoining properties.

### 8.3. PA Comment on Architectural Heritage

- The submitted AHIA is noted.
- DCC Conservation Officer raises concerns regarding the impact of the development on the adjoining ACA due to its height and proximity to the ACA boundaries. It also states concerns in relation to the proposed building line:

*“It is preferable for the building line of the proposed development to relate more sympathetically with the very clearly established building line of the institutional buildings along Griffith Avenue ... their established building line is considered to be more significant than the remaining residential houses to the west of the site, which has been the starting point for establishing a new building line for the proposed development.”*

The report also notes that the application does not address concerns raised by the Dept. of Heritage, Culture and the Gaeltacht in terms of the layout and form of the development and requests that further landscaping is introduced at the boundaries in order to protect the character of the ACA.

- The PA notes that the building line follows the previously permitted residential building line at the site as granted under PL29N.245580, also the conclusion of the LVIA. While the ACA adjoins the site, it is noted that the institutional buildings are not protected structures. On balance it is considered that the building line is acceptable.

#### 8.4. PA Comment on Traffic and Transportation

- DCC Transportation Planning Division has no objection subject to conditions.

#### 8.5. PA Comments on Trees and Landscaping

- DCC Parks and Landscape Services has no objection subject to conditions.

#### 8.6. PA Comment on Impacts on Residential Amenities

- It is considered that the development would not have a negative impact on adjoining residential amenity with regard to separation distances.
- Third party concerns regarding overlooking of the school are noted. There are several school playgrounds throughout the city which are overlooked by adjacent residential development and the public realm. It is therefore considered that the development would not impact on the ability of the school to function in its normal capacity.

#### 8.7. PA Comment on Community Facilities and Social Infrastructure

- There is ample provision of community, educational and social infrastructure in the area around the site, also numerous parks, amenity areas, playing pitches and sporting facilities. On the basis of the submitted Community and Social Infrastructure Audit, there are no significant gaps in the existing social provision in the catchment area.
- Having regard to the existing level of childcare provision in the catchment area and the level of vacancy recorded in relation to the Board's 2016 decision (108 no. vacancies), it is considered that the proposed childcare provision is sufficient to cater for the potential requirements of the development.
- The proposed creche, café and multi-use room within the development should be conditioned to be fully accessible to the wider community.
- The proposed provision of communal facilities is acceptable overall.

#### 8.8. PA Comment of the Quality of Residential Development

- The proposed house types largely comply with the requirements of the Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering

Homes Sustaining Communities. The private open space provision of 60 sq.m. per house is acceptable.

- The proposed mix of apartment units complies with the Apartment Guidelines. The Housing Quality Assessment indicates that the apartments exceed the required minimum overall floor areas (including the 10% requirement) as set out in the Guidelines and the development plan. Adequate private amenity space and communal open space are provided.
- A total of 40% of apartments are dual aspect, in compliance with the Apartment Guidelines. There are 5 north facing single aspect apartments in Block 1 however they overlook the café / creche building and the public park.
- The submitted Daylight Sunlight report is noted. It is considered that the shortfall in compliance with daylight levels is attributed to separation distances achieved and the height of the blocks. It is noted that sections indicate floor to ceiling heights of 2.65 - 2.7m at lower levels. The City Development Plan and DoECLG guidelines require ground floor apartments to have a minimum height of 2.7m. consideration should be given to compensatory measures such as increasing areas of glazing, changing the use of areas which are non-compliant with daylight levels to non-residential uses or amalgamating units.
- The provision of public open space and children's play spaces is acceptable.
- The submitted Sustainability and Energy Report is noted.

#### 8.9. PA Comment on Site Services and Flood Risk

- The site is in Flood Zone C.
- DCC Drainage Division has no objection subject to conditions.

#### 8.10. PA Comment on Other Issues

- It is considered that a sub-threshold EIAR is not required with regard to the submitted EIAR screening.
- Submitted AA Screening Report is noted.

#### 8.11. PA Conclusion

- It is considered that the development does not impinge on the residential or visual amenities of the area and that it does not result in undue overshadowing, overlooking or have an overbearing impact on neighbouring properties, The development is considered acceptable. The PA recommends that ABP considers a grant of permission. Conditions are recommended.

### 9.0 **Prescribed Bodies**

#### 9.1. **Dept. of Culture, Heritage and the Gaeltacht**

- 9.1.1. The Dept. concurs with the archaeological mitigation programme proposed in the submitted archaeological assessment and recommends a condition requiring the proposed mitigation measures.

#### 9.2. **Irish Water**

- 9.2.1. Irish Water confirms that the proposed connection to its network can be facilitated subject to a valid connection agreement between Irish Water and the developer.

#### 9.3. **Transport Infrastructure Ireland**

- 9.3.1. TII has made a written submission stating that it has no observations to make.

### 10.0 **Environmental Impact Assessment (EIA) Preliminary Examination**

- 10.1. The application was submitted to ABP after the 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

- 10.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

10.3. The proposed development involves 385 no residential units on an overall site of c. 4.4 ha. The site is located in an urban area that is not considered to come within the above definition of a “business district”. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

10.4. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

## **11.0 Appropriate Assessment (AA) Stage I Screening**

### **11.1. The European Sites Likely to be Affected**

11.1.1. The development site is not within or directly adjacent to any Natura 2000 site. The submitted AA Screening Report lists the following designated sites within 15km of the development site:



Site (site code)	Qualifying Interests
Rockabill to Dalkey Island SAC (00300)	Reefs [1170]  Phocoena phocoena (Harbour Porpoise) [1351]
Ireland's Eye SAC and SPA (002193 and 004117)	Perennial vegetation of stony banks [1220]  Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]  Cormorant (Phalacrocorax carbo) [A017]  Herring Gull (Larus argentatus) [A184]  Kittiwake (Rissa tridactyla) [A188]  Guillemot (Uria aalge) [A199]  Razorbill (Alca torda) [A200]
Howth Head Coast SPA (004113)	Kittiwake (Rissa tridactyla) [A188]
Howth Head SAC (000202)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]  European dry heaths [4030]
Baldoyle Bay SAC (000199) SPA (004016)	Mudflats and sandflats not covered by seawater at low tide [1140]  Salicornia and other annuals colonising mud and sand [1310]  Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]
North Bull Island SPA (004006)	Light-bellied Brent Goose (Branta bernicla hrota) [A046]  Shelduck (Tadorna tadorna) [A048]  Teal (Anas crecca) [A052]  Pintail (Anas acuta) [A054]  Shoveler (Anas clypeata) [A056]  Oystercatcher (Haematopus ostralegus) [A130]  Golden Plover (Pluvialis apricaria) [A140]  Grey Plover (Pluvialis squatarola) [A141]  Knot (Calidris canutus) [A143]  Sanderling (Calidris alba) [A144]  Dunlin (Calidris alpina) [A149]  Black-tailed Godwit (Limosa limosa) [A156]

	<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>ABP-301428-18 Inspector's Report Page 56 of 74</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Dalkey Islands SPA (004172)</p>	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>
<p>North Dublin Bay SAC (000206)</p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>

	<p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
South Dublin Bay SAC (000210)	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
Malahide Estuary SAC and SPA (0205 and 4025)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p>

	Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]  Redshank ( <i>Tringa totanus</i> ) [A162]  Wetland and Waterbirds [A999]
--	--

