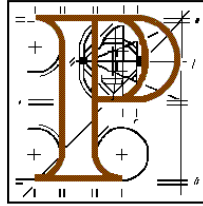


An Bord Pleanála



Inspector's Report

Appeal Reference No. **PL29N.245580**

Development: 101 residential units, revised boundary treatment, amendments to layout and design of the road and associated site and infrastructural works at Griffith Avenue, Marino, Dublin 9.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: 2347/15

Applicant: Argentum Property Holding Three Ltd.

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): All Hallows Area Association
Anne Griffin and Others

Type of Appeal: 3rd Party

Observers: Marino and District Community Centre

Sean Haughey

Date of Site Inspection: 08/01/2016

Inspector: L. Dockery

1.0 SITE LOCATION AND DESCRIPTION

1.1 The subject site, which has a stated area of 30,648 square metres, is located on the northern side of Griffith Avenue, between Drumcondra Road and Malahide Road, Dublin 9. Griffith Avenue is notable for the length of its double row of lime trees. To the west of the site lies the Charlemont residential development while to its east is Scoil Mhuire primary school and St. Vincent's Catholic Church.

1.2 The site forms part of a larger land-holding of institutional lands and adjoins the Marino Institute of Education and Centre of the European Province of the Congregation of Christian Brothers. The majority of the site is currently under grass, mostly overgrown with spoil from the construction of the roadway evident. The layout of the partly complete access road to Marino Institute from Griffith Avenue, permitted under PL29N. 234636, is visible. The roadside boundary to Griffith Avenue is comprised of a low wall, topped by railings and subdivided by pillars. The site rises steeply away from Griffith Avenue in a northerly direction.

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development, as per the submitted public notices, comprises the construction of 101 residential units comprising:

12 x 5 bed units

12 x 4 bed units

55 x 3 bed units

22 x 2 bed units

The proposal also includes for publicly accessible open space of 6125 square metres, revised boundary treatments, amendments to layout and design of road permitted under PL29N.234636 and all associated site and infrastructural works.

2.2 A further breakdown of the proposed units is as follows:

28 x 2 storey, 3 bed terrace (Type 1A to 1C) - floor area 117 m²

14 x 2.5 storey, 3 bed semi-detached (Type 2A and 2B) - floor area 116m²

11 x 2 storey, 3 bed semi-detached (Type 3A and 3B) - floor area 115-117 m²

1 x 2 storey detached (Type 3C) -115 m²

1 x 2 storey, 3 bed semi- detached (Type 3D) -115 m²

12 x 2.5 storey, 4 bed with study semi-detached (Type 4A and 4B) - 173-179 m²

12 x 2.5 storey, 5 bed with study detached (Type 4A and 4B) -181-184 m²

22 x two-bed apartments (ranging in size from 84.8-93.5m²)

2.3 The net density is stated at 33 units per hectare with a stated gross density of 41 units per hectare.

2.4 A letter of consent from the Congregation of Christian Brothers confirming consent to Argentum Property Holding Three Ltd lodging a planning application which includes revised boundary treatment, (marked purple on attached maps) is attached to the file.

2.5 It is proposed to construct the subject development in two phases, with the first phase being the western portion of the site and Phase 2 being the larger portion on the eastern side of the access spine.

2.6 Attached to the file are the following documents:

- Traffic Impact Assessment
- Planning Report
- Engineering Service Report
- Preliminary Tree Survey and Report
- Housing Quality Assessment
- Architectural Report
- Masterplan

- Sunlight Access Analysis
- Landscape Plan

3.0 PLANNING AUTHORITY'S DECISION

3.1 Permission GRANTED, subject to 23 conditions.

Condition No. 4 relates to opaque glazing to 2nd floor rooflights, landing lights, WCs, bathrooms and second floor living room window to Unit 10 apartment block

Condition No. 6 and 7 relate to landscaping and tree protection

Condition No. 8 relates to roads and traffic issues

3.2 Further Information was requested by the planning authority in relation to 8 points namely relating to reasonable obviation measures to maximise privacy between proposed development and houses uphill to north; 11m setback or other alternative between houses adjacent to western boundary; investigate additional privacy measures for western ground floor apartments located within front communal space area; details of level of shadowing of proposed gardens to serve family dwellings; clarify details of proposed treatment of western boundary and that with primary school; consider retention of some trees; consult with Dublin City Childcare Committee in support of case for non-provision of childcare facility on site

