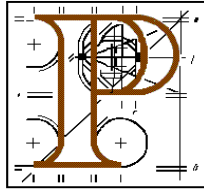


## An Bord Pleanála Inspector's Report



**PL 29N.246124**

**Development** Construction of residential scheme comprising 131 no. residential units, a café, childcare facility and ancillary development above and below ground at the former printworks/Smurfit site, Botanic Road, Iona Road, Glasnevin, Dublin 9

### Planning Application

Planning Authority: Dublin City Council  
Planning Authority Reg. Ref.: 3665/15  
Applicant: IDV Developments.  
Type of Application: Planning permission  
Planning Authority Decision: Grant permission with conditions

### Planning Appeal

Appellant(s): David and Catherine Rea  
Brian Clerkin  
Sean Lynch  
Dudley Solen  
Sonta and Fionn Mac Curraill  
Graham and Ann Harding and others  
Rachel Keary  
IDV Developments.  
Type of Appeal: Third Party v Grant  
First v Conditions  
Observers: Iona District Residents Association  
M. Johnston  
**Inspector:** Suzanne Kehely  
**Dates of Site Inspection:** 11<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> May 2016

## 1.0 THE SITE

The appeal site is located in Glasnevin 3km north of the city centre in a predominantly mature residential conservation area between Botanic Road and Drumcondra Road. The site is a former industrial (former Print Works/Smurfit) site and at 2.02 hectares amounts to just over half of a historically larger site. It fronts onto Botanic Road near the neighbourhood corner known as Hart's Corner where it merges with the R135 Finglas Road. Both these roads are major arterial routes into the city. The site is about 300 metres north of the Canal and 700metres north of Phibsborough Shopping Centre also on the R135.

The site is adjoined to the east by the rear gardens of houses and a hotel on Iona Park. To the south the site is adjacent to the rear lane/ garages and/or gardens serving houses along Iona Road. The gable sides of nos. 31 and 31A Botanic Road overlook the site from the southern side also. Similarly two storey houses along Botanic Road face the site. Some houses have a 2<sup>nd</sup> level in a dormer roof. The houses in the area date for the most part from the Edwardian era and the houses are typically two storey red-brick houses and styles also include the more decorative Art Nouveau and Arts and Crafts features. Together these styles and scale contribute to the character of this residential conservation area.

There is only one vehicular access to the site at the southern end of the frontage along Botanic Avenue which is directly opposite the junction of merging traffic from R135.

There is a bus and cycle lane along Botanic Road into the city centre. Car parking in the surrounding residential area is provided mostly by on-street parking which is controlled.

Nine semi-mature lime trees front the site along Botanic Road. In addition to some cypress trees in the south west corner there are no other trees. The site is largely hard-surfaced and fairly level – being it would appear to comprise of hard standing or previous floor slabs of demolished structures associated with the previous use. Railings, gates and plinth wall date from the 1950s and are of no significant architectural merit.

The northern part of the site which is in commercial/community use also has two accesses onto Botanic Road and a third entrance off Iona Crescent to the north east. The National Council for the Blind occupies part of the site. This part of the site contains a protected structure - a large monumentally scaled single storey dormer structure known as the former Players Factory building. It is a decorative stone building in a neo-Baroque style – a style that is repeated in the plinth boundary wall and both pairs of gate piers at the north and south end of that site frontage. There is also a red brick chimney to the rear in addition to old and more recent industrial type premises throughout the site.

Of particular significance is the natural and man-made topography, the site environs generally naturally raise in level from the Tolka River to the north with a localised plateauing on the subject site. The site is fairly level at 23m OD and has been filled and levelled at the eastern end and northern side resulting in a considerable step above the site to the north. Consequently it is elevated above the surrounding properties and appears to peak at the north east corner where differences are in the order of up to 1.6m, whereas on the southern side the level

differences are in the order of 600mm. No.1 at the southern end of Iona Park to the east of the site is for example higher than no.13 Iona at the northern end of the eastern boundary. Ground level differences are marginal as compared with the properties on Iona Road (see photo of lane – the plinth below the breeze blocks is the difference. However the difference between the ground level at no. 13 Iona Park is significantly greater as is evident in the photographs.

The older Ordnance Survey maps show how the site was substantially covered in industrial premises but it was cleared in 2007. The floor plates remain in addition to some walls and remnants of two separate buildings on the southern and eastern boundaries. The wall along the eastern boundary has been partly incorporated as a boundary structure for the adjoining gardens in Iona Park. The other remnant is moderately set back from the eastern boundary.

As part of my site inspection I took photographs of the site and its environs including the rear gardens/ boundaries of nos.5, 11 and 13 Iona Park. Glimpsed views of the rear boundary were also visible for the side of no.1 Iona Park.

Photographs and maps in Appendices illustrate the site, its boundaries and location in detail.

## **2.0 THE PROPOSED DEVELOPMENT**

Planning permission is being sought to construct:

### **Residential units**

- 43 houses along the south and east boundaries.(30%)
  - 16 no. 5 bed two storey dormer each @212-214sq.m.
  - 7 no.4 bed two storey dormer each @ 163 sq.m.
  - 20 no. 4 bed two storey dormer each @163 sq.m.These houses are in 3 basic house styles with ridge heights ranging from 9.9m to 10.6m and with an option to convert attic space.
- 88 apartments in four blocks sited at the centre, north and west boundaries
  - 76 units in 3no. four storey blocks providing 17 one bed 42 no. 2 bed and 17 three bed (54%)
  - 12 duplexes in a five bay four storey terrace located centrally (6 no. two-bed and 6 no. three-bed) (8.5%)

Blocks , B and C are designed with a subordinate fourth level either by setting back and/or articulation with materials and façade treatment.

### **Other uses**

- A licenced retail café @ 102 sq.m.
- Childcare facility @ 249 sq.m. and 250 sq.m. external play area with designated set down

### **Access and Parking**

- Principal access/egress at north end of site frontage: This involves widening the northbound carriage way to accommodate a right turning lane into the site. This will involve realigning the public footpath on the eastern side such that it

will be within the site. Works involve alteration to alignment of Botanic Road/footpath.

- Slip road parallel to Botanic Road fronting Block A
- Secondary egress adjacent to existing entrance: this is intended be vehicles accessing the retail and crèche and will be one-way left turning only egress. This will involve some building out of the kerb.
- Total parking at 149 car park spaces and 54 bicycle parking spaces. 52 car park spaces in a semi-basement and the balance in on-street and off-street layout.

### **Public and private amenity space**

- Public type open space is arranged in two courtyards between the apartment blocks.
- The interface between the public realm and dwellings incorporates detailed landscaping measures.
- All dwelling houses have private rear gardens and some have private front gardens with off-street parking space, footpath and landscaping. Bin storage is also incorporated into layout.
- Detailed Landscaping Plan is submitted regarding Private, semi-private and a public space hard and soft landscaping and includes replacement of semi-mature trees along Botanic Road.
- Boundary treatment for southern and eastern site boundaries enclosing private gardens is further specified in further information. A system of retaining wall and mesh fencing to support vigorous climbers is proposed in addition to hedge and tree planting.

### **Other**

- Ancillary services
- Site development works including above and below ground. Notably to include a slight raising of ground at eastern end to provide for gravity flow of drainage. Details of land drain and relationship with boundary are provided in further information.

### **Architectural Style**

The houses and apartment are of varying designs. The overall design style is contemporary but with references to the Edwardian idiom of the area in the house design by way of use of narrow deep plots, dormer windows and incorporation of red brick and granite in landscaping.

### **Accompanying documents**

- Planning Report by Tom Philips and Associates
- Design statement by Mahony Pike Architects
- Photomontages – Architectural Visualisationrt
- Landscape Report by Bernard Seymour Landscape Architects
- Infrastructure Design Report by AECOM (design criteria for Foul, storm water drainage and water supply.
- Transport Assessment Report
- Appropriate Assessment Screening by Roger Goodwillie and Assoc
- Tree Survey and Arboriculture Impact Assessment (advises removal of Lime trees

- Part V letter formally agreeing to comply with Part V by the provision of units on site to be acquired by DCC subject to agreement

### 3.0 THE PLANNING AUTHORITY DECISION

#### 3.1 Internal Reports

**The Roads and Traffic Department:** The Executive planner for the department confirms that the site is well served by public transport by way of a number of bus routes including the Finglas QBC

Reference is made to the pre-planning meeting and issues arising.

The Transport Assessment is noted. The revised entrance location and improvements to access that will minimise traffic queuing are noted. In terms of capacity it is noted that the development will generate a two way total of 65 movements during peak 8:00-9:00 AM 63 movements at peak PM 17:00-18:00. The percentage of traffic is not significant. It is further noted that the result of the junction analysis undertaken demonstrates that the traffic from the proposed development can be accommodated on the surrounding road network without any material or adverse impact on the road infrastructure

It is noted that the future integration is provided for with the adjoining site to the Botanic Road and Iona Crescent to the east.

Car parking at 148 spaces and 100 cycle parking space are acceptable.

It is further noted that the Taking in Charge Drainage indicates that it is not intended to take any of the proposed roads or car parking in charge. The only element of the scheme proposed to be taken in charge is public open space.

The revisions to existing access arrangement are acceptable. No objection subject to conditions. In addition to standard condition the following conditions are recommended

- One car park space to be reserved for each residential unit.
- Alteration to road marking, footpath kerb alignment and cycle lane to be agreed and full cost borne by developer.

