



An
Bord
Pleanála

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

Inspector's Report ABP-305319-19

Strategic Housing Development

500 apartments (of which 265 would be built to rent), a creche, community centre, men's shed, 3 cafes/restaurants and 6 retail/commercial units, all contained in 3 blocks between 2 and 8 storeys high

Location

Clongriffin, Dublin 13

Planning Authority

Dublin City Council

Applicant

Gerard Gannon Properties

Prescribed Bodies

Irish Water

National Transport Authority

Transport Infrastructure Ireland

An Taisce
Inland Fisheries Ireland

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 2.9ha. It lies in the emerging urban area of Clongriffin c10km north-east of Dublin city centre and c300m west of the railway station. It has c175m of frontage along the north side of the Clongriffin Main Street. That street 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 is currently vacant land that has been subject to some civil works. Part of it is used for car parking. Development on the surrounding land on the North Fringe of the city is 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 along Main Street across the road from the site and to its west nearer Fr Collins Park. They have commercial premises on the ground floor and apartments above. There are also 5 and 6 storey commercial and residential buildings to the east of the site beside 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 north-west of the site mainly consists of terraced houses.

3.0 Proposed Strategic Housing Development

3.1. The proposed development would provide 500 apartments.

The mix of apartments would be as follows-

	Studio	1 bed	2 bed	3 bed	Total
Built to Rent	45	72	132	16	265
Part V	4	43	44	6	97
Built for Sale		52	83	3	138
Total	49	167	259	25	500

3.2. The development would include a creche of 304m²; a community centre or men's shed of 417m²; 6 shops with a total floorspace of 1,520m²; and 3 cafes with a combined floorspace of 884m². 1,309m² of shared facilities are proposed to support the 265 build-to-rent apartments. The gross floor area of the overall development is given as 39,441m².

3.3. The development would be in three blocks numbered 4, 5 and 14. Block 4 lies in the middle of the site. It would contain two buildings between 2 and 6 storeys high with 74 apartments built to rent. A creche, a café and a community centre would be located on the ground floor. Block 5 would provide 138 apartments built for sale in a building between 3 and 7 storeys high. Commercial uses would be provided at ground floor level on the southern side of the block. Block 14 lies on the southern part of the site with frontage onto Main Street. Two buildings between 6 and 8 storey would contain 288 apartments. One building would contain 97 apartments provided as social housing under Part V, the other would have 191 apartments built to rent.

3.4. The proposed development would provide 357 car parking and 1007 bike parking spaces at surface and basement level. The level of communal open space for the 3 blocks is stated to be 4,450m². Public open space is not proposed in this application. 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 would imply that the North Fringe area 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.

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

4.2. Concurrent applications-

ABP-303516-19: There is an SHD application before the board for permission to build 1,030 apartments and 2,285m² of commercial floorspace on adjacent blocks mainly to the north and east of the site of this application, but also on a block to the south of Main Street and another at the end of that street near the railway.

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 the in respect of a

proposed development on the site, ABP-303262-18 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. 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. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the proposed design of Block 14 provides the optimal architectural solution for this focal junction along Main Street and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed design strategy having regard to inter alia, National and Local planning policy, the sites context and locational attributes.
 2. 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.

3. 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.
4. 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.
5. A detailed car parking strategy and rationale which outlines in particular measures to direct car users within the scheme to available car parking spaces.
6. 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.
7. Details regarding the impact on the communal open spaces from the requirement to provide ventilation for car park areas below ground floor level.
8. 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.

9. 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.
10. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).
11. 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.
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 included with the application including a design justification for Block 14; 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; measures to incorporate vents into landscaped area; a daylight and sunlight report; a micro climate study with wind mitigation measures; cross sectional drawings; 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. It contains 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. 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. SPPR5 is that ground level apartments should have floor to ceiling heights of 2.7m. 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. SPPR 3 is that a planning authority may approve high buildings that meet various criteria.
- 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 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.
- 6.1.7. 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 is 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. The current site is just outside that centre on land shown as mixed use. It 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. (The LAP covers a wider area than the masterplan associated with the 2003 permission) The LAP is a very lengthy written statement with a series of figures instead of a map. The current site is divided between phases 3 and 4 of the LAP. 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 bedroom units. This requirement may be relaxed for build to let schemes where it has been demonstrated that there is not an overconcentration of such schemes including a map showing any others within 250m.

