



An
Bord
Pleanála

Inspector's Report ABP 307186 - 20.

Development	Demolition of existing buildings and construction of a mixed-use development in six blocks, vehicular access off Walkinstown Road, widening of public lane, parking signage, landscaping and site works.
Location	Walkinstown Road, Balfe Road and, Thomas Moore Road, Dublin 12.
Planning Authority	Dublin City Council
P. A. Reg. Ref.	4364/19.
Applicant	Canmar Properties Ltd
Type of Application	Permission
Decision	Grant Permission
Third Party Appeals	<ol style="list-style-type: none">1. Celine Dwyer,2. Peter Byrne,3. Brian Cullen,4. Ricky Cunningham,5. Brian Connolly
Observers	Marion Byrne. Patrick Whelan. Michael Comerford.
Date of Inspection	1 st August, 2020
Inspector	Jane Dennehy

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports.....	6
3.3. Third Party Observations	7
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
6.0 The Appeals	9
Applicant Response	15
Planning Authority Response	18
Observations	18
7.0 Assessment.....	Error! Bookmark not defined.
9.0 Recommendation.....	Error! Bookmark not defined.
10.0 Reasons and Considerations	30

1.0 Site Location and Description

- 1.1. The site location is close to the junction at Drimnagh Road and Long Mile Road (R110) in an area characterised by residential and commercial developments. Balfe Road is to the east and south east and Walkinstown Road to the west and south west of the site location and this area is primarily characterised by two storey houses with front and rear gardens. A five storey apartment block on the opposite side of Longmile Road to the north closes the vista on approach from the south west along Walkinstown Road.
- 1.2. The application site has a stated area of 6,683 square metres and is formed from lands which are primarily occupied by industrial warehouse type buildings set back behind carparks adjacent to the Bank of Ireland building at the corner of and with frontage onto Walkinstown Road and Balfe Road where the space within the site lands is described as Balfe Road Industrial Estate. A single storey building on land fenced off from the carpark facing onto Balfe Road and adjacent to the corner site Bank of Ireland building which is understood to be in use for hostel purposes according to the application submission.
- 1.3. Incorporated within the site is a 'leg' which is a relatively narrow, back land strip of land extending southwards behind two storey houses on Thomas Moore Road and Walkinstown Road at the end of which there is another vacant industrial building. A shopping centre (Super Valu) is to the south west of this end of the site and has access from Walkinstown Road.
- 1.4. At the Walkinstown Road frontage within the site there is a surface public pay and display carpark and at the Balfe Road frontage there is parking in the forecourt and access and fencing onto Balfe Road. There is a narrow lane, under the control of the City Council which adjoins to the south east side of the carpark from Walkinstown Road extending eastwards between the rear boundaries at the rear of properties on Walkinstown Road and the "leg" within the site.

2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for demolition of the existing buildings and construction of a mixed- use commercial and residential

development in six blocks comprising two blocks in commercial use and four blocks containing a total of seventy apartment units along with a communal meeting space within the development. Vehicular access is off Walkinstown Road via the route of the existing lane to be realigned and widened, with the adjoining boundary walling being removed with provision for an internal access route and thirty eight parking spaces.

Block One, to be located in the area of the existing surface carpark facing onto Walkinstown Road is three to five storeys accommodating two retail/commercial units and communal meeting space at ground level with twenty-six apartments overhead.

Block 2, to be located in the area to the frontage facing onto Balfe Road is a three and four storey block with twenty-five apartments.

Block Three at the northern end of the “leg” and south west of Block 2 is a two and three storey block with five three bed town houses.

Block Four to the south of Block 3 within the “leg” is a two-storey block containing four apartments.

Block Five to the south of Block 4 within the “leg” is a two-storey block containing four apartments

Block Six to the south of Block 5 within the “leg” is a two-storey block containing six town houses.

- 2.2. The total stated floor area for the new build is 6,529 square metres of which the non res floor area is 396 square metres. The total stated floor area of the structures to be demolished is 2,003 square metres. The stated plot ratio is 0.98:1 and stated site coverage is 35%
- 2.3. Further to issue of a multiple item additional information request in respect of the requirements of the Transportation Department regarding proposals for the junction layouts roads, parking, footpaths and services access arrangements, design and clarity on nature of use for Block 1, overlooking, fenestration, balconies’ screening arrangements, open space, and some qualitative standards for the residential units.
- 2.4. A response was lodged on 10th March, 2020 further to which it was decided that most issues had been satisfactorily clarified and resolved with outstanding matters

relating to roads and parking being appropriate for resolution by compliance with conditions.

- 2.5. Two alternative proposals for additional parking is provided for in the Parking Strategy which has a purpose of encouraging modal shift. It provides for fifty-four spaces and the other for forty-eight spaces at a ratio of 0.7.1 spaces per unit and 0.8.1 spaces per unit. A low ratio is stated to benefit the public realm. 105 on site cycle spaces are included with a storage system. A multi unit management company incorporating private parking management.
- 2.6. The submitted traffic and transport assessment report includes survey details for the Walkinstown Road, Longmile Road roundabout and it is indicated that traffic volumes would be reduced at this junction.
- 2.7. The application and/or further information submission are accompanied by an engineering drainage report, flood risk assessment report, traffic and transport assessment report, parking strategy report, mobility management study, architect's design statement, massing model study, shadow studies, an appropriate assessment screening report, schedules of accommodation, landscape strategy report, tree survey and impact assessment report, 3D visual assessment, written confirmation for provision of Go Car spaces within the development and a covering statement from the applicant's agent.

3.0 Planning Authority Decision

3.1. Decision

By order dated, 21st May, 2020, the planning authority decided to grant permission subject to twenty conditions mostly of a standard nature.