4.0 TECHNICAL REPORTS

Planner's Report

The Planner's Report reflects the decision of the Planning Authority

Roads, Streets and Traffic Department

No objections, subject to conditions

The proposed development is acceptable in principle at this location. The transport assessment demonstrates that the road network in the area is capable of accommodating the traffic generated by the proposal. It is also acknowledged that the site is within walking distance to a wide range of public transport facilities, in particular bus services along Griffith Avenue, Malahide Road and Drumcondra Road.

Engineering Department- Drainage Division

No objections, subject to conditions

Conservation Officer

The subject site adjoins the ACA which was designated as a buffer to protect the Casino Marino which is the significant architectural feature of this area. The proposal appears to be sufficiently far from the Casino so as not to cause any detrimental impact. There are also intervening buildings.

The buildings along Griffith Avenue are architecturally undistinguished but the road is notable for the length of its fine double row of lime trees. Their retention and conservation is important so as not to interrupt this long vista. That appears to be the intention of the proposals insofar as possible with new road levels and protection areas, as the trees are located outside the outline of the site

Environmental Health Officer

Conditions attached

Parks Department

Stated in Planner's Report that conditions recommended (report does not appear to be attached to file)

5.0 APPEAL GROUNDS

5.1 The grounds of the third party appeal lodged by O'Neill Town Planning Consultants on behalf of All Hallows Area Association may be summarised as follows:

- Proposal is an inappropriate development in land use, design and layout and is material contravention of Development Plan by virtue of failure to comply with zoning objective
- Loss of prime open space beside ACA which is characterised by double row of trees that define Griffith Avenue
- Alters character and pattern of development
- Considers that proposal does not achieve zoning objective
- Apartment would be obtrusive, incongruous and out of character visually- requests its omission and replacement by housing or relocated on site
- Important that tree lined boulevard is preserved
- Traffic concerns- suggest traffic management system linking traffic lights
- Proposal will exacerbate flooding in vicinity
- Outlines procedural issues relating to stated applicant
- Considers proposal to be an unnecessary and damaging intrusion into a well-established residential area
- Overbearing effects will seriously affect residential amenities leading to devaluation of environmental quality of the area
- Questions need for rooftop communal space
- Only by reducing density can private open space standards be met

- Approved roadway has dictated location and scale of public open space- concerns regarding levels of traffic through the open space
- Proposal is not an appropriate development for lands where the primary objectives and policy is to retain openness and natural amenity- concerns regarding removal of mature trees
- Unclear if all lands included in public open space are in the ownership of the applicants and therefore not clear if 20% provision has been achieved
- These are institutional lands in outer city and not a greenfield site
- Concerns regarding impact of increased traffic, in particular when taking into account potential of MIE and adjoining lands for large scale developments
- No information was given to support applicant's claim that childcare facilities should not be provided in the proposed development
- Masterplan should have been extended to include all of lands contiguous to site
- Contends that there is inadequate separation distance between apartments and houses
- Proposal would set an undesirable precedent for future similar developments on Z12 zoned lands

5.2 The grounds of the third party appeal lodged by Anne Griffin may be summarised as follows:

- Closest residential neighbours to proposed development sharing a boundary along western boundary of site
- Seeks retention for screening and environmental purposes of mature trees, planted by owners of Charlemont 1-6 with permission of landowner, along their back gardens- also seeking additional screening

- Requests that condition be attached that prior to commencement of development all details relating to boundary wall and planting be agreed in writing with local authority, together with replacement of shrubbery and domestic utilities
- Concerns regarding proposed houses directly adjoining their back wall, in particular relating to restriction of light- blocking of light will have dramatic negative impact on quality of their outdoor space- heights are not in keeping with houses in immediate area