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 of 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. 53% 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. 1,007 bike parking spaces would be provided. The overall development would provide 3 childcare facilities with 180 spaces. Given that 784 of the 1,950 proposed apartments would be one-bedroom units, this provision would meet the requirements of the Guidelines on Childcare Facilities. 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 201 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 500 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, while each proposed apartment would be provided with proper private amenity space. 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 buildings are generally 6 storeys high, which meets the requirements of the LAP for a minimum of 5 storeys along Main Street and in the key district centre. 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. 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.

7.0 Third Party Submissions

7.1. Fourteen 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 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 predominance of residential use in the 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 the 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 city would provide greater choice and balance in suburban employment locations. It is better served by public transport than the other locations. 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 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 would 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.
- The height and density are excessive and would amount to overdevelopment. In particular the proposed high buildings are not justified. They would unduly overshadow, overlook and overbear adjoining homes. They would contravene the provisions of the local area plan and the city development plan regarding building height. They would damage the skyline and visual amenity of the area and the adjoining greenbelt.
- 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.
- The road network in the area is not capable of accommodating the demand that would be generated by the proposed development which would worsen traffic congestion. The submitted traffic assessment is based on dated and selective survey information.

- 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.
- The architectural design statement for Block 14 was not available on the application website.

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 the current 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, none of which would substantially change the proposed development.

8.3. The planning assessment informing the Chief Executive's recommendation notes that the current application is one of three current ones at Clongriffin that proposed 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 KDC1 and SDRA1. It also refers objectives SC10 and 11 of the development plan, 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 lands nearest the train station should be developed first. 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 condition, including the report 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. In relation to design and integration, the proposed Market Street should be virtually vehicle free and the proposed garages for the duplexes should not face it. 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 widespread use of brick finishes is welcome. The elevations are less fussy than those previously permitted. The landscaping proposals avoid extensive tarmac surfaces. The walls and floors of the basement ramps should be properly treated to improve aesthetics and reduce noise. Basement vents should be provided in the periscope manner. It is noted that 53% of homes are proposed to be built for rent, 28% for sale and 19% as social housing. 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%. There are 10 units per core, and the floor to ceiling heights exceed the minimum required. 54% of apartments would have dual aspect, with no single aspect unit facing north. Some additional measures may be required to provide adequate privacy on some ground floor patios and first floor balconies. Additional proposals are required for children's play area. There should be one in each courtyard. 4,560m² of communal open space and 2,634m² of public open space is proposed. Market Street should be a fully segregated green route. A childcare facility is proposed. It is noted that there is already a childcare facility on Marrsfield Avenue which is not occupied. The submitted documentation on daylight and sunlight is summarised and the conclusions of the wind study are noted. 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 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 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. Further details are required of the layout of Market Street to ensure that through traffic is controlled and safe areas are available to pedestrians.
- 9.3. Transport Infrastructure Ireland had no comment.
- 9.4. 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.
- 9.5. 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 2.9ha containing 500 dwellings and c3,125m² of floorspace for services. It is therefore just below the threshold of more than 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) would be mandatory. Nevertheless an EIAR was submitted with the application and an environmental impact assessment (EIA) of the proposed development is therefore set out in this report. The EIAR 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 properly addressed.

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 services. 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 referred to 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 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 19,043m³ 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 set back c260m from the River Mayne. 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 measures 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 on 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. 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. It would not be prominent in views from outside the area. The proposed development would not have a significant effect on the landscape, therefore.