**Parks:** Objection to loss of lime trees. Deficient public open space: contribution in lieu acceptable

**Archaeology:** The Iona Printing Works and Tobacco factory are on the Dublin City Industrial Heritage Record and the site area is therefore of Industrial Heritage Interest. There may be subsurface archaeological remains. Given the scale and extent of site works it is possible that archaeological remains may be encountered. Accordingly an archaeological assessment is required in addition to further mitigation measures in accordance with City Archaeological and National Monument services. This may require preservation in situ and may negate part of the basement works. No objection subject to conditions which include an archaeological investigation of the site

**Drainage:** No objection subject to conditions which include a flood risk assessment.

**The Environmental Health Section:** No objection subject to conditions which include restrictions regarding hours of work, noise and dust control and ventilation/extraction of restaurant and control of entertainment noise

**Waste Regulation Unit** No objection subject to conditions relating to construction and demolition waste management.

#### 3.2 Prescribed bodies

**TII-** Site within Metro North catchment – section 49 levy scheme applies for contribution purposes.

**Irish Water:** No objection subject to conditions

**Irish Rail:** No observations

### **3.3 Third party submissions**

A total of 14 submissions were received by the planning authority from residents of, mainly, adjacent houses and one from a 'B & B' business. These raise concerns in relation to overshadowing and overlooking, traffic impact, insufficient parking and impact on surrounding roads, boundary treatment, flood risk, unsympathetic design and materials relative to conservation context, too much open space, and the nature of use insofar as retail and child care facilities are not warranted.

### **3.3 Issues Arising**

The site is identified as being part of the 2015 Draft Phibsborough Local Area Plan area and this plan is considered to be of guidance given its potential for adoption in 2016 at time of consideration. The site is a key development site for which there are a series of development objectives.

In a broader context the planning report refers to the site location characteristics in terms of uses and architectural features. It further notes a shift in emphasis in the LAP towards exclusive residential uses with a mix of tenure from the Z10 current mixed use zoning. Other requirements include the need for a crèche, quality open space in the vicinity of the chimney and enhanced permeability

It is concluded in this regard that the mix of residential units in the form of houses, apartment and duplexes constitutes a sustainable form of development.

It is further acknowledged the Housing Quality Assessment demonstrates compliance and with all development plan standards in respect of both housing unit and apartments.

Separation distances and private open spaces are considered to be acceptable.

The main criticism is in respect of the 7 sq.m provision of open space per bed space overall. However in view of the vacant/derelict nature of the site and the high standard of accommodation is generally considered acceptable with the exception of some ground level units.

In respect of integration with adjacent houses it is noted that the ridge levels of the existing and proposed houses are comparable. The ground level difference is noted as being in the order of 1m and the additional trellis on retained wall is considered to satisfactorily address and overbearing impact.

In a broader context the massing is considered appropriate on terms of frontage onto a suburban thoroughfare into the city and also coincides with the massing of the protected structure also fronting onto Botanic Road. In respect of design parameters such as

height and form to determine appropriateness for infill development, the proposal is acceptable.

In terms of detailing and finishes the materials are considered to be in keeping with the character of the housing. However the use of cladding panels is questioned. Granite finishes are considered to be more appropriate particularly in Block A.

### 3.4 Further information

Further information was required in respect of the items as highlighted and items were responded to accordingly:

- **Boundary Details:** A gap between site boundary and adjacent property is queried.

**Response:** This is clarified – no gaps will arise. The boundary treatment is clarified. It is to include 2m mesh fence with a vigorous vine climber *Solarium Crispum*.

- **Shadow analysis** of open space between apartment block:

**Response:** It is calculated that sunlight to garden and open spaces is well within acceptable limits. E.g. 94% of the Podium area, 100% of the lower landscaped area and 97% of the entire amenity area will received more than 2 hours sunshine on 21<sup>st</sup> March where the threshold is 50 per cent. Shadow maps illustrate this.

- **Clarification of contamination of site arising from former use and concrete surface.**

**Response:** In response the applicant submitted a report, 'Environmental Site Assessment' by Geosyntec Consultants. This is appended with the Licence Audit Report of the EPA and a Geotechnical and Site Investigation Works report. A preliminary risk assessment was completed which considered the potential sources, reported Contaminants of Potential Concern in soil and groundwater, the potential human health and environmental receptors and viable pathways for COPCs to contact receptors. Based on the results reported from the completed investigations and taking into account the planned change in land use to high density residential, the risk to future site users and environmental receptors for COPCs in soil and groundwater at the site is generally considered low. While Waste Acceptance Criteria was not completed on sample of the underlying natural soil as part of investigations no evidence of contamination was observed in this material. On this basis it is expected that surplus natural soils arising from the development will generally be accepted at sites holding a valid waster permit. It is noted that localised areas of soil contamination may exist and procedures will be put in place to ensure that any such hot-spots observed during the site development are segregated and disposed of appropriately.

- **Public open space** Clarification of the quantum and measures to address shortfall e.g. financial contribution.

**Response:** It is argued that the 10% public open space should be relaxed without incurring a financial penalty. In the event that the planning authority does not accept this position the applicant confirms willingness to contribute reasonable amount towards enhance of amenities in the area.

- **Landscaping and open space:** The interface between semi private and private open space is queried. More details are sought regarding quality of private open for ground floor apartments near slip road.

**Response:** The interface between semi private and private open space is clarified by way of landscape drawings DN1505-RFISec 01 Bernard Seymour Landscape Architects.

The ground floor is revised to be brought forward by 450mm increasing the area by 2.5-3 sq. This enhances the private space without compromising landscape. The footpath and slip road will be reduced but to an acceptable standard.

- **Café Use:** Details of extraction from cooking area for café if applicable.

**Response:** It is clarified that a small kitchen will be proposed in café and extraction and ventilation details are provided.

- **Childcare:** Clarification of capacity of facilities and detailed boundary treatment for play area.

**Response:** The 249 sq.m. Crèche will provide for 30 children drawing no, DN 2505-RFISec 02 Landscape Detail shows boundary treatment and relationship with adjacent Botanic Road property.

The further information was considered to satisfactorily address the issues raised and the proposed development was considered to be acceptable subject to conditions notably in relation to a change in materials in the Botanic road elevation.

### 3.4 Decision

By order dated 14<sup>th</sup> January 2016 the Planning authority issued a decision to grant permission subject to 31 conditions.

Condition 2 requires €1,518,706.20 as a section 48 contribution towards public infrastructure and facilities.

Condition 3 requires €269,020 as a section 49 supplementary contribution towards the Metro North Scheme.

Condition 4 The selected cladding panel system to the western and northern elevation of Blocks A and B shall be finished in Granite.

Condition 5 relates to agreement of materials and finishes

Condition 6 and 7 relates to commercial signage and security shutters.

Condition 8 and 9 relate to hours of operation for crèche outdoor area and general standards.

Condition 10 and 11 relate to waste management and construction and operational stages.

Condition 12 controls roof level structures/devices

Condition 13 requires specific time of implementation landscape plan



Condition 14 specifies requirement for taking charge of open space.

Condition 15 requires €2000 per unit to cover specific exceptional cost as a consequence of shortfall of public open space and in accordance with section 48 (2) (c)

Condition 16 relates to public lighting

Condition 17 relates to street naming

Conditions 18, 19, 20, 23 and 24 relate to nuisance control at construction stage

Conditions 21 and 22 relate to extraction and ventilation of café and noises control from commercial uses.

Condition 26 relates to drainage compliance with Greater Dublin Strategic Drainage Study's technical Document on New Development, submission for Flood Risk Impact Assessment... including that associated with pluvial and groundwater sources. Confirmation that design proposals to reduce risk of flooding do not increase the risk of flooding to any adjacent or nearby area (over the risk of flooding from a Greenfield)

Condition 27 relates roads and traffic. At least one car park space required per unit.

Condition 28 requires an archaeological assessment including that relating to industrial heritage.

Condition 29 relates to water supply

Condition 20 requires a security of completion.

Condition 31 relates to operational managing of site (a company or taking in charge). T requires in part that 'the applicant shall delineate on a map those areas which are to be taken in charge for written agreement with the planning authority.'

#### **4.0 PLANNING HISTORY**

**Reg.Ref.3444/14** refers to a refusal of permission for 147 units (66 houses and 18 maisonettes and 63 apartments, crèche and retails unit and 149 car park spaces) for reasons based on

- Proximity to the site boundaries would result in insufficient amenity space and extension capacity and poor aspect.
- Height of 5 and 6 stories contravenes development plan
- Design would be out of character with the area.

#### **5.0 STATUTORY PLANS AND GUIDANCE**

##### **5.1 Dublin City Development Plan 2010-2016**

**Zoning objective:** The site is currently located within an area zoned with the objective "Z10" in the Dublin City Development Plan 2011-2017 which seeks "To consolidate and facilitate the development of the inner city and inner suburban sites for mixed-use development of which office, retail and residential would be the predominate uses'

Policy on consolidation: In terms of shaping the city the ultimate aim centers on the 'creation of a more compact city, where residents can live and work in close proximity, thereby reducing urban sprawl and unsustainable travel patterns.' In respect of inner suburban areas it is policy to 'cultivate the inner suburbs, and provide neighborhoods with a choice of homes for a diverse mix of households.

### **Development standards**

An Urban Design Statement is required for development providing in excess of 100 units. Section 12.4.2

Building height is restricted to a maximum height of 13m (4 storeys for residential development) in absence of an adopted LAP for the site area, (section 17.9.1)

Standards for floor areas, spacing, mix of units and open space are contained in detail in section 17.9.

In determining density in an infill site, character of street in an established area is a key consideration. Section 17.9.7 requires paying attention to established building line, proportions, heights parapet levels and material in addition to compliance with the minimum standards. Some leeway is given in the interest of development in vacant, derelict or underutilised sites in the inner and outer city.

## **5.2 Draft Dublin City Development Plan 2016-2022**

**Zoning:** The site is changed to zone Z1 residential development. In terms of context the site remains within an LAP/SDZ area and Phibsborough village remains a Key District Area. Hart's Corner area is a designated neighbourhood centre z3 where it is an objective as in the current plan to provide for and improve neighbourhood facilities. The surrounding area remains as a residential conservation area.

**Settlement:** Chapter 2 addresses settlement strategy which steers development within the parameters of the RPGs. There is an emphasis on the need to gain maximum benefit from existing assets, such as public transport and social infrastructure, through the continuation of consolidation and increasing densities within the existing built footprint of the city. A further key aspect is that future expansion, whether housing or mixed uses, occurs in tandem with high-quality rail-based public transport and on a phased basis. The Development Plan incorporates these principles in a settlement hierarchy which prioritises the inner city, key district centres and Strategic Development & Regeneration Areas.

The site is not within these priority areas.

