



An
Bord
Pleanála

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

Inspector's Report ABP-305316-19

Strategic Housing Development

1,030 apartments (of which 678 would be built to rent), 9 shops and 2 creches in 9 blocks

Location

Clongriffin, Dublin 13

Planning Authority

Dublin City Council

Applicant

Gerard Gannon Properties

Prescribed Bodies

Irish Water
Department of Education and Skills
National Transport Authority
Irish Rail
Irish Aviation Authority
Transport Infrastructure Ireland
Inland Fisheries Ireland
An Taisce

Observers.

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Date of Site Inspection

12th and 27th November 2019

Inspector

Stephen J. O'Sullivan

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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 has a stated area of 6.3ha. It lies in the emerging urban area of Clongriffin c10km north-east of Dublin city centre served by railway station. The Main Street for Clongriffin runs from the railway station to a junction on the Hole in the Wall Road c1.2km to the west. A major public open space, Fr Collins Park, lies on the northern side of Main Street c350m west of the site. Main Street has a footpath, bus lane and general traffic lane in each direction, with a central divider lined with trees.
- 2.2. The site comprises 3 discrete undeveloped plots in this area. The largest one occupies in the north-eastern corner of the land zoned for development on the North Fringe of the city. It is bounded by the railway to the east and the open space along the Mayne River to the north. It encompasses land owned by a third party that is outside the current application site. A smaller second plot of 0.47ha lies to the south-west of the railway station at Clongriffin at the end of the Main Street that runs through the area. The smallest plot of 0.24ha lies c300m to the west one block to the south of Main Street on Grange Lodge Avenue.
- 2.3. The site is currently vacant land that has been subject to some civil works. Development on the surrounding land on the North Fringe of the city has been intermittent. The applicant's submission stated that 1,685 homes have been built there with another 503 under construction, while 13,950m² of commercial floorspace has been provided with another 706m² under construction. There are 5 and 6 storey buildings on some of the plots along Main Street. They have commercial premises on the ground floor and apartments above. Other plots on Main Street are vacant or are being used for surface car parking. There are also 5 and 6 storey commercial and residential buildings near the railway station, including an office building to the north of the open space at Station Square. Several of the commercial premises were vacant at the time on inspection. Other development to the west and south of the site consists mainly of terraced houses.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would provide 1,030 apartments.

The mix of apartments would be as follows-

	Studio	1 bed	2 bed	3 bed	Total
Built to Rent	0	293	371	4	678
Part V	0	45	13	40	98
Built for Sale	0	83	157	14	254
Total	0	421	541	68	1030

3.2. The development would include two creches with a total floor area of 926m², a gym of 254m² and 9 shops with a total floorspace of 1,105m². 2,421m² of shared facilities are proposed to support the 678 build-to-rent apartments. The gross floor area of the overall development is given as 78,742m². The development would be in 9 blocks numbered 6, 8, 11, 17, 25, 26, 27, 28 and 29.

3.3. Block 29 would occupy the smallest plot in the site to the south of Main Street along Grange Lodge Avenue. It would have four storeys of accommodation containing 20 apartments, 2 of which would be social housing under Part V. It would have 20 car parking spaces at surface level on and off the street.

3.4. Block 17 would occupy the plot at the end of Main Street beside the railway station. It would have 17 storeys of accommodation containing 210 apartments built to rent. It would have 75 car parking spaces all but 4 of which would be at basement level. It would contain 4 shops with a total floor area of 430m². The 17 storey element would be at the northern end of the building along Bridge Street. That street provides pedestrian access to the station and to the emerging urban area in Fingal on the other side of the tracks. The southern part of Block 17 would be 6 and 7 storeys high with a roof garden. The tallest façade of Block 17 to Station Square would reach a height of 52.35m

3.5. Block 28 would be in the south-eastern corner of the main part of the site by the railway. It would contain 122 apartments over 7 storeys. They are not proposed as build-to-rent units. There would be a gym of 254m² and 5 shops with a total area of

688m² on the ground floor. The block would be served by 112 car parking spaces. Communal open space would be provided on a podium over the car parking behind the building beside the railway.

- 3.6. Block 11 would stand to the north of Block 28 along the railway. It would contain 96 apartments over 6 floors. They are proposed as social housing under Part V. Communal open space would be provided at the back of the building at ground level.
- 3.7. Block 8 would stand north of Block 11 along the railway. It would contain 114 apartments over 8 storeys served by 103 car parking spaces. Communal open space would be provided at podium level over the car parking behind the building. A public open space of 1,200m² would be provided to the south of the block..
- 3.8. Blocks 25, 26 and 27 would stand at the northern end of the site around a circular public open space that contains the attenuation basin for the surface water system serving Clongriffin before its outfall to the Mayne River. They are proposed as build-to-rent schemes. Block 26 would stand to the north of Block 8. It would provide 78 apartments over 15 storeys, served by 52 car parking spaces. It would reach a height of 50m. Block 25 would stand on the opposite, western side of the public open space. It would contain 63 apartments over 8 storeys served by 39 car parking spaces. Block 27 would stand to the south of the space. It would have a curved layout and would contain 57 apartments over 6 floors and a creche of 508m² on the ground floor. It would be served by 27 car parking spaces.
- 3.9. Block 6 would occupy 1ha in the western part of the site. It would contain 270 apartments that were built to rent and a creche of 418m² in 5 buildings up to 7 storeys high served by 184 car parking spaces. Communal open space would be provided at podium in a courtyard over car parking. A public open space of 1434m² would be provided to the south-east of this block.
- 3.10. The overall development would provide 673 car parking and 1,883 bike parking spaces at surface and basement level. The level of communal open space for the 9 blocks is stated to be 12,046m². 2 public open spaces with a combined area of 2,634m² are proposed. The application includes an updated masterplan for the North Fringe showing the development proposed under this application and the two concurrent applications in the context of existing and permitted development and some other development that is still planned. It notes that the street layout is largely

unchanged from the original masterplan, but that the current proposals imply that the North Fringe when completed would have 4,581 homes (including 1,950 apartments proposed in the concurrent applications) and c45,000m² of commercial floorspace (14,000m² of which has been built, with another 8,000m² permitted and 23,000m² proposed in the concurrent applications). A phasing plan is submitted which refers to the 3 schemes for which planning permission is currently being sought. The plan envisages them being completed within 5 years.

4.0 Planning History

4.1. Prior applications -

PL29N. 131058, Reg. Ref. 0312/02 – the board granted a 10 year permission on 27th June 2003 for a development of 3,576 homes and 80,600m² of floorspace for various services and a railway station on an overall site of 54ha that includes the current site. Condition 28 of that permission was –

A portion of sites of omitted blocks numbers 08 and 26 shall be reserved for future use as a primary school until such time as it may be determined in writing by the planning authority that there is no need for such a facility.

Reason: *To comply with the provisions of the North Fringe Action Area Plan in the interest of proper planning and development.*

PL29N. 248713, Reg. Ref. 3634/16 – the board granted permission on 23rd November 2017 for a 16 storey building containing 139 apartments, 5 shops, a gym and some other floorspace beside the railway station at Clongriffin on a site that corresponds to block 17 in the current application.

Reg. Ref. 2648/17 – the planning authority granted permission on 5th January 2018 for 3 apartment blocks containing 151 apartments and a creche on a site that corresponds to blocks 25, 26 and 27 in this application.

There have been numerous other permissions granted on site across the North Fringe. They are summarised in the planning report submitted with the application.

4.2. Concurrent applications-

ABP-303519-19: There is an SHD application before the board for permission to build 500 apartments and 3,125m² of floorspace for other services on adjacent blocks mainly to the south and west of the site of this application site.

Reg. Ref. 3894/19 – There is an application before the council for permission to build 420 apartments and 17,317m² of commercial floorspace on two blocks along Main Street and another to the north of the proposed Market Street. The blocks are numbered 3, 13 and 15 on the plans. The council requested further information on 24th October 2019 in relation to various details of the development proposed in that application.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 5th February 2019 in respect of a proposed development on the site, ABP-303260-18 refers. The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy for the site to include inter alia, height, key buildings, design including materials and finishes, proposed tenure, residential uses/facilities proposed within blocks and public open space.
2. Residential Amenity (existing and future)
3. Movement and mobility management
4. Car parking strategy
5. School requirements
6. Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

- 5.2. The board issued an opinion which stated that the submitted documents constituted a reasonable basis for an application for strategic housing development.
- 5.3. The opinion also stated that the following specific information should be submitted with any application for permission –
1. A report which examines and provides a justification for the scale of the proposed build to rent tenure provision within the proposed development having regard to the creation of sustainable neighbourhoods within the context of the Clongriffin area. The report should also examine the provision, both qualitative and quantitative, of residential support amenity areas, within the overall scheme and on a block by block basis, having regard to both Section 5 (sections 5.1-5.12) and SPPR 7 & SPPR 8 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018.
 2. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings and privacy screening, the treatment of balconies/privacy screening, shopfronts, landscaped areas, pathways, entrances and boundary treatment/s. The treatment/screening of exposed areas of basement ramps and podiums should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the overall development within the proposed character areas and having particular cognisance of the requirement to avoid blank facades. The documents should also have regard to the long term management and maintenance of the proposed development.
 3. A traffic and transport assessment and mobility management framework, including provision for shared mobility, for the proposed development which should have regard to existing public transport which serves the area.
 4. A detailed car parking strategy and rationale which outlines in particular measures to direct car users within the scheme to available car parking spaces.