Condition No 4 contains a requirement for a compliance submission relating to roads, junction arrangements, entrance design, traffic calming sightlines and parking within the development.

Condition No 5 contains a requirement for compliance with the requirements in the report of the Transportation Planning Division which include details of and arrangements for mobility management, cycle parking construction traffic management and boundary treatment.

Condition No 7 contains a requirement for compliance with the requirements in the report of the Parks and Landscaping Department which include tree retention and protective arrangements, landscaping and landscape management, and investigation of potential existing invasive species.

Condition No 8 contains a requirement for archaeological monitoring.

Condition No 14 removes exempt development entitlements.

3.2. **Planning Authority Reports**

- 3.2.1. The **Planning Officer** in his final report indicated satisfaction with the proposed development subject to conditions.
- 3.2.2. The initial report of the **Transportation Planning Division** dated, 5th November, 2019 indicates a recommendation for a request for additional information in respect junction layouts roads layout and vehicular circulation, parking strategies, insufficiencies in parking provision, footpaths and pedestrian access and circulation, mobility management, cycle storage and parking and services access arrangements and construction management.
- 3.2.3. The final report of the **Transportation Planning Division** dated, 8th January, 2020 indicates dissatisfaction with the roads and parking layout, concerns about the dominance of the car in the development, and a recommendation for redesign. It is stated that the extent of perpendicular parking fronting onto the lane is excessive given the potential conflict with the lane and poor visibility along it given the quantum of traffic movements and the limited capacity of the lane and that there are outstanding concerns about the proximity parking spaces to the junction some close to a right angle bend leading to excessive reversing manoeuvres. Several conditions are recommended for inclusion if it is decided that permission is to be granted.
- 3.2.4. The report of the **City Archaeologist** indicates a recommendation for attachment of an archaeological monitoring condition, the site location being within an area of archaeological potential.

3.3. Third Party Observations

- 3.3.1. Several submissions were lodged at application stage, the majority of which are from residents of properties adjacent to or in the vicinity of the site in which issues of concern raised include that of overdevelopment and substandard development, excessive density an intensity, additional traffic congestion on Walkinstown Road and at the junction, congestion and conflicting traffic movements on the lane affecting existing residents' access and convenience, traffic hazard, exacerbation of existing demand for parking in the areas, lack of adequate separation distance from boundaries, overlooking and obstruction of light at adjoining properties, excessive demand on existing services, potential flooding, drainage arrangements.

4.0 Planning History

P.A. Reg. Ref 4388/17 /PL 301043: Permission was refused further to appeal for a mixed uses commercial and residential development in four blocks for reasons relating to overdevelopment due to excessive scale and height and overbearing impact, back land development, unsatisfactory open space and circulation and adverse impact on amenities and privacy of future occupants.

P.A. Reg. Ref 3768/15 /PL 244514: Permission was refused, further to appeals for a two storey café and a double height drive thru restaurant along with 28 carparking spaces, external amenity and seating area, signage, and site works for reasoning relating to residential amenities and land use mix having regard to the Z4 zoning objective.

P.A. Reg. Ref 2379/00/PL123783: Permission was granted for a development with retail use on the ground floor restaurant at first floor and offices at second floor and medical consultancy at the third floor along with storage and carparking.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Dublin City Development Plan, 2016-2022. (CDP)

Variation 7 incorporates the National Planning Framework and Regional Spatial Economic Strategy (RSES). It provides for identification and reuse of brownfield land and underutilised land well served by transport purposes; for building upwards rather than outwards and achievement of consolidation and compact city.

The site overlaps an area subject to the zoning objective: Z4: *to protect and provide for mixed service facilities* and, an area subject to the zoning objective: Z1: *To protect, provide and improve residential amenities*. The area zoned 'Z1' is the south-western leg with an industrial building located at the rear of residential properties facing onto Thomas Moore Road and Walkinstown Road. The remaining area comes within the 'Z4' zoned lands.

The area in which the adjoining shopping centre is located and, which is adjoining the south west end of the site is within an area zoned 'Z4'.

The site also overlaps space within Carparking Standard Areas 2 and 3 and according to Table 16.1 two spaces are prepared for retail units and one space per residential unit for Area 2 and 1.5 spaces per residential unit for Area 3.

Recorded Monuments DU018 037 – Burial Ground; DU018-036 Mediaeval castle at Drinagh; DU022-001, – holy well site and DU022-038 Crumlin Church and Graveyard.

5.2. **Strategic Guidance.**

Relevant statutory guidance issued under Section 28 of the Planning and Development Act, 2000 as amended are:

'Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual', DOEHLG, 2009.

'Design Manual for Urban Roads and Streets' 2012 (DMURS)

'The Planning System and Flood Risk Management' (and associated 'Technical Appendices')

Relevant statutory guidance issued under Section 28 (1C) of the Planning and Development Act, 2000, as amended further to the National Planning Framework to facilitate delivery of sustainable development (the Act): "*Urban and Building Heights: Guidelines for Planning Authorities*" (2018) (2018 Guidelines) Sections 3.4 – 3.8: "Building Height in Suburban/ Edge Locations (City and Town) refer.