6.0 RESPONSES

6.1 A response was received on behalf of the applicant, which may be summarised as follows:

- Specifically noted in Development Plan that Z12 lands could be developed for residential use- number of precedents cited
- Application accompanied by masterplan relating to entire lands zoned Z12 at Griffith Avenue
- Access road and topography were key factors which influenced layout of development on the site- optimal location for public open space was at front of site- outlines design rationale
- Proposal sensitively designed to ensure protection of existing environmental amenities
- Subject lands are not currently public open space but are in private ownership with no formal public accessibility
- Net density of 33 units per hectare- slightly below recommended density guidelines, as cited in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2008)- submitted that a lower density on site would be unsustainable and would represent a poor utilisation of strategically located, serviced and zoned lands
- Subject site is greenfield in nature and has the potential to relate to its own identity and character-lands to north are outside control of applicant

- With regards procedural issue, a letter of consent was provided by the Congregation of Christian Brothers consenting to any revisions to the northern boundary as it may affect their lands and for tie in works at the existing vehicular entrance- the only lands in the control of the Christian Brothers relevant to this application is the boundary line to the north and existing vehicular access point- remainder of lands in their entirety are in ownership of Argentum Property Ltd
- Open space provision is compliant with development plan standards
- Location of shared open space at roof level would afford residents of the apartments an element of privacy which would not be afforded if such space were located at ground floor – its provision at side/rear of apartment block would result in reduced density to an unsustainable level- open space is appropriate and will provide a high quality new public amenity to existing and future residents- confirms that open space represents 20% of the gross site area of the development
- Siting of apartment building is appropriate and provides a sufficient separation distance from proposed dwellings- further measures were provided at further information stage
- Application accompanied by a detailed tree survey and report and landscape plan- particular care has been given to existing line of mature trees on Griffith Avenue to ensure they are protected and preserved- double row of trees along the Avenue will remain unaffected by proposed development- replacement planting also proposed
- Detailed TIA was submitted with application- no objections from planning authority- development entrance modelled for all scenarios- no material adverse impact on the road network
- Average of 1.25 parking spaces per unit- close proximity to public transport

- Full report by the Dublin Childcare Committee was submitted with the application- provides a survey of existing childcare facilities in the vicinity
- In terms of flooding, proposed development will not exacerbate the existing situation on Griffith Avenue and measures will ensure that runoff rates are maintained at pre development levels
- Construction management will be addressed by means of condition- happy to accept such a condition
- Trees will be retained where feasible along western boundary- where removal is necessary due to structural work to wall, happy to accept a condition requiring their replacement
- Given separation distances and site level distances, the proposed dwellings will have no adverse impact on amenities of adjacent dwellings in terms of overshadowing or overlooking
- Proposed apartment will create a gateway building and a visual marker

6.2 The submission includes a report prepared by OCSC which may be summarised as follows:

- Proposed development will not exacerbate the existing situation on Griffith Avenue and measures will ensure that run-off rates are maintained at predevelopment levels
- Proposed parking provision is sufficient to cater for the expected demand of such a location and there will be no resultant impact on the external road network
- The development entrance has been modelled for all scenarios as part of the TIA and has been shown to operate well within normal capacity limits with significant reserve capacity available- potential for rat run is not considered realistic in this instance given that the route through the development is longer than the existing route
- Potential development of adjacent lands would be subject to its own planning application

- Condition No. 8(c) of grant of permission requires the preparation of a Traffic Management Plan

- 6.3 No response was received from the planning authority.
- 6.4 A response to the above was received from Marino and District Community Centre Ltd which reiterates many of their original points relating to design and location of apartment block; details of drawings; privacy and impacts of development on street.
- 6.5 A response to the above was received from Anne Griffin and Others which reiterates many of their original points details of drawings/photomontages; traffic; impacts on boundary walls and property rights. Lack of daylight/shadow analysis was also raised in this submission
- 6.6 A response to the above was received on behalf of All Hallows Area Association, which reiterates many of their original points made relating to loss of public open space; masterplan; replacement of trees; acceptability of roof garden; ownership and compliance with zoning objective. Points are again raised in relation to appropriateness of proposal on lands zoned for institutional use and a failure to protect the environmental quality of the area.