5. A public realm and permeability strategy which addresses in particular the treatment of Market Street with particular regard to segregating vulnerable users from vehicular traffic where feasible and if justification exists for crossing points that pedestrians and cyclists are prioritised.
6. Details regarding the impact on the communal open spaces from the requirement to provide ventilation for car park areas located below ground level.
7. A report that addresses residential amenity, specifically how the development will limit the potential for overlooking and overshadowing within the proposed development and of adjoining properties. This report should detail screening proposals for proposed units and measures to address units which adjoin the public realm or communal spaces in particular.
8. A comprehensive daylight and sunlight analysis addressing existing units, proposed units and open spaces. A comprehensive justification is required for any proposed north facing single aspect units.
9. Full and complete drawings including levels and cross sections showing the relationship between the proposed development blocks and adjacent existing residential units and adjoining public pathways/spaces.
10. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).
11. Details to be provided of boundary treatment along the rail line, details of proposed underpass and any consultation undertaken with relevant stakeholders in respect of same.
12. Provision of additional CGI's within the proposed development.
13. A site layout that details any areas to be taken in charge by the local authority.
14. A Phasing Plan which includes the delivery of the town centre and in particular the Blocks in the vicinity of Main Street in an early phase of the proposed development.

5.4. Applicant's Statement

- 5.4.1. The statement asserts the applicant's opinion that the required information has been including with a justification for the proposed build-to-rent apartments; a report on proposed materials and finishes; a traffic and transport assessment; a car parking strategy; a public realm strategy; a report on overlooking and overshadowing; a daylight and sunlight report; a micro climate study with wind mitigation measures; cross sectional drawings; a micro climate study; details of boundary treatments along the railway which will involve keeping the retaining wall and fence and the construction of a path up to the underpass which would allow it to be opened when development occurs on the other side and an authority agrees to take control of it; computer generated images; a taking in charge plan; and a phasing plan.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The government published the National Planning Framework in February 2018. Objective 3b is to deliver at least 50% of new homes in the existing footprints of cities. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements. Table 4.1 sets a target that Dublin's population would grow by 20-25% between 2016 and 2040.
- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.5 and 5.8 states that densities for housing development in town centres and on public transport corridors should be increased. A minimum net density of 50 dph is specified in the latter type of area. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that sites within 1km of train stations are suitable for higher density development that may consist wholly of apartments. The guidelines contain several specific planning policy requirements (SPPRs) with which compliance is mandatory. SPPR 1 is that up to 50% of apartment schemes may be studios or one-bedroom units and that other restrictions on housing mix may only be imposed under a development plan after a housing needs and demand assessment has been carried out. SPPR3 is that the minimum floor area for studios is 37m², for one-bedroom apartments it is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². There is scope for three-person, two-bedroom apartments with a minimum floor area of 63m², but these should not exceed 10% of units in any scheme. Requirements for individual rooms, for storage and for private amenity space are set out in the appendix to the guidelines. SPPR 4 is that in accessible locations a minimum of 33% of apartments should be dual aspect. SPPR 5 is that ground level apartments should have floor to ceiling heights of 2.7m though there is scope for this to be varied on infill sites of less than 0.25ha. SPPR6 is that no more than 12 apartments per floor should be served by a single core. Section 5 of the guidelines refers to build to rent developments. It states that proposals for them should be accompanied by detailed proposals for supporting communal and recreational facilities, and a covenant that they would remain in single ownership for at least 15 years. Restrictions on housing mix and the number of apartments per core do not apply to them, nor does the requirement that most apartments would exceed the minimum floor areas by 10%. Section 5.9 states that the promotion of such schemes is strongly merited. SPPR7 refers to the requirement for a covenant to be submitted with proposals for build to rent schemes regarding their ownership, along with proposals for resident support facilities and amenities.

6.1.4. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. It recites government policy in favour of increased buildings heights and densities in locations with good public transport accessibility under SPPR1. SPPR 3 is that a planning authority may approve high buildings that meet various criteria relating to urban design. These criteria allow discretion on the application of daylight standards if justified by site constraints.

- 6.1.5. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.
- 6.1.6. The minister and the Minister for Education and Science issued a Code of Practice on the Provision of Schools and the Planning System in July 2008. It states that the assessment of demand for schools and their planning and development is a responsibility of the Department of Education and Science. Planning authorities are required to facilitate the identification of suitable lands to meet the demand for schools in new and expanding communities in the plan making process.
- 6.1.7. The minister issued Guidelines for Planning Authorities on Childcare Facilities in June 2001. Section 3.3.1 of the guidelines recommends that new housing areas be provided with childcare facilities at a standard of one facility with 20 spaces for every 75 homes.
- 6.1.8. The minister issued Guidelines on the Planning System and Flood Risk Management in 2009. The site is in flood zone C under the guidelines where the risk of tidal or fluvial flooding is less than 0.1% AEP, equivalent to the 1 in 1000 year return period. The guidelines state that residential development is appropriate in that zone.

6.2. Local Policy

- 6.2.1. The Dublin City Development Plan 2016-2022 applies. The site is zoned under objective Z14 as part of the Strategic Development and Regeneration Area (SDRA) at the North Fringe. The Z14 objective seeks mixed use of which residential and Z6 (employment) uses would be predominant. Section 15.1.1.1 of the plan expands upon the SDRA at the North Fringe. It designates a Key District Centre (KDC) at Clongriffin which includes block 17 of the current application site. Most of the rest of

the site is on land designed for residential use. An area for educational use is designated outside the site at Grange Community School and the vacant lands to its north. This section of the development plan refers to the 2012 LAP for Clongriffin – Belmayne and the aim of providing 8,000 new homes in a mixed use urban district with a viable mix of uses and community facilities. Section 16.7.2 states that the building height on the North Fringe shall be up to 50m. Section 16.10.1 of the development plan sets standards for apartments. It states that at least 15% of apartments in a scheme shall have at least 3 bedrooms and no more than 30% shall be one bedrooms units. This requirement may be relaxed for build to let schemes where it has been demonstrated that there is no an overconcentration of such schemes including a map showing any others within 250m.

- 6.2.2. The council extended the period of the 2012 LAP for Clongriffin – Belmayne for five years on 6th November 2017. The LAP is a lengthy written statement with a series of figures instead of a map. Objective UD07 refers to height. There would be a minimum height of 5 storeys in the Key District Centre and along Main Street. A landmark building of 10 to 14 storeys may be located beside the railway station. Figure 11.2 has a symbol for a reserved school site beside the railway within the current application site. Section 11.5 of the plan says that the Department of Education has confirmed the need for reservations for future schools including one beside the railway. The suitability of those sites for educational use will be determined by the department.

6.3. **Statement of Consistency**

- 6.3.1. The proposed development would be in keeping with objectives 10a, 10b, 11, 13, 33 and 35 of the National Planning Framework, as well the policies in Rebuilding Ireland which seek to encourage the build-to-rent sector. It would be in keeping with the 2009 Guidelines on Sustainable Residential Development in Urban Areas because it would provide a sustainable integrated community in a town centre on a public transport corridor. The site is served by such facilities as a community centre and hub, the Praxis Medical Centre, the Trinity Sports and Social Club and Father Collins Park. Other facilities are proposed in the current applications. The proposed development would comply with the 2018 Guidelines on the Design of New Apartments including its SPPRs and the provisions regarding build-to-rent apartments, as demonstrated by the Housing Quality Assessments submitted with

the application. Of the 1,950 apartments proposed in the current applications, 1,130 would be built to rent. 3,534m² would be provided to support the ancillary facilities for the latter apartments. 58% of the apartments proposed in the current application would have dual aspect which is more than the standard of 33% required for an accessible site under SPPR4 of the guidelines. 1,883 bike parking spaces would be provided. The overall development would provide 3 childcare facilities with 180 spaces. This provision would meet the requirements of the Guidelines on Childcare Facilities given that 784 of the 1,950 proposed apartments would be one-bedroom units. A report from the applicant's engineer demonstrates compliance with DMURS. The proposed heights would be in keeping with the 2018 Guidelines on Urban Development and Building Height having regard to the central and accessible location of the site. Sufficient reports have been submitted to demonstrate compliance with SPPR 3 of those guidelines. The density of the development proposed in this application is 163 dph, while that of the three concurrent applications is 171 dph. This would bring the overall density at Clongriffin the 84 dph, which is appropriate for an area with a railway station and a new town centre. The submitted floor risk assessment demonstrates compliance with the 2008 Guidelines on Flood Risk Management.