6.0 The Appeals

6.1. Five third party Appeals were lodged with the Board by the following parties and are outlined in brief below:

Celine Dwyer,

Peter Byrne,

Brian Cullen,

Ricky Cunningham,

Brian Connolly

6.2. Celine Dwyer, No 8 Balfe Road

An appeal was received from Ms Dwyer on her own behalf on 15th May 2020 according to which:

- The proposed development is larger than the previous unsuccessful development and it does not address the reasons for refusal of permission. Ms Dwyer refers to the reasoning for refusal for the proposal under P.A. Reg. Ref. 4388/17 (304073).
- Block 2 and Block 3 are inconsistent with character of two storey houses on Balfe Road. They dominate and do not relate to the form and scale of Nos 6 and 8 Balfe Road. This is contrary to Section 16.2.1 of the CDP.
- It will cause excessive overshadowing, especially for gardens of Nos 6 and 8 Balfe Road. Block 3 needs a lower elevation, reduced size and the positioning on site needs to be changed.
- Removal of trees on boundary with Nos 6 and 8 Balfe Road removes their privacy and security of the properties.
- Additional discharge to the sewers will exacerbate the existing problem of lack of infrastructure capacity.

6.3. **Peter Byrne, 16 Thomas Moore Road.**

An appeal was received from Mr. Byrne on his own behalf on 5th June 2020. Attached in appendices are copies of a schedule of accommodation, drawings a photograph and an extract from the CDP. According to the appeal:

- The development would negatively impact on amenities and value of Thomas Moore Road properties and Blocks 4, 5 and 6 in the “southern leg” which contravene the zoning objective.
- The development is too close in proximity to boundaries with separation distance of three metres, Distance between windows to rear windows in the houses on Thomas Moore Road is 26 metres not 38 metres resulting in overlooking and overshadowing. The 6-8 metres high elevations are negative in impact on outlook from these properties.
- There is under-provision of retail/commercial use given the Z4 zoning for the northern section of the site.
- The dwelling mix is over concentrated in smaller units which are only suitable for small households
- The roads layout and parking along the “leg” will cause obstruction especially for service vehicles and there is insufficient parking for the residential units. The transportation department report indicates several concerns.
- The development is monolithic especially in height facing to Balfe Road and the finishes are inappropriate.
- The existing capacity of the drainage infrastructure cannot service the proposed development. A tributary of the Camac river flows underground
- Post and fence boundary treatment for the southern boundary is inadequate.

6.4. **Brian Cullen, No 34 Thomas Moore Road.**

An appeal was received from Mr. Cullen on his own behalf on 13 June 2020 according to which:

- The proposed development is overdevelopment and the site configuration and size are unsuitable for a sixty-eight apartment development.
- No open space provision is made in the development which contravenes section 16.10. 3 of the CDP. Ten percent of site area should be provided.
- The landscape submission lacks detail and is unlikely to be implemented. Five trees are outside the site boundary and tree planting will also conflict with the Bus Connects plan for the Greenhills Bus Corridor on Walkinstown Road. The seven trees between parking spaces are not shown in the detailed plans for the parking spaces and they would reduce the number. Planting a tree in the rear garden of each house in Block 6 is impractical as the gardens are small
- The eight trees to the front of Block 2 of Balfe Rod are outside the site and encroach on the footpath.
- The scale, design and form does not integrate with the surrounding architectural character in the area.
- Carparking provision is insufficient and the two alternative proposals in the further information submission for fifty-four or forty-eight spaces does not resolve this issue. The fifty-four-space option would result in two spaces to service twenty seven one bed units whereas the forty eight space proposal would result in no spaces for these units. The parking strategy indicates 74% of households own cars some owning two cars. Forty-two spaces in the existing public carpark will be lost to the development. This will seriously affect the existing chronic problem on Balfe Road and surrounding roads with regard to parking.
- The windows on Block 6 are 22.6 metres from the nearest point of the upper elevation of Thomas Moore Road, not 35 metres as indicated in the application. The two storey town houses in Block Six have attics with dormers at 79 metres above ground overlooking properties on Walkinstown Road. Heights and scales are not shown on the application submissions. It is confusing as to whether the fourth bedroom are proposed for the attic level in Block 6.

- The widest part of the 'leg' of the site is 27.2 metres narrowing to 21.5 metres so it is clear that a 134 square metres' house with a 60 square metres' garden with parking to the front can be fitted to the site. The measurement for the last house is over the boundaries but there should be no encroachment on the access road. The separation distance from the rear wall of No 34 Thomas Moore Road and the back wall of the existing block is 24.75 metres and it will be reduced in the new development due to the lane boundary.
- Block 2 facing onto Balfe Road is excessive in scale and height and of inappropriate design clashes with the existing houses and hemming in the house at No 6 Balfe Road along the entire boundary. The block will extend across the width of the back garden reducing the amenity and value of the house.
- Block 2 will overlook (from the balconies Nos 1-7 Balfe Road affecting privacy and amenities.
- Block One, the mixed-use block clashes with the existing character and towers over adjoining houses and Bank building. Single storey extensions have not been permitted so the adverse impact on scale and character is a definite issue. There are monstrous developments on Slieve Bloom Road and a proposal for Drimnagh Road they are not adjacent to residential development whereas the current proposal will dwarf adjoining residential development.
- The sewerage system is very problematic, and the situation will be exacerbated with increased backing up. Only the north half of the site is attenuated whereas the southern half flows into an unattenuated existing sewer with no interceptor or separator. The proposed development will lead to contamination due to the lack of attenuation. The increased permeable area and the revised ground level will lead to flooding into the rear gardens of adjoining properties. The underground stream through the 'leg' and the area does incur flooding affect all the houses.
- The existing junction and road network's congestion will be exacerbated by the traffic generated by the proposed development especially during peak

hours and the current and recently permitted developments will have a serious deteriorating effect on the situation.

- The development will result in noise pollution due to the traffic at the rear of the properties on Thomas Moore Road and Balfe Road and Walkinstown Road.
- Light pollution to the existing houses will occur.
- There is asbestos in the existing buildings (to be demolished and there is no reference to use of specialist contractors for safe disposal arrangements.
- The access via the narrow laneway behind the houses on Walkinstown Road is quiet and bounded by a wall and is narrow and quite and used by residents to access garages. The lane will be busier and noisier, removal of the wall is unacceptable leading to unauthorised parking and affecting residential amenities. The further information submission does not include detailed and dimensioned drawings for the modified access road and lane, so it is not evident that requirement specifications are satisfied.