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 effects on any of 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 concurrent SHD application and the other 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 amount 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 this part of the North Fringe beside the railway station and key district centre would be where a mix of uses should be provided, with other parts of the North Fringe 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 relevant to the

application. The site is just outside the key district centre identified at Clongriffin. 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 commercial development 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 in addition to failing to help meet the need for housing in the city. Furthermore the development proposed in this application would maintain commercial uses open to the public along the Main Street frontage and partially along Lake Street, Market Street and Park Lane. The public realm would therefore be active and vibrant. The overall development at the North Fringe would still have a mix of uses under the current proposals across the entire area and within the individual blocks that are the subject of the concurrent applications. 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 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 specified in the planning permission. 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 SPPR1 and SPPR7 of the 2018 guidelines in any event.

- 12.2.4. The application also includes proposals to provide 97 apartments as social housing under Part V. 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.
- 12.2.5. 10% of the proposed apartments would be studios, 33% would have one bedroom, 52% would have two bedrooms and 5% 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. 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 studios, one and two bedroom apartments would therefore be likely to make the mix of housing types that are available in this part of the city match more closely 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 submitted urban design statement for block 14 was available on the application website when this report was prepared.
- 12.3.2. 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. Detailed proposals are made for the treatment of Market Street as a route where pedestrian movement would be prioritised from the square towards the linear open spaces that lead to Fr Collins Park. The landscaping proposals show how safe zones would be provided along that street from which vehicles would be excluded in the manner recommended by the NTA. It would not be necessary to exclude the private garages from the street to ensure that it would provide a conducive environment for pedestrians.
- 12.3.3. Most of the proposed development would be six storeys high. This prevailing height is appropriate for a new urban area near a train station and district centre. There is a 8 storey element in Block 14 that stands on a junction along Main Street with a landscaped public space in front of it. Block 4 includes a two storey creche and community building, while Block 5 has a seven storey element at its north-eastern

corner, a small three storey element facing Market Street and a four storey element facing the park to the west. This would introduce a welcome variety. It is therefore concluded that the proposed heights would meet the criteria set out in section 3.2 of the 2018 guidelines on urban development and building height and that a grant of permission would be in keeping with SPPR3 of those guidelines.

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. 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 block 5 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 additional 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. 41% of the proposed apartments would have dual aspect. None of the single aspect apartments would be north facing Ground floor apartments would have floor to ceiling heights of more than 2.7m in accordance with SPPR5. The number of apartments per core on each floor would

be less than 12 in line 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 204m² in block 4 and 745m² in block 14B. The requirements of SPPR7 regarding build-to-rent developments have therefore been met. The proposed apartments would therefore have an adequate amount on internal accommodation.

12.4.2. The development plan and local area plan indicate where public open space should be provided on the North Fringe. It does not include land on the current site upon which housing and other accommodation is required. 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 1,002m² and 1,561m² at podium level in Blocks 4 and 5 respectively and 1,977m² at ground level within Block 14. This would meet the standards for communal amenity space set out in the appendix to the guidelines, which requires similar amounts of communal as private open space. Roof terraces are not proposed in this application. 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. They demonstrated that the proposed open spaces would meet the standard requiring at least 2 hours of sunlight would be available to at least 50% of the space on March 21st, and that this standard would also be met in relation to existing open spaces and that at least 80% of the existing level of sunlight would remain available. 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. It is also shown that blocks 4, 5 and 14 proposed in this application would not diminish the vertical sky component of the windows serving habitable rooms in any existing, permitted or planned apartments on adjacent plots by more than 20%. The proposed development would therefore

provide adequate daylight for its occupants and would not unduly overshadow other properties. The layout of the development would provide streets between 17m and 23m wide, measured from wall to wall. The distances across internal courtyards within the blocks would be similar. These separation distances are reasonable for the development on an accessible urban area at an appropriate density. The proposed development would therefore provide its occupants with a reasonable level of privacy and would not unduly overlook neighbouring properties.