- 6.3.2. The proposed development is in keeping with the zoning and designation of site as part of a SDRA in the Dublin City Development Plan 2016-2022. It would contribute 1,030 apartments towards the 7,100 units envisaged in the North Fringe. The masterplan accompanying the concurrent application shows how 45,000m² of commercial floorspace would be provided in the KDC including the 22,700m² now proposed. Clongriffin is well served by public open space. Each proposed apartment would be provided with proper private amenity space. 2 additional public open spaces are proposed. The car parking provision of 0.75 spaces per apartment is in keeping with the standards in the development plan and was agreed with the council. The bicycle parking exceeds the council's requirements. The proposed development would comply with the general principles of the LAP. It would make a positive contribution to the existing provision of community facilities. The layout provides clear routes for pedestrian and cycle movement including the diagonal green route from the train station to Fr Collins Park. The proposed taller buildings at Blocks 17 and 26 would occupy strategic landmark locations.. The scale of the commercial

development proposed in the concurrent applications would be consistent with the conclusions on the demand for such floorspace that were reached in the economic study carried out for the council by AECOM consultants.

- 6.3.3. The application was accompanied by a statement which sought to justify a material contravention of the height provisions of the local area plan and development plan and the reservation of a school site under the local area plan. In relation to the height, the statement refers to conflicting objectives in the development plan with the plan allowing buildings of up to 50m on the North Fringe. Block 17 would be 52.3m at a transport hub on a site which has an extant permission for a 16 storey building. As such the height would be justified by the 2018 guidelines on urban development and building height as well as the national policies in favour of increasing density on accessible sites set out in the 2018 guidelines on apartment design and the 2009 of sustainable urban residential development. In relation to the school reservation, the SDRA 1 map in the 2016 city development plan identifies land beside Grange Community School as the appropriate location for educational facilities. This supersedes the previous reservation of a school site beside the railway in the 2012 LAP under section 18(4)(b) of the planning act. Permission has already been granted for development on the adjoining block 26 so the original condition 29 of PL29N.131058 Reg. Ref. 312/02 is defunct. An assessment of school demand is submitted. Other schools are planned in the area that would meet the projected demand. The land on the site is privately owned and the applicant is not obliged to provide any part of it for a school.

7.0 Third Party Submissions

- 7.1. Twenty submissions on the application have been received. They raised concerns about the proposed development that can be summarised as follows-
- The proposed development needs to be considered in conjunction with the other 2 concurrent applications, as well as other permitted and ongoing development at Clongriffin. The multiplicity of applications and the volume and complexity of the documentation associated with them inhibits proper consultation and public participation in the planning of the area. The SHD

process is anti-democratic and does not provide sufficient weight to development and local plans or a proper role for public representatives.

- The proposed development does not contain enough floorspace for service uses either as commercial enterprises or community facilities. The amount of accommodation for service uses provided under the masterplan submitted with the current applications is less than half that which would have been provided under the original permission and masterplan from 2003. The proposed development would therefore contravene the zoning of the site and other provisions of the development and local area plans which establish that Clongriffin should be a mixed use area with a vibrant character. The provision of a residential tower on Block 17 where an office building was previously authorised would deprive the area of the prominent commercial building required to assert the character envisaged for it under the development and local area plans. The predominance of residential use in the current proposals would undermine the amount of employment that would be provided in the area. This means that a greater proportion of residents would have to commute, placing further pressure on roads and public transport services. The district heating system would also work more efficiently if the demand was split more evenly between residential accommodation and that occupied in the daytime. There are other thriving office schemes in suburban parts of Dublin including Airside, Sandyford, CityWest and Cherrywood. The provision of similar development at Clongriffin on the north side of the site would provide greater choice and balance in suburban employment locations around the city. It is better served by public transport than the other locations mentioned. The predominance of residential use also means that inadequate commercial and social services would be available in Clongriffin, again generating more demand for travel. The area lacks adequate educational, childcare, medical, sports or leisure facilities. There is no library in the area nor are school places available. A school is required, as the Department of Education has confirmed, but none is proposed. The reserved site for one of the schools would be lost to housing which is unacceptable for an area with a young and growing population. The absence of facilities to meet the needs of children and young people is a particular concern. The proposed development would not provide

such facilities would and increase the population, exacerbating the current shortfall in community facilities. The failure to properly realise the planning objectives for the North Fringe should be investigated.

- The proposed housing mix contains too great a proportion of apartments that are built-to-rent and which contain only one or two bedrooms, especially when considered in conjunction with other apartment and build-to-rent schemes permitted in the area. The 2016 census showed that 49.9% of homes in the area were rented. This could increase to 77% if the proposed developments were carried out. The area would therefore lack homes that would be suitable for occupation by families and that would be affordable to purchase. This would militate against the formation of a stable community with a suitable proportion of long term residents. The proposed housing mix does not reflect the needs and aspirations of the local community. It would also contravene the provision in the city development plan restricting build-to-rent schemes within 250m of each other. Social housing should not be concentrated in particular blocks.
- Some submissions stated that the proposed development would not provide sufficient retail facilities, noting the absence of a supermarket from block 28 where one was previously authorised. Other submissions stated that excessive retail floorspace was proposed having regard to the vacancy of existing units along Main Street and Station Square, and that the proposed childcare facilities were unnecessary as there is a vacant facility on Marrsfield Avenue.
- The height and density are excessive and would amount to overdevelopment. In particular the proposed high buildings at blocks 17 and 26 are not justified. The material contravention of the provisions of the development and local area plans regarding height is not justified. The high buildings, in particular that at block 17, would unduly overshadow, overlook and overbear adjoining homes. They would damage the skyline and visual amenity of the area and the adjoining greenbelt. The height of the buildings raises fire safety concerns, as does their proximity to the railway.
- The four storey building at block 29 would be out of keeping with the houses around it and would overshadow and overlook those houses. Inadequate

parking is proposed for it which would lead to more haphazard parking and the obstruction of road users.

- The railway is already at capacity and cannot cater for the additional demand that the proposed development would generate. The BusConnects project has not been approved. Adequate public transport is not available to serve the proposed development, therefore.
- The road network in the area is not capable of accommodating the demand that would be generated by the proposed development which would therefore worsen traffic congestion. The submitted traffic assessment is based on dated and selective survey information.
- The urban design is not of an acceptable quality. It resembles an out of town suburban scheme from the north of England in the 1990s. There should be more planting. Existing trees should be protected.
- The proposed apartments at ground floor level and those adjoining podium open spaces would not have an adequate degree of privacy.
- The public lighting should be designed to minimise light pollution.
- Inadequate parking would be provided to serve the proposed development. The 2016 census indicated that 81% of residents in the area owned their own cars and 46% drove to work. The current proposal only has 0.75 spaces per apartment. This is likely to lead to haphazard and obstructive car parking on public roads. Provision is also required for residents to park the vans that they use for their work.
- The area lacks the segregated cycle facilities required to support the scale of development that is proposed.
- Inadequate open space is proposed, with only two small parks. Fr Collins Park was provided by the parish of Donaghmede well before the North Fringe scheme began. It should not mitigate the obligations on the current developer to provide open space. The proposed roof terraces are not suitable places for children to play.

- The submitted documents do not properly address the history of flooding in the area along the Mayne River. Additional flood mitigation measures should be set out in the EIAR..