6.5. Ricky Cunningham, No 5 Balfe Road.

An appeal was received from Mr. Cunningham on his own behalf on 22nd June 2020 attached to which are photographs. According to the appeal:

- There is inadequate parking provision within the development for residents and the commercial elements. In addition, there would be problems with parking during the construction stage. There are serious problems with parking demand on Balfe Road at present which would be significantly exacerbated. Resulting in danger to the safety of residents all road users.
- The three-storey block on the Balfe Road frontage would impose on the privacy of existing properties due to overlooking and overshadowing. The design is out of character with the existing area.
- The existing problem with water pressure and capacity of sewage facilities in the area would be exacerbated.

6.6. **Brian Connolly, 18 Thomas Moore Road.**

An appeal was received from Mr Connolly, (who was granted leave to appeal) on his own behalf on 2nd July, 2020. According to the appeal,

- The current proposal does not address the reasons for refusal of permission for the prior proposal under P. A. Re. Ref. 4388/17 (301043) , is a substantially larger poorly designed development which is more damaging development both to future occupants and to surrounding development and is unsustainable.
- Construction and the development itself at three metres from the boundary with the Thomas Moore Road properties is too close.
 - Felling of trees in private property outside or at the site boundaries with Nos 16 and 18 would not be necessary if the boundary is not infringed. (reference is made to Zone 3: Trees 4 and 5 of the Tree survey and Impact Assessment – page 7)
 - Construction of Block 5 within three metres of the boundary leaves insufficient space for prevention of overspill into the gardens during construction.
 - Noise and nuisance for residents will be caused during construction. Ear protection is required for noise levels of 80 decibels for work within three metres of a boundary and garden amenity will be affected during construction hours.
 - Landscaping is inadequate and fails to soften the visual impact of Block 5 on the gardens of Nos 16 and 18 with 1.8 metres high fencing on the boundary being inadequate.
- Blocks 4, 5 and 6 will create additional shadow effect over the gardens on Thomas Moore Road and residents' area entitled to be protected from increased shadow impact.
- There is seriously deficient on-site parking provision for the development and this and the loss of the parking available in the public carpark which will result in overspill onto the roads which already are subject to excessive demand for

parking and the development would therefore contribute to congestion on the road network outside existing residential properties.

- While there are multiple bus routes serving the area, buses are overcrowded and full when they reach the area giving rise to concern about the additional loading on these services.
- Properties and roads in the area are subject to water damage from flooding due to the outdated sewerage infrastructure and increased damage could result from any ground works within the site. There is no additional capacity to accept the development in the existing infrastructure.

6.7. Applicant Response

6.7.1. A submission in response to the appeal by **Celine Dwyer** was lodged on 16th June, 2020 which includes an outline of the planning context, background and the current proposal based on which the applicant's case is made.

6.7.2. A submission in response to the appeals by **Brian Cullen, Peter Byrne, Ricky Cunningham and Brian Connolly** was lodged on 17th July, 2020 which includes an outline of the planning context, background and the current proposal based on which the applicant's case is made. There is considerable overlap in the submissions and the content of the two submissions are outlined as follows:

- Each application should be considered on its own merits.
- The former commercial site is brownfield and suitable for redevelopment. The main part of the site is designated as a District Centre. The development is an appropriate commercial response.
- Elimination of the nonconforming uses of the existing buildings, clearance of the vacant site lands and provision of a DMURS compliant access road are an improvement benefitting residential amenities of existing properties.
- The housing mix and dwelling formats meet needs identified in residential studies. It responds to the area in which there is under representation of smaller units. The proposed development would not add to the existing noise levels in the area.

- The proposal accords with the Building Height Guidelines (2018) in which increased heights in urban areas are promoted and Urban Sustainable Urban Hosing Design Standards for New Apartments, (2018) with the quality, including private open space provision, of the amenities for the future occupants has been addressed satisfactorily.
- The design accords with and responds to Government guidance and policy for increases in building heights in urban areas and there is precedent for five to six storey heights. The design on Walkinstown Road is appropriate for a main corridor.
- There is precedent in the area for increased heights relative to the two storey terraced houses, since 2000; the Bank of Ireland Building at the junction, the apartment building on the opposite side of the Longmile Road, and a five storey apartment building on Drimnagh Road. There is also a grant of permission, in 2019 for a development under SHD for 153 units on lands east of the Assumption school on Longmile Road extending up to six storeys.
- Block 2 on Balfe Road at four storeys and it transitions with setbacks reducing the scale towards the two storey houses and Block 3. Blocks 2 and 3 at 12.42 metres and nine metres in height are within the CDP's height limits for suburban areas and are appropriate for the location.
- There are no windows on the southern elevation of Block 2 or in the eastern gable of Block 3 facing towards Nos 6 and 8 Balfe Road so overlooking cannot occur. The rear elevation of Block 3 is two storey and it faces the existing two storey houses are two- storey.
- Separation distances between the first-floor windows of Block 6 and rear windows of the houses on Thomas Moore Road range from 22.6 to 28.6 metres. It is not possible to overlook from rooflights which will be below the ridge line in the rear slope of Block 6, at 1800 mm above the finished floor level and which are to light the landings.
- The full sunlight analysis submitted in which it is demonstrated that the minimum standards in BRE 2011 are satisfied: It is indicated that no shadow is cast in the gardens of Nos 6 and 8 Balfe Road on 21st March 10.00 am and 12.00 pm.; there is minor shadow from Block 3 on the corner of the garden of

No 6, no shadow on the garden of No 8 and, partial shadow from Block 3 on the rear garden of No 6 and No 8 at 4pm. There is well in excess of the two hours sunlight, (the minimum standard) received at the time of the equinox. This minimal impact is acceptable in an urban setting. There are existing trees at properties on Thomas Moore Road which cast shadow over the rear gardens. Any shadowing over these long gardens from the proposed development, it is demonstrated are limited.