11.1.33. The development site does not contain any habitats listed under Annex I of the Habitats Directive. There are hydrological links to the South Dublin Bay and River Tolka Estuary SPA (4024), the South Dublin Bay SAC (0210), the North Bull Island SPA (4006) and the North Dublin Bay SAC (0206). The Poulaphouca Reservoir SPA (4063) (c. 25 km from the site), from which drinking water supply for this development will originate, is also considered to fall within the zone of influence of this project. The relevant Conservation Objectives may be summarised as follows:

Site (Site Code)	Conservation Objectives
Poulaphouca Reservoir SPA (4063)	There is a generic conservation objective to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA:  Greylag Goose ( <i>Anser anser</i> ) [A043]  Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183]
South Dublin Bay and River Tolka Estuary SPA (004024)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets. No site specific objective has been set for the Grey Plover.
South Dublin Bay SAC (000210)	The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets
North Bull Island SPA (004006)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the Annex I habitats and Annex II species listed as Qualifying Interests, as defined by a list of attributes and targets.
North Dublin Bay SAC (000206)	The NPWS has identified site specific conservation objectives to restore / maintain the favourable conservation condition of the Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.

## 11.2. Potential Effects on Designated Sites

11.2.1. The submitted AA Screening Report considers the significant of potential effects on the above designated sites with regard to the relevant conservation objectives. The following points are noted:

- The site is approx. 1.5km from the boundary of the South Dublin Bay and River Tolka estuary SPA. Because of this significant distance separating the areas there is no pathway for loss or disturbance of habitats listed as conservation objectives or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites.
- Wetland birds are known to feed on amenity grassland areas which are located 130m from the site at their nearest points. Intervening land includes lines of tall trees which act as a screen between the two areas. It is considered that no disturbance effects can occur birds using these areas due to these factors.
- There is a pathway from the site via surface and wastewater water flows to Dublin Bay via the Ringsend WWTP and surface water sewers. While the issues at Ringsend WWTP are being dealt with in the medium term evidence suggests that some nutrient enrichment is benefiting wintering birds for which SPAs have been designated in Dublin Bay. Additional loading to this plant arising from the operation of this project are not considered to be significant as (i) There is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA and (ii) Accepting that pollution is undesirable, regardless of the conservation objectives of the SPA, and would be contrary to the aims of the WFD, then the upgrading works at Ringsend WWTP will address future capacity demand. The integration of SUDS into the project design will ensure that no changes will occur to the quantity or quality of surface water run-off.
- Potential impacts on water quality during the construction phase from sediment are not considered significant given the temporary nature of this phase and given that large quantities of sediment are deposited in estuaries as part of their natural functioning.

- Dust emissions will occur during the construction phase. Given the distance to Natura 2000, this is not considered significant.
- The development is not likely to affect amenity use at Natura 2000 sites due to its nature and location.

### **11.3. In Combination or Cumulative Effects**

11.3.1. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulation of discharges to the Ringsend WWTP generally, and the considerations discussed above, the AA Screening Report concludes that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development. This conclusion is accepted.

11.3.2. In March 2005 the Greater Dublin Drainage Study (GDDS) was published as a policy document designed to provide for drainage infrastructure to 2030. The implementation of this policy will see broad compliance with environmental and planning requirements in an integrated manner. This is likely to result in a longterm improvement to the quality and quantity of storm water run-off in the capital. This project is compliant with the requirements of this policy.

11.3.3. There are no projects which can act in combination with this development which can give rise to significant effect to Natura areas within the zone of influence.

### **11.4. AA Screening Conclusion**

11.4.1. I note the AA screening report submitted by the applicant, dated December 2018, which concludes that significant impacts can be ruled out and / or AA is not required. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable

to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **12.0 Assessment**

12.1. The following are the principal issues to be considered in this case:

- Z12 Zoning Objective
- Quantum of Development, Residential Density and Housing Mix
- Design and Layout
- Impacts on Visual and Residential Amenities
- Heritage Impacts
- Building Height
- Ecological Issues
- Traffic and Transport
- Other Matters

These matters may be considered separately as follows.

### **12.2. Z12 Zoning Objective**

12.2.1. The proposed residential and creche uses are permissible in principle under the Z12 zoning objective, subject to the requirements set out in section 6.3.1 above. The application includes a Masterplan in accordance with the Z12 requirement. The site is laid out such that the 20% public open space is provided as a central area on either side of the access road. Several of the third party submissions comment that the development does not meet the 20% public open space objective as the space provided is traversed by the road. I note that the road layout was originally permitted under PL29N.234636, was subsequently included in the permitted layout of PL29N.245580 and is now partially constructed at the site. The Masterplan provides

a rationale for the central location of the open space. The space is to provide a formal parkland setting with a vista from Griffith Avenue to the MIE buildings. I accept that this location allows for the retention of some of the open character of the site, as required under the Z12 objective. I also note that the submitted landscaping plan indicates a high quality open space with hard and soft landscaping and a play area. I am satisfied overall that the proposed layout and provision of public open space are in accordance with the Z12 requirements and will provide a high standard of residential amenity for occupants of the scheme as well as a positive contribution to the public realm.

12.2.2. Development at the perimeter of Z12 sites is to have regard to the prevailing height of existing residential development and to standards pertaining to aspect, natural lighting, sunlight, layout and private open space. The houses at the western site boundary, adjoining Charlemont, are 2 storey plus dormer with a ridge height similar to the adjacent houses in Charlemont due to a slightly lower ground level. Blocks 4 and 5 at the eastern boundary are 3-4 and 4-5 storey in height respectively, which is considered an appropriate transition to the school buildings to the immediate east. The creche / community building at the boundary shared with the Christian Brothers Province Centre is 2 storey. I am satisfied overall that the development provides an appropriate transition in height at site boundaries. Potential impacts on visual and residential amenities are considered further below.

12.2.3. The applicant has submitted Part V proposals comprising the transfer of 38 apartment units at the site to the planning authority. A total of 35 units are located in Block 1 and 3 no, units are located within Block 7. A schedule of estimated costs is submitted. This complies with the Z12 requirement for at least 10% social and affordable housing provision. I note the report on file of DCC Planning & Property Development Dept. (Housing Development), which states that the applicant has engaged with the Housing Dept. and states no objection to the proposed Part V provision.

12.2.4. Having regard to all of the above, I consider that the development is acceptable in principle and generally in compliance with the Z12 zoning objective.



### 12.3. Quantum of Development, Residential Density and Housing Mix

12.3.1. The development provides 385 no. residential units on a net site area of 3.1 ha, i.e. excluding the access road, 20% public open space (which serves the wider area) and infrastructure works at Griffith Avenue / Malahide Road. This results in a stated net residential density of 160 units / ha.

12.3.2. Section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments defines central and / or accessible urban locations suitable for higher density development as follows:

- Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to / from high frequency (i.e. 10 minute peak hour frequency) urban bus services.

The Guidelines note that this range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors. The development site is located in a well established suburb c. 3 km north east of Dublin city centre and adjoining a third level institution. It is served by several bus routes along Griffith Avenue, including the high frequency 123 route, with QBCs nearby at Malahide Road and Drumcondra Road and a DART station nearby at Fairview, c. 1.4 km to the south west. Both Drumcondra Road and the Malahide Road are designated radial corridors in the proposed Bus Connects programme and there is a proposed Metro Link station at Griffith Park, c. 2.4 km to the east of the development site. There are pedestrian and cycle facilities on Griffith Avenue. The Community and Social Infrastructure Audit indicates that there is ample provision of community, educational and social infrastructure in the surrounding area. On this basis, the development site is considered to be a suitable location for high density development with regard to the Apartment Guidelines and other national, regional and local planning policies.

