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## **Planning and Development Acts 2000 to 2019**

### **Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 2<sup>nd</sup> day of October 2019 by Dwyer Nolan Developments Limited care of SBA Architects, D13 Nutgrove Office Park, Nutgrove Avenue, Rathfarnham, Dublin.

#### **Proposed Development:**

A planning permission for a strategic housing development located on a 0.753-hectare site to the north of Poppintree Industrial Estate, bounded by St. Margaret's Road to the north, and Balbutcher Lane to the south-east, Dublin 11.

The proposed development will consist of a mixed-use development comprising:

- 1) A 300 square metre coffee shop on the ground floor of Block 03, fronting onto Hampton Wood Drive and St Margaret's Road;
- 2) 129 number apartments (55 number one-bed, 65 number two-bed, and nine number three-bed) in five, four to nine storey blocks comprising:
  - (a) a total of 19 number apartments (five number one-bed, nine number two-bed and five number three-bed) in four to five storey Block 1;
  - (b) a total of 14 number apartments (four number one-bed, nine number two-bed and one number three-bed) in five storey Block 2;
  - (c) a total of 40 number apartments (10 number one-bed, 27 number two-bed and three number three-bed) in six to nine storey Block 3;

- (d) a total of 33 number apartments (22 number one-bed and 11 number two-bed) and 126 number resident cycle parking spaces in six storey Block 4;
  - (e) a total of 23 number apartments (14 number one-bed and nine number two-bed) in five storey Block 5;
- 3) A single level basement providing 89 number car parking spaces including four number disabled parking spaces, 96 number resident bicycle parking spaces, service and plant areas, waste management areas and storage areas;
  - 4) A new vehicular access to the basement car park from the internal access road of the adjoining Hampton Wood Drive development to the south;
  - 5) The provision of a landscaped communal open space including children's play areas and 66 number visitor bicycle parking spaces; and
  - 6) All other associated works required to facilitate the proposed development including landscaping, a cycle path and footpaths along the Hampton Wood Drive and St. Margaret's Road frontages, a lay-by loading area and two number car parking spaces for the coffee shop on Hampton Wood Drive, 19 number surface car parking spaces adjacent to the internal access road of the adjoining Hampton Wood Drive development to the south and all associated services.

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location on lands with a zoning objective 'Z1' for 'Sustainable Residential Neighbourhoods' with the stated objective in the Dublin City Development Plan 2016-2022: 'to protect, provide and improve residential amenities;
- (b) the distances between the development site to public transport links, the proximity of the site, with regard to walking distances, to economic and social facilities, in addition to the separation distances between the proposed development and those existing, recently developed residential developments directly adjacent the site to the south, east and west;
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan and appendices contained therein,
- (d) the Ballymun Local Area Plan 2017;
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- (g) 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;
- (h) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (j) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (k) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009;

- (l) the pattern of existing and permitted development in the area;
- (m) the submissions and observations received, and
- (n) the report of the Inspector.

The Board considered that, having regard to the density, layout and design of the proposed development and subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the visual amenities of the area or the amenities of residential property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, and pedestrian and traffic safety. 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 within a zoned and serviced urban site, the Screening for Appropriate Assessment 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 conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered the Environment Impact Assessment screening section of the Planning Report submitted by the applicant.

Having regard to:

- (a) the nature and scale of the proposed development, on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

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

2. The proposed development shall comply with the terms and conditions governing the overall site under register references 1742/07 and 4387/03, unless modified or otherwise required by this grant of planning permission or any conditions contained in this schedule.

**Reason:** In the interests of orderly development and clarity.

3. The proposed development shall be amended as follows:
  - (a) The proposed Portland stone finish to Block 03 shall be replaced with a brick finish.
  - (b) The proposed precast concrete / techrete balcony finishes shall be replaced with glazing.
  - (c) Greater connectivity shall be created between the proposed development and the adjoining development to the south by the extension of the raised pedestrian connection between Cells 16 and 17 as indicated on Landscape Masterplan drawing number 1753\_PL\_P\_01 revision A. The connection shall be extended by the omission of one carpark space to the south-west of the proposed raised connection and five car parking spaces to the north-east, and the area allocated, including the associated roadway, to the extension of the pedestrian connection.

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

**Reason:** In the interests of visual amenity of the area and the proper planning and sustainable development of the area.

4. (a) Apartment types 1B-a and 1B-d and the associated communal corridor located on the ground floor of Block 05 shall be omitted and the resultant floor areas amalgamated to provide a community centre space / element of social infrastructure.
- (b) This space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.
- (c) The uses of the space shall be restricted to Class 8 use and Class 10 use as set out in Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
- (d) Prior to the first occupation of the community space a Special Purpose Vehicle, which could take the form of a corporate, charitable or not-for-profit organisation that would hold the freehold/long leasehold interest in the community space to ensure that its purpose is to provide for the greater benefit of the community, shall be established.
- (e) Prior to the first occupation of the community space details of the opening hours of the space shall be agreed.