- As shown in the further information, six trees are to be removed and several are to be planted in the landscaping scheme. Tree Nos 4 and 5 in the survey located on the Thomas Moore Road boundary in Zone 3 are to be removed but no trees near the Appellant's house. There is no intention to remove trees outside the site boundaries and no interference with any trees in adjoining properties other than removal of overhanging growth.
- The Drainage Division's report confirms that the application is satisfactory with regard to drainage arrangements for the proposed development. Surface water is to be discharged following attenuation and interception to the diverted 750 mm sewer on the new access road. Foul drains will feed into the foul system (drawing 51-60-C02-2 and 50 60-C02-3) and it is confirmed that there is capacity in the water supply infrastructure.
- Two Bus Connects corridors will serve the location (routes 8 and 9.)
- The site location, having regard to the Apartment Guidelines (2018) is subject to a maximum limit on parking, the ratio of which is to be reduced to improve use of alternative means of transport. Two options were proposed in the further information submission and the higher ratio was accepted by the planning authority.
- The access lane is to be upgraded to DMURS compliant standards with public lighting and surveillance improving residential amenity.
- The space between the Block and the properties on Thomas Moore Road are more than adequate for construction purposes
- Arrangements for asbestos waste removal and disposal will be addressed in the Demolition and Construction Waste Management Plan.

- The accuracy of all surveys and application drawings have been reviewed and the claims as to inaccuracies in detail and dimensions are rejected.
- The accuracy of all surveys and application drawings have been reviewed and the claims as to inaccuracies in detail and dimensions are rejected.
- Separation distances between the first-floor windows of Block 6 and rear windows of the houses on Thomas Moore Road range from 22.6 to 28.6 metres. It is not possible to overlook from rooflights which will be below the ridge line in the rear slope of Block 6, at 1800 mm above the finished floor level and which are to light the landings.
- The dwelling mix responds to the area in which there is under representation of smaller units. The proposed development would not add to the existing noise levels in the area.
- Arrangements for asbestos waste removal and disposal will be addressed in the Demolition and Construction Waste Management Plan.

6.8. **Planning Authority Response**

There is no submission from the planning authority on file.

6.9. **Observations**

6.9.1. Observer submissions were received from or on behalf of the following three parties:

Marion Byrne, 14 Thomas Moore Road.

Patrick Whelan, 34 Hughes Road North

Michael Comerford. 3 Balfe Road.

6.9.2. The objections raised in some or all of the submissions are outlined below:

- The current proposal does not address the reasons for refusal of the prior proposal and is a larger and more substandard and unsatisfactory unsustainable development. The layout of Block 2, other than the addition of five units is the same as the layout shown in the prior application under P. A. Reg. Ref. 4388/17.

- Oversupply of apartment development and insufficient infrastructure in the area.
- Adverse impact in form, height, scale, height and material and finishes on visual amenities and character and pattern of development in the area due to excessive scale, form and height. The photographic images are inaccurate.
- Insufficient separation distances from boundaries wit adjoining residential properties with risk of damage, interference with privacy from overlooking.
- Noise and light pollution.
- Insufficient and poor-quality public and private open space.
- Exacerbation of existing deficiencies in supply of public parking in the area due to increased demand, loss of the existing public carpark spaces. The photographs provided are unrealistic.
- Substandard laneway alignment which is not addressed fully in the application and possible difficulties within the development for services vehicles circulation.
- Deficiencies in the existing drainage infrastructure and flooding risk. The underground watercourses, possibly the Camac or a tributary are presumed to be in the site area.

7.0 **Assessment**

7.1. The issues central to the determination of the decision, having regard to the planning authority assessment, application and appeal submissions and the observer submissions can be addressed under the following sub-categories:

Strategic policy

Use Mix

Layout, Scale, Mass, Height, Design.

Open Space and Community Amenity Space

Overlooking of Adjoining Properties.

Overshadowing of Adjoining Properties.

Trees and Vegetation.

Demolition and construction.

Drainage and Flooding Risk.

Traffic Generation, Parking, and Impact on the Local Road Network

Environmental Impact Assessment.

Appropriate Assessment

7.2. Strategic policy

- 7.2.1. In principle, it is considered that case made on behalf of the applicant that the proposed development, having regard to the residential component is consistent with the national strategic policy for the delivery of sustainable development and consolidation of settlements and responds to the prevailing housing and household formation need as provided for in the NPF and the recommendations within relevant statutory guidance namely, *Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas* and the accompanying *Urban Design Authorities* (DOHPLG 2018) The concerns about the proposed development are specific to the site capacity configuration context and technical and planning matters.

7.3. Use Mix.

- 7.3.1. The assembled site is subject to two distinct zoning objectives with the southern 'leg' section in which Blocks 4, 5 and 6 are located being subject to the 'Z1' residential zoning objective. It is between the 'Z4' zoned lands on adjoining lands to the south of the site and the northern end in which Blocks 1, 2 and 3 are located being subject to the 'Z4' zoning objective providing for mixed use service facilities in local district centre. It can be regarded as transitional especially in the area of the amenity space and the southern end of Blocks 2 and 3. However, it has been stated in one of the appeals that there is an overconcentration of residential development relative to the commercial/retail component, (276 square metres in total floor area) within Block 1 along with a community space, with the remainder being in apartments at the Walkinstown Road frontage.
- 7.3.2. The question that arises in this regard is as to whether the high proportion of residential use relative to commercial use would undermine or compromise the

scope for achievement of the objectives associated with the Z4 zoning providing for the improvement of the mixed use facilities/District Centre. The commercial /retail element in the previous proposal was also small relative to the residential element and planning officer has not raised this issue in his report. There is no substantive and there is no evidence that it has been fully assessed so as to provide for assurance in this regard in connection with the prior and current proposal. Although there is some reservation in this regard, there is no certainty as to possible material conflict with the development objectives.