- 12.3.3. The overall rationale for the development is the provision of high density residential development while meeting the requirement for 20% site area as public open space and retaining the open character of the institutional lands, as required under the Z12 objective. I am satisfied that the development achieves this balance with regard to national and local planning policies to maximise the delivery of residential units on zoned and serviced land in urban areas.
- 12.3.4. The proposed housing mix provides 36% studio and 1 bed apartments, 49% 2 bed units and 13% 3 bed units. The provision of smaller residential units is desirable at this location, which is predominantly characterised by family homes, in order to provide an attractive alternative in view of changing demographic trends and national and local planning policies to provide a wider diversity of housing typologies. The development is designed to meet universal access standards with regard to Part M of the Building Regulations and therefore will provide suitable residential accommodation for as many people as possible.
- 12.3.5. To conclude, the proposed quantum of development, residential density and housing mix are considered to be acceptable in the context of the location of the site in an established residential area c. 4 km from the city centre and well served by public transport and is considered to be in accordance with relevant local and national planning policies.

#### **12.4. Design and Layout of Development**

- 12.4.1. As discussed above, the development is designed to create a structured landscape layout with a vista to the MIE campus and St. Mary's from Griffith Avenue and to retain the open character of the institutional lands. The central, publicly accessible open space will contribute to the public realm and includes a play area, lawn areas, hard and soft landscaping and public art. According to the Masterplan, the buildings around the public open space are proposed as simple robust forms with a controlled palette of materials, devoid of clutter and projections to provide a harmonious backdrop to the parkland and garden setting of the formal landscaped spaces. They also achieve a high level of passive surveillance of the public open space and the central vehicular / pedestrian / cycle access through the site. There are 2 distinct areas of residential development within the overall site. The apartment blocks to the east of the access road range in height from 3 – 8 storeys across the site and are

‘stepped’ to follow the rise in ground levels from the Griffith Avenue frontage. All car parking is provided at basement level, removing vehicles from this part of the site. The blocks are laid out perpendicular to Griffith Avenue in a ‘finger’ formation, to avoid presenting a monolithic façade at the Griffith Avenue frontage. The layout takes advantage of the south facing aspect of the site to create terraced, semi-private, courtyards / gardens between the apartment blocks and to maximise solar gain to apartment units. The area to the west of the access road is to be laid out as a ‘neighbourhood street’ with the creche / community building, the 2 storey housing and apartment Block 1 around a shared space with some surface car parking. The entire scheme extends to c. 11.5 m from the Griffith Avenue frontage. The existing trees in the public realm at the 250m frontage to Griffith Avenue are to be retained. Trees inside the site boundary are to be removed, however additional landscaping is to be provided to replace them. Red brick finishes are to be used at the Griffith Avenue frontage and around the public open space to reflect the character of existing surrounding residential development. The brick finish to the Griffith Avenue frontage is intended to ‘retreat’ behind the existing trees and to reduce the visual prominence of the development at this location.

12.4.2. The submitted Housing Quality Assessment indicates that the apartments comply with the quantitative requirements of the Apartment Guidelines with regard to minimum floor areas, storage space and private open space provision. A total of 40% of the apartments are dual aspect. While the comments of DCC on this issue are noted, I consider that this provision is well in excess of the 33% at central and accessible urban locations as required at by SPPR 4 of the Apartment Guidelines and is acceptable. In addition, the orientation of the apartment blocks is such that most single aspect units are east or west facing. While there are 5 no. single aspect units facing north in Block 1, they are looking towards the creche and public open space. The comments of DCC regarding floor to ceiling heights of ground floor units are noted and could be addressed by condition such that the development complies with SPPR 5. A maximum of 12 units per core is provided as per SPPR 6.

12.4.3. The Daylight and Sunlight Analysis of daylight levels within the proposed development considers internal daylight on ground floor units. Of the 1019 rooms within the development, 14 rooms will fall marginally short of the BRE Guidelines equating to 98.6% of compliance in all rooms within the apartments. When assessed

on the basis of apartment unit numbers a 96.5% compliance rate is achieved. The shortfall in compliance is attributed to the fact that these units are situated in the lower levels of the apartment blocks with less access to daylight, however, this will improve as the floor levels increase. This is acceptable and I note section 6.7 of the Apartment Guidelines in this regard, i.e. the need to balance the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development.

- 12.4.4. The apartment blocks are laid out to achieve separation distances > 22m between facades. There are shorter distances between gable ends, however the windows in these elevations are not the only source of daylight to habitable rooms and are staggered to prevent direct overlooking. Communal amenity space for the apartments is provided in the form of terraced gardens between the blocks. The gardens will have an enclosed, semi-private character and are landscaped with seating areas. While they will also function as pedestrian circulation areas, I am satisfied that they will provide a high level of amenity for residents of the scheme and that their limited dimensions are balanced by the provision of a public park at the centre of the site and the overall high quality of the public realm within the scheme. Communal facilities are provided as a 'residential amenity' area at the basement / ground floor of Block 2 to the east of the park, containing shared lounge spaces, meeting rooms, gym and media room. The 8 no. houses on the western side of the site are designed to a high standard using materials to reflect the adjacent Charlemont houses with individual rear gardens and an east / west orientation. The design of this aspect of the scheme achieves a satisfactory relationship with the adjacent Charlemont properties and presents an unobtrusive elevation to Griffith Avenue.
- 12.4.5. To conclude, I consider that the design and layout of the development are generally satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.
- 12.4.6. The comments of third parties regarding sustainable / energy efficient construction are noted. An Energy & Sustainability Report and a Building Life Cycle Report are submitted.

## **12.5. Impacts on Visual and Residential Amenities**

- 12.5.1. The site has only one interface with private residential development, i.e. the part of the western site boundary shared with properties within Charlemont. Those property owners have agreed to the replacement of the shared boundary to the rear of their houses. The proposed houses to the rear of Charlemont are set back c. 22m from the rear facades of the Charlemont houses and have a similar ridge height. The development will result in some additional overshadowing to the west with regard to the submitted Daylight and Sunlight Analysis. However, this is considered acceptable given the intervening distance, the low ridge height and the fact that development was already permitted at this part of the site under Reg. Ref. 2347/15 PL29N.245580. The development will change the outlook from the wider Charlemont estate, however that would be the case for any development of these zoned lands.
- 12.5.2. The Christian Brothers Province Resource Centre to the immediate north west of the site contains offices and residential accommodation as part of the MIE campus. The proposed 1-2 storey creche and community building is development is sited in the adjacent part of the development site, at a much lower ground level. Significant issues do not arise in relation to potential impacts on visual and residential amenities.
- 12.5.3. Scoil Mhuire CBS is located to the immediate east of the site. The submissions by the school management are noted. The existing Leyland Cypress trees along the eastern site boundary are to be removed. Drawing no. 1210-OMP-OO-ZZ DR-AX-20007, 'Context Elevation M-M' and LVIA view no. 13b indicate the elevation that will present to the school grounds. The eastern sides of Blocks 4 and 5 are 3-4 and 4-5 storey in height respectively and have been stepped down to achieve a transition in height between the school grounds and the higher elements of the development at the centre of the site. I note the concerns of the school management regarding overlooking of school grounds from the residential blocks and issues relating to child welfare. However, as per the comments of DCC, school grounds are overlooked from the public realm at many locations. In addition, the internal layouts of Blocks 4 and 5 have been designed such that the main living areas of the apartments will be on the western side of the blocks and not overlook school grounds. The existing trees along the western site boundary provide little amenity and themselves result in overshadowing to the east. The proposed landscaping scheme indicates a belt of

trees and hedgerow inside the shared boundary, to provide 'a broad, dense and multi-layered vegetative screen'. While the scheme will change the outlook from the adjoining school grounds, this would be the case with any development on these zoned lands, including that previously permitted at the development site and is considered acceptable with regard to the proposed mitigation measures. I accept the conclusion of the LVIA that visual impacts would be 'moderate – significant and neutral' at this location. The Daylight and Sunlight Analysis does not indicate significant overshadowing of school grounds.