Chapter 4 sets out the strategy for achieving a compact city and ultimately curtailing urban sprawl. In respect of the Inner suburbs/ outer city it is policy to: To develop and support the hierarchy of the suburban centres, ranging from the top tier Key District Centres, to District Centres/Urban Villages and Neighbourhood Centres, in order to support the sustainable consolidation of the city and provide for the essential economic and community support for local neighbourhoods, including post offices and banks,

where feasible, and to promote and enhance the distinctive character and sense of place of these areas. **(SC9)**

Section 4.5.2 refers to the Inner Suburb area and states that the overall challenge is to develop the suburbs as building blocks to strengthen the urban structure of the city.

### **Guidance is Development standards:**

**Density and Height:** The site does not fall within the designated high building sites. Chapter 16 identifies Dublin City as low rise City however the Plan sets out a co-ordinated approach to direct medium and high rise in strategic areas throughout the site. While the subject site falls within a LAP it is not identified as necessarily qualifying for high rise on its own merits. Building height accordingly is restricted to 16m in the absence of an LAP or masterplan for the site. In any event mid to high rise buildings must be assessed by the following criteria among which include

- Relationship to context, including topography, built form, and skyline having regard to the need to protect important views, landmarks, prospects and vistas
- Effect on the historic environment at a city-wide and local level
- Relationship to transport infrastructure, particularly public transport provision
- Evaluation of providing a similar level of density in an alternative urban form.

Public open space: In new residential developments, 10% of the site area should be reserved as public open space.

Private Open Space: A standard of 15sq.m of private open space per bed-space will normally be applied.

Separation distances: 22m between directly opposing rear first floor windows.

Rear garden depth: 11m normally required.

**Financial contribution in lieu:** In the event that the site is considered by the Planning Authority to be too small or inappropriate (because of site shape or general layout) to fulfill useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required (having regard to the City's Parks Strategy).

### **5.3 Local Area Plans**

At the time of assessment the Draft LAP 2015 was in progress and in that Plan the site was identified as a key development site. As the previous LAP has expired for the area and the more recent LAP failed to be adopted 2015 there is no operational plan. However there is useful background data.

The historical context is outlined and importance of industrial heritage is explained in the adjacent northern site. The strategic location is also highlighted by reference to the range of services and amenities in the area.

In the context of the projected 500 homes in the LAP the site is identified for housing

‘ In respect of future uses it is stated that as the site is Set within an established and well served residential neighbourhood, and given the need for housing in the city, it is considered that a residential use is most suited to this location. The site should provide for a range of housing suitable for a mix of tenures and suitable to people at different stages of the life-cycle, ranging from individuals to larger families.’

The plan refers to the lack of childcare facilities. ‘From a review of existing childcare provision within the vicinity it is clear that there is a lack of full time childcare facilities within the area. Coupled with the desire to provide residential accommodation on this site, it is recognised that there is a clear need to provide such a facility within the site.’

The settlement profile shows that 43% of homes are in single occupancy.

It will be a requirement of any one development to allow for the future **integration** of both sites. Such integration will be particularly sought in relation to the street design and the **ability for the southern site to connect to the existing access onto Iona Crescent.**

Quality public open space will be a prerequisite for any new development with the provision of a new local park provided, preferable located within the vicinity of the chimney stack and with the ability to combine both sites. Enhancements to the hard landscaped forecourt of the former Player’s factory will also be sought in order to **enhance the setting of this Protected Structure** and its presence along Botanic Road.

Design proposals must meet the challenge of providing suitable sustainable densities within a city context while respecting the established lower densities of the adjacent residential conservation areas which are generally characterised of two-storey semi-detached and terraced housing. The site is located within very close proximity of local neighbourhood centres, 10 minutes of Phibsborough District Centre, 30 minutes walk of O’Connell Street, and within easy walking distances of both the Ballymun and Finglas bus routes, the site is considered suitable for delivering **a minimum density of 75 units per hectare.**

Fronting onto **Botanic Road heights of 3-storey with a 4th storey set-back** are considered suitable, constructed along the building line established by the adjoining two-storey housing of Nos. 31 and 77 Botanic Road. Adjoining the north, **south and eastern boundaries of the site buildings of 2/3 storeys** are more appropriate.

It also acknowledged that significant **level differences** exist between Marguerite Road and Iona Road and due consideration shall be given to **minimise overlooking** and over shadowing of established houses. The provision of quality landscaping along these boundaries shall be required.

Given the scale of the overall site and separation distances achievable, and the need to achieve sustainable densities, it is considered that within the site heights of **4-5 storeys are appropriate with opportunities for 6-stories at the core.**

A strategic flood risk assessment was carried for the locality and following from **this it** was identified that ‘...All planning applications will be required to submit a site specific flood risk assessment addressing risks from all sources of flooding, using the best available data. All new development will be required to comply with the Greater Dublin Strategic Drainage Study for surface-water management, with possible provision for the

Catchment Flood Risk Assessment and Management (CFRAM) Studies High End Future Scenario. This will ensure that there is no increase in flood risk to properties downstream as a result of future development.'

#### **5.4 Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2015)**

The guidelines set out minimum standards and design criteria for apartments. Notably they introduce provision for a studio at 40sq.m. in addition to the typically 45sq.m, 73sq.m and 90 sq.m. range of one two and three bed units respectively.

#### **5.5 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Village**

These guidelines provide a checklist approach for assessment the level of sustainability of a residential scheme in terms of being appropriate to the area, support public transport and community infrastructure. In terms of public open space in brownfield sites 10% is recommended. Density must respect the character of the area. Where residential developments are close to the facilities of city and town centres or in proximity to public parks or coastal and other natural amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution towards public open space or recreational facilities in the wider area in lieu of public open space within the development

#### **5.6 Transport Strategy for the Greater Dublin Area 2016-2035**

This is most up-to-date transport strategy relevant to the City. It aims for a more integrated approach to mobility management though the co-ordination of land use and transport. Accordingly the strategy is based on the relevant aims of the National Spatial Strategy, regional guidelines and development plans in force in addition Transport 21 and other capital investment frameworks/ plans for transport based infrastructure. It also has regard to socio-economic data and trends as reflected spatially. Section 5,2 refers to potential enhancement of heavy rail infrastructure include an additional passenger station. Fig. 5.4 shows both a DART line and heavy rail line running east west to the south of the site.

### **6.0 APPEAL**

#### **6.1 Third Party appeals**

I have read all the submissions on file. The following points summarise the key points raised.

##### **6.1.1 David and Catherine Rea, 13 Iona Park (adjacent)**

- While welcoming the principle of development, there are concerns about the site levels and boundary treatment.

- The appellant notes the 1.6m higher ground level of the proposed site and the proposal to mount a 2m high metal mesh fence with climber planting where it adjoins their rear boundary.
- There is concern about privacy
- The appellant also describes the nature of their boundary treatment which includes a timber fence above a *cinderwork* wall approx. 1.6m high and that wall is structurally tied to walls between houses on Iona Park. There is concern about the potential interference and undermining the stability of this wall and attached walls. It is stated that the *cinderwork* walls are not in fact party walls and were constructed at the time of houses on Iona Park. They would not withstand being heightened. There is no consent to the any increase in entitlement for works directly associated with the wall.
- The appellant notes a 2m difference in ridge height between Iona Park and proposed houses directly to the rear. There is concern about overshadowing from these taller houses/sites to the west particularly as rear gardens are sensitive to evening sunlight. The analysis submitted does not reflect account of site level difference
- The appellants notes the requirements of the Drainage Division in respect of submitting a flood risk impact assessment to include solutions to mitigate the potential risks from all sources including pluvial and groundwater. There is concern about the risk of damage to properties along Iona Park at 1.6-2m lower ground level. IT is suggested that development site should be levelled.
- Submissions are made in an effort to protect enjoyment of private open space in the context of the zoning which seeks to protect residential amenity.
- Four storey blocks over car parking (A and B) are excessive in bulk and scale. Contrary to the spirit of the now lapsed LAP.
- Deficiency of public open space not acceptable.
- Reasons for refusal in DCC ref 3444/14 have not been overcome.

### **6.1.2 Brian Clerkin, 8 Iona Road**

- Not in keeping with residential conservation area – not of high quality which should be a contemporary equivalent of the Alexandra Strain type historic development that defines the character. It would be out of character with the established pattern of development and would be of excessive height as was the case in the previous. It should be 3 stories as per the LAP
- Houses and apartments should be at least 1000 sq.ft. Design is not in keeping by way of window design and cladding material and is disrespectful of the Victorian/Edwardian character
- Insufficient parking – should be 2 spaces per dwelling. Concern about visitor parking

- Public Park is not a practical use having regard to proximity to public open space in the area. House sites should be larger instead to provide a Highers standard of amenity and also to ensure maintenance. This is stated with reference to the previous refusal of permission based on insufficient private open space and the belief that the current proposal has not addressed these issues sufficiently/
- Retail space is not suitable at this location given the lack of demand and the vacant commercial units in the district. Residential units are more desirable and needed in a fully residential development. Similarly the crèche is questioned in light of a recent permission at Hart's Corner for such a use. Concern is expressed about the traffic issues associated with use at busy junction with a lane.
- Higher quality design and material should be used
- The proposal should be more focused on providing a lower density scheme in a plan led rather than investor led approach. This should be more aligned with the character and heritage of the area.

#### **6.1.4 Sean Lynch, 31 and 31A Botanic Road (adjacent)**

John Henry Architect has lodged an appeal on behalf of the appellant and raises the following concerns.