7.0 OBSERVATIONS

- 7.1 An observation was received from Marino and District Community Centre Ltd, which may be summarised as follows:
- Questions level of detail submitted with application
 - Considers proposal to be serious over development of the site without regard for its visual impact

- Proposal positioned too close to Griffith Avenue- should have similar setback to Scoil Mhuire so as not to deter from visual impact of the avenue
- Apartment is out of scale and will appear taller as site is elevated
- Traffic Impact Assessment seriously underestimates impact of additional traffic from this development
- Outlines pedestrian movements and assumes traffic lights will be installed- concerns in relation to creation of congestion
- None of houses have front gardens or any shared landscape area- no provision for second car, no space allocated for bins
- Not unreasonable to expect that this development should aspire to similar standard of design and architecture as that across at Marino

7.2 An observation was received from Sean Haughey, Dublin City Councillor which may be summarised as follows:

- Proposal would fundamentally change special character of Griffith Avenue
- Concerns regarding height of proposed apartment block relative to houses across the road and nearby school- out of scale and character when compared to these buildings
- Proposed roof gardens and balconies will seriously injure the residential amenities of nearby householders
- Proposal not set back far enough from the road and existing streetscape is interrupted- unique double line of trees on Griffith Avenue will be destroyed
- Concerns regarding safety of pedestrians in vicinity will have to be considered
- Loss of parking along Griffith Avenue and additional parking requirements for few parking space

- Large scale development such as this should not be permitted on Z12 zoned lands- contrary to proper planning and development of the area

8.0 PLANNING HISTORY

8.1 The most recent application pertaining to this site is as follows:

3226/09 (PL29N.234636)

Permission GRANTED on appeal for new vehicular and pedestrian entrance and associated works directly from Griffith Avenue

It is noted that there are a large number of historical permissions on the residual parent land-holding, associated primarily with the Marino Institute of Education.

9.0 DEVELOPMENT PLAN

The Dublin City Development Plan 2011-2017 is the operative County Development Plan for the area.

Zoning

The site is located within 'Zone 12' Institutional Land (Future Development Potential) the objective for which is "to ensure that existing environmental amenities are protected in any future use of these lands".

'Residential' is a permissible use under this zoning objective

The Marino Architectural Conservation Area is located to the east of the site

Section 4.4.3.1 Urban Density

Section 11.4.6 Apartment Living

Section 15.10.12 Institutional Land (Future Development Potential)

Section 17.1.1 Design

Section 17.9 Standards for Residential Accommodation

Policy QH18

To ensure that new houses provide for the needs of family accommodation and provide a satisfactory level of residential amenity. All new houses shall comply with the Residential Quality Standards (see section 17.9.1)

Policy QH19

To ensure that new housing development close to existing houses reflect the character and scale of the existing houses unless there are exceptional design reasons for doing otherwise

Policy SC13

To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city; which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 17, Development Standards including the criteria and standards for good neighbourhoods; quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities

Policy SC14

To promote a variety of housing and apartment types which will create both a distinctive sense of place in particular character areas and neighbourhoods, and coherent streets and open spaces

DoE,H&LG (2009) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas

5.10 Institutional Lands

DoE,H&LG (2007) Guidelines for Planning Authorities, Sustainable Urban Housing: Design Standards for New Apartments

Appendix Recommended Minimum Floor Areas and Standards

10.0 ASSESSMENT

10.0.1 I have examined all the documentation before me, including the reports of the Planning Authority, the appeal submission, observations and responses and have visited the site and its environs. I am assessing this appeal de novo.

10.0.2 Further Information was requested by the planning authority and as a result revisions to the original application were submitted. In my mind, the main issues relating to this appeal are

- Principle of proposed development
- Design and Layout of proposed development
- Impacts on amenity of area
- Traffic and parking issues
- Appropriate Assessment
- Other issues

10.1 PRINCIPLE OF PROPOSED DEVELOPMENT

10.1.1 The subject site is located within 'Zone 12' of the operative City Development Plan, which seeks to 'to ensure that existing environmental amenities are protected in any future use of these lands'. This objective is considered reasonable. Residential use is considered a permissible use under this zoning matrix.