- 7.3.3. Overall, for the residential component of the development, the applicant has made a satisfactory case for the dwelling mix, providing for small household sizes having regard to housing need having regard to national policy and the Apartment Guidelines 2018.

7.4. Layout, Scale, Mass, Height, Design.

- 7.4.1. Having regard to the proposed Layout, Scale, Mass, Height, Design the qualities and amenity potential of the development itself for the future occupants and its impacts on residential amenities of existing residential development and the visual amenities and character of the surrounding built environment are considered below.

Block 1.

- 7.4.2. This block which is be located in the area of the existing carpark adjacent to the Bank of Ireland building is considerable in mass, form, and height. While it come within the 'Z4' mixed use zoning it is not at the core or centre of the 'district' centre and dominates and undermines the corner site Bank of Ireland building. As in the case of the previous proposal, it is considered that the residential element comprising the inclusion of two apartments at ground floor level in Block 1 is incompatible with the retail, restaurant and community room use and results in poor levels of attainable amenity for the future occupants.
- 7.4.3. There is some relief in the relationship with the two storey houses along Walkinstown Road on the opposite side of the access route to be upgraded which provides severance and transition in that there is transition due to a separation distance of circa nine metres. Nevertheless, this block, in a transitional position with regard to the 'Z4' relative to the 'Z1' zoned lands is considered to be excessive in visual

conspicuousness on the street frontage and undermines the commercial buildings especially the Bank building at the corner. The effect is therefore seriously injurious to the visual amenities and character of the area. A reduced size, lower profile block would be a more compatible insertion into the carpark between the Bank of Ireland Building and No 9 Walkinstown Road.

- 7.4.4. It is satisfactorily demonstrated in the revised design for the gable end and upper levels at Block 1 within the further information that no undue overlooking of the adjoining property at No 9 Walkinstown Road.

Block 2.

- 7.4.5. Block 2 is to be positioned at the street frontage on Balfe Road between the existing two storey houses and the Bank of Ireland building, replacing the existing structures to be demolished. Greater graduation at the interface with the two storey houses on Balfe Road would be required for the visual impact and lack of transition to be diminished. With this matter addressed, it is considered that the presentation of Block 2 on the Balfe Road frontage, notwithstanding the footprint being forward of the front building line of the two storey houses, would be acceptable in streetscape views and an enhancement especially with implementation of the proposed landscaping.

- 7.4.6. Potential for Block 2 to have negative impacts on the residential amenities of properties on Balfe Road and Walkinstown Road, has been the source of significant objection by the third parties. The block would not give rise to overlooking of the rear private open space or rear elevations of any existing properties. The separation distance from the front elevation windows of the houses on the opposite side of the road is circa twenty-five metres and there are no particular circumstances that would necessitate reconsideration of the proposal with regard to impact on these properties.

- 7.4.7. It is considered that the blank side elevation, given the height and depth of the block, and, as a result, notwithstanding the separation distance the block is substantial and somewhat overbearing in impact. However the scale, mass and height of the blank elevation which extends along the side boundary of the site of the adjoining house represents a major change and somewhat overbearing impact in the immediate views towards the side from the rear garden and environs of this residential property.

Block 3

- 7.4.8. There is no potential for undue overlooking of third-party properties from rear elevations within revised design for the block as shown in the further information submission. The modifications providing for fenestration at the south western gable end is feature of interest within the scheme. The separation distances for between the rear elevations and the party boundary with the properties on Thomas Moore Road which have long rear gardens at 8.8 – 9.3 metres is satisfactory.

Blocks 4, 5 and 6.

- 7.4.9. The layout of the development along the ‘southern leg’ of the site where three residential blocks (Nos 4, 5 and 6) is restricted by the configuration entailing a narrow strip or “leg” between the rear gardens of existing two storey houses into which the three blocks and curtilage parking along the access route which is to be upgraded are to be inserted. This section of the site is backland and significantly different in layout to the previous unsuccessful proposal in order to address the isolation or severance of Block D, the southernmost block from the rest of the development in the prior proposal. However, it is considered that the insertion of three blocks in this section of the site in the alternative layout would result in a substandard layout and poor connectivity the area in which Blocks 1-3 are located in the proposed layout.
- 7.4.10. There is poor amenity potential due to a dominance of continuous surface, end-on parking between the access lane frontage and the footpath at the front building line of the blocks directly off the access route to be upgraded. There is very poor-quality amenity space to the rear of Blocks 4 and 5. For Blocks 4, 5 and 6 along the ‘leg’ of the site, the outlook from the front is across a narrow footpath to the continuous predominance of carspaces in front of the access route to be upgraded and the boundaries with the rear gardens and rear entrances to the existing residential properties on Walkinstown Road. The front elevation windows above ground level overlook the rear gardens of these properties across the parking spaces and access route to be upgraded.
- 7.4.11. The outlook from the rear elevation windows of the three blocks, at ground level across the narrow strip of communal space at the rear or the rear gardens in the

case of Block 6 towards the party boundaries with the rear gardens of properties on Thomas Moore Road and over those rear gardens from the upper floor windows.