8.0 Planning Authority Submission

8.1. The submission included an extract from the minutes of a meeting of the council's area committee that discussed the application. They can be summarised as follows-

- The SHD process is anti-democratic and unduly excludes public representatives
- A model of the proposed developments should have been shown to neighbours to inform their comments on the applications
- The board needs to consider the cumulative impact of this application with the concurrent ones and the wider development planned under the LAP
- The proposed development would be contrary to the provisions of the development plan and LAP due to the failure to provide adequate commercial floorspace and employment opportunities. It also fails to address the shortfall in community facilities in the area including doctors' offices, libraries, childcare facilities and public open space. A civic performance space is also required.
- The Build-to-Rent model is experimental and uncertain. It would lead to a high proportion of transient tenants in the population. More affordable units for purchase should be provided. More three-bedroom units suitable for families should be provided.
- The proposed development would exacerbate traffic congestion in the area. It should not proceed until the planned northern secondary east-west route has been completed. The roundabout at Donaghmede at the junction of the Hole in the Wall Road and the Grange Road has ceased to function.
- The proposed height and density are excessive and would constitute over-development leading to undue overlooking and overshadowing of homes particularly from the proposed tall buildings.

- The proposed development would place excessive demand on an already congested public transport system. The DART is at capacity and the BusConnects scheme may not be implemented, so they do not justify the scale of the proposed development.
- The social housing units should be pepper potted through the scheme and should be managed by the council.

8.2. The Chief Executive's report concluded that the proposal would be in keeping with the proper planning and sustainable development of the area. It recommended that permission should be granted subject to 25 conditions. Condition No. 2 of the council's recommended conditions would change the proposed development in numerous ways for a single reason that refers to orderly development. Condition 2a) would retain block 8 as a designated school site. Condition 2h) would omit one of the storeys on the west wing of Block 25. Various other minor amendments to apartments would be required under condition, not all of which are described with the requisite level of specificity.

8.3. The planning assessment informing the recommendation notes that the current application is one of three current ones at Clongriffin that propose a total of 1,950 homes and 22,725m² of accommodation for services. It refers to the zoning of the site under objective Z14 in the development plan and its identification as part of a KDC1 and SDRA1. It also refers to the local area plan and the masterplan on the overall permission for Clongriffin granted in 2003, of which around a third was implemented before the recession. The masterplan with the current application envisages more homes in Clongriffin than the previous one, 4,581 vs. 3,520, and less floorspace for commercial and other uses, 45,463m² vs. 100,000m³. The uses proposed in the current application would be in keeping with the zoning of the site and its designation as a KDC. The council would support the provision of another school at Grange Abbey Road in addition to the site reserved under the LAP. While some flexibility in phasing would be acceptable, the town centre should be delivered in the first phase. Internal reports from various sections of the council raised no objection to the proposed development subject to conditions, including the reports from the Drainage, Transport Planning and Parks Departments and the City Archaeologist. The density of the proposed development would be in line with the advice in the National Planning Framework having regard to the site's proximity to a

railway station and a Quality Bus Corridor. There are concerns about the privacy of ground floor units and those facing communal open space. The proposed buildings would provide strong street edges without being overbearing. The proposed heights contravene the provisions of the development plan and local area plan, but these have been superseded by the national guidelines. The height of the western part of Block 25 should be reduced to reflect the lower adjacent buildings. Section 7.8 of the Local Area Plan identifies the plot beside the train station as a suitable site for a higher building to close the vista along Main Street. The proposed heights at Blocks 17 and 26 will serve a wayfinding function and a counterpoint to the lower buildings in the area. They would contrast with the nearby greenbelt rather than dominating it. The widespread use of brick finishes is welcome. The elevations are less fussy than those previously permitted. The walls and floors of the basement ramps should be properly treated to improve aesthetics and reduce noise. Vents from basement should be provided in the periscope manner. The proposed fence along the railway would provide a benefit to the area in relation to visual amenity and noise reduction. The council is limited in its control over housing tenure. The sizes of the proposed apartments meet the minimum standards in the 2018 apartment design guidelines, in most cases by more than 10%. 74 of the proposed units are 3-person 2-bedroom apartments. There are 10 units per core, and the floor to ceiling heights exceed the minimum required. 58% of apartments would have dual aspect. There would be 27 single aspect apartments facing north. Some additional measures may be required to provide adequate privacy on some ground floor patios and first floor balconies. The floor to ceiling height in Block 29 is 2.55m. Otherwise the requirements of SPPR5 would be met. Additional proposals are required for children's play areas. There should be one in each courtyard. The proposed long internal corridors could be dark. The contents of the micro climate study are noted. The windows on the northern side of Block 29 would be treated to avoid overlooking of Block 22. Screens should be provided between adjoining balconies. The traffic division is satisfied with the submitted assessment regarding roads and public transport. The proposed bicycle parking is acceptable. The proposed car parking is adequate given the location of the site. The reduction in the scale of commercial floorspace compared to the previously authorised development reflects the large amount of vacant floorspace that currently exists in Clongriffin. The lack of direct access from the M50 militates against large scale suburban office development, as stated in the

report prepared by the consultants AECOM. The submitted School Demand Assessment is noted. The current environment on the site has a low level of biodiversity.

9.0 Prescribed Bodies

- 9.1. Irish Water stated that it could facilitate the proposed connections to its networks.
- 9.2. The Department of Education and Science made a submission which stated that there was no further capacity in the 2 primary schools in Belmayne that were cited in the schools demand assessment report submitted with the application. The government announced that 2 new primary and 2 new post-primary schools would be opened in the Dublin 13 schools planning area between 2019 and 2022. The department has outstanding requirements for schools in this area and Block 8 should remain reserved for a school and combined with Block 11 to provide a site of 1.3ha that would be big enough for a post-primary school.
- 9.3. The Irish Aviation Authority stated that construction works and crane operations should not interfere with obstacle limitation surfaces and that the developer should notify it at least 30 days prior to the commencement of works to ensure compliance with its specifications.
- 9.4. Iarnród Éireann stated that it agreed with the proposals to extend the 2.4m concrete wall along the boundary of the site with the railway. The buffer zones between the railway and the proposed buildings were acceptable. Public access will not be provided to cattle underpass. The developer will be responsible for any noise mitigation required to protect the amenities of apartments by the railway. The carrying out and occupation of the development shall not interfere with the operation of the railway.
- 9.5. The National Transport Authority supported the development in principle having regard to its proximity to train and bus services. The layout provides suitable walking and cycling facilities including those that converge on the railway station. Measures should control vehicular traffic and confer advantages on sustainable modes.
- 9.6. Transport Infrastructure Ireland had no comment.

- 9.7. Inland Fisheries Ireland stated that the Mayne River was a non-salmonid river but consideration was being given to the viability of reintroduction. Recommendations are given regarding construction management and drainage from the development which would be standard for any scheme in an urban area. It also states that IFI should approve design and method statements for surface water outfalls to watercourses.
- 9.8. An Taisce welcomed the pedestrian and cycle permeability in the development. The overall scheme should be properly phased in line with the provision of services including public transport and schools. The board should ensure that the public transport can accommodate the increased demand as the extension of the DART and the BusConnects project are delayed.

10.0 Appropriate Assessment Issues

- 10.1.1. The proposed development would not be in or adjacent to any Natura 2000 site. It would not have the potential, therefore, to have likely significant direct effects on any such site. The site consists of vacant land that has previously been subject to works. So it could not provide a supporting *ex situ* habitat for any species that was the subject of a conservation objective for any Natura 2000 site. The area has already been provided with piped drainage services under previous planning permissions. The surface water runoff during construction and operation of the proposed development would drain to the existing attenuation system which controls the rate and quality of discharge to the Mayne River. No outfalls to watercourses are proposed and the requirements of Inland Fisheries Ireland for them do not apply to the proposed development. The existing surface water drainage system was designed and constructed to accommodate the runoff from this site and from the other sites at Clongriffin where development has occurred, is currently proposed or is planned in the future. The design and capacity of this system was assessed and approved by the planning authority and the board before it made the grant of permission under PL29N. 131058, Reg. Ref. 0312/02. The discharge of foul effluent from the proposed development would be to the wastewater system serving the city as a whole. Its impact on the quantity or quality of the outfall from that system would be negligible given the scale of the proposed development relative to the city. Therefore the proposed development would not have the potential to have a

significant downstream impact on any Natura 2000 due to hydrological connections. Therefore the proposed development does not have the potential to have any significant direct or indirect effects on any Natura 2000 sites either in itself or in combination with any other plan or project including the other proposals for development at Clongriffin that are the subject of concurrent applications for permission. It is therefore evident from the location and nature of the proposed development that it would not be likely to have significant effects on any European site either individually or in combination with other plans or projects and an appropriate assessment would be superfluous. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

- 11.1.1. The proposed development consists of an urban development on a site of 6.3ha containing 1,030 dwellings and c3,125m² of floorspace for services. It is therefore over the threshold of 500 dwelling units set down at Section 10.2(b)(i) of Part 2 of Schedule 5 to the Planning and Development Regulations 2001-2015, above which the submission of an Environmental Impact Assessment Report (EIAR) is mandatory. The EIAR submitted with the application refers to the project proposed in this application as well as to those proposed in the two concurrent applications. This is considered to be a rational and justifiable approach as the three applications refer to adjoining sites and it is proposed to implement any resulting permissions over the same 5 year period so their likely significant effects on the environment would be closely related. Having similar EIARs for the three applications allows the characteristics of the proposed development, its likely significant effects on the environment and the measures intended to mitigate those effects to be properly described in the context in which they would occur. However the EIA set out in this report refers specifically to the development for which permission is being sought in this application, albeit with due regard to the cumulative effects with the other proposed developments.
- 11.1.2. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 16 of the main volume provides a summary of the mitigation

measures described throughout the EIAR. Section 1.7 describes the expertise of those involved in the preparation of the EIAR. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above.