12.5.4. The visibility of the development from the public realm will be primarily be from the immediate vicinity of the site on Griffith Avenue. The LVIA indicates that the development will not be visible from other locations on Griffith Avenue, ref. views nos. 1, 2, 5, 6, 7. Griffith Avenue is formally laid out with a width of 30m and is defined by 4 rows of densely planted mature trees. The development site is therefore currently screened from Griffith Avenue by mature vegetation at all times of the year (see enclosed photographs from site inspection carried out on 13<sup>th</sup> March 2019). I note the concerns of third parties and the DCC Conservation Officer that the development will 'step forward' from the established building line on Griffith Avenue. The site has a transitional location on this stretch of Griffith Avenue. There is a series of early 20<sup>th</sup> century religious / institutional buildings to the east of the site, between the site frontage and the Malahide Road junction, terminating at the Scoil Mhuire CBS to the immediate east of the site. The building line to the west of the site is less well defined, commencing with Charlemont and continuing low rise residential development. I note that the development permitted under PL29N.245580 extended in front of the established building line at this location on Griffith Avenue, albeit at a lower density and building height. I also note the comments of DCC that the adjacent institutional buildings are not protected structures. On balance, I consider that the proposed layout / elevation to Griffith Avenue is acceptable with regard to the transitional location of the site on Griffith Avenue, to the quality of the design of the proposed scheme, to the presence of well established vegetative screening which is to be retained, to the submitted LVIA (ref. views 8, 9 and 10) and to the proposed retention of an open vista to the MIE buildings to the north of the site and the provision of a high quality contribution to the public realm at this location.

- 12.5.5. The LVIA considers visual impacts on the wider area from a variety of viewpoints. The development is generally in keeping with the mixed character of the MIE campus. It is at a lower level and will have limited visibility from locations within the campus. LVIA view no. 14 indicates that the development will have limited visibility from the central open space in Marino to the south of the site, this impact is assessed as 'moderate and neutral'. While some higher elements of the development may be visible in the wider area, this is considered acceptable in the context of the changing suburban environment in recent years, including high density residential schemes, and national and local planning policy for the densification of the urban area. Potential impacts on the Marino Casino ACA are considered separately below. The LVIA generally concludes that the development would have a moderate positive townscape impact with regard to the sensitivity of the receiving environment and the magnitude of the proposed change. This conclusion is accepted.
- 12.5.6. To conclude, it is considered that the development would not result in a significant adverse impact on residential amenities by way of overlooking, overshadowing or visual obtrusion. Having inspected the site and viewed it from a variety of locations in the area, I am satisfied overall that the development will not have undue adverse visual impacts such as would warrant a refusal of permission.

## **12.6. Heritage Impacts**

### **12.6.1. Architectural Heritage**

The site was part of the Marino demesne within Charlemont estate in the 18<sup>th</sup> and 19<sup>th</sup> centuries, a designed pastoral landscape outside the city boundary. Various features were sited in the parkland including Marino House, a gothic temple, a hermitage, a formally laid out garden and, most significantly, the Casino neoclassical temple. The demesne subsequently came into Church ownership and religious and institutional buildings were constructed within the Charlemont estate. Griffith Avenue and the 'garden suburb' of Marino were built by Dublin Corporation in the 20<sup>th</sup> century in the southern part of the demesne. The MIE campus was laid out in the northern part of the demesne, along with the institutional buildings on the northern side of Griffith Avenue. The demesne lands were gradually absorbed into the northern suburbs of the city. There have been several infill developments in the area

in recent decades, e.g. the Charlemont estate and the Christian Brothers Province Centre in the immediate vicinity of the development site.

Third party comments refer to a submission by the Dept. of Culture, Heritage and the Gaeltacht in response to the pre-application proposal at the development site. While the comments generally relate to an earlier version of the current proposal, they do also raise matters that are of general relevance to the development of the site. The main such points made are as follows:

- The design and layout of the proposed development in the context of the 'character area' of the C 20<sup>th</sup> suburban garden city and the adjoining C 18<sup>th</sup> cultural landscape with its surviving architectural features, sites and relationships is of concern in terms of the proposed scale and architectural character as indicated in the proposed sections.
- The situation of the linear blocks onto Griffith Avenue, are of a significantly greater scale and diminish the architectural setting of the classically fronted school adjoining.
- The appropriateness of the proposed scale and form of the monolithic residential blocks and the dominant building material of brick within this suburban context characterised by predominantly rendered buildings.
- The height and arrangement of the linear blocks extending deep into the site visually sever the relationship between St. Mary's and the adjoining contemporaneous institutional structures of St. Patrick's. The proposed development will isolate St. Mary's from the amenity and connection to the wider cultural landscape.
- The impact on amenity arising from the scale, form and girth of the linear blocks perpendicular ended immediate to Griffith Avenue on the adjoining C 20<sup>th</sup> residential area. The plan arrangement of the proposed development undermines the setting of the classically arranged and fronted institutional buildings to Griffith Avenue due to their location, materiality and scale.
- The intensification of new parking and entrances further erodes the former cultural landscape and breaks down the permeability through the amenity of the adjoining lands.



These issues are addressed in the following assessment.

There are no protected structures in the vicinity of the site, either within the MIE campus or on Griffith Avenue. Visual impacts at these locations are discussed above and are considered acceptable. According to the AHIA, part of the pedestrian gateway to Griffith Avenue at the south eastern corner of the site is thought to date to the 18<sup>th</sup> century and to have been moved from elsewhere in the Marino demesne. It is to be retained and reopened as a pedestrian access to the development.