- 7.4.12. Notwithstanding the provision for balconies/terraces for Blocks 4 and 5, the three blocks are severed from and have no linkage with or visual connectivity with the communal amenity area at the northern end of the site which are overlooked by and have close proximity to Blocks 1, 2 and 3, within the layout. As such these blocks are somewhat backland, by virtue of the site configuration whereby they are to be located in the “leg” at the rear of existing residential development. It is considered that the proposed development for the three blocks along this section of the leg is substandard and thus injurious to the amenities for future occupants.
- 7.4.13. More than fifty percent of the dwelling units within the development overall are shown to be dual aspect in the revisions provided in the further information submission and the distribution and sizes of the internal habitable accommodation are consistent with minimum standards within the Apartment Guidelines 2018.

7.5. Overlooking of Adjoining Properties.

- 7.5.1. It is considered that the proposed development as shown in the further information submission in which clarification and revisions are made to the original proposal, with regard to Block 3 and Block 6 in particular, does not give rise to any undue degree of overlooking notwithstanding the contentions in the appeals to the contrary.
- 7.5.2. For Block 4 notwithstanding the close proximity to the party boundaries with the properties on Thomas Moore Road owing to the orientation of the footprint the potential views from upper floors would be across the long rear gardens and not direct towards the rear elevations.
- 7.5.3. For Block 5 notwithstanding the minimal separation distance to the party boundaries with the properties on Thomas Moore Road the separation distances to the rear elevations is sufficient at circa twenty-two metres or more at first floor level.
- 7.5.4. For Block 6. The separation distances to the rear elevations is sufficient at circa twenty-two metres at first floor level. These properties do not include habitable accommodation at attic level and overlooking is not feasible from the proposed rooflights the purpose of which is to light landings and which are positioned at 1800 mm above floor level.

7.5.5. It can be concluded that it is satisfactorily demonstrated in the further information submission that the fenestrations arrangements for the blocks are such that no undue overlooking of existing adjoining properties would arise.

7.5.6. The separation distances between Blocks 1 and 2 within the site is across the community amenity space is very limited for four and five storey residential blocks. However, the potential for reciprocal overlooking is ameliorated by way of the positioning of the blocks and avoidance of fenestration directly across to the other block across the community amenity space.

7.6. Overshadowing of Adjoining Properties.

7.6.1. With regard to contentions in the appeals as to undue overshadowing attributable to the proposed development, the shadow diagrams and analyses included with the application is appropriate with regard to the methodology and as regards demonstration that minimum standards in BRE 2011 are exceeded. It is considered that it is satisfactorily demonstrated that any change to existing levels of sunlight access at third party properties, Nos 6 and 8 Balfe Road in particular are negligible and that there is minimal impact on the ends of gardens of properties on Thomas Moore Road.

7.7. Open Space and Community Amenity Space.

7.7.1. The communal open space the area of which is 1,050 square metres which is the sole meaningful open space within the development is very modest in size for principal open space and passive amenity space for a relatively significant and relatively high-density suburban development. Furthermore there is reliance on the overlap around the perimeter where there is doubling up with the circulatory function for access to some residential units in Blocks 1 and 2, This results in some erosion of the dedicated use as communal amenity space and the distinction of the public /semi private and private elements of the development. As also previously stated there is no visual linkage or interconnectivity with the residential development within Blocks 4, 5 and 6. Notwithstanding the site configuration this unsatisfactory outcome is exacerbated by the limited size and poor configuration of the ground level communal amenity space assigned to Blocks 4 and 5.

7.7.2. For a relatively high-density suburban development with no existing convenient public amenity facilities in the immediate vicinity, these arrangements for communal amenity space are quantitatively and qualitatively inadequate with regard to minimum requirements provided for in the CDP is not acceptable. The applicant's proposal for a section 48 (2) (c) special development contribution is not supported in that no project benefitting the development has been identified by the planning authority or applicant that demonstrates that the criteria for justification for the application of a condition with this requirement within the legislative framework relating to development contributions has been satisfied.

7.8. Trees and Vegetation.

7.8.1. Further to review of the tree survey there is no objection to the removal of the trees on the Balfe Road frontage (Nos 9-12) in that removal is justified to facilitate the redevelopment providing for Block 2. It has been clarified that only other two trees only, Nos 4 and 5 are to be removed within the site to facilitate the development. The removal is justified to facilitate construction of Block 3 and the boundary treatment. The replacement planting and boundary proposals are supported. Matters of dispute as to encroachment on third party properties can be resolved, if required, through the legal system.

7.9. Demolition and construction

7.9.1. Subject to preparation and completion of detailed demolition and waste management, construction management and construction traffic management plans, further to appointment of a contractor and the agreement of the planning authority prior to commencement if the development the construction stage arrangements should be acceptable. A degree of disturbance and inconvenience to surrounding developments is inevitable but for a limited duration but all works are subject to standards within various codes and agreed operational hours. With regard to the likelihood of dangerous substances such as asbestos, a requirement for a specialist contractor remove and dispose of it can be included by inclusion for an additional condition for purposes of clarity if permission is granted.

7.10. Drainage and Flooding Risk.

- 7.10.1. Observer parties have indicated serious concern about the capacity of the existing drainage network to serve the proposed development in addition to the existing development in the area. They state that there have been flooding incidents on the lane at the rear of the properties on Walkinstown Road. It is understood that the site lands are likely to be underlain by a watercourse possibly a culverted tributary of the Camac, and that there have been localised flooding occurrences which could be related to capacity and maintenance of the public infrastructure.
- 7.10.2. There are no issues of concern within the flood risk assessment, (prepared having regard to the recommendations with the statutory guidelines: *The Planning System and Flood Risk Management.(2009)*) which includes an assessment of the 750 mm diam. Pipe to be diverted to the main access road to which treated and attenuated surface water from the site is to be directed. Negligible potential for flooding risk is indicated. It is noted that the Drainage section has indicated satisfaction with the submissions provided in respect of surface and foul water drainage arrangements in the area and connections to the network, subject to conditions inclusive of SUDS requirements.