11.2. Alternatives

11.2.1. Chapter 2.10 of volume 2 of the EIAR provides a description of the main alternatives studied by the developer and the reasons for his choice. The layout of the area including the blocks on the current site was determined by the previous parent permission for the North Fringe and the infrastructure constructed on foot it. The permissible uses there are prescribed by its zoning under the development plan. The alternatives that were considered were therefore largely restricted to variations in building design. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

11.3. Likely Significant Direct and Indirect Effects

11.3.1. The likely significant direct and indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

11.4. Population and human health

11.4.1. The proposed development would allow an increase in the population of this part of the city which is served by streets, public transport, drainage facilities and water supply. The increase in the population of the city would be in keeping with national and regional planning policy, as well as with local plans that have been subject to Strategic Environmental Assessment. The accommodation of the increased population in a planned extension of the city, rather than elsewhere, would tend to reduce the demands on the environment arising from the provision of access and services for that population. The effect of the proposed development on the environment in relation to population would therefore be positive. The proposed development consists of accommodation for residential and some service uses. These uses would not be likely to generate significant amounts of noise or to have an effect on human health. The increased population would lead to an increased demand for travel. However the extent to which this demand would result in an actual increase in traffic is constrained by the capacity of the street network, which is likely to be saturated whether or not the proposed development proceeds. It is unlikely that the proposed development would have a significant indirect effect on the environment due to traffic noise. There is a potential that noise during construction could have a significant effect on neighbouring residents due to the proximity of the site to existing and planned housing. This can be properly mitigated by the imposition of a noise monitoring and control regime as set out in section 9.7 of the EIAR and set out in section 9 of the preliminary construction management plan.

11.5. Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

11.5.1. I refer to section 10 of this report above and advise that the proposed development would not be likely to have significant effects on sites designated for the protection of species and habitats under Directive 92/43/EEC and Directive 2009/147/EC.

11.5.2. The site largely consists of bare or recolonizing ground that was previously subject to works. It does not accommodate habitats or species of ecological value. Neither does the adjoining land which is either in a similar condition or contains urban development. The proposed building on the site would not have a significant direct effect on biodiversity. As the site is served by adequate foul and surface water

drainage system, it would not be likely to have significant indirect effects either. The proposed development would not be likely to have a significant effect on biodiversity, therefore.

11.6. Land and soil

11.6.1. The site was previously designated and serviced for urban development under the permission PL29N. 131058, Reg. Ref. 0312/02, at which point the previous use of the land and its soil for agriculture ceased. The proposed development would provide the land on the site with a beneficial use, and as such would have a positive effect in relation to land. According to table 6.2 of the EIAR 24,971m³ of soil would be removed from the site during development. As the soil no longer has a productive use on the site, its removal is not considered to constitute a significant negative effect on the environment. Section 6.6 of the EIAR sets out measures to re-use some of the soil in the civil works in the vicinity of the site; to conserve some of the topsoil for re-use on other land; and to dispose of residual material at approved facilities. This would mitigate negative indirect effects on the environment that might result from the removal of soil from the site during development. That section of the EIAR also sets out how soil would be handled on site during construction to avoid emissions to air or water, in a manner that amounts to normal practice during building works.

11.7. Water, including flood risk

11.7.1. Section 7 of the EIAR and the submitted Flood Risk Assessment describe the likely impact of the proposed development in relation to water. The site is on zoned and serviced land. The northern part of the site is close to the River Mayne but the flood risk maps held by the OPW, as well as those issued with the Fingal and East Meath Flood Risk Assessment and Management Study and the Flood Risk Appraisal for the city development plan, indicate that the risk of flooding from fluvial or tidal sources on the site is less than 0.1% AEP. The site is therefore in flood risk zone C under the 2009 Flood Risk Management Guidelines where residential development of the type proposed is appropriate. The site does not provide stormwater storage in its current condition. The site is served by an existing surface water drainage system with attenuation capacity before its discharge to the Mayne River. Surcharging from the drainage system on and around the site is likely to occur as the pipes are designed

to cater for a storm event with a 2 year return period. Overland flow routes will be put in place to direct such surcharges towards the attenuation pond at Marrsfield, which has a capacity of 6,400m³ over its permanent volume of 2,500m³. This would avoid the risk of pluvial flooding in the proposed development. Other SuDS features would be included in the proposed development including permeable planted and paved areas, green roofs and filter drains. These will also avoid the potential for hydrocarbons or other pollutants to enter watercourses during the occupation of the development. Section 7.3.6 of the EIAR and the draft Construction Environmental Management Plan set out the measure to avoid the release of sediments, hydrocarbons or other pollutants to the surface water drainage system during construction, including the designation of refuelling areas and the installation of silt traps, tailing ponds and silt fences in working areas. Foul effluent from the proposed development would drain to the wastewater drainage and treatment system serving the city, upon which its impact would be negligible. It is therefore concluded that the proposed development would not be at an undue risk of flooding and would not exacerbate the risk of flooding on other lands, and that it would not be likely to have a significant effect on the quality of waters downstream of the site during its construction or occupation.

11.8. Air and climate

11.8.1. The occupation of the proposed housing and other service accommodation would not have significant direct effects on the air. The buildings would be heated by a district system using natural gas as the fuel whose operation would not have a significant effect on air quality. The proposed development, along with existing and other proposed and planned development in the area, would increase the demand for transport. This would increase the demand for traffic movements. However the actual level of traffic on urban street networks is a function of the capacity of the network rather than the potential demand upon them as traffic in cities tends to grow until the streets are congested. The provision of housing at this location served by a railway and high frequency bus routes would facilitate travel by alternative modes of travel other than the private car. In these circumstances the proposed development would not cause an increase in vehicular traffic on streets that would have the potential to have a significant effect on air quality. The works required to carry out the proposed development would have the potential to emit dust. There would also

be exhaust fumes from machinery. Measures to mitigate effects from these sources are set out at section 8.7.1 of the EIAR and section 9 of the preliminary construction management plan. They include the screening of areas near sensitive receptors while works are ongoing, wheel wash facilities, wetting of exposed soil during dry windy weather, closed storage of fine aggregates and similar materials, maintenance of plant and machinery, and no idling of engines when not in use. The proposed measures represent good construction practice and are likely to avoid any significant effects on air quality during construction.

11.8.2. The proposed development would not have the potential to have a significant effect on the climate.

11.9. **Material assets**

11.9.1. The proposed development would increase the stock of housing and service facilities in this part of the city. It would do so on lands that are zoned and serviced for such urban expansion. The proposed development would increase the population at this location which would generate additional demand on the railway, bus services and streets in the area. However this area has better access to public transport and other services than other places in and around the city where significant amounts of new housing could be provided to meet the latent demand for it. Allowing housing to be built on this site would therefore allow a more efficient and sustainable use of the city's transport infrastructure than would be likely to occur if housing was not allowed on the site thereby displacing population growth to less accessible and poorly served locations. The proposed development would therefore have a significant positive effect in relation to material assets.

11.10. **Cultural Heritage**

11.10.1. The site consists of vacant land that was previously subject to works. Its archaeological potential was thoroughly explored in excavations carried out under licence and pursuant to the previous overall permission on the site under PL29N. 131058, Reg. Ref. 0312/02. In these circumstances the proposed development would not have a significant effect on cultural heritage.

11.11. **Landscape**

11.11.1. The site consists of vacant land that was previously subject to works in an emerging urban area. The form and layout of the proposed development would

follow that planned for the area. The tall buildings proposed at blocks 17 and 26 would be visible from the area to the north which will be maintained as a green belt between the city, Portmarnock and the coast in accordance with its zoning under the Fingal county development plan. This area is agricultural and quite flat. Some of the submissions stated that this would have a serious negative impact on the character of the adjacent green belt. However, while the higher buildings would be visible from the greenbelt it is not considered that they would have a negative effect on its character. The role of a greenbelt is to provide an edge for cities and a clear distinction from the surrounding countryside. The taller buildings proposed in this application would reinforce this distinction and so would strengthen the visual role of the greenbelt, as the planning authority has advised. Blocks 25 and 27 would also contribute to a clear built edge for the city facing the Mayne River. The proposed development would not, therefore, have significant adverse effect on the greenbelt or on the landscape in general..