- Height of Building and relationship with no. 31 and 31A. It is suggested that stepping away at the top level would mitigate the overbearing impact
- Party wall issues: It is noted that wall and fence are proposed alongside the appellant's side boundary. Concerned about over and undersailing of boundary and also the impact on structural integrity and would like guarantees of protection such as by a competent structural engineer.
- Access: the appellant would like to maintain access to maintenance the gable wall. It is submitted that a pedestrian gate has been blocked up for security and it is requested that this be reinstated to provide access the appellant's rear garden.
- It is pointed out that the Health and Safety Regulation requirement for childcare facilities must be complied with in the provision of such access.
- It is requested a condition of permission address the infringement of boundaries and that written consent be required where appropriate
- It is submitted that the proposed development will be overbearing impact and result in loss of light

#### **6.1.5 Dudley Solan, 5 Iona Park (adjacent)**

Arc Architectural Consultants on behalf the appellant has lodged an appeal. The following submission are elaborated upon in detail:

- Fails to address previous reasons for refusal regarding overlooking, compromised future extension, intrusion and seriously injury of amenity and depreciation of value of property
- The development including boundary treatment will result in increased levels of overshadowing at times when garden is most used.
- The proposed height, scale and design of houses will be out of keeping with the low rise context. Details such as solid to void ratio, alignment of windows, roof profiles and overall horizontal alignment all contribute to this.
- Potential for light spill/pollution – further assessment required.
- Contrary to good urban design by ref to DMURS, the LAP and the absence of permeability
- Impact on Garden Wall- concern about structural impact on property, overlooking and absence of detail in fully ascertaining impacts. It is suggested that the ground should be reinstated to bring it level with Iona Park and Road.

#### **6.1.6 Fionn MacCumhaill and Sonja MacCumhaill 5 Iona Road (adjacent)**

- Intrudes upon residential amenity in the area
- Unsafe treatment of boundaries
- Excessive height
- Out of character with that which is established in the area
- Does not meet need for family homes
- Deficient in private and public open space
- Structural impact on homes
- Public transport capacity unsubstantiated
- Outdated data in Traffic Assessment
- Insufficient car parking
- No amenities or compensation for neighbours

#### **6.1.7 Graham Harding and Ann Harding 11 Iona Park (adjacent)**

- Ground level is .9m higher party wall can't support additional topsoil development
- Out of character
- Insufficient parking

#### **6.1.8 Rachael Kearny, 5 Iona Park (adjacent)**

- Design incompatibility in context of section 17.9.7 and the established character of the area as defined by building line, proportion height, parapets levels and heights.
- Proposal does not safeguard amenities



- Boundary treatment in drawing g 1505SEC01 inadequate and will not address overbearing impact of proposed houses
- The elevated ground levels will result in first floor bedroom windows being 1-2 m higher in the proposed terraces than the appellant's bedroom windows at a distance of 25m

## 6.2 First Party

The requirement for contribution of €2000 per dwelling unit for public open space in Condition 15 should not be applied in addition to the requirement for a financial development contribution in condition 2. It is submitted that Condition no 15 has not been properly applied section in the context of the DCS or Section 48 2 (c) as it does not specify a particular public infrastructure or facility works that will benefit the proposed development. It is argued that there are no specific exceptional costs justifying payment of a special contribution.

The case is also made that while the development plan has a policy for *in lieu* payments for a shortfall in public open space, it also has flexibility in application of this policy having regard for example to infill nature of development on a derelict site or other such site. In this case the circumstances do not warrant an *in lieu* payment.

## 7.0 OBSERVATIONS ON and RESPONSES TO GROUNDS OF APPEAL

### 7.1 First Party Response to Third Parties

The applicant's agent submitted a detailed response to the issues raised in the grounds of appeal and are addressed under the headings:

- Height Scale and Design
- Ground Levels and boundary
- Overlooking and overshadowing
- Traffic and parking
- Crèche Issues
- Development Plan/ LAP compliance.

The submission is accompanied by drawings showing details of boundary and proposed details and finishes. The points made are referred to in the assessment section of this report.

### 7.2 Planning Authority response to First Party

It is explained that the financial contribution for deficient public open space was acceptable to the applicant in principle in further information and it was on this basis that permission was granted, the implication is perhaps the permission should be refused in light of deficient open space.

While noting the requirement for open space I consider that the provision within the site having regard to its context, extent of private gardens and the availability of public open in the vicinity. Contributions to these are provided for in the development contribution

scheme, In this case I do not consider the special contribution for unspecified works to be appropriate.

### **7.3 Third Party Counter Responses to First Party Response**

#### **7.3.1 David and Catherine Rea 13 Iona Park**

- Has not addressed concerns regarding ground level differences wherein the FFL in the opposing house to the rear is over 2m higher than that that of 13 Iona Park
- Concern about flood risk and the fact that the proposed boundary treatment is not water retaining.

#### **7.3.2 Brian Clerkin 8 Iona Road**

- Existing 4 storey building that is not a good example as it is recent and not reflective of character. The Proposed building will tower over the Players building
- Materials in type and quality are not in keeping with that of the old stock.

#### **7.3.3 Fionn MacCumhaill and Sonja MacCumhaill**

- Response of applicant is vague in respect of materials and finishes. More details required at this stage.
- Zinc is not appropriate.
- Granite is kerbing is not sufficient.
- 4 storey is overly dominant and not in keeping with 2 -3 storey character. The height does not comply with LAP or existing buildings.
- The conclusion that there will be no negative impact on protected structure is unsubstantiated.
- Design Statement is misleading with emphasis on 3 to 4 storey for Blocks B and C.
- Higher density only acceptable if respectful of context.
- The height clarification in L3-03 renders application invalid.
- If the basement level can be drained then the ground does not need to further raised for drainage purposes.
- Concerned about stability and durability of king post system along boundary.
- Concerned about overlooking of first floor windows.
- The equity of 1 parking space per dwelling is questioned.
- Public transport availability and claim are unsubstantiated.
- No basis for four storeys.
- Traffic hazard due to crèche.
- All issues not addresses (points 2.5, 3.2, 4, 5, 6, 7 and 11)

#### **7.3.4 Graham Harding and Ann Harding, 11 Iona Park**

- Concerned about height and overlooking due to alignment and level. House to rear will be 2.3m higher resulting in overshadowing and overlooking.
- Concern about flooding through proposed materials along boundary
- Development is out of character.

### **7.3.5 Rachael Kearney and Dudley Solan, 5 Iona Park**

- Boundary details regarding works, structural issues and finishes constitute new material information. Third party right may be compromised.
- It is understood that proposal involves raising ground level by 2m to rear of no. 5 Iona Park
- Proposed ground level is unwarranted.
- Appended drawing LSc-05 Rev A shows ridge height 2.3m higher than no. 5 Iona Park
- Proposed planting unsuitable
- There will be insufficient screening
- The four storey reference on Botanic Road is not appropriate.
- Remain of view that materials/design do not respect character of the area.

## **7.4 Observations**

### **7.4.1 Iona District Residents Association**

Supports objections already made by residents and raises particular concerns about:

- Traffic impact – disagrees with DCC on the basis of the limited survey times and realities of traffic. Concerned about position of entrance and exit
- Design and height do not respect existing architectural character of the area. 4 storey will be too dominant.
- Absence of community building – crèche should be required to double up and provide such a facility.

### **7.4.2 M. Johnston, 62 Iona Road**

- There is sufficient open space in area. Houses should have bigger gardens and there should be more car parking instead.
- A crèche is not needed given the socio-economic profile and the recent grant of permission for a crèche nearby.
- Retail unit is not needed given the vacancy of units in the neighbourhood and district. Concerned about increase in vacant units.
- Concerned about insufficient car parking on –site and impact on residential roads.

## **8.0 ASSESSMENT**

### **8.1 Issues**

Permission has been sought for 131 residential units, a retail unit and a crèche on a substantial 2.02 hectare site, being part of the former printing works site of 3.7hectares and has been largely cleared of the former industrial premises. The site is strategically located in terms of access and proximity to the City Centre with 80m frontage onto the busy neighbourhood route, Botanic Road close to Hart’s Corner. While zoned for mixed

use, the site has been identified as a potential housing site in Local Area Plans for the area. The principle of developing a residential scheme on this brownfield site is generally welcome but its location next to a residential conservation area and also to landmark protected structures in the adjacent operational commercial site place it in a visually sensitive context. Most notably the relationship with the rear gardens of established houses in this residential conservation area which back onto the site along both its eastern and southern boundaries is a source of considerable concern. There are quite marked differences in ground levels at present between the subject site and some adjoining gardens and the further works proposed despite efforts at clarification remain an issue. It is residents on these adjoining roads/properties that have lodged multiple appeals. While there are differences of opinion on issues of principle such as overall layout and design approach and car parking, the boundary issues are shared by many. In view of the topography I consider this merits thorough consideration. Accordingly the issues fall under the following headings:

- Principle in context of LAP status - Prematurity
- Density and Layout: access/connectivity, open space, dwelling type
- Building Design: Excessive height
- Principle of retail/café and crèche use
  
- Impact on residential amenity
  - Impact on Iona Road
    - Overlooking, overbearing impact,
    - Security along lane
    - Boundary wall height and structural integrity
  
  - Impact on Iona Park
    - Overshadowing overlooking, overbearing impact
    - Boundary wall height and structural integrity, planting
  
  - Impact on Botanic Road
    - Overlooking, crèche
  
  - Other Impacts on residential amenity
    - Retail café use – hours of opening
    - Flooding
    - Crèche – traffic
  
- Materials and Heritage
  
- Car-parking and access
  
- Appropriate Assessment
  
- Financial contribution

## **8.2 Principle of development and prematurity**

The development plan objective for this site is ‘to consolidate and facilitate the consolidation of inner suburban sites for mixed use development of which offices, retail and residential would be the predominant uses’ (Z10) and accordingly the proposed

development comprising a mix of uses, being substantially residential, meets with this objective in principle. In a broader context the case is well made in the planning report submitted as part of the application that a housing development of this scale also meets the strategic aims of the Development Plan and the regional settlement strategy by consolidating housing in serviced lands.

The case however is made by some appellant parties that the development is premature in the absence of adoption of an updated LAP – the previous one having expired and the more recent plan having failed to be adopted. It is submitted for example that the development of what amounts to over half of a previously identified c. 3.7 hectare development site in the LAPs amounts to piecemeal development with the potential for connectivity being lost.

While I accept that both the now expired LAP and un-adopted draft LAP have no statutory control function, they are nevertheless, informative and instructive in describing the receiving environment and historical context. The absence of a current LAP as such does not preclude the consideration of granting permission for development that meets with development plan criteria. Permission would not amount to a material contravention on grounds of conflicting with LAP objectives.