10.1.1 Section 5.10(e) of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas deals with Institutional lands. The DoE,H&LG Guidelines recognises that a considerable amount of developable land in suburban locations is in institutional use and/or ownership and state that in the event that planning authorities permit the development of such lands for residential purposes, it should then be an objective to retain some of the open character of the lands. It further states that in the absence of an LAP, any application for development of institutional lands should be accompanied by a masterplan outlining proposals for the entire landholding. Section 15.10.12 of the operative City Development Plan deals with institutional land Zone 12 and states that a minimum of 20% of the site, incorporating landscape features and the essential open character of the site will be required to be retained as accessible public open space. This space is not to be split up into sections and shall be comprised of soft landscape suitable for relaxation and childrens play. The Plan further states that the planning authority will require a masterplan setting out a clear vision for the future development of the entire landholding.

10.1.2 No LAP exists for the subject lands and a masterplan was submitted as part of the original application. The masterplan only examines lands within the appeal site and does not include for the Z15 zoned lands to the north. This is considered acceptable in this instance and I would be of the opinion that such plans would be submitted as part of any future application for those lands. The masterplan submitted with this file outlines the vision and concept for the site, which includes for the

provision of 20% public open space. This public open space will link through from Griffith Avenue to the Marino Institute of Education (MIE) campus. The entrance onto Griffith Avenue will be open to encourage permeability and accessibility through the proposed layout. I note that the previously permitted access road, permitted under PL29N.234636, traverses through part of this open space area and the layout of this road is being altered to accommodate the residential nature of the development. The location of this roadway is acknowledged by the applicants as a constraint to the future layout of the development and I concur with some of the appellants that it is an influencing factor in the development of the proposed scheme. I do consider however that the location of the open space within the site is acceptable. The housing is set up either side to address the public open space and frame the view of St. Mary's building uphill to the north. It is hoped that this layout will act as an appropriate setting for this structure, which will become a new centrepiece for the park. Detailed proposals have been submitted for this public open space within the application, which includes for a play area, and this is considered acceptable and in accordance with the abovementioned guidelines and policy. I note the proposal to construct the proposed development in two phases, with the playground element being proposed for the second phase. I concur with the opinion of the planning authority that the playground area should be constructed in Phase 1 and if the Bord is disposed towards a grant of permission, this issue should be dealt with by means of condition.

10.1.3 Having regard to all of the above, I consider the development as proposed to be acceptable in principle and generally in compliance with the zoning objective for the area.

10.2 DESIGN AND LAYOUT OF PROPOSED DEVELOPMENT

10.2.1 The layout of the proposed scheme is generally considered acceptable and it provides for a variety of house types and sizes, fronting onto a

landscaped area of public open space that will attract a multitude of different users. The proposed scheme is laid out in a 'homezone' fashion, providing for naturally supervised short streets and cul-de-sacs with traffic calming measures built into the original design. The layout respects both the importance of Griffith Avenue as a boulevard and allows visibility and permeability through to the lands to the north. The creation of a vista of St. Mary's buildings will add to the attractiveness of the area. The setback from the roadway is considered acceptable and I consider that the proposal will not detract in negative fashion from the character of Griffith Avenue or any of the other surrounding roadways. The proposal will in fact add to the amenities within the area. An area of public open space, accessible to all, is now being proposed as part of this development when presently the site is privately owned, fenced off and overgrown.

10.2.2 A total of 101 residential units are proposed, with the mix comprising of 22 x 2 bed apartments; 55 x 3 bed houses; 12 x 4 bed houses and 12 x 5 bed houses. It is stated that a total of 14 different house types are proposed, which will add to the visual interest of the area. The DoE,H&LG Guidelines state that in the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts. The gross density in this instance is stated as being 33 units per hectare, with the net density stated as being 41 units per hectare. The apartment block, located to the east of the public open space, concentrates somewhat higher densities at this location, in line with the aforementioned guidelines. Considering the institutional zoning of the lands and the more cautious approach alluded to in both the operative City Development Plan and national guidance due to the requirements of 20% public open space provision, I consider that the density acceptable in this instance.