11.12. The interaction of the foregoing

11.12.1. The potential impact of the development on population and material assets are related as the former relies on the latter. Otherwise, as the site is vacant land that was previously subject to works in an area that is zoned and serviced for development, the proposed development is unlikely to have significant adverse effects on the other factors on the environment set out in the EIA Directive and so there is little potential for interaction between them.

11.13. Cumulative Impacts

11.13.1. The proposed development would occur in tandem with the development of other adjacent sites owned by the applicant. There is also development currently being undertaken on the North Fringe and some remaining sites where more development is likely to be proposed. The overall development at North Fringe would be unlikely to differ from that envisaged under the city development and local area plans which have been subject to Strategic Environment Assessment. Its scale would be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The submitted EIAR described the proposed developments, their likely impact on the environment and the measures to address such impact together. The available information therefore

demonstrates that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

11.14. Reasoned Conclusion on the Significant Effects

11.14.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and members of the public in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population, land and material assets arising from the additional housing that would be provided on the site;
- Potential effects on air quality and from noise during construction which will be mitigated by appropriate monitoring and management measures.

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it..

12.0 Assessment of other issues

12.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Policy, the proposed uses and housing mix
- Height, layout and design
- Residential amenity
- Access and parking

12.2. Policy, the proposed uses and housing mix

- 12.2.1. The proposed development is predominantly residential, as is that proposed in the other SHD application and the third current application with the council. The cumulative effect of the three proposed developments would be to make the North Fringe a more residential area with a narrower mix of uses than it would have been if it had been developed in line with the overall permission granted in 2003, with a reduction in the likely floor area for non-residential service uses from c100,000m² to 45,000m² and an increase in the number of homes from 3,520 to 4,581. The Z14 zoning of the site and the local area plan seek to develop the North Fringe as a mixed use area. The principles for the development of this Strategic Development and Regeneration Area set out in section 15.1 of the development plan specify that Blocks 17 and 28 of the current site are within the key district centre would be where a suitably wide mix of uses should be provided, with other parts of the current site identified as residential. The objections in the submissions from the public and the councillors to the proposed predominance of residential use are therefore reasonable and merit consideration. In particular a more even mix of employment and residential use here would tend to reduce the overall demand for travel and would lead to a more balanced use of public transport at peak hours. In this regard it is relevant that this area has significantly better access to public transport services than other suburban locations around Dublin where large scale office development has occurred, as was stated in submissions.
- 12.2.2. Nevertheless the reduction in the proposed non-residential floorspace would not justify refusing or substantially altering the proposed development given the circumstances of the site and the planning policies that are material to the application. All of the proposed uses are permitted under the zoning of the site and the provisions of the local area plan. Neither the development plan nor the local area plan prescribe a particular scale or share of non-residential floorspace on any particular site that would justify prohibiting a mainly residential development. Imposing such a prescription in the course of an application for planning permission would be arbitrary and unjustified without clear evidence of a compelling public need to protect land with the potential for development for commercial uses from housing. No such evidence has been presented. Rather national policy as set out in Rebuilding Ireland states that there is an urgent need for more housing, especially in

Dublin. Whether more development for non-residential use on the site would provide an economic return is a matter which the applicant and developer has to have regard to. A poorly considered intervention on this issue in the course of a planning application could result in an ongoing failure to develop the site which would injure the character and amenities of the area while also to failing to help meet the need for housing in the city. The overall development under the current proposals at the North Fringe would still have a mix of uses across the entire area and within the individual blocks that are the subject of the concurrent applications. Blocks 17 and 28 in the district centre would contain active commercial uses at ground floor level. The implementation of the current proposals would provide the North Fringe with a character that was much more urban and vibrant and with a much greater mix of uses than that which prevails on the adjoining suburbs to the south and west. The proposed childcare facility would be in keeping with the national guidelines on that topic. The relative proportion of residential and non-residential uses in the proposed development is therefore acceptable.

12.2.3. The local area plan does contain, however, a specific requirement that a site at the western end of the North Fringe beside the railway line be reserved for a school. This reflects a condition in the parent permission from 2003 that Blocks 8 and 26 would be omitted for this purpose. The location of the reservation is set out in Figure 11.2 of the LAP but its extent is not shown on a scaled map. There is an extant permission for development on block 26, so it would be futile to exclude that block for a school. The applicant has submitted that there is no need for such a reservation and that it has been superseded by the layout of uses set out for SDRA 1 in the 2016 development which shows educational uses at Grange Community School and the open lands to its north. A schools demand assessment is submitted to substantiate the applicant's position, as well as a statement seeking to justify the material contravention of the local area plan. The statement points out that the site is privately owned land and there is no requirement on the applicant to donate land for a school there. The assessment refers to 2 schools in Belmayne currently under construction and authorised under Reg. Ref. 3601/15. It also shows how another school could be provided to the north of Grange Community School on Main Street. The applicant's arguments on this issue are reasonable, but they are not accepted. The layout of uses shown for SDRA1 in the 2016 development plan is on an

indicative diagram. It is not equivalent to the zoning of specific pieces of land for specific uses. Furthermore the local area plan with its schools reservation was extended by the council after the adoption of the development plan. The schools reservation in the local area plan has not been superseded therefore. The location of the reservation in the local area plan is shown on an indicative diagram rather than a scaled map. So the fact that permission has been granted for development on a piece of land at Block 26 that was the subject of a condition on an older permission that sought to achieve a similar outcome as the schools reservation does not render that reservation defunct,. It merely means that other land in the location of the reservation may be needed to provide a proper site for a school. The Department for Education and Science is responsible for planning and developing schools and for identifying the demand for them. The code of practice on the provision of schools and the planning system sets out how the department's role in this regard will inform plan making by council. It would not be appropriate for the board to use its power to determine the current planning application in a way that supplanted the department's function in the assessment of demand for schools or the council's role in plan making. It should therefore give effect to the provision of the local area plan to reserve a suitable site for a school at the western end of the North Fringe. This requires the omission of the proposed Blocks 8 and 11 as advised by the department in its submission on this application. As Block 11 is proposed as social housing this would an agreement under part V of the planning act to provide social housing in a different manner from that proposed in the application. This would be a matter to be agreed between the council and any developer of the site.

12.2.4. The submissions from the public and the councillors took issue with the housing mix in the proposed development, with the proportion of units that would be built to rent and the limited number of 3 bedroom apartments being seen as an impediment to the attraction of long term residents and families with children who would contribute to a more stable community. These issues would not justify refusing or altering the proposed development. The planning system does not generally determine or control housing tenure, apart from the specific powers given to housing authorities to enter into agreements on social and affordable housing under Part V of the planning act. The 2018 guidelines on apartment design envisage situations where an

applicant can propose that an apartment building would be kept in single ownership with the individual units let to tenants, and in response the planning authority would relax some of the standards on the physical form of the apartment building that would otherwise apply. However there would be no impediment on the owner of an apartment building letting it out on that basis even if that had not been proposed as such in a planning application. Neither would there be any restriction on the purchasers of individual apartments in a building from letting them out to tenants themselves. Section 5.9 of the 2018 guidelines on apartment design sets a clear policy in support of Build to Rent apartment developments due to the role that they can play in addressing the need for housing. This supporting policy is not qualified by a requirement to justify the location of such schemes. The proportion of build to let apartments proposed in this application is therefore acceptable. The separation distance of 250m between Build to Rent scheme cited in section 16.10.1 of the city development plan refers to a map that would be submitted to justify a different housing mix in such schemes. Those provisions have been superseded by SPPR7 and SPPR8 of the 2018 guidelines.

12.2.5. The application includes proposals to provide 98 apartments as social housing, 96 of which would be in Block 11. Certain of the submissions argued that such apartments should not be provided in a single block but should be peppered throughout the overall development. This approach would have advantages in terms of social integration. However the provision of Part V units in a single location can allow for a more efficient management and allocation of social housing, which would therefore allow the provision of more such housing from the same amount of public funds. In any event the board's role in relation to Part V under SHD applications is limited as the actual provision of Part V housing depends upon an agreement with the housing authority subsequent to a condition that would be attached to any permission granted.