Full details relating to the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of any residential units on the site. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** To provide an adequate standard of residential amenity for future residents of the scheme.

5. The proposed development shall be amended by omitting the two apartment types 2B-g on the ground floor of Blocks 04 and 05, and the resultant floor areas amalgamated to provide for a childcare facility. Direct access shall be provided from the facility to the adjacent public open space. The childcare facility shall be provided and retained as part of the development with access provided to both residents of the development and the wider community. Full details, including details of drop-off/pick up car parking spaces for the childcare facility, shall be submitted to the planning authority for the written agreement prior to the commencement of development.

**Reason:** To provide an adequate standard of residential amenity for future residents of the scheme and to comply with development standards 16.10.4 'Making Sustainable Neighbourhoods'.

6. The proposed development shall be amended as follows:
  - (a) All apartment types 2B-g in the proposed development shall have a balcony / terrace (circa six square metres) provided off the bedrooms where this is not already provided, in addition to the primary terrace off the living / dining area.
  - (b) The internal layout of the apartments of apartment Type 2B-a shall be amended to provide for a minimum width of 2.8 metres in all bedrooms.

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

**Reason:** In order to provide for an adequate standard of residential amenity for the future occupants of the scheme.



7. The proposed café area shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway) unless authorised by a further grant of planning permission.

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

8. The applicant shall submit the following to the planning authority for agreement prior to the commencement of development:
  - (a) Details of the materials, colours and textures of all the external finishes to the proposed development.
  - (b) Details of all signage, lighting (if any) of the coffee shop, creche and community facility associated with the development.
  - (c) Full details of wayfinding through the site including details of access to the public lifts which should include hours of operation.
  - (d) Details for the provision of 24-hour access to the public realm areas and basement level car parking detailed on the submitted plans and particulars.

**Reason:** In the interests of visual amenities, permeability, connectivity and good urban design.

9. 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.

10. Each apartment shall be used as a single dwelling unit only.

**Reason:** To prevent unauthorised development.

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

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

12. 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.

13. Full details of mitigation measures to offset adverse impacts of micro-climate wind conditions shall be submitted to the planning authority for written agreement prior to the commencement of any development on site.

**Reason:** To protect the residential amenity of the area.

14. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to the planning authority for written agreement prior to commencement of development:

- (a) The internal road network, public footpaths within and outside the proposed development site, lighting, bin stores and cycle parking provision and car parking arrangements, shall comply with the requirements of the planning authority for such works.
- (b) The developer shall undertake to implement the measures outlined in the Preliminary Mobility Management Plan and to ensure that future residents of the proposed development comply with this strategy.
- (c) A car parking management strategy shall be put in place for the overall development. The strategy shall address the childcare facility use and community space use and requirements for drop off and turning arrangements and continual management and assignment of spaces to uses and residents over time. All car parking spaces, with the exception of visitor parking, shall be let/sold with the residential units and shall not be sold or let separately or independently. A management scheme for on-street car parking shall be put in place, regard being had to the childcare facility and community space.
- (d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interests of traffic and public safety.

15. Details of the segregation of the communal and public open spaces, including robust and secure boundary treatments and soft and hard landscaping features shall be submitted for the written agreement of the planning authority prior to the commencement of development on site.

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

16. (a) The site shall be landscaped in accordance with the submitted scheme of landscaping. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.
- (b) Where feasible the planting of native pollinator friendly species of plants and trees shall be incorporated into the landscape plan.
- (c) Play equipment for children / young people and a piece of public art shall be provided for in the development, the developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park / public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the planning authority at all times. Details shall be submitted to the planning authority for written agreement prior to the commencement of development on site.

**Reason:** In the interests of conservation, residential and visual amenity.

17. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health and to ensure a proper standard of development.

18. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

19. The requirements of the Dublin Airport Authority shall be complied with in so much as the developer shall agree any proposals for crane operations (whether mobile or tower crane) in advance of construction with Dublin Airport Authority and the Irish Aviation Authority.

**Reason:** In the interest of air safety.

20. Site development and building works shall be carried only out between 07.00 to 19.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

21. Proposals for an estate/development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate/development signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

22. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

**Reason:** In the interests of orderly development, the visual amenities of the area and for satisfactory future maintenance.

24. All of the communal parking areas, including basement parking, serving the apartments shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

25. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

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

26. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

27. 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.

28. 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.

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**Terry Prendergast**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this          day of                                  2020**