12.4.4. An assessment of the micro climate and wind environment in the proposed development was submitted with the application. It concluded that the wind effects of the proposed structures would not be likely seriously injure the amenity of the streets and spaces proposed under this application. The conclusions of the submitted assessment are accepted as reasonable. Cafes or restaurants are proposed on the ground floor of the buildings below apartments. It would be prudent to impose a condition on any permission controlling the ventilation of those units to avoid nuisance from odours or noise. All of the proposed apartment blocks, 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 location

with poorer access to public transport and other services as was 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 which runs along the southern boundary of the site. The layout of local streets around the site is determined by the infrastructure that was laid pursuant to the previous permission for the development of the North Fringe. The current proposed development includes the 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 were adopted after the previous permission was granted. However there are some details that need to be addressed. Some the local streets with perpendicular car parking space are shown with carriageways 6m wide. This width should be reduced to 5.5m with the extra space required for cars to manoeuvre included in the parking space as set out in section figure 4.82 of DMURS. The angled junction between Main Street and Lake Street would result in a gap of up to 40m between the footpaths on either side of the junction on Main Street. This is a main route towards the railway station and district centre with a clear visual alignment towards them. It is therefore probable that many pedestrians will walk straight across the junction in that direct line without diverting to the pedestrian crossing point further north on Lake Street. The proposed width and alignment of the junction therefore constitute a significant traffic hazard. The submitted drawings are inconsistent as to how the junction this would be mitigated, with different drawings showing different surface treatments and road markings across the gap. A specific condition should therefore be imposed on any grant of permission requiring the width of the carriageway at that junction to be reduced to a safe level with suitable pedestrian crossing facilities in the line that pedestrians walking along the street are likely to follow. This would have implications for the development on the adjoining site to the west which is the subject of the application for permission currently with the city council.

12.5.3. The proposed development would provide a restricted amount of car parking, with 357 car parking spaces. 162 of these spaces would be in the basement under block 14, while 45 spaces would be under the podium in block 4 and another 54 would be under the podium in block 5. It is proposed that these 261 spaces would be reserved for residents of the apartments, giving a provision of car parking equivalent to 0.52

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 96 car parking spaces would be provided along the street to serve visitors and the 3,125m² of accommodation for other services. It would be managed by a pay and display ticket system. This provision is reasonable to serve a town centre. 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 would therefore be required to prevent inconsiderate and disruptive parking. However this is a common feature of urban areas. 1,007 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 consideration 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;
- 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.

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 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, therefore, 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 on lands that have previously be subject to works,
- (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 development shall be amended as follows-
 - a) The proposed junction of Lake Street onto Main Street shall be amended to provide a safe pedestrian crossing across Lake Street in line with the footpaths along Main Street on either side of the junction in accordance with the guidance given at section 4.3.2 and 4.3.3 of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013. To this end the width of the carriageway of Lake Street at the junction shall be reduced

by the extension of the public square and footpaths on either or both sides of the junction and the installation of pedestrian refuge and/or a raised table within the junction. Guardrails shall not be installed. The development proposed on the adjoining land to the west of the site within the control of the applicant shall be amended to facilitate the required pedestrian crossing.

- b) The width of the carriageways on the streets within the proposed development shall not exceed 5.5m. 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 without increasing the width of the carriageway to more than 5.5m.

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

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

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 buildings identified on the submitted plans and particulars as Block 4 and Block 14B containing 265 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 proposed 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 Block 4 and Block 14B as Build-to-Rent schemes. Any proposed amendment or deviation from the Build-to-Rent model authorised in this permission for those blocks shall require a separate grant of planning permission.

Reason: In the interests of orderly development and clarity

5. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details of the control and operation of the permitted community centre and men's shed in Block 4 which shall be sufficient to ensure that it is occupied on a not-for-profit basis for the benefit of the local community and that its use remains within Class 8 or 10 of Part 4 of Schedule 2 to the Planning and Development and Development Regulations, 2001, as amended,

Reason: In the interests of 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 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