12.2.6. 42% of the proposed apartments would have one bedroom, 51% would have two bedrooms and 7% would have three. The proposed housing mix would therefore meet with the applicable standard set out in SPPR 1 of the 2018 guidelines on apartment design. That SPPR supersedes the restriction of studios and one bedroom apartments to 30% of a scheme under section 16.10.1 of the city development plan. The share of 3 person 2 bedroom apartments is less than 10% of

overall number proposed (74 of 1,030). So there would be no basis in policy to refuse or amend the proposed development on account of its housing mix, regardless of whether or not the scheme would be built to rent or for purchase. The predominant built form in the north-eastern part of Dublin city around the site is three-bedroom houses, including the recent development on adjacent parts of the North Fringe. The provision of one and two bedroom apartments in this area would therefore be likely to make the mix of housing types that are available more closely match the profile of households who wish to live there. The provision of such units in a denser form on a site close to the railway station and designated town centre is also appropriate. The housing mix proposed in the application is therefore acceptable.

12.3. Layout, height and design

- 12.3.1. The layout of the proposed development is largely determined by the infrastructure laid under the previous permission for development on the North Fringe. That layout was coherently planned and would enable the proposed development to achieve a reasonable standard of urban design with a permeable and legible network of streets that would facilitate movement through the area towards the services around Station Square. .
- 12.3.2. Most of the proposed development would be six or seven storeys high. This prevailing height is appropriate for a new urban area near a train station and district centre. The reduction in the height of the western part of Block 25 advised by the planning authority is not warranted by its impact on visual or residential amenity.
- 12.3.3. Blocks 17 and 26 would be significantly higher. Block 17 would have 17 storeys and would reach a maximum height of 52.35m. It would stand beside the railway station as a terminal vista for Main Street. The local area plan identifies this location as one where a higher building is desirable, although it specifies heights of between 10 and 14 storeys. The board granted permission for a 16 storey building with 139 apartments on this block under in PL29N. 248713, Reg. Ref. 3634/16 in November 2017. The suitability of this plot for a tall building in residential use is therefore established. It receives further support from the subsequent building height guidelines issued in 2018. The design of the proposed Block 17 is appropriate for its height and location, with extensive glazing on its higher element giving it a lighter

appearance. Block 26 would stand at the edge of the North Fringe area beside the railway line, Mayne River and the greenbelt to the north. Its suitability for a taller building is established by its situation position beside those open lands and at the intersection of two local routes through the North Fringe: Marrsfield Avenue and Station Street. The design submitted in the current proposal for a 15 storey building there is of a sufficient quality for its prominence. It would improve the legibility of the area and establish a clear boundary with the rural lands beyond. The overshadowing that would arise from the buildings has been analysed in detail in the reports submitted with the application, and their conclusion that it would not cause significant negative impacts on residential amenity is accepted. The buildings would also have a sufficient degree of separation from other properties to avoid undue overlooking. The proposed taller buildings at Blocks 17 and 26 are therefore acceptable. The applicant considers that the height of the buildings would materially contravene section 16.7.2 of the city development plan and objective UD07 of the local area plan. These building would make a significant positive contribution to the urban design of Clongriffin. They would also improve the overall density of residential development in a district centre on a public transport corridor. Any contravention of the development or local area plan would therefore be justified by the guidelines on building height issued in 2018, in particular SPPR 1 and 3.

- 12.3.4. The detailed design of the proposed buildings achieves an acceptable standard, as do the landscaping proposals for private and public open spaces. A suitable palette of high quality materials is specified for both which avoid render on elevations onto streets. Guidance has been prepared for shopfronts which, if followed, would ensure that the commercial premises would have a proper relationship the public realm and provide a coherent character for the town centre.
- 12.3.5. Having regard to the foregoing, it is concluded that the proposed development would make a significant positive contribution towards the emerging character of the area and the provision of an attractive residential environment there.

12.4. **Residential amenity**

- 12.4.1. The applicable standards governing the level of residential amenity that needs to be provided for the occupants of proposed apartments are those set out in the 2018 guidelines on apartment design. The comprehensive schedules of accommodation

submitted with the application demonstrates that the apartments proposed in this application would meet those standards. The overall floor area of the individual apartments would meet or exceed the minima required under SPPR 3. Most of the apartments in blocks 8, 11, 28 and 29 that would be built to sell would exceed the minimum floor area by at least 10%, thus discharging the additional requirement at section 3.8 of the guidelines. The build-to-rent apartments would also have the extra floorspace, although this is not a requirement of the guidelines. The submitted schedules indicate that the requirements for individual room sizes and storage specified in the appendix to the guidelines would also be met. The proximity of the railway station means that this is an accessible area so SPPR 4 requires at least 33% of apartments to have dual aspect. 58% of the proposed apartments would have dual aspect. Ground floor apartments would have floor to ceiling heights of more than 2.7m in accordance with SPPR5, except for Block 29 which occupies an infill plot of less than 0.25ha. In this circumstance a lower ceiling height is justified by the lower buildings on the other side of Grange Lodge Avenue. The number of apartments per core on each floor would be no more than 12 in keeping with SPPR6. The notices of the application specified which of the proposed apartments would be built to rent and a covenant specifying the maintenance of that status for at least 15 years was submitted. Support facilities and shared amenities for residents in the build-to-rent blocks are proposed consisting of 647m² in Block 6, 432m² in Block 17, 114m² in Block 25, 248m² in Block 26, 160m² in Block 27. The requirements of SPPR7 regarding build-to-rent developments have therefore been met. It is therefore concluded that the proposed apartments would have an adequate amount of internal accommodation.

- 12.4.2. The proposed development would provide two relatively small pieces of public open space. This provision is acceptable, given that the development plan and local area plan indicate other locations for parks on the North Fringe. Private open space would be provided for each apartment in the form of balconies, or terraces for ground floor units or those facing the podium open spaces, that would meet the minimum sizes specified in appendix 1 to the guidelines (4m² for studio, 5m² for a one-bedroom apartment and 7m² for a two-bedroom apartment). Communal open spaces would be provided within each block with 3,670m² for Block 6; 1,409m² for Block 8; 1,042m² for Block 11; 1,238m² for Block 17; 557m² for Block 25; 1,241m² for Block

26; 927m² for Block 27; 1,750m² for Block 28; and 212m² for Block 29. This would meet the standards for communal amenity space set out in the appendix to the guidelines, which requires similar amounts of communal and private open space. The proposed roof terraces at Blocks 17 and 28 would provide a useful amenity for the residents of that building and would have a suitable boundary treatment 1.5m high. The proposed development would therefore provide adequate open space for its residents.

12.4.3. The application was accompanied by analyses of the performance and impact on the proposed development based on the BRE guidance document on site layout planning for daylight and sunlight and the code of practice BS 8206:2008. The proposed development's impact on adjacent property was compared to that of the previously authorised development on the site. It indicated that the proposed development would generally meet the standard whereby the vertical sky component of facing windows was maintained at 27% or at least 80% of the existing value. The impact of block 25 of facing bedroom windows in block 36 would not meet the standard, but the average daylight factor for those rooms would still meet the 1% standard. An analysis of the existing and proposed open spaces demonstrates that they would meet a standard requiring at least 2 hours of sunlight to be available to at least 50% of the space on March 21st. It was also demonstrated that the rooms in the proposed apartments would have an average daylight factor that would meet the applicable standards, which is 2% for a kitchen, 1.5% for a living room and 1% for a bedroom. The proposed development would therefore provide adequate daylight for its occupants and would not unduly overshadow other properties.

12.4.4. The submission from the planning authority expressed concern about the standard of daylight and outlook for several of the apartments in Block 17, as well as the depth of their balconies. Block 17 is constrained by its position beside the railway and pedestrian crossing over it. The proposed tall building there would play a significant positive role in the urban design of this emerging area. Given these circumstances, the level of residential amenity that would be achieved in the proposed building on Block 17 is acceptable. The relatively minor departures from the standards are justified and in line with the advice at section 3.2 of the 2018 building height guidelines which gives discretion to the board when dealing with such details at the scale of the site/building. There are north facing single aspect apartments in Block

26, but these would an outlook be towards open space and a greenbelt beyond that would provide a suitable level of amenity. Block 25 would have secondary windows facing the side boundary with an existing apartment block on Marrsfield Avenue. These windows would be set back 10m from the shared boundary, which is a reasonable setback at the side of an apartment block, and it is much wider than that provided to the side of the existing block. The layout of the development would provide streets between generally 20m wide, measured from wall to wall. The distances across internal courtyards within the blocks would be greater than this. These separation distances are reasonable for the proposed development of an accessible urban area at an appropriate density. Block 29 would be 18.8m east-north-east of the houses on the opposite side of Grange Lodge Avenue. It would not unduly overbear, overlook or overshadow them. The north facing windows on that block would not unduly affect the privacy of the neighbouring apartments due to their relative positions. The deck access arrangements for block 11 have a void protecting the privacy of bedroom windows that face the deck. This is satisfactory. The proposed development would therefore provide its occupants with a reasonable level of privacy and would not unduly overlook neighbouring properties.