7.11. Traffic Generation, Parking, and Impact on the Local Road Network

- 7.11.1. The Transportation and Traffic Assessment report submitted with the application and the observations and recommendations of the internal roads report that predictions on traffic generation by the proposed development and movements on Walkinstown Road at the junction, with Drimnagh Road/Long Mile Road have been reviewed. The projections which indicate marginal change in flows are considered reliable and acceptable. The undertaking to prepare a mobility management plan is noted and a condition with a requirement for a compliance submission can be included if permission is granted.
- 7.11.2. It is noted that the roads and transportation department's concerns regarding the proposed arrangements, in the further information submission are not appropriate for being addressed by way of compliance with a condition, should permission be granted, and may not be satisfactorily resolved. The issues are as to a high concentration of end-on parking along almost the entirety of the upgraded access

route in which two parking options are provided for consideration and, the location in close proximity to the junction, at the right angled bend of parking and the extent of unavoidable manoeuvring in access and egress from the spaces and associated conflicting movements. These concerns are exacerbated by use of the existing vehicular access to the rear accesses to the properties of the Walkinstown Road properties to which the residents are entitled. The view of the planning officer that these matters are suitable for resolution by compliance with conditions is not supported.

7.11.3. The concerns as to significant additional demand for on street parking that would be generated as expressed in the appeals in that they consider that insufficient parking within the development is provided and that public parking facilities within the existing carpark will be eliminated by the development are understandable. It would be most likely that the problem would arise during business hours Mondays to Fridays.

7.11.4. Finally, the proposed cycle parking arrangements are considered satisfactory in quantum and with regard to the proposed distribution throughout the development, convenient to the residential units.

7.12. Environmental Impact Assessment.

7.12.1. The site has a stated area of 6,683 square metres is a brownfield site in a suburban area, outside of the central business district of the city. The development proposed is the removal of existing industrial buildings with a total stated area of 2,003 square metres along with associated site works and construction of a residential development of seventy residential units incorporating a commercial unit, retail unit and a community room with a total gross floor area of 6,527 square metres involving thirty five percent site coverage, a plot ratio of 0.98:1 along with upgrades to the access road, entrance, and provision for on-site parking and site works.

7.12.2. Having regard to the nature of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.13. Appropriate Assessment.

- 7.13.1. A screening assessment included with the application has been consulted. The nearest European sites are the South Dublin Bay SAC (000210) and the South Dublin Bay and River Tolka SPA (004024) The project is to be located on a serviced, brownfield site on which there are several industrial buildings and most of the surface is under impermeable material. The location is a mature suburban area and the site is not adjacent to watercourses but there are some trees and vegetation.
- 7.13.2. The project comprises demolition of the structures and surface materials which are to be removed and disposed of off-site in accordance with best practice and, construction of a residential development incorporating retail and restaurant elements, an upgraded access road and surface carparking, some provision for SUDS drainage for surface water and connection to the existing services.
- 7.13.3. A potential source pathway threat would be contamination of receiving waters within the European sites by polluted waters or effluent from the proposed development. However, given the extent and nature of the proposed development and the inclusion of SUDS drainage methods along with proposals for connection to existing services, and the availability of treatment facilities at Ringsend, it is concluded that the proposed development would not have significant environmental impact either alone or in combination with other projects and plans on European sites. A stage 2 appropriate assessment is therefore not required.

8.0 Recommendation

- 8.1.1. In view of the foregoing, it is recommended that the planning authority decision be overturned and that permission be refused based on the draft reasons and considerations which follow.

9.0 Reasons and Considerations.

1. It is considered that the proposed development constitutes substandard over development, by reason of excessive scale, height and mass of Block 1 and would undermine and would be overbearing relative to the Bank of Ireland

building on the corner site at the northern end of Walkinstown Road facing onto Drimnagh Road and Long Mile Road and would fail to satisfactorily integrate into the established form and character of the streetscape. As a result, the proposed development would seriously injure the visual amenities of the site location and its environs, and, would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would be substandard by reason of the:
 - The narrow configuration, back land and isolated nature of the area of the site in which Blocks 4, 5 and 6 are to be located, the predominance of end on parking to the front, poor outlook from the dwelling units to the front and rear to either side towards boundaries and the rear of existing residential properties and their lack of linkage or visual connectivity with the community amenity space serving the development.
 - The layout of the proposed development whereby the communal open space overlooked by Blocks A, B and C also serves as the circulatory access route for some residential units and,
 - The deficiencies in the quality and amenity potential of the single aspect apartments in Block 1, the fenestration, balconies and terraces of which overlook Walkinstown Road, a busy arterial which do not benefit from visual connectivity with the communal amenity space and, the poor amenity potential of the two apartments at ground floor level adjacent to the retail and commercial units.

As a result, the proposed would be substandard in attainable qualitative standards, would seriously injure the residential amenities of the future occupants, and, would be contrary to the proper planning and sustainable development of the area.

3. Having regard to the proposed continuous end on parking provision directly off the access road serving the proposed development and adjoining

developments on Walkinstown Road including locations close to the right angled bend and close to the junction with Walkinstown Road, the Board is not satisfied on the basis of the information available in connection with the application and the appeals that the proposed development would not lead to obstruction and conflicting traffic movements that would endanger public safety by reason of traffic hazard.

Jane Dennehy
Senior Planning Inspector.
21st August, 2020.