Moreover, I do not consider a development of this scale on a site of 2.02 hectares can be described as piecemeal. It is a standalone site capable of forming a unique style and identity within a broader parameter of proportionality to its immediate environs. I also note that the layout is informed by the remaining northern part of the former industrial site (of a similar size but incorporating a substantial protected structure) and allows for future integrated public realm and circulatory spaces both visually and functionally.

The principle of developing a predominantly residential scheme on this brownfield question is also compatible with the current Draft Development in view of the proposed residential zoning (z1). The proposed development is therefore acceptable in terms of being residential but there are issues relating to integration with adjacent residential homes in a conservation area and retaining the character of the area.

### **8.3 Density and Layout**

The urban design approach is critiqued on a number of fronts. On the one hand it is criticised for being of an excessive density and over reliant on the provision of apartments. It is argued that there is an under provision of family homes in the area. It is further argued in one case that provision of such houses on bigger sites with ample off street parking should take priority over public /communal open space in order to permit larger house plots. This is further supported by the argument that the enclosed open space will be more likely to be maintained in good order and that resources can be otherwise directed to maintaining existing substantial amenity spaces in close proximity. The case is also made that there is insufficient open space by reference to development plan standards.

The overall density of the scheme at 65 units per hectare is on the lower side of what is considered dense development in an inner suburban context. I note that a minimum of 75 units per hectare for the subject site was proposed in the Draft LAP for the site for example. As pointed out by both applicant and appellant party, respecting the character

in the surrounding area is critical. It must however be balanced in this case with the desirability to increase density in this strategically located site.

A lower net density achieved by removing open space in favour of larger gardens would be substandard for the apartment scheme, alternatively a lower density by replacing apartment with houses would be overly homogeneous and contrary to best practice as advocated in statutory guidance. I also note that 43% of dwellings in the area are single occupancy reflecting a demand for higher density accommodation. Although, I accept this trend may reflect a need for quality family homes to complement the stock of family homes bordering the site and balance the single occupancy. While fine tuning the mix of dwelling types is a matter for the developer, the overall approach to providing a mix of apartments and housing in the density proposed accords with the development plan housing strategy and also the policy of consolidation as envisaged in a regional and national context.

The layout has also been influenced by a car parking requirement of 1 space per unit in order to balance the need to accommodate a private car for each home but, in line with national transport policy this serves to also discourage multiple cars per household. This is influenced by the strategic location in terms of access to public transport and is a strategy actively promoted in current demand management measures to transport solutions as most recently set out in Transport Strategy for the Greater Dublin Area 2016-2035.

Accordingly, in this case the development is reliant on the adequate provision of public transport infrastructure. In this regard I note the comments of the Transportation Department of DCC, the Finglas QBC and short walking distance from the District centre of Phibsborough. The site also falls within the catchment of the planned Metro North (financial contribution) but the absence of an eastern access onto via Iona Crescent for example makes the travel distance quite considerable. However in the longer term the promoted railway station south of the site at Cross Gunns Bridge (draft LAP- policy M2)) – would have a more direct mobility benefit as it is closer to the site and also serves the city centre. There is a question of prematurity as there is a missed opportunity to maximise on the integration of land use and railway transport infrastructure development. However I do not consider this a reasonable basis to object to the development as there is no specific objective in the development plan or provision in the current development contribution scheme. The density is not at the upper levels (75 units per hectares) nor indeed did Irish Rail comment despite the written notice. On balance I consider the principle of development on a vacant site at 65 units per hectare in an inner suburban context to be a positive step in the consolidation of the city environs by using scarce urban land in a manner that supports continued and enhanced public transport provision.

There is also the matter of future interconnectivity. The site strategy in the Design Statement schematically illustrates multiple points of interconnection both visually and by way of movement. In respect of the proposed Botanic Road junction and its future linking to the forecourt of the Players factory to the north, it is stated 'it could also be possible to have a road connection depending on the layout. This is desirable in respect of best practice for mobility management but also in terms of future protection of the existing pair of Gate Piers which are protected as part of the feature boundary and are quite distinctive. However, given the difference in levels this could prove challenging for vehicular traffic. I note the proposed road level near the entrance is 23.04mOD (dropped

from a current ground level of 23.68m) and this drops to 22.44mOD at Botanic Road junction over a distance of about 30m at this point. In the adjacent forecourt area the level is 22.38mOD and even lower deeper into site where the blue dotted line (circulation connection) is actually shown. This would require a steeper gradient or raising of levels that may not be appropriate to the setting of the landmark building. At the eastern end of the site the proposed road level is 23.87mOD which is 685mm higher than the adjacent Players site at this point also identified as a potential circulatory interconnection.

On balance while there are some design challenges for future interconnection I do not consider them to be insurmountable. In any event the opportunity for pedestrian and cycle paths could be readily woven into an overall site layout.

There is also the logistical matter of delivering the interconnectivity. Normally if a council takes the roads in charge this can be more readily achieved. It is not fully clear if this is achievable and if works can be to the required standard. The Taking-in-Charge map only delineates an area of open space. While the Board may wish to consider requesting clarification on these matters I am satisfied this can be dealt with by condition.

## **8.4 Building Design**

### **8.4.1 Excessive height: 4 storey Blocks**

The proposed development incorporates four number four-storey apartment/duplex blocks; one along the 80m road frontage and the other blocks arranged in parallel lines and close to the northern site boundary adjacent to the commercial site. Many of the local residents in the area object to the 4 storey height on the grounds that it is out of character with the comparatively low rise character of the area

It is argued that the proposed 4 storey high development is comparable to five storeys and that the LAP required a three storey limit. This height is considered excessive on its merits by reason of the prevailing two storey domestic scaled architecture. It is also argued that the scale will detract from the drama of the chimney and imposing stone building. I do not consider the arguments stand up to scrutiny.

In the first instance there is no current LAP that governs the site. In the current development plan Z10 lands are identified for intensive development in accessible inner suburban area with a level of intensity of uses appropriate to the suburban surroundings. (Page 215 of Development Plan) Chapter 16 of the Development Plan provides guidance on public realm, urban form and architecture and centres on the principles of street and place making through scaling, proportion, and access/interaction. In terms of architectural form and style, proposals should respect the wider contextual impact on the streetscape and local vistas as well as local materials and finishes that define the character of the area. Ultimately the only height restriction on a building that is four storeys in height is that which is influenced by the immediate context and environs. In this case, in addition to the housing, regard has to be had to the industrial premises that extensively covered the site and which partly remain along the boundaries and also to the structures both protected and established in the adjacent sites which includes the industrial site.

On examination of the drawings, Block A which fronts Botanic Road is modelled in a manner that the fourth level is either subordinate (by set-back or in use of materials) or

accents the building block. The block extends about 52m along the 80m site frontage and building height steps from a height of 10.8m at the southern end where it borders domestic houses on Botanic Road up to a predominant height of 13.5m and then moderately steps up at the northern end to 14.85m as an articulation of the block end and site entrance location. The ground levels are proposed to be moderately dropped at the road frontage (in order to achieve gradients throughout the site) and accordingly this cannot be read as 5 storeys at street level. As compared to the protected structure which scales at 47m in width and averages at 11m in height, the massing and modelling which incorporates curtain walling articulation up to a height of 10.8m over a 44m width, the elevation treatment is reasonably proportionate and appropriate to defining the streetscape at this location. Deeper into the site and quite removed from the existing houses, Blocks B and C are more obviously 4 storeys and due to a partially sunken basement car park the ground level is elevated 1.5m resulting in a 38.37m parapet. This is however comparable to the existing height of 36.7m of the structures to the north in the adjacent site which as at a markedly lower ground level. Nor is Block B dominant over the street elevation as defined by Block A

While I note that there are varying heights ranging from two storeys to three storeys in predominantly domestically scaled early 20<sup>th</sup> century housing there are a number of mitigating circumstances which support the urban form of the proposed development:

- The width and scale of the site and the provision for a setback building line from the Botanic Road together with the landscaping planting and boundary treatment allow for large scaled development as presented to the street.
- The overall density is relatively low compared to other targets for comparable sites. The four storey height allows for reduced footprint and the provision of generously spaced family homes bordering the site in an overall land efficient manner.
- Recent premises on Hart's corner almost opposite the site reach four storeys.
- The detailed modelling addresses localised impact.
- The four storey blocks are designed to enable more than adequate levels of daylight and sunlight penetration to both living accommodation and open space. The blocks will not give rise to undue overshadowing of the surrounding neighbouring houses due to orientation and siting.

#### **8.4.2 Excessive Height - 3 storey houses**

The solution to bridge the higher and dense apartment Blocks to the established residential environs by incorporating perimeter housing of generous proportions is I consider an appropriate response to the site context. In the grounds of appeal the case is made that the proposed houses are too high for the area.

The proposed development incorporates a range of house types which include broadly three different structures but each having a variety of layouts. The ridge heights range from 9.17m to 9.99m to 10.62m. The houses are designed to accommodate a third level by being two full storeys with an optional attic level in a pitched roof. The roof is a mix of dormer style and roof lights or none as chosen by the prospective house purchaser. Eaves levels are typical for a two storey house at 6.3m for all house types. The section drawings illustrate examples of existing adjacent house outlines and indicate eaves and ridge heights at a slightly lower level. On Iona Road a house is shown with eaves of 6.1m and ridge of 8.8m but the roof area is much deeper due the extensive return. On Botanic Road property is shown with approximate 6.6m eaves and a ridge height of



10.3m and along Iona Park one property is shown with eaves at 7.7 and a ridge at 11m although these vary due to different house types.

By reference to the Guidelines in Sustainable Residential Development in Urban Areas and the provisions of the Development Plan most notably in respect of residential conservation areas, I consider the proposal to vertically optimise the dwelling space in generously proportioned family home and also to provide for future extension, accords with best practice. In overall terms, the design approach generally accords with principle of proper planning and sustainable development. I accept the applicant's statement that the proposed scheme 'strikes a balance between a residential density that makes efficient and sustainable use of an inner suburban infill site and a layout that respects its context adjacent to a residential conservation area within Development Plan parameters'. The weakness of the scheme however relates to the retention of the former industrial premises floor slabs and further raising of the site. This raises issues in respect of its detailed interface with adjoining sites which are addressed below.