12.4.5. An assessment of the micro climate and wind environment in the proposed development was submitted with the application. It identified some locations where specific measures would be useful to protect pedestrians from uncomfortable winds, including a solid barrier along the railway boundary to the east, canopies on the tall buildings at Block 17 and 26 and wind screens at other specified locations. The conclusions of the submitted assessment are reasonable, and the implementation of the recommended measures would be likely to ameliorate impacts from wind in the proposed scheme. The noise assessment submitted with the application predicted the level of noise in the apartments by the railway and specified a higher noise rating for the walls and windows near and facing the tracks. The higher rated wall and windows would be sufficient to avoid undue injury to the residential amenities of the apartments due to noise. The proposed boundary treatment along the railway would maintain and extend the wall and fence required to prevent access, while providing a timber noise screen on the inside. This proposal is acceptable in terms of public safety, visual and residential amenity. It is not proposed to open the underpass beneath the railway. All of the proposed apartment blocks, including the those along

the railway line and the taller buildings, will require fire safety certification. It would not be useful or appropriate to attempt to anticipate the requirements under this separate code of legislation in the course of an application for planning permission.

12.5. Access and parking

- 12.5.1. The proposed development would significantly increase the population of the area, particularly when considered in conjunction with the concurrent proposals for development on adjacent sites. This will place additional demands on the road network and public transport services in the area, as stated in the submissions from the public and councillors. An estimate of this impact is given in the transport assessment submitted with the application. There is a pressing need for more housing in the city to cater for a growing population. This will give rise to the additional demands upon the road network and transport services wherever it occurs. The present site has better access to public transport and other services than other places in and around the city where significant amounts of new housing could be provided to meet the latent demand for it. It is also served by existing roads. Allowing housing to be built on this site would therefore allow a more efficient and sustainable use of the city's transport infrastructure than would be likely to occur if housing was not allowed on the site, thereby displacing population other locations with poorer access to public transport and other services as stated in section 11.9.1 of this report above. This issue would not justify refusing permission or substantially amending the proposed development, therefore.
- 12.5.2. The main roads serving the area are in place, including Main Street and Marrsfield Avenue to the south and north of the site respectively. The layout of local streets around the site is determined by the infrastructure that was installed pursuant to the previous permission for the development of the North Fringe. The current proposed development includes works to finish those streets. The specifications of the works are generally acceptable and would mostly conform with the current standards set out in DMURS, which was adopted after the previous permission was granted, except that carriageways 6m wide are proposed along several streets. This should be reduced to 5.5m for streets where new construction or overlay of streets would be carried out as part of the currently proposed development. Any extra space required for cars to manoeuvre into perpendicular parking spaces should be provided within the parking spaces as set out in section figure 4.82 of DMURS.

12.5.3. The proposed development would provide a restricted amount of car parking, with 673 spaces. 499 of these spaces would be at basement or podium levels within the proposed blocks. They would be reserved for residents of the apartments, giving a provision of car parking equivalent to 0.48 per dwelling. This rate is acceptable under the policy at section 4.19 of the 2018 apartment design guidelines that car parking is to be minimised in accessible locations. It would mitigate the impact that the occupation of the proposed development would be likely to have on the demand for transport by private car on the road network in the area. Another 174 car parking spaces would be provided along the street to serve visitors and the 2,286m² of accommodation for other services. It would be managed by a pay and display ticket system. This provision is reasonable for to serve a town centre location. It is neither feasible nor desirable that development on the site, which is well served by public transport in an area designated for mixed use, would cater for any potential demand for car parking that might arise. This would undermine the achievement of a sustainable density and acceptable standards of urban design as well as exacerbating congestion on the roads. Administrative measures will therefore be required to prevent inconsiderate and disruptive parking. However this is a common feature of urban areas, even those that were developed a low densities, and would be necessary at Clongriffin even if no further development happened there and large parts of it remained vacant. 1,883 bike parking spaces would be provided in a series of locations across the site. This would meet the relevant standards set down in the development plan and would meet the likely demand for such facilities. The proposed parking provision is therefore acceptable.

13.0 Recommendation

13.1. I recommend that permission be granted in accordance with the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to

- the site's location in an emerging urban area that is serviced and zoned for development under the Dublin City Development Plan 2016-2022;

- the Local Area Plan for Clongriffin – Belmayne 2012-2018 and the extension of the period of that plan;
- the nature, scale and design of the proposed development;
- its proximity to public transport services and other facilities;
- the pattern of existing and permitted development in the area, and
- the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018, the Guidelines on Urban Development and Building Heights issued by the Department of Housing Planning and Local Government in December 2018, and 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,

it is considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to the emerging character of the area and would provide a substantial amount of residential accommodation of an acceptable standard with a suitable range of commercial and community services without injuring the amenities of other properties in the vicinity, and that it would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The board considered that a grant of permission that materially contravened the restrictions on height in this area set out in section 16.7.2 of the city development plan and objective UD07 of the Local Area Plan for Clongriffin – Belmayne 2012-2018 is justified in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to the Guidelines for Planning Authorities on Urban Development and Building Heights issued in December 2018, in particular SPPR1 and SPPR3, because of the positive contribution that the higher

buildings would make to the development at a sustainable density in a district centre on a public transport corridor and to standard of urban design that would be achieved for this emerging part of the city.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development (being a development of land within a zoned and serviced urban area), the Appropriate Assessment Screening Report submitted with the application, the Inspector's report and the submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes

adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant made in the course of the application.

The board considers that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population, land and material assets arising from the additional housing and other accommodation that would be provided on the site;
- Potential effects on air quality and from noise during construction which will be mitigated by appropriate monitoring and management measures.

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in Chapter 16 of the environmental impact assessment report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

15.0 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 blocks 8 and 11 shall be omitted from the permitted development. The number of residential units authorised under this permission is 820.

Reason: The Local Area Plan for Clongriffin-Belmayne 2012-2012, whose period was extended by the city council in November 2017 after the adoption of the Dublin City Development Plan 2016-2022, requires the reservation of land for a school in this part of the site. The omission of Block 8 and 11 is required to provide a site that would be large enough to accommodate a school and to give effect to the that provision of the local area plan. The information submitted with the application was not sufficient to justify setting aside the reservation for a school, having regard to the significant growth in the population of the area that is likely to occur, the extension in the period of the local area plan containing that provision and the role of the Department of Education and Science in assessing the demand for schools.

3. The mitigation and monitoring measures outlined in Chapter 16 of the environmental impact assessment report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4. The streets that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design

Manual for Urban Roads and Streets (DMURS) issued in 2013. All streets shall be local streets as set out in section 3.2.1 of DMURS whose carriageway shall not exceed 5.5m in width. Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall be incorporated into the spaces in accordance with figure 4.82 of DMURS.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS

5. The buildings identified on the submitted plans and particulars as Blocks 6, 17, 25, 26 and 27 containing 678 residential units shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and shall be used for long term rentals only.

Prior to the commencement of development on site the developer shall submit for the written agreement of the planning authority details of the following in respect of each of the blocks permitted as the Build-to-Rent developments-

- A management company together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.
- A covenant or legal agreement which confirms that each block shall remain owned and operated by a single institutional entity as a Build-to-Rent scheme for a minimum period of not less than 15 years and that no individual residential units shall be let or sold separately in that period.

Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit and agree in writing with the planning authority details of the ownership and management structures for the continued operation of the blocks as Build-to-Rent schemes. Any proposed amendment or deviation from the Build-to-Rent model authorised in this permission for those blocks shall be require a separate grant of planning permission.

Reason: In the interests of orderly development and clarity

6. Prior to the commencement of development the development shall submit for the written agreement of the planning authority details of screens, planting or other physical means to provide adequate privacy for balconies and terraces that serve the permitted apartments as private open spaces.

Reason: In the interests of residential amenity

7. The materials, colours and finishes of the permitted buildings and the treatment of streets and open spaces shall be in accordance with the details submitted with the application including the retail design guidelines, unless the prior written agreement of the planning authority is obtained to minor departures from those details.

Reason: In the interests of visual amenity

8. Proposals for street names, numbering schemes and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health

10. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

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

13. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

14. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

15. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;
 - (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety

17. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on

behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Stephen J. O'Sullivan
Planning Inspector

28th November 2019