The Marino Casino ACA is to the immediate east and north east of the development site and encompasses open space around Marino Casino, St. Vincents GAA grounds and Ardscoil Rís. These areas have a generally open character and are zoned as open space in the development plan. The ACA also includes the school grounds to the immediate east of the site. The ACA therefore has a mixed character including open space, institutional buildings and a protected structure of international architectural importance and national cultural significance. The ACA was adopted by DCC in 2009 with the stated objective:

*“Dublin City Council wishes to protect and enhance an important part of the former Marino demesne that lies to the north of Griffith Avenue in Dublin 3. This area surrounds the Marino Casino, an ornamental garden temple of international architectural importance completed in the mid-1770s to the designs of Sir William Chambers. To assist in the future management, protection and presentation of the area which, in addition to the Casino, contains other historic structures of significance, an Architectural Conservation Area has been proposed.”*

The stated primary objective of the ACA is:

*“The long-term goal is to facilitate the presentation of the Casino within an open parkland to create a microcosm, not a replica, of its original setting.”*

LVIA views no. 18, 19, 20 and 21 indicate that the development will not be visible from the open lands in the northern and eastern parts of the ACA and not visible from Marino Casino. It is therefore considered that the development will not have any adverse impact on the setting of the protected structure or conflict with the strategic objective of the ACA. The development will not be visible from the O'Brien Institute, the only other protected structure within the ACA. The development will be visible from the school grounds to the immediate east of the ACA. Potential visual impacts

at this location are discussed in section 12.5.3 above, which concludes that the development will not have undue adverse visual impacts. I note that the development site was never included within the boundary of the ACA and has been zoned for development. I am satisfied that the development will not have any significant adverse impacts on the ACA or conflict with its stated objectives.

The 'garden suburb' of Marino is designed as a Residential Conservation Area (RCA) in the development plan with the Z2 zoning objective. Marino RCA is of architectural and social importance as the first major social housing programme of the new Irish Republic. As discussed in above section 12.5.5, the development will be visible from locations within the RCA but visual impacts are considered to be acceptable.

I note and accept the conclusion of the AHIA that the development would not have any adverse impact on the Marino Casino protected structure and Recorded Monument, the Marino Casino ACA or any other element of architectural heritage.

#### 12.6.2. Impacts on Trees

The substantial volume of third party comments regarding the removal of trees at the site is noted. There is a large amount of mature trees on and around the development site, however the majority of these are to be removed to allow for the development. The existing and proposed situation may be summarised as follows with regard to the submitted Landscaping Plan and Arboricultural Report and drawing no. D2-Griffith Avenue-AIA-12-18, which indicates trees to be removed:

- There is a row of mature Lime trees inside the southern boundary, adjacent to a double row of London Planes on Griffith Avenue. They are categorised as mostly poor, with some identified as dead, dying or dangerous. To be removed and replaced by a row of closely spaced trees inside the Griffith Avenue frontage.
- There are 2 rows of mature Leyland Cypress trees in the eastern part of the site, one inside the eastern boundary and one at the centre of the site. These are displaying some mechanical failure and have a limited remaining lifespan. To be removed and replaced by a dense belt of semi-mature trees and a native hedgerow inside the eastern site boundary.

- Trees along the northern boundary with the MIE campus are to be retained and incorporated into the landscaping scheme, supplemented by additional planting. Some trees outside the site boundary are to be removed to facilitate the completion of the permitted access road.
- A row of recently planted Ash trees inside the north west boundary, in front of the Christian Brothers Province Centre. To be removed to facilitate the development.
- A row of small Birch and Mespilus trees inside the western boundary. To be retained and incorporated into the back gardens of houses at this location.
- A stand of 7 Larch trees, of mostly moderate condition, in the south eastern part of the site. To be removed to facilitate the development.
- Trees nos. 122 and 123 on Griffith Avenue outside the southern site boundary are to be removed to facilitate the site access. This is acceptable given that permission has already been granted for a vehicular access at this location and that their removal will have little impact on the dense rows of trees at this location. Trees nos. 5 and 110, also on Griffith Avenue, are to be affected by the connection of site services, however they are recommended for removal regardless of any works on the grounds of defects that raise concerns in respect of safety.

It is considered overall that the proposed removal of trees is necessary to facilitate the development of these zoned lands and will be satisfactorily mitigated by the landscaping scheme. A preliminary Tree Protection Plan is submitted.

#### 12.6.3. Archaeology

An Archaeological Assessment is submitted. It is based on a field investigation of the site and aerial photograph analysis, as well as additional research. There are 6. No. known Recorded Monuments within the immediate vicinity of site, with only one listed within 500m, the Casino Marino (RMP DU018-144, Nat. Mon. 302, RPS 4858). While the surrounding lands have been subject to significant landscaping as part of the creation of Marino demesne parkland in the 18<sup>th</sup> century, the development site appears to have remained as open fields. Part of the site has been subject to significant ground disturbances in the past decade with the eastern third comprising an intact field. Monitoring during construction of the access road in 2014 did not

reveal any features of archaeological potential. The assessment concludes that there is low potential for previously unrecorded archaeological remains to survive beneath the current ground surface within the remaining greenfield area. However, if any such features are present, groundworks associated with the development may have a negative impact on any surviving sub-surface archaeological features.

Archaeological monitoring is recommended as a condition of permission. The comments of the Dept. of Culture, Heritage and the Gaeltacht are noted in this regard.

## **12.7. Building Height**

12.7.1. The proposed development is 26m at its highest point, which exceeds the general height limit of 16m that applies for commercial and residential developments in the 'outer city' as defined in the development plan. The site is not identified as a specific location where 'taller buildings' are acceptable. Development plan policies SC16 and SC17, as set out in section 6.3.2 above, are noted. The applicant has submitted a Material Contravention Statement in relation to development plan policies on building height. This refers to the NPF, the Apartment Guidelines and the Urban Development and Building Heights Guidelines for Planning Authorities, in particular the flexible application of planning standards for well-designed proposals. It is submitted that the contravention of development plan policy can be justified under section 37(2)(a)(ii) and (iii) of the Planning and Development Act 2000 (as amended), in particular where:

*"(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

*(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government."*

with regard to national policy to promote more compact and efficient forms of urban development on brownfield sites and significantly increased residential densities in appropriate locations. The applicant submits that the realisation of the objectives of this national guidance necessitates facilitating residential development to a height

greater than 16m at this location, also that there is a potential conflict between the development plan policies in support of higher residential densities and its height restrictions. These points are accepted.

12.7.2. SPPR 3 of Urban Development and Building Heights Guidelines issued in December 2018 Guidelines provides that a planning authority may approve development subject to criteria set out in section 3, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The proposed development may be considered with regard to the principles set out in section 3.1 of the Guidelines as follows:

- *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?*

The scheme will provide a high quality infill development, assisting the objective to achieve compact urban growth.

- *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

The development is generally in accordance with the development plan core strategy. It is in accordance with the requirements of Chapter 2 of the Guidelines. I am satisfied that the application adequately addresses the issues of the historic setting; proximity to high quality public transport connectivity; contribution to new residential development in line with compact urban growth principles; public access and egress in the event of major weather or emergency or other incidents; the ecological and environmental sensitivities of the receiving environment; and the visual, functional, environmental and cumulative impacts of increased building height. In addition, the development is considered to be generally in accordance with SPPRs 1 and 2.

- *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies*

*and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

The guidelines supersede the relevant development plan.

12.7.3. I consider that the development management criteria set out in section 3.2 of the Guidelines are addressed in the remainder of this planning assessment. I therefore consider that the development is in accordance with the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities. The proposed height of 26m is acceptable on this basis, also having regard to the above consideration of impacts on visual and residential amenities and heritage issues.