### **8.5 Principle of crèche use and retail/café**

The proposed crèche is questioned in terms of need having regard to a recent grant of permission for one nearby. The provision of such a facility however is a requirement in development of the scale and nature proposed in statutory guidance to planning authorities. It is clarified that it will cater for 30 children and will operate within a controlled timetable with respect to outdoor play areas. I note it is sited in the most accessible of locations within the overall site for both occupants of the development and passers-by. The slip road provides for drop-off facilities. It is set back from a busy road and would not give rise to through traffic or undue disturbance for occupants of the proposed development. I do not consider there be to any grounds to object to the provision of a crèche in principle at this location.

With respect to the proposed retail café use, it is also argued that such a use is unwarranted primarily on the basis of vacant ground floor commercial premises at Hart's Corner. I do not however consider this to constitute a reasonable basis to refuse permission. In the first instance the proposed use accords in principle with the objectives for the site in both the current and draft development plans. Applying the stricter criteria for residential zones a Local shop is acceptable in principle whereas a restaurant use is open for consideration. The term 'retail café' suggests a hybrid use which is more daytime in nature of use, although serving alcohol suggests a later evening use. It is also of a relatively modest scale at 101 sq.m. and as with the crèche it is well sited in the overall development. While I note the vacant units it does not necessarily follow that there is no place for an additional café facility as part of a substantial residential scheme. It could be argued that the cafe sited along a pedestrian route between housing and the Botanic Gardens and the Tolka Valley to the North and Phibsborough and its amenities to the south in addition to its immediate residential and commercial environs, is well placed. Furthermore by itself and as part of the scheme, the development could serve to enhance the feasibility of the existing neighbourhood centre. I do not consider there to be any reasonable basis to sustain an objection to the principle of a retail cafe at this location.

### **8.6 Impact on Residential Amenity**

### **8.6.1 Boundary Treatment and Interface with Dwellings**

The boundary treatment combined with the height and potential for overlooking is a most significant issue for the appellant parties. Concerns are based on the fact that the site has already been noticeably raised (in the order of 600mm on the southern side but rises to a difference of about 1.6m at the north eastern end) and that drawings indicate a proposed additional raising of the ground particularly at the eastern end to achieve gradients for a gravity flow drainage system. The potential for overlooking is further aggravated by the three storey houses and height of floor levels. The solution by way of screening generates issues with overshadowing in addition to concerns about structure and planting species.

From my examination of the drawings and the site, it is evident that the boundary treatment proposed is not precise for each property. Although sections are provided through the site at selected points showing the relationship with both Iona Road and Iona Park, the applicant also uses a schematic section to illustrate the proposed ground and floor levels relative to a section of properties (see attached drawing in applicant's response to grounds of appeal.). The schematic drawings show a potential additional ground level height of up to a metre. This is achieved by inserting a support frame into the ground to support concrete slabs as retaining leafs between the existing old boundary wall and the existing and proposed ground to be retained. A slim metal frame is then proposed to be mounted on this and planted with a vigorous climber. A hedge is then proposed inside and an additional apple tree.

In the cover letter submitted with the further information the applicant illustrates a before and after image using photos of the south east corner to the rear of Iona Road. (This has been rebuilt at time of my site inspection) The applicant proposes that subject to agreement with neighbours the existing boundary treatment could be removed leaving just the proposed boundary. It is emphasised that this is not a requirement but it does indicate that the applicant is not relying on the existing boundary as a retaining structure.

### **8.6.2 Impact on Iona Road**

Iona Road is to the south of the site and is separated in part by a lane which provides rear access to the Iona Road properties and not to the subject site. About 30 houses either back directly on to the site or the dividing lane. The southern site boundary is marked substantially by a c.1.75m (8 block) high (as measured from the development site side) concrete block wall. It has been constructed on slightly raised ground and the wall is accordingly some 600mm higher as measured from the lane on the other side. It has a surveyed height of 25.5mOD. It is also topped with a rail of metal rotary spurs. A large derelict structure remains on site alongside the rear boundaries of nos. 25-33 about half way along the southern boundary. This rises to 30.99mOD. The rear boundaries then towards the eastern end comprise a wall and fencing. As compared to the applicant's site photographs I note onsite inspection that the east end section of the boundary has been made good with a new block wall and fence in keeping with the prevailing height. The ground is marginally higher on the development site.

In the proposed development, Section 5-5 shows the ground level to be fairly level at the western end (near to the site frontage) however moving east along the site boundary it is apparent from viewing the block wall on both sides that there is a difference in levels. Section 7-7 shows the finished ground level with a difference of about 800mm between 53 Iona Road at the eastern end of the development.

On examination of the levels of both the existing ground and proposed finished floor levels relative to the existing boundary heights I do not consider the proposed development to amount to a significant diminution of amenities of Iona Road dwellings. In fact the aspect for many houses will be considerably improved due to the removal of the 30.99mOD high structure which towers considerably above and along the boundary. I note the floor levels at a constant 23.85mOD which is in the order of one metre above the ground level at the boundary. Accordingly a moderate raising of the 25.5mOD level wall height would protect privacy. Due to orientation the issue of overshadowing does not arise. I do note however that the most eastern property on Iona Park adjoining the site is identified as having a wall at 24.15mOD and this would be only marginally higher than the proposed floor level of 23.95mOD. While overlooking would be at an oblique angle, views from a raised garden would be possible. However this level does not take account of the fence which has been recently replaced. In any event due the orientation a raising of the boundary in the manner proposed would I consider be reasonable.

With respect to overlooking from upper floors, I do not consider this to be an issue having regard to the separation distance between opposing windows of principal elevations at upper levels. In the case where garden depths are reduced, the intervening sheds and laneway provide a sufficient buffer between existing and proposed houses.

The removal of the rotary razor strips is generally accepted as a positive measure and I consider this appropriate to the residential character of the area.

### **8.6.3 Impact on Iona Park**

The rear gardens and elevations of houses on Iona Park are vulnerable to the loss of afternoon and early evening sun from the west. This is due to the height of the proposed houses and associated boundary walls in addition to the previously and proposed raising of ground levels within parts of the site.

Notably the subject site rises up to 1.6m above the garden level to the east (Iona Park) as is most evident from the subject site and adjoining rear gardens of nos. 15, 13 and 5 as noted during site inspections. This difference and additional works is of serious concern to residents given the proposed house height of 10.62m.

Section 7-7 shows a difference in height between the proposed roof level at 34.67mOD and the visible ridge height of houses along Iona Park. The house on Iona Park is shown with a ridge height at what scales at 31.47m. This however relates to no. 15 (and 17) which only partly bounds the site at a point where there is residual open space and is I consider misleading. The differences in height while not insignificant are not so dramatic. The Iona Park houses for example directly east at the northern end of the eastern boundary have ridges at 32.35mOD (nos. 11 and 13). The proposed height is therefore 2.32m higher in absolute terms than nos. 11 and 13. Further south along the eastern boundary the ridges are 32.9mOD (no.5) and the 33.25mOD (no.1). The proposed terrace of six houses has a slightly lower ridge height at 34.57mOD due to slightly lower ground level. Accordingly the difference between the proposed ridge corresponding to no. 5 is 1.63m and not 2.2m as thought by the appellant.

While the schematic diagram attached to the applicant's response might suggest that proposed gardens to the rear of no.15 may be raised by one more metre at the boundary, the section drawing together with the ground levels for the finished road levels

and manholes indicate that the raising will be confined to the house and its immediate curtilage and not extend the depth of the garden. The top of the fence to the rear of no. 15 is 26mOD and the existing ground level of the site is 23.6mOD. The boundary therefore will not need to be raised in the provision of, for example, a 2m boundary wall or screen at this point. In the case of no. 13 the existing boundary is even higher by way of trees and the ground level as existing and as proposed in line with the proposed fall of the road drops slightly. No, 9 and 7 together form guest accommodation which has extended up to the boundary. The remnants of a former industrial structure remain along this boundary and partly of that of no.5. The owner of nos.7/9 has an issue about the structural integrity of a new boundary wall as the party walls along Iona Park are also tied in to the remaining structure on site. At the most southern end ( to rear of no.1 Iona Park) the FFL is 23.95mOD where the ground level is 23.052mOD which means an additional 0.43m raise on a standard boundary, however in this case there are mature hedges and evergreen trees forming a tall boundary.

Having regard to the existence of the established heights along the eastern boundary the proposed boundary wall cannot be reasonably construed as giving rise to an undue increase in overshadowing.

In terms of sunlight, the orientation of the houses is such that the rear gardens have a southerly aspect which will not be altered by reason of the development and this ensures that houses continue at the very least to retain access to sunlight. The applicant has submitted an illustration demonstrating the changes from the previous refused development. The ridge line is set back resulting a greater angle of light penetration and reduction of shadow into adjacent property. There is increased separation between existing and proposed yet the appellants remain unconvinced.

Taking the sun at an angle of 45 degrees (for example in the month of April), it is clear that the boundary walls as they stand cast a shadow over a depth of a couple of metres into the respective gardens of Iona Park and as the sun sets or date approaches winter this creeps up to and beyond the house at varying degrees of time. With the proposed houses at 10.62m in height in addition to ground level increase of .43 and an 1.6m elevation difference the shadow of the proposed house would extend 12.65m from the ridge into the garden but not breach its eastern boundary when the sun is at this angle. However I accept that as the angle of the sun lowers depending of time of year and day there will be some loss of sunlight. In this regard I note the shadow analysis and dramatic change of shadow between March and June at 3pm in the show analysis submitted as further information. I also note the deep shadow at noon for December when the sun is low and comparable to sun setting in late evening in the summer. I note the June shadow in the morning shows the same shadow by the boundary wall as that for the other side of the wall in evening sun when the sun is at similar angles. It doesn't fully reflect the ground level variance. While the Board may wish to seek further quantification of sunlight penetration I am satisfied that there is sufficient information on file.