10.2.3 This is a steeply sloping site that rises upwards from Griffith Avenue. The heights of the proposed units have been designed to reflect this

slope. The proposed dwellings are generally 2- 2.5 storeys in height and their design is a modern take on a traditional idiom. Details of materials and finishes have been submitted, which are considered acceptable in principle. If the Bord is disposed towards a grant of permission, this matter should be dealt with by means of condition. The proposed apartment building is three storeys over a parking plinth-essentially four storeys in height. All apartments are dual-aspect, but it is noted that some have only fairly limited second aspect. The height of the ceilings to some apartments will give an added feeling of spaciousness to any future occupiers, making them an attractive place in which to reside. All proposed residential units have floor areas in excess of minimum standards.

10.2.4 In terms of private open space provision, all proposed units meet minimum standards with many units having a figure in excess of these. However, I do draw the attention of the Bord to the fact that many proposed dwellings do not have rear garden lengths of 11 metres nor does a 22 metre separation distance between opposing first floor windows exist. However, the proposed dwellings have been designed to overcome this shortcoming with overlooking not expected to be excessive in any instance. The planning authority attached a condition to their grant of permission in relation to the provision of opaque glazing to WC, bathroom and landing windows at second floor levels. I would concur with this and would also recommend it at first floor level in order to avoid any issues of overlooking, perceived or otherwise. Some of the appeal submissions express concerns regarding separation distances proposed between Units 1-7 and the existing dwellings along Charlemont Road. I draw the attention of the Bord to the revised proposal which was submitted as Further Information to the planning authority which now provides for first floor setback, which gives adequate separation distance between the properties in my opinion. I also acknowledge that the buildings along Charlemont Road are at a slightly higher level than those proposed in this current scheme and that most have single storey conservatory type extensions to their

rear. I note as an aside that rooflights are shown on the section for these proposed properties and not on the elevational drawings. I recommend that a condition be attached to any grant of permission stipulating that any such rooflights be high level and comprised of obscure glazing.

10.3 IMPACTS ON AMENITY

10.3.1 I acknowledge the concerns raised by the appellants and observers in their submissions. Having examined the documentation before me, together with having carried out a visit of the site and its environs, I am of the opinion that the proposal is generally considered acceptable in principle and that impacts on amenity would not be so great as to warrant a refusal of permission.

10.3.2 I acknowledge the concerns raised by the appellants with regards the impacts of the proposal on Griffith Avenue. These concerns are considered reasonable. It is stated within the documentation that Griffith Avenue is the longest such tree lined boulevard in Europe and it is my opinion that the character and importance of this route should not be compromised by any development. I consider that the proposal before me adequately addresses the importance of this boulevard and it is stated within the submitted documentation that the proposed development will not result in the removal of any of the double line of lime trees along Griffith Avenue. This is considered acceptable. The site in its current state adds little to the amenity of the area- it is fenced off, inaccessible and overgrown. The layout of the proposal with the tract of public open space is such that it will provide a pleasant vista though the proposed development to St. Mary's building and will allow permeability though the site. The provision of the playground at the Griffith Avenue side of the proposed space will enhance the area and will add to the facilities within the vicinity. I acknowledge that the proposal will result in the removal of a number of mature trees within the site. I accept however that it would be very difficult to develop the

site to any degree, whilst still maintaining all of these trees. A detailed landscape plan has been submitted, which includes for replacement planting and this is considered acceptable in my opinion.

10.3.3 Having regard to the site levels, together with the design and layout of the proposed development, I consider that issues of overlooking or impacts on privacy would not be excessive. I have dealt in greater detail with the issue of overlooking above. Where reduced separation distances are proposed, I note that adequate amelioration measures are proposed to avoid any such issues. I also note Condition No. 4 of the decision to grant permission. Having regard to the separation distance involved, I consider that issues of overshadowing or loss of light would not be significant for the majority of units. I do note however that proposed Units 16 and 17 did not achieve the criteria of receiving 2 hours of sunshine over 50% of the garden on March 21st. All gardens however will receive a high degree of sunshine during summer months when they are more likely to be used. There is an option to recommend the omission of these units, if there is a question over the level of amenity to be enjoyed by future residents. However, I do note that these are only 2 units out of a total of 101 units that fail to meet the standard. I also note the relatively high quality of the development proposed, together with the fact that the subject properties are in close proximity to quality open space, which will include for a small play area. Having regard to this, I consider that the omission of these two units is not necessary in this instance and that the issue of loss of sunlight is not so great as to warrant their omission. In addition, as this is a new build development, any potential buyers will be aware of this shortcoming and will make their decision accordingly.