## **12.8. Ecological Issues**

12.8.1. An Ecological Impact Statement is submitted, which is based on a site survey carried out on 25<sup>th</sup> July 2017. The following sensitive receptors are identified within a 2km radius of the development site:

- Royal Canal pNHA (site code: 2103).
- South Dublin Bay SAC (side code: 0210).
- South Dublin Bay and Tolka Estuary SPA (side code: 4024)
- North Dublin Bay pNHA (site code: 0206)

The development site is c. 1km from the banks of the River Tolka, which is assessed as being in 'poor' status. The Hydrological & Hydrogeological Qualitative Risk Assessment submitted indicates that the development is not directly connected to any ground or surface water body. The habitats present at the development site are of low local biodiversity value except for the treelines and woodland, which provide habitat of high local ecological value for common breeding birds and foraging areas for bats. There are no habitats listed in Annex II of the Habitats Directive. No alien invasive plant species are present. There is no evidence of Badger activity at the site. No protected species were recorded during site surveys aside from bats.

12.8.2. The Statement identifies the following potential ecological impacts:

- Removal of habitats including hedgerows, grassland, treelines and individual trees, predominantly of negligible or low local value. The loss of these habitats is considered to be minor negative.

- Direct mortality of animal species during demolition. This is identified as a moderate negative impact. Construction mitigation measures are proposed.
- Pollution of watercourses during construction. There is no direct pathway from the site to any water course. Potential surface water impacts at the operational stage of the development are to be addressed by proposed SUDS measures and surface water treatment system. Foul water is to be treated by the Ringsend WWTP.
- Potential impacts on bats from artificial lighting.
- No impacts are predicted to occur to the status of the Royal Canal pNHA as there is no pathway to this area. Impacts to Natura 2000 areas (SACs or SPAs) in Dublin Bay are not predicted to occur, principally due to the separation distance between the site and these areas.
- No significant cumulative impacts are identified.

12.8.3. Details of a bat survey carried out at the site on August 10<sup>th</sup> and 11<sup>th</sup> 2017 are submitted. Bat activity was recorded mainly at the treelines at the site. At least 4 species of bats were recorded feeding and commuting within the survey area. This is indicative of the importance of this area for bats. While 3 of the species recorded are common Irish bat species (common pipistrelle, soprano pipistrelle and Leisler's bat), the fourth species relies on woodland and parkland (brown long-eared bat). This is a rich bat fauna for one survey area. There are a number of large mature trees that are considered suitable for roosting bats. However, no roosts were recorded during the site surveys. Potential impacts on bats relate to disturbance due to potential light and noise pollution, loss of roosting sites and foraging areas and interruption of commuting routes. Proposed mitigation measures include tree planting, supervision of tree removal, survey of areas of roosting potential prior to commencement of construction, a bat box scheme and review of the proposed lighting plan by a bat ecologist.

12.8.4. An ornithological study was carried out during November and December 2018 due to the site's proximity to the North Bull Island SPA. No geese or other waterbirds were observed on any occasion and the subject lands are considered unsuitable for these species.

12.8.5. The Ecological Impact Assessment concludes that no significant residual effects to biodiversity are likely to arise as a result of the proposed development. This conclusion is accepted, subject to the implementation of the proposed construction mitigation measures, landscaping proposals and bat mitigation measures.

## **12.9. Traffic and Transport**

12.9.1. The development will have vehicular access from Griffith Avenue via a new signalised junction. The new road layout on Griffith Avenue includes a pedestrian crossing, pedestrian and cycle facilities and a relocated bus stop on the northern side of the road. These works are included within the red line site boundary. The applicant is contractually committed to finish the partially completed access road between Griffith Avenue and the MIE campus, as already permitted. The central access road leads to a 'neighbourhood street' on the western side of the site, with a set down area for the creche, and to the basement car park serving the apartment blocks on the eastern side of the site. I am satisfied that the proposed layout will function well as a link between Griffith Avenue and the MIE campus and will take most of the vehicle circulation movements out of the residential areas of the site, creating space for public amenity purposes. A statement of compliance with DMURS is submitted.

12.9.2. The frontage to Griffith Avenue includes 2 pedestrian connections in addition to the main site access, i.e. one at the houses at the western end of the site and another at the existing historic gateway at the south eastern corner of the site. I note that the pedestrian access via the historic gateway is not indicated on all drawings, however its provision may be required as a condition of permission. The road layout indicates a pedestrian crossing at Griffith Avenue as part of the signalised junction at the site access. This is an important connection to the Marino area south of Griffith Avenue and to bus stops on the southern side of the road. The access road through the site is to be constructed as a shared surface for vehicle and cycle traffic. The boundary between the development and the MIE is to be gated but accessible to pedestrians and cyclists during daylight hours (this matter may be addressed by condition). There are no footpaths along most of the central road as separate pedestrian connections are provided to the residential areas east and west of the road. The stated rationale is to remove pedestrian routes from the carriageway in order to maximise human interaction with open space rather than road-scape. This



arrangement is problematic as the access road is likely to be the main pedestrian 'desire line' between Griffith Avenue and the MIE campus and used for general public access to the open space and play area. Therefore there is likely to be a high level of pedestrian traffic through the site. However, the proposed layout does maximise the provision of public open space in this part of the site and a pedestrian connection is maintained to the MIE campus on the eastern side of the access road. The layout is considered acceptable on this basis. I note that there is no new pedestrian connectivity to the MIE campus to the north east of the site, however I accept that there is likely to be limited demand for a connection at this location. The proposed level of pedestrian and cycle permeability is therefore acceptable overall.

12.9.3. As discussed in section 12.3 above, the site is close to the city centre and is well served by public transport. The traffic impact assessment is based on traffic counts carried out in 2013 during the preparation of the TIA for PL29N.245580. The third party concerns about the nature of this data is noted. However, I note that the traffic projections include permitted developments on Grace Park Road, Reg. Ref. 4105/15 and 2991/15 and include baseline traffic growth factors as discussed and agreed with DCC. This is considered acceptable given the existing and proposed public transport provision in the area and the stated policy for Dublin city of a reduction in modal split for the car from its existing level of 33%. The trip generation rates include the creche and café with an assumption that 20% of creche users will be from outside the scheme. It is also assumed that 100% of trips generated by the MIE will be on the proposed new access road. I am satisfied that this provides a reasonably robust basis for projected traffic volumes. The development is expected to generate c. 162 trips in the AM peak hour and c. 159 trips in the PM peak hour. The assessment models traffic impacts on 5 junctions along Griffith Avenue. Projected increases at Junction 1 Griffith Avenue / Drumcondra Road, Junction 2 Griffith Avenue / Grace Park Road and Junction 5 Griffith Avenue / Malahide Road indicate traffic growth < 5%. Traffic modelling was carried out for Junction 3 Griffith Avenue / Phillipsburg Avenue / Charlemont and Junction 4 Griffith Avenue / Site access where the projected increase in traffic volumes is > 5%. All approaches to Junction 3 operate within capacity with the proposed development. There will be some moderate queuing at the site access during the AM and PM peak. A framework MMP is submitted. I am satisfied that the site is highly accessible and that the

development will not result in undue adverse traffic impacts such as would warrant a refusal of permission. I also note the report of the Transportation Planning Division of DCC, dated 23<sup>rd</sup> January 2019, which states no objection subject to conditions. The comments of local schools regarding pedestrian safety are noted. A Road Safety Audit should be required as a condition of permission.