The residents of Iona Park are concerned about overlooking as a consequence of the height of proposed houses. There are concerns that due to the finished floor levels (FFL) there may even be overlooking from ground level in addition to the upper floor levels. I note the rear garden depths scale at 11m at the shortest depth at ground level and distances in the order of 11.8 to 12.5m at upper floor level. In the context of an 11m garden depth and distance between opposing windows at more than 22m this is at

acceptable limits although the additional height and floor level may justify an even greater setback particularly for houses 13 and 15 where ground level differences are greatest. There is a strong case that in view of the extant remnants and the previous development on site and the introduction of spacious family homes at this location these circumstances can be reasonably taken into the balance. I also consider the use of comparatively low density housing for an inner suburban context is preferable to the apartments or duplexes along the residential boundary. The potential for number of households as a potential source of overlooking from an even a greater distance would I consider be more intrusive.

On balance I consider there is some room to increase the separation distance between the eastern terraces and Iona Park in order to minimise an overbearing impact. A moderation of the height or separation distance at the northern end would negate the greatest impact. This could be achieved by a number of alternatives.

I note the front garden depths incorporate one wide vertical off street car parking space with the potential for second along the path. This area could be reduced in depth and revised to match front gardens and parking as proposed on the opposite side of the road that is with a reduced setback from road and with provision for parallel parking only. This facilitates a shifting of houses along the eastern boundary in westward direction by about 2m. However I am of the opinion that the front curtilage is generally appropriate to the setting of the proposed terraces and scale of houses in its capacity for soft landscaping. By splitting the two terraces into three would give more flexibility to target the more sensitive boundaries. It would also reduce the massing and overbearing impact as viewed in its entirety from Iona Park. It would also allow for more direct access to rear gardens and drainage connections rather than pipes traversing multiple private gardens. This would require the omission of one dwelling.

Alternatively houses on the opposite side of the road read could be replaced with the fewer dwellings but this would have considerable knock-on effects and such revisions should be more properly considered subject to the applicant's comments.

#### **8.6.4 Boundary wall details**

The appellants are concerned about the structural impact of a new boundary wall and fence or even the mounting of a fence alone. The climbing plant species - Chilli Potato Vine is of concern due its burning and poisonous characteristics. The applicant states that a support structure can be inserted to support the ground without putting further stress on the existing boundary wall and also offers alternative plant species such as an evergreen jasmine. I accept the concerns and while some relate to civil matters between the parties I consider it appropriate that the applicant submit a structural report by a competent engineer verifying the structural integrity of the proposed boundary treatment in respect of each boundary. Planting in terms of species and phasing (preferably at an early stage to establish plant growth) should be agreed with the planning authority unless otherwise agreed with the respective neighbours. Jasmine should be the default climber species due to it less offensive characteristics. This level of detail should be agreed with planning authority rather specifying species in a condition.

One appellant suggests a revision to original grounds levels. I would have reservations about this approach although there may be some merit in doing this just along the eastern boundary in order to provide an access lane which would not only bridge the differences but could provide access to the rear of the proposed terraces of 5 and 6

dwellings in addition to providing for future permeability. This would be a material alteration in the scheme and would need revised notices to inform third parties. On balance I consider the boundary interface can be dealt with by condition as previously stated.

#### **8.6.5 Impact on Botanic Road.**

The owner of 31 Botanic Road is concerned about the scale and impact of Block A and overlooking from the balconies of which there are three proposed in the south elevation, i.e. facing the side of 31/A Botanic Road which have gable windows. While I accept the balconies are at an elevated height as compared to typically directly opposing windows, the separation distances are within acceptable ranges. 31A built to the side of 31 along the site boundary partly screen the rear of 31. Block A is set back at greater distance from the boundary with 31 than the gable set back of that property. This is equitable. Block A then steps back 12.8m from the boundary/gable of 31A. I concur with the planning authority that will not give rise to undue overlooking from the apartment. Although I accept the balconies would provide views albeit at acceptable distances. Obscured glazing in the balconies would protect mutual views. I also consider the strategic tree planting as proposed to be an appropriate remedy to protection of amenities of the existing house at a point close to the boundary.

The other matter relates to the interface between the playground and access to the gable wall for maintenance. I consider the access issue to be a civil matter between the parties over which the planning authority cannot dictate. The matter of use of the playground insofar as it may give rise to nuisance can be satisfactorily addressed by condition of permission such as adhering to hours of operation/management of outdoor area. Noise attenuation through rubber matting is also a possibility. In conclusion however I do not consider the proposed development will detract with any degree of significance from the residential amenity of 31- 31A Botanic Road.

#### **8.6.6 Residential amenity and Flood risk**

The residents on lower ground in adjoining sites are concerned understandably about the potential for localised flooding in their respective properties. I note in the Flood Risk Assessment in the draft LAP the site is within zone C and accordingly has a low risk of flooding. This is due to its elevated position relative to the Tolka to the north to which the site naturally drains. The greatest flood risk in the LAP is from pluvial events. In terms of pluvial 100 year 180 minute flood risks, the site has some spots along the northern side and the Botanic Road frontage. I note that the house plots along Iona Road to the south are also highlighted as having some localised flood depths in the 0.1-0.2m range.

The site is to be graded such that storm water flows by gravity to the Botanic Road. This has been designed to a 1 in a hundred year rainfall event. The consequence is that the houses to the eastern end of the site will be sited on moderate elevated ground and the rear gardens will be similarly elevated before sloping down to the eastern boundary. The proposal to drain the site by gravity to the western side will divert the vast majority of water to attenuation or off-site. (The catchment drawings graphically illustrate the catchment zones). The issue in this regard is the potential seepage through any retaining structure. Similarly the details of the ground works should be subject to further detailed clarification of structural guarantees with respect to protecting each property from flooding.

The solution proposed is to insert land drainage along the eastern boundary to collect the excessive rainwater from the lower ends of 11 gardens bordering Iona Park at a height. There are no figures supporting the capacity and adequacy of this drain as it is not shown in the drainage catchment plan or its compliance with SUDs but I accept that such matters of detail could be dealt with by condition with the overriding issue of containment being addressed to the satisfaction of the planning authority and in a manner that would not give rise to localised flooding impacts. Condition 26 by the planning authority provides for this but it could be further clarified.

It should be noted that a large proportion of the surface area within the overall site is concrete and relatively impermeable. Accordingly the development of the site which incorporates digging this up and crushing for re-use and the introduction of soft landscaping in open spaces and gardens in addition to storm drainage in accordance with SUDs is likely to be an improvement in the drainage capacity of the site.

#### **8.6.7 Retail café use – hours of opening**

There is concern about nuisance generated by both late night patronage and odour and noise from ventilation of the kitchen. The proposed use of a café style service with only a small cooking area is oriented towards day-time use which is more appropriate to an integrated unit in a residential scheme. The wine license however does promote a later evening use. For reasons already stated I consider the premises are well sited to minimise disturbance. Potential nuisance can be controlled by condition of permission in respect of hours of operation, ventilation and noise limits on operational use. I concur with the planning authority conditions in the regard.

#### **8.7 Materials and Heritage**

There are mixed opinions about the design and finishes particularly in the context of conservation area which is characterised by traditional use of brick and granite.

The use of domestically scaled housing of generous proportions by reference to Development Plan standards is an appropriate interface with established housing bordering the site. While the design is contemporary, the plot proportions, the verticality of design, the roof profiling and bay type features together with the use of brick finishes combine to reproduce key elements of domestic architecture that defines the character of the area.

Block A is more prominently sited along the Road Frontage and is controversial in that it is commercially scaled and unreservedly contemporary. I have already commented on the scaling of this Block in relation to the Players building. The only reference by way of material to the architectural character of the area is by the incorporation of brick in recesses and partial cladding. However the use of narrow vertical bands of brick at increasingly wider spacing culminating in the columnar brick bookend provides a rhythmic quality and complimentary context leading to the dramatic slender brick chimney – a protected structure. While I generally accept the palette of materials and approach to selection, I concur with the planning authority that granite should be used in the cladding panels and this can be addressed by condition and agreed with the planning authority.

The layout I note also has regard to the setting of both the Players building and the chimney through the setback, detailed spacing of blocks, juxtaposition of open space and provision for linking of these elements with future development to the North. At a

more detailed level, traditional materials are woven into the scheme in a contemporary manner and provide for continuity and a visual link between old and new.

I note the report of the city archaeologist and the potential for industrial archaeology on site. While it is quite apparent that the site is for most part disturbed ground the deeper excavation may expose artefacts. I note however that this heritage has not inhibited the 5 storey buildings envisaged on the site in the LAP. I consider this can be reasonably addressed by condition.

### **8.8 Vehicular access and car parking**

The applicant has submitted a Transport Assessment report which examines existing traffic conditions and likely trip generation arising from the proposed development. In this context junction analysis has been carried out. The report concludes that the surrounding road network has the capacity to accommodate vehicular traffic and that the site is also readily accessible to sustainable modes of transport. The appellants criticise the limitation of the data. I note the Transport Planning Division of the planning authority has considered the access arrangements and parking provision in some detail and is satisfied that there is sufficient capacity in the road network to cater for the fairly marginal increase in traffic generated by the proposed development. It is also satisfied in terms of the new access which appears to have been discussed in some detail prior to the application. I do not consider traffic hazard to constitute grounds for refusal.

Ultimately the residents are concerned about the spill over effect of car parking shortage within the site on the surrounding road network which includes residential streets reliant on on-street parking. The rate of 1 space per residential unit in addition to some surplus parking has been accepted as appropriate to the location of the development – being highly accessible to the local and city facilities.

Firstly I note on examination of the layout drawings there is a possibility that two cars could be parked in front of the T1 houses given, the 90 degree parking angle, plots widths and private curtilage/set back from the street. There is it would seem, capacity for cars to double up should the need arise on occasion although ultimately I consider the limitation on formal car parking is appropriate and consistent with strategic transport policy. In any event the controlled street parking by payment and or permits ensures that parking is available for local residents' convenience. In conclusion I consider the proposed access and parking arrangements which support public transport usage while at the same time providing car parking for the residents and users of the facilities all in a manner and design that would not give rise traffic hazard and would be in accordance with the detailed requirements of the planning authority and the proper planning and sustainable development of the area. The Board may consider designing out 90 degree angle parking in favour of parallel parking although I am satisfied that parking could be controlled by management and landscaping.