10.3.4 I note some of the appellants questioned the appropriateness of the open space at roof level to the apartment block. I consider that this open space is acceptable and accept the points made by the applicants in terms of privacy.

10.3.5 The issue of the retention of existing trees along the western boundary, which were stated to have been planted by the residents of Charlemont Road with the permission the site owners has been raised in the appeal submissions. Within the Further Information response to the planning authority, the applicants stated that there is no legal agreement in place to retain them. The replacement of the boundary wall at this location due to structural deficiencies may necessitate their removal. They state that they may be retained but it is the applicant's intention to provide new screen planting and trees and would welcome any condition relating to same. I noted the subject trees at the time of my site visit and consider that in their present condition add very little to the amenity of the area. The response given by the applicants is considered reasonable and I recommend that if the Bord is disposed towards a grant of permission, that the matter of landscaping and boundary treatments be dealt with by means of condition.

10.3.6 I have no information before me to believe that the proposed development, if permitted would lead to devaluation of property values in the vicinity. I consider that the works proposed are acceptable and would not detract from the visual or residential amenities of the area. In fact, I consider that the proposal will add to the facilities being provided within the area. I consider that the proposal is generally in compliance with relevant Development Plan policies in relation to such works and that the proposal is consistent with the proper planning and sustainable development of the area.

10.4 TRAFFIC, ACCESS AND PARKING ISSUES

10.4.1 The proposed development has been laid out along the 'homezone' fashion with shared surfaces and built-in traffic calming measures. This is considered acceptable. I note the report of the Roads, Streets and Traffic Department of the planning authority had no objections to the proposed development, subject to conditions. The proposal includes for amendments to the layout and design of the road,

including horizontal alignment from that previously permitted under PL29N.234636. The amendments are relatively minor in nature and are considered acceptable. The proposal also includes for a new priority junction onto Griffith Avenue. A TIA was submitted with the application and the modelling results indicate that the overall development is expected to generate approximately 273 arrivals and 272 departures daily. All junctions are shown to continue to operate at normal capacity limits when the development is in place.

10.4.2 A total of 129 car parking spaces are proposed, of which 103 are allocated to the houses and the remainder to be located in the designated basement area for the apartments. 28 bicycle parking spaces are also proposed. This is considered acceptable.

10.4.3 Having regard to the above, it would appear based on the information that the road network is capable of accommodating the traffic generated by the proposed development. The site is within walking distance of a number of public transport options and is located approximately 4km from the city centre. I have no information before to believe that the proposal if permitted would lead to the creation of a traffic hazard or obstruction of road users in the vicinity.

10.5 APPROPRIATE ASSESSMENT

10.5.1 A Screening for Appropriate Assessment was submitted with the original application. It concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects to the integrity of Natura 2000 network. The site is not located within or directly adjacent to any Natura 2000 area. One Natura 2000 site is located within a 2km radius of the site, namely the South Dublin Bay and River Tolka Estuary SPA (Ref. 4024). The Tolka Estuary is part of the aforementioned SPA of the same name. The Poulaphouca Reservoir, from which drinking

water to this development will originate, is designated as a SPA (Ref. 4063).

10.5.2 Effluent from the proposed development will be sent to the municipal treatment plant in Ringsend. There are plans to increase the capacity of this plant as it is operating at capacity. Surface water from the proposed development will drain via gravity and discharge at a restricted rate to the existing surface water drainage network. The site lies within the catchment of the Tolka River and there are no watercourses in the vicinity of the site. SUDS has been incorporated into the proposed development and freshwater supply for Dublin city originates from the Poulaphouca Reservoir. There is no pathway for loss or disturbance of important habitats or species associated with the features of interest of the SPA.

10.5.3 It is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and in particular specific site number 4024 in view of the site's conservation objectives and an appropriate assessment is not therefore required. on a European site.

10.6 OTHER ISSUES

10.6.1 I consider that there is adequate information on file in order for me to comprehensively assess the proposed development.