- 12.9.4. The development will result in the loss of c. 115m of existing on street car parking on the northern side of Griffith Avenue. The development provides a total of 367 car parking spaces, of which 45 no. are surface spaces. There is a designated parking and set down area for the creche / community building that includes 2 no. accessible spaces. The development also includes 2 no. 'car club' spaces to be used for a car sharing scheme. Development plan standards require a provision of 1.5 spaces per residential unit for Parking Zone 3, i.e. a total of 577.5 spaces to serve the proposed scheme. According to the TTA, the proposed provision at 0.95 spaces per household is also less than the observed car ownership level in the area which is 1.21 cars per household. This provision is considered sustainable given the proximity of the site to public transport services and to the city centre. I note section 4.19 of the Apartment Guidelines in relation to parking at central and / or accessible urban locations, where the default policy is to minimise car parking provision. I also note that DCC Transportation Planning is generally satisfied with the proposed quantum of parking subject to conditions including parking management. The provision is therefore considered adequate.
- 12.9.5. A total of 385 no. cycle parking spaces is proposed, meeting the development plan standard of 1 cycle parking space per house / apartment. Of these, 489 no. spaces are to be for long term use with 193 no. spaces at surface level to serve as convenience spaces. The TIA also states that there is capacity to provide an additional 250 no. cycle spaces if the modal transport split tends to change. This provision is considered satisfactory. I note that it is acceptable to the Transportation Planning Division of DCC.
- 12.9.6. Several third parties have stated concerns in relation to construction traffic. The application includes an outline Construction Traffic Management Plan for the projected 3 year construction period. I consider that these measures preclude significant adverse impacts as a result of construction traffic and are generally

satisfactory. Details of construction traffic management should be agreed by condition.

## **12.10. Other Matters**

### **12.10.1. Site Services**

The proposed surface water drainage system includes SUDS measures including green roofs, planting and landscaping of external podium areas, rainwater harvesting, infiltration trenches, permeable paving and petrol interceptors. There are 2 attenuation tanks at the public open spaces on either side of the access road, close to the Griffith Avenue frontage. Both foul and surface outfall will be to the sewers on Griffith Avenue. Surface water discharge is to be restricted to 2 l/s/ha. The existing DCC surface water sewer and Irish Water foul sewer on Griffith Avenue have inadequate capacity for the development. Both sewers are to be upgraded as far as an outfall at the Malahide Road junction, in agreement with DCC and Irish Water. Details of proposed basement drainage are submitted. I note that DCC Drainage Division and Irish Water have no objection. The development is to connect to the existing watermain on Griffith Avenue. Water conservation measures are proposed. Irish Water confirms that the proposed connection can be facilitated.

### **12.10.2. Flood Risk**

A SSFRA is submitted. There are no historic records of flooding at the site or in the vicinity as per the OPW website. The site is outside the extent of the River Tolka flood zone and is therefore in Flood Zone C with no requirement for a Justification Test. Grace Park Stream, a tributary of the Tolka River, runs through a culvert nearby to the west of the site. The risk of fluvial flooding from the culvert is limited to the potential for surcharging at the culvert entrance and pressurised flow within the culvert forcing water out through any connecting upstream pipes, manholes or connecting culverts. The catchment area upstream of the Grace Park Stream culvert is estimated to be very small and the risk of the culvert entrance being surcharged is therefore unlikely to present any significant flood risk, including for a 20% climate change increase scenario. The SSFRA concludes on this basis that the development site is not at significant risk from fluvial flooding. The SSFRA does not identify any significant flood risk associated with coastal, pluvial or groundwater flooding.

### 12.10.3. Community and Social Infrastructure

The application includes a Community and Social Infrastructure Audit, which indicates that the area is well served by schools, sports clubs, public amenities, retail outlets and other social infrastructure. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. I note section 4.7 of the Apartment Guidelines, which states in relation to childcare facilities:

*“... the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.”*

The proposed development comprises 385 no. residential units. There are 57 no. 3 and 5 bed units and 190 no. 2 bed units. Figure 6.2 of the Community and Social Audit indicates that there are many existing childcare facilities in the area around the development site. The proposed crèche provides for c. 55 no. childcare spaces. This provision is considered acceptable with regard to the availability of existing facilities in the area and the above guidance.

### 12.11. **Conclusion**

12.11.1. The development is acceptable in principle with regard to the zoning of the site. It provides a high density of residential development in an established residential area that is highly accessible to public transport. While it contrasts with the surrounding residential, educational and institutional development, it represents a reasonable response to its context and is stepped down at site boundaries to reduce impacts on adjacent properties. The overall layout includes good quality public amenity space and provides opportunities for enhanced vehicular, pedestrian and cycle permeability for the wider area. The development is a satisfactory response to the conservation issues that arise in relation to the site context on Griffith Avenue, the adjacent Marino Casino ACA and the Marino Casino protected structure and the Marino Residential Conservation Area. The proposed removal of trees at the site is

acceptable in the context of the landscaping measures to be carried out as part of the development. I am satisfied that the development will not result in significant adverse impacts on residential amenities such as would warrant a refusal of permission. The quality of residential accommodation provided is satisfactory. The development will not result in undue adverse traffic impacts. Drainage, access and parking arrangements are acceptable subject to conditions. Permission is therefore recommended subject to the conditions set out below.

### **13.0 Recommendation**

14.0 Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

### **15.0 Reasons and Considerations**

Having regard to the following:

- (a) The policies and objectives of the Dublin City Development Plan 2016-2022;
- (b) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (d) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (e) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) The Urban Development and Building Heights Guidelines for Planning Authorities;

- (h) The site's location adjoining in an established urban area on lands zoned as 'Z12' 'To ensure existing environmental amenities are protected in the predominantly residential future use of these lands';
- (i) The nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure;
- (j) The pattern of existing and permitted development in the area, and
- (k) The submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the character of the Protected Structure and would be acceptable in terms of pedestrian and traffic safety and would encourage permeability in line with national policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

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

**Reason:** In the interest of clarity.

2. The proposed development shall comply with the following pedestrian/cycle and roads requirements:
  - (a) The roads and traffic arrangements serving the site (including road signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
  - (b) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and set down area road access shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii. Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual. Clarification of cycle access to the basement car park shall be provided to the satisfaction of the planning authority.
  - (c) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

- (d) The existing historic gateway at the south eastern corner of the site shall be opened for use as a pedestrian access to the development.



- (e) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audit, at the developer's expense.
- (f) A Mobility Management Plan for the development, to include parking management, shall be prepared and submitted to the planning authority for its written consent prior to the commencement of development.
- (g) Car parking and cycle parking shall comply with the requirements of the planning authority. The proposed cycle parking provision shall be revised such that cycle parking at basement level is distributed throughout the basement levels.
- (h) A public lighting plan shall be submitted to the planning authority.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of pedestrian, cyclist and traffic safety and to provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Standards for New Apartments.

3. The proposed development shall be amended as follows:-

- 1. Floor to ceiling heights of ground floor units shall be 2.7m in accordance with SPPR 5 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities.

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

**Reason:** In order to achieve a satisfactory standard of residential development in accordance with national planning policy.

4. 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.

5. At least one car parking space shall be allocated to each residential unit within the scheme. Car parking units shall be sold in conjunction with the units and not sold separately, or let, to avoid non-take-up by residents.

**Reason:** In the interest of residential amenities.

6. (a) Prior to commencement of development, the developer shall submit to, and obtain the written consent of, the planning authority for:
  - (i) A tree protection plan.
  - (ii) A programme of tree surgery works.
  - (iii) A detailed landscaping plan including specific details as to the plant sizes and species to be used.
  - (iv) Details of root zone design and specification for street trees proposed.
  - (v) Detailed design proposals for the proposed play area
  - (vi) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (vii) Details of all boundary treatments.
- (b) All front and rear private garden spaces shall be soiled and seeded prior to the making available for occupation by the developer of any dwelling unit within each phase.
- (c) The central public open spaces shall be developed and left free from any development and shall not be enclosed by any means.