### **8.9 Appropriate Assessment**

A screening assessment has been submitted as part of the application. The site is near four European Sites; North Dublin Bay cSAC, North Bull Island SPA, south Dublin Bay cSAC and South Dublin Bay SPA with the Dublin Bay sites being potentially connected via the Tolka to which the site naturally drains. The main issue is loading on the sewage treatment plant in Dublin Bay and this is not identified as a risk in view of the improvements of this facility



Another pathway to Dublin Bay is potentially through groundwater that is not picked up on a sewerage network. This is not identified as a significant risk in the Environmental Site Assessment Report which assesses for risk of contamination following previous industrial use on site as a printworks. The risk report indicates contamination is unlikely. I do not consider the development of this brownfield serviced site is likely by itself or cumulatively to result in any adverse effect on any European Sites.

#### **8.10 Financial Contribution in lieu of Public Open Space – Condition 15**

The planning authority, by reference to the Development Plan considers the public open space to be deficient in that it falls short of the 10% of site area. Two areas of communal space are shown – one courtyard has an area of 855 sq.m. and the other has an area of 1087 sq.m. which is delineated as an area for ‘taking-in-charge’ whereas in fact an area in the order of 2000 sq.m is needed in addition to semi-private space to comply with development plan standards. Flexibility exists to provide for a reduced quantum of open space on infill sites as such sites cannot always provide the same space associated with greenfield sites and a financial contribution is often accepted. I also note in this case that there are several established areas of public open space within a 500m radius of the site and the space proposed within the overall scheme is of a high quality incorporating considered play areas and in the longer term with potential to be considerably enhanced in future adjacent development. This is illustrated in the detailed landscape plans and specifications.

In this case the planning authority relies on section 17.2.3 of the Development Plan whereby there is provision in the event of a shortfall of public open to offer a financial contribution towards the provision of a new park or improvements to an existing park in the area. In this context the applicant was invited to offer a contribution. This approach is reiterated in the response to grounds of appeal. The planning authority accordingly attached a condition requiring €2000 per dwelling.

I have reviewed section 48 of the Planning and Development Act, 2000 and in particular part (2)(c) which is applicable where specific exceptional costs not covered by the scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

Guidance on interpreting this point can be taken from paragraph 7.2 of the Development Management Guidelines. This states that, “A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a Separate development contribution scheme for the relevant geographical area.”

I note the development contribution scheme 2016-2022 provides for in lieu payment but it is in relation to particular works.

**'CONTRIBUTION IN LIEU OF OPEN SPACE:** The Dublin City Development Plan provides the discretion to the Council to determine a financial contribution in lieu of all or part of the open space requirement for a particular development. The Plan provides that in the event of the planning authority considering a site to be too small or inappropriate to fulfill Dublin City Development Plan requirements for open space provision a financial contribution towards provision of or improvements to a park and/or enhancement of amenities in the area in line with the City's Park Strategy shall be required.'

The Planning Authority relies on the view that public open spaces works are generally for the benefit of a particular development where there is insufficient amenities and in this way constitutes a specific exceptional cost in relation to public infrastructure.

In this case it is my opinion that the benefit deriving from public open space infrastructure is more widespread and has not been identified to the proposed development.

The Planning Authority has not identified particular works for public open space that will directly benefit the proposed development. The Board cannot ascertain the nature or scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. Having regard to the above I am of the opinion that the planning authority should not be seeking a contribution in relation to public open space.

Should the Board consider it reasonable to attach a contribution, Part V housing should be offset against this. Regard should also be had to the sizeable communal open space incorporating 1087 sq.m. of designated public open space for future taking-in-charge as provided for within the development.

## **9.0 RECOMMENDATION**

Arising from my assessment of the appeal case I recommend that planning permission should be granted for the proposed development based on the reasons and considerations set down below. Condition 15 should be omitted.

## **REASONS AND CONSIDERATIONS**

Having regard to the submissions on file, the nature of the development as a vacant and partially derelict site in a strategic outer city location, the pattern of development in the area and the overall layout and design which includes a mix of apartments and houses and provides for future interconnectivity, it is considered that subject to conditions the proposed development would not seriously injure the residential amenities of properties in the vicinity by way of overlooking, overshadowing and overbearance or undue disturbance and would be acceptable in terms of traffic safety and safe guarding the visual amenities and character of the area which includes a residential conservation area. The proposed development would therefore be consistent with the overall proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by the planning authority on the 11 day of December 2015, 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.

2. The site layout in respect of all the dwellings backing onto Iona Park properties shall be revised, by either,
  - (a) Moving both terraces of dwelling nos. 25-35 by a distance of 2m in a westerly direction away from the eastern boundary by reducing the front garden space and revising car parking to a parallel arrangement.

Or,

  - (b) Omitting one of the dwellings from nos. 25-35 and replacing the two proposed terraces with three terraces in the order of three, four and three houses. The northern terrace of three houses shall be
    - i. stepped forward by a distance of 2m in a westerly direction away from the eastern boundary by reducing the front garden space and revising car parking to a parallel arrangement, or
    - ii. of a revised house type with ridge height not exceeding 9.9m over the FFL of 24.05mOD.

Details of the revised layout shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of properties along Iona Park.

- 3 (a) Details of the proposed alterations to the alignment and traffic arrangement on Botanic Road, including road markings, alterations to kerblines, cycleway and footpath, and landscaping areas to be taken in charge shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All materials shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council.
- (b) The roads and footpaths shall be constructed to taking in charge standard up to the point of future interconnection with adjacent site(s) unless otherwise agreed with the planning authority. These future points of connection shall be set out and agreed with the Planning authority and shall be kept free of development.
- (c) 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.

(d)The developer shall be obliged to comply with the requirements set out in the Code of Practice.

(e) One car park space shall be reserved for each dwelling unit.

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

4. 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. In this regard, prior to commencement of any development on site the developer shall submit for written agreement with the planning authority, details (including plans and sectional drawings) of measures to ensure that surface water and groundwater volumes and flow are managed internally within the site and directed away from the adjacent residential development.

The developer shall submit an appropriate flood risk assessment for the proposed development which identifies and proposes solutions to mitigate potential risks from all sources including pluvial and groundwater. Flood risk from 30 year and 100 year storms shall be assessed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding to the development has been reduced as far as is reasonably practicable and that the proposals do not increase the risk of flooding to adjacent or nearby area.

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

5. The balcony screens in the south elevation of Block A shall be of obscured glazing at upper levels. The terrace at the top level shall be provided with screen planting along the southern side. Details shall be submitted for the written agreement of the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

6. The noise level emanating from commercial development shall not exceed 55 dB(A) rated sound level, as measured at the nearest residential dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

- 7 (i)Details of the layout, the materials, and external finishes of the screen and rear garden walls together with boundary landscaping and phasing programme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of construction of the development.

(ii)Details shall include a section through each the boundary with each rear garden along both Iona Road and Iona Park demonstrating existing and proposed levels and finishes.

(iii)The boundary work shall not interfere with the structural integrity of the existing domestic boundaries and the applicant shall confirm this by written evidence of a competent structural engineering firm which shall be agreed in writing with the planning authority prior to commencement of development

**Reason:** In the interest of the residential amenities of the area.

- 8 Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed retail café shall be restricted to such use and the hours of operation shall be restricted to between 0700 and 2330 hours.

**Reason:** In the interest of the residential amenities of the area.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

- 10 The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
  - (b) Employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 11 Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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 house.

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

- 12 The selected cladding panel system to the western and northern elevations of Block A and Block B shall be finished in Granite. Revised details in this regard shall be submitted for written agreement of the planning authority prior to commencement of Block construction.

Details including samples of all other materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity of the area.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a single legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces, lighting, roads and paths including future interconnection with adjacent site(s), drainage systems, flood risk mechanisms, 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 and proper planning and sustainable development of the area.

- 14 Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission. Details of any other signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the visual amenities of the area

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

**Reason:** In the interest of orderly development and the visual amenities of the area.

16. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed requirements of the Planning Authority for such works.

**Reason:** In the interest of amenities and public safety.

17. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

18. 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.

19. During demolition and construction works on the site, all necessary steps to contain dust shall be taken so as to prevent or limit dust being carried to occupiers of other buildings in the locality. A details dust control and containment plan shall be submitted for written agreement of the planning authority prior to commencement of site preparation works and development on site.

**Reason:** In the interest of public health and residential amenity

20. Prior to the commencement of use of the café, details of extraction and ventilation and effective control of emissions shall be submitted for the written agreement of the planning authority.

**Reason:** In the interest of public health and residential amenity

21. Proposals for an estate/street name, house 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 and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

22 Site development and building works shall be carried only out between the hours of 07.30 to 18.30 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.

23 (i) The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the Landscape Plan submitted with provision for replacement planting up to 3 years after planting. Work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer or management until taken in charge by the local authority.

(ii) The developer shall comply with the requirements of the Parks and Landscape Services Division in respect of standards for taking-in-charge, playground safety, installation of an artwork feature and landscape phasing and completion.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose and in the interest of residential amenity.

24 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, access 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.

25 All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

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

26. The developer shall pay to the planning authority a financial contribution of €1,518,706.00 (one million, five hundred and eighteen thousand and seven hundred and six euro) 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. The application of any



indexation required by this condition 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.

**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.

*Note: Please note that with effect from [1www.water.ie](http://www.water.ie)<sup>st</sup> January 2014 Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website*

27. The developer shall pay the sum of €269,020.00 (two hundred and sixty-nine thousand and twenty euro) to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of Metro North. The contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

28. 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 of roads, footpaths, cyclepaths, water mains, drainage systems and monitoring regimes, 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 agreed between the Planning Authority and the developer or, in default of agreement, shall be determined by An Bord Pleanala.

**Reason:** To ensure the satisfactory completion of the development.

Suzanne Kehely  
Senior Planning Inspector

13<sup>th</sup> June 2016