



An
Bord
Pleanála

Board Order ABP-305993-19

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Associated reference number: ABP-304346-19

REQUEST received by An Bord Pleanála on the 22nd day of November 2019 from Platinum Land Limited care of McCutcheon Halley Chartered Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin 7 under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a Strategic Housing Development at the Former Chiver's Factory Site Coolock Drive Coolock, Dublin 17, which is the subject of a granted permission under An Bord Pleanála reference number ABP-304346-19.

WHEREAS the Board made a decision to grant permission, subject to 26 conditions, for the above-mentioned development by Order dated the 13th day of August 2019,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration are described as follows:

- Facilities Building – Crèche moved to ground floor. Gym and associated changing rooms moved to first floor. Outdoor gym space added to first and second floor.

- Blocks A1 and A2 (90 number units per block) – Height changed from permitted 6, 8 and 9 storeys to 6, 8 and 10 storeys, resulting in reduction from 196 number apartments to 180 number apartments, and addition of laundry space and concierge to ground floor level. Change in elevation materials in tower element from white to grey stone.
- Block B – Removal of ground level parking and podium courtyard at first floor; duplex units removed; apartment cores amended to improve efficiencies; increase in number of apartments from 173 to 213 units; new residents lounges; co-working space, laundry and reception with post room added; reconfiguration of central bar to allow for one central courtyard; wider pedestrian entrances to courtyards; minor façade changes including fenestration and materials.
- Block C – removal of ground level parking and podium courtyard at first floor; duplex units removed; apartment cores amended to improve efficiencies; increase in number of apartments from 126 number to 157 number units; wider pedestrian entrances to courtyards; minor façade changes including fenestration and materials; new basement car park entrance; new resident lounge, laundry and concierge.
- Basement – slight increase in area from 11,707 square metres to 11,753 square metres; increase in number of car parking spaces including stacked car parking, from 181 spaces to 308 spaces; stacked bicycle parking added to maximise space efficiency; new basement entrance for cars; reconfiguration of bins storage and plant to co-ordinate with changes to internal cores within the blocks all located at the Former Chivers Factory Site, Coolock Drive, Dublin 17.

AND WHEREAS the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS the Board decided, in accordance with section 146B(3)(b)(i) of the Planning and Development Act 2000, as amended, to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional information to be submitted in relation to net density, compliance with national guidance and the Dublin City Development Plan, dual aspect units, additional CGIs and photomontages,

AND WHEREAS having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE, in accordance with section 146B(3)(b)(ii)(II) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered, in accordance with the plans and particulars submitted to the Board on the 22nd November 2020 and on 28th August 2020, subject to the alteration of conditions 1 and 4 of ABP-304346-19 as follows:

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 28th day of August 2020, 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.

Reason: In the interest of clarity.

4. The proposed development shall be amended as follows:
- (a) The westernmost 10 storey element of Block A1 and the westernmost 10 storey element of Block A2 shall be reduced by the omission of two intermediate floors to a maximum of 8 storeys.
 - (b) The pedestrian gates at the entrances to Blocks B and C shall be omitted and no pedestrian gate or barrier shall be permitted at the pedestrian entrances to Blocks B and C.
 - (c) Full details of the internal layout of the creche, which shall accommodate 75 number children, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
 - (d) An artificial otter holt shall be installed in a bank of the Santry River on the site. Its design, exact location and surrounding planting shall be agreed in writing with the planning authority.

Revised plans and particulars shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

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

Having regards to:

- (a) The site's location within the built-up area of Dublin in proximity to a range of services and facilities including the bus corridor along the Malahide Road;
- (b) The provisions of the Dublin City Development Plan 2016-2022, including the zoning of the site for residential use under objective Z1;

- (c) The nature and scale of the Strategic Housing Development permitted under An Bord Pleanála reference number ABP-304346-19 for this site;
- (d) The appropriate assessment and environmental impact assessment carried out in the course of this application;
- (e) The nature and scale of the alterations;
- (f) The absence of any significant new or additional environmental effects (including those in relation to European Sites) arising as a result of the proposed alterations;
- (g) The absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations;
- (h) The range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura impact statement (incorporating Appropriate Assessment Screening),
- (i) The objectives of the Project Ireland 2040 National Planning Framework in particular objectives 3b, 11, 27, 33 and 35,
- (j) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (k) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (l) 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;
- (m) 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;
- (n) 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 2019, as amended;

- (o) The submission received, and
- (p) the report of the planning Inspector.

Appropriate Assessment: Stage 1

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 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, other than European Site Code 000206 (North Dublin Bay Special Area of Conservation) and European Site Code 0004006 (North Bull Island Special Protection Area), which are European sites for which there is a likelihood of significant effects.

Appropriate Assessment: Stage 2

The Board considered the Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on European Site Code 000206 (North Dublin Bay Special Area of Conservation) and Site Code 0004006 (North Bull Island Special Protection Area), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The submission received from the prescribed body and the applicant's further submission in the course of the application;
- (d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information gathered in the course of the environmental impact assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submission made in the course of the application as set out in the Inspector's report.

The Board is satisfied that the Inspector's report sets out how these various

environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction and Environmental Management Plan (CEMP) is the overarching general mitigation embedded in the project design and delivery for the construction stage. In addition, plans relating to Waste Management, Invasive Species Management and Traffic Management are also proposed. The main significant effects, both positive and negative are:

- Residual Landscape and visual impacts will be mitigated through the design and the integration of the landscape and architectural design and the extension of the Santry River linear park.
- Traffic and transport impacts will be mitigated through the provision of an upgrade to the Oscar Traynor Road and Coolock Drive signalised junction in order to assist to reduce traffic speeds by reducing the widths of the individual approaching lanes of the northern and western arms and through the Introduction of pelican pedestrian crossing features along Coolock Drive and Greencastle Road in order to provide a more pedestrian friendly environment, and, therefore, reduce traffic speeds of oncoming traffic and also through the preparation of a Mobility Management Plan, which outlines a series of measures to reduce the reliance on private vehicular modes of transport for future residents.

- Noise impacts during construction which will be mitigated by environmental management measures including management of vehicles and plant; sound reduction measures; limited hours of construction; ongoing contact with local residents and monitoring of typical noise levels.
- Dust impacts during construction which will be mitigated by a dust management plan.
- Biodiversity impacts on birds and bats which will be mitigated by construction management measures.
- Biodiversity impacts related to the loss of existing trees at the site which will be mitigated by the proposed landscaping scheme.

Conclusions on Proper Planning and Sustainable Development

The Board considers that the proposed alterations would be material and, subject to compliance with conditions, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience.

The Board considered that a grant of permission for the proposed Strategic Housing Development would materially contravene the Dublin City Development Plan 2016-2022 in respect of building height. The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of Dublin City Development Plan 2016-2022 would be justified. The proposed development is in accordance with Specific Planning Policy Requirement (SPPR) 4 of the Urban Development and Building Height Guidelines and in compliance with section 3.6 of the guidelines. The design strategy as it relates to scale, mass and height of the proposed structures, at this highly accessible location, represents an appropriate design response to the site's locational context and to the established character and pattern of development of the area, and the large open space and parkland to the