(d) A suitably qualified Landscape Architect shall be appointed prior to the commencement of any development on the subject site to oversee and monitor the project construction and early operational stages of development in regard to the implementation and monitoring of tree protection measures outlined in the environmental report received by the planning authority.

(e) Landscaping of the overall development shall be carried out in accordance with the agreed landscaping plan required under condition 5(a) above and shall be carried out and completed prior to the completion of development and prior to the occupation of any units hereby permitted.

**Reason:** To protect the amenity value of existing trees and ensure a high-quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

7. The mitigation and monitoring measures outlined in the Ecological Impact Statement and Bat Survey submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

**Reason:** To protect the environment.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works including the removal of topsoil in all areas identified during the geophysical survey and confirmed by archaeological test excavations to be archaeological in nature. No sub-surface work shall be undertaken in the absence of the archaeologist without his / her express consent. Full archaeological excavation of these features shall be carried out in accordance with the terms of an excavation licence issued by the Department of Culture, Heritage and the Gaeltacht.

The applicant shall submit the following to the planning authority and the Department of Culture, Heritage and the Gaeltacht:

- A report, containing the results of the monitoring to include photographs of the area before, during and after monitoring has taken place, as well as detailed photographs of specific areas, as required.
- A key plan, clearly showing the location and direction from which the photographs were taken should be included with the report (an annotated site location map will suffice for this purpose).

Where archaeological material is shown to be present, further mitigatory measures will be required; these may include redesign (in whole or in part) to allow for preservation in situ, and/or additional excavation or monitoring. The Department will advise the Planning Authority and the applicant with regard to these matters.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. Membership of this company shall be compulsory for all purchasers of apartments in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the making available for occupation by the developer of the first residential unit.

**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

10. Proposals for a street naming and apartment unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or

topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

11. 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.

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

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

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

14. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This 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.

**Reason:** In the interest of orderly development and sustainable waste management.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise management measures, construction traffic management plan and off-site disposal of construction/demolition waste.

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

16. Site development and building works shall be carried out only between 0800 to 1900 hours 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.

17. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of 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.

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

**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

19. 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.

---

Sarah Moran  
Senior Planning Inspector  
21<sup>st</sup> March 2019

## **Appendix I**

### **List of Observers**

Helen and Ronan Swan  
Simon and Teresa Hudson  
St Vincents GAA Club.  
Susan Corrigan  
Una McGinley  
Simeon Fuller  
Joe Costello  
Cllr Naoise O Muiri  
Cllr Deirdre Heney  
Dr. M. Frances Maguire  
Heiko Dusmann  
Brian and Monica Duff  
Aidan and Sarah McGirr



Declan Flynn  
Gerard Bailey and Mary Flaherty  
Irene and Tony Kelly  
Lionel and Wendy French  
Georgina Farrelly  
Sorcha Carty  
Enda Geraghty  
Donal O'Brolcain  
Brian Freeman  
Catherine Stocker  
Paul Sheridan  
Paula Kilfeather  
John and Denise Walsh

Brian and Catherine Quinn  
Residents 1 to 6 Charlemont  
Michael Colgan  
Philip Elliot  
Griffith Avenue Save Our Trees Group (Clodagh Hunt)  
John Canavan  
John Quigley  
Mairead Hayes  
Gerard Campion  
Gerard Sheridan  
Geraldine Rapple  
Thomas Broughan TD  
Vincent Penny  
Rose Moore and Peter Smyth  
Sandra and Larry Bacon  
Shannon Cleary

Patricia Fallon  
Patrick Brangan  
Rhonda and Phil Devine  
Noel and Karen O'Reilly  
Orla Clancy and Claire McDonnell  
Margaret Sexton  
Martin Kelly and Stephanie Coates  
Mary and Kevin Wallace  
Maureen Keevey  
Kate Gallagher  
Luke Geoghegan  
J Kearney  
Jean Carroll (Marino and District Community Centre Ltd)  
John Casey  
John Pringle  
Eavan Murphy and Nicholas Holden  
Gary Moran and Nora Cashe  
Gerry Edgely  
Colm Murray  
Denis and Paula Hodson  
Carolyn Doumenis  
Catherine Conneely  
Christopher and Gillian Murphy  
Ciaran Gargan  
Bernard Leonard  
Brian Mangan  
C Hazlett (O'Neill Town Planning)  
Antonia Hussey and David Lawrence  
Barry McKernan and Claire Moreau  
Albert Dale

Ann and John Little  
Ann Halligan  
Ann Killeen  
Aine Joyce and Andrew Butterfield  
Aifric and Ger Gilroy  
Siobhan and John Conroy  
T McGuinness  
Thomas O'Connor  
Tom Dowd  
Ursula Dunne and Peter Fitzpatrick  
The Fairview Marino Tuesday Club  
Seamus Bonner  
Sean and Anne Dunne  
Sean Haughey TD  
Simon O'Gorman  
Peter McDonnell  
Ronnie and Mary Breen  
Sal Healy  
Scoil Mhuire CBS  
Jude Murray  
Leo Hennessey  
Paul and Gillian Reid  
Paul O'Reilly  
Gemma Good  
Helen McCormack  
Hugh Gill  
Jerry Hannigan  
Aodhan O'Riordan  
Ciaran and Eilis Woods  
David Killian and Dervil O'Brien

Derek and Bernadette Horgan  
Derek Treston  
Dermot Malone  
Ann Marie McConnell  
Chris Farrell  
Alexandra Scheele  
Amy O'Neill  
Ann Hopkins  
Tracy O'Donoghue  
Vera Rooney  
Paul McMahon  
Richard McDermott  
Sarah Lynch and Carl Griffin  
Patrick and Ruth Clerkin  
Paul and Evelyn Gethings  
Paul Kavanagh  
Paul Keenan and Alison Morris  
Mary Ellen Harnedy and Adrian Broderick  
Michael O'Connor  
Michelle Geoghegan  
Niamh and Francis Gillespie  
Niamh McCarthy  
Marie Corcoran  
Marie Lavin  
Mark Crowther  
Martin Cleary  
Margaret and Marie Kerrigan  
Marian Falvey-Conlon  
Mairead Nally  
James Corcoran

Laila Garpe  
Geraldine Hayes  
Griffith Ave and District Residents Association  
Ian Fitzgerald and Veronica Stacey  
Imelda Dunleavy  
Jacinta O'Brien  
Fergal McGirl Architects  
Finian McGrath  
Fintan and Catherine Farrelly  
David Cassidy  
Deirdre Murphy  
Des Farran  
Elizabeth Lynch  
Claire Mattimoe  
Cora McHugh  
Damian O'Farrell and Finian McGrath  
Daniel Dockery  
Catriona McGinley  
Ciaran Gethings  
Anne-Marie Mockler  
Aoife Maher  
Barry Purcell  
Catherine Hennessy (Scoil Mhuire CBS)  
Alan O'Neill  
Alison and Neil Carroll  
Ann Fayne  
Aidan McDermott  
Alan and Roisin Worthington  
Alan Carbery