10.6.2 No childcare facilities are being provided as part of this application. Given the established nature of the area, it was the applicants assertion that no additional childcare facilities were required in the general area. As part of the Further Information request the applicant were requested to consult with the Dublin City Childcare Committee in support of their case for non-provision of childcare on site. A survey was submitted of existing childcare facilities in the vicinity of the site,

dated 13/05/2015, which shows that there are approximately 108 vacant full-time spaces available in existing facilities in the catchment area. In addition, some crèches did not respond to the survey. It was therefore concluded that there is sufficient capacity within the catchment area to cater for potential demand. This response is considered reasonable.

10.6.3 I note the issues raised in relation to concerns regarding flooding. The concerns have not been validated by specific technical evidence. I have examined the OPW website www.floodmaps.ie, which contains no details of flood events in the immediate vicinity of the site. I also note the drainage/environmental information contained on file. I note the report of the Drainage Division of the Planning Authority, which states that they have no objections to the proposed works, subject to conditions. I therefore have no information before me to believe that the proposal, if permitted would lead to increased flooding the vicinity.

11.0 CONCLUSIONS AND RECOMMENDATIONS

11.1 In light of the above assessment, I recommend that the decision of the planning authority be UPHeld and that permission be GRANTED for the said works, based on the reasons and considerations under.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the provisions of the Dublin City Development Plan 2011-2017 and to the nature, form, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not lead to the depreciation of property values and would integrate well with other properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as was amended by Further Information received by the planning authority on the 13th day of August 2015 and 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.

2.
 - (i) All windows to bathrooms, WCs and landings shall be permanently comprised of obscure glazing
 - (ii) Any velux rooflights in rear roofslope of Units 1-7 shall be high level
 - (iii) The reduced area of glazing to living room of Unit 10 in apartment block shall be permanently fitted with opaque glazing

REASON: In the interests of amenity

3. Water supply and 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.

4. All units shall be used as a single residential units

REASON: In the interests of clarity

5. The developer shall comply with all requirements of the planning authority in relation to roads, access and parking issues

REASON: In the interests of proper planning and sustainable development

6. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

7. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of wastes to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

REASON: In the interest of orderly development and sustainable waste management.

8. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority. A panel of the proposed finishes to be placed on site to enable the planning authority adjudicate on the proposals. Any proposed render finish shall be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

REASON: In the interests of orderly development and the visual amenities of the area.

9. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for agreement.

REASON: In the interest of orderly development

10. Prior to the commencement of development, a Management Scheme shall be submitted to the Planning Authority for written agreement. The management scheme shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Planning Authority.

REASON: To ensure the adequate future maintenance of this private development in the interest of residential amenity.

11. Prior to commencement of development the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

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

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

REASON: In the interest of amenity and public safety.

13. 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 interest of orderly development and the visual amenities of the area.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of 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.

15. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

REASON: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

16. The landscaping scheme shall be carried within the first planting season following substantial completion of each phase of the external construction works. Exact details of all proposed landscaping and planting, including measures to retain insofar as possible as many trees as possible on site shall be agreed with the planning authority, prior to the commencement of any works on site.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

The developer shall, insofar as possible, retain as many trees along the western boundary of the site with the Charlemont Road dwellings. Failing this retention, replacement planting with similar sized trees shall be planted within the first growing season of completion of dwelling Units 1-7

REASON: In the interests of residential and visual amenity.

17. Prior to the commencement of any works on site, the developer shall submit for the written agreement of the planning authority details of proposed boundary treatments. In this regard,
- (i) Screen walls shall be provided at such locations as may be required by the planning authority to screen rear gardens from public view. Such walls shall not exceed 1.8 in height, shall be in brick or concrete block or similar durable materials and shall be suitably capped and rendered on the side facing public areas.
- (ii) Rear garden walls shall be bounded with 1.8 metres high concrete block walls, suitably capped

REASON: In the interests of amenity

18. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement. In this regard, the proposed open space area incorporating the playground shall be constructed in Phase 1 of any development works

REASON: To provide for the orderly development of the site.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

REASON: To ensure the satisfactory completion of the development.

20. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000 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.

L. Dockery

Planning Inspector

13th January 2016