

An Bord Pleanála



Inspector's Report

Development: Part demolition of existing building, construction of a 5 storey residential development comprising 29 no. apartments and associated site works.

Location: Poplar Row (formerly Block 2), Ballybough, Dublin 3.

Planning Application

Planning Authority: Dublin City Council
Planning Authority Reg. Ref.: 4124/15
Applicant: Oaklee Housing Trust
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant: Catherine Clarke
Type of Appeals: 3rd v Grant
Date of Site Inspection: 13th September 2016
Inspector: Dolores McCague

1 SITE LOCATION AND DESCRIPTION

- 1.1 The site is situated at Poplar Row Ballybough, Dublin 3 (formerly Block 2 of the DCC housing development). Poplar Row is part of the heavily trafficked R131, between Clonliffe Road and East Wall Road.
- 1.2 Roughly rectangular in shape the site has c 50m of road frontage and c 25m depth; bounded to the south by the rear gardens of recently constructed two and three storey dwellings at Taffes Place. The Taffes Place development continues in a semi-circle around the corner to Annesley Place and Poplar Row to abut the east of the subject site as a four storey block. To the west the site is bounded by recently constructed three storey housing. Block 3 of the original five storey Poplar Row blocks is located to the south west and has recently been refurbished.
- 1.3 The site is fenced in palisade type security fencing and surfaced in gravel. Until recently it has been in use as a builder's compound.
- 1.4 A recently constructed four/five storey monopitched stairwell block at the western end of the site, is part of the site, although it is attached to the housing adjoining the site.
- 1.5 On the opposite side of Poplar Row, the Poplar Row flats, constructed in the 1940s: three four storey flat roofed blocks with brick and plaster finish; are protected structures. An arched entrance within the development provides access to the Tolka River.
- 1.6 The site area is given as 1007m².

2 PROPOSED DEVELOPMENT

- 2.1 The proposed development comprises demolition of an existing stairwell, previously intended to be part of a proposed building not constructed; construction of a 5 storey residential development comprising 29 no. apartments with balconies: 25 no. 1 bed apartments, 4 no. 2 bed apartments and a warden's office, parking for 8 no. cars, 29 bicycle parking spaces, hard and soft landscaping, new boundary walls, storage area, communal bin stores, roof mounted solar panels, connections to existing services etc.
- 2.2 There are three pedestrian entrances and one vehicular entrance, to the proposed development from Poplar Row. Each pedestrian entrance is accessed via a flight of external steps from street level to a ground floor level (upper ground floor) which is above street level. Each pedestrian entrance accesses a lobby which provides access to one apartment to either side, a stairwell and a lift. The stair / lift / lobby cores serve one apartment to either side, on each floor. The two eastern lobby areas each have a rear door to a small shared outdoor amenity area. The yard and parking area at the western end of the site is at street level / lower ground floor level. This area is connected to the outdoor amenity area by a long ramp. The western lobby is provided with a platform lift connecting the lower ground floor to the upper ground floor. Universal access is therefore available from the lower ground floor level via the rear of the building. The four two bedroom apartments are located at the western end of the building on the first to fifth floors. These apartments are provided with additional balcony space.
- 2.3 Car parking is provided in the yard at the western end of the site. Bicycle parking is provided within the outdoor amenity area and also within the yard area to the west.
- 2.4 The floor area of the development is given as 2283m².

3 PLANNING AUTHORITY DECISION

- 3.1 The planning application was lodged on the 30th November 2015. The application was accompanied by two reports from Punch Consulting Engineers, one titled 'Engineering Planning Report', and the other titled 'Flood Risk Assessment Report'.
- 3.2 The Engineering Planning Report includes: that a green roof and a tanked permeable paving system will be provided as part of the sustainable urban drainage system (SuDS). Parking for 8 cars is proposed and considered acceptable as the site is located in zone 3 bordering zone 1, has excellent public transport linkages, is for elderly residents, and there is an existing designated disabled car parking space available in front, along Poplar Row. Cycle parking at a rate of 1 per unit is being provided: 22 spaces.
- 3.3 The Flood Risk Assessment Report includes an assessment of fluvial flood risk from the river Tolka, and coastal flooding risk. Pluvial flooding is not considered a risk. Table 2 in the report gives the levels for flood zone A: return period 1:100 fluvial (3.352m) and 1:200 coastal (3.72m); and for flood zone B: return period 1:1000 fluvial (4m) and 1:1000 coastal (4.36m). The proposed finished floor level of 4m at ground floor, places the proposed development in flood zone B from a fluvial perspective and in terms of coastal flood risk places the proposed development in flood zone C. A justification test is therefore required and the Flood Risk Assessment provides justification for the proposed development, including the zoning, regeneration required, brownfield nature of the site and the location within an established urban area. The development of the site will not contribute to flooding.
- 3.4 The Consultants recommend that a number of flood protection measures be implemented, such as proprietary demountable flood barriers, to provide protection to a minimum of 4.36m OD. They recommend that vulnerable infrastructure be located above 4.36m OD. They also recommend that consideration be given to flood resilient materials, for use internally on the ground floors; and that the bin storage area and cleaner's storage area, at lower ground floor, be protected by demountable flood barriers.

- 3.5 A letter, consenting to the application, from the Executive Manager Housing Development, accompanied the application; also stating that the developer will have to satisfy Dublin City Council's Housing and Residential Services Department as to the feasibility of the partial demolition of the existing redundant stair core and the construction of new works in its place, prior to works commencing.
- 3.6 A planning report from Cooney Architects accompanied the application, which includes:
- 3.7 This area was originally developed as Local Authority housing, in the early 1970s, consisting of six five storey blocks of maisonettes and one room studios. Over a period of time from 2000, this established housing area was upgraded and refurbished. Some housing blocks were demolished and new houses and duplexes were built. In early 2006 Block 2, the subject site, was demolished. The intention at the time was to replace it with new apartments for sale as affordable housing. Since then it has been earmarked for senior citizen housing.
- 3.8 A feasibility study prepared by DCC was carried out, which highlighted the potential for a more intensive re-development of the nearby sites of senior citizen housing at Thomas Clarke House, and the adjoining disused Housing Maintenance Depot at Orchard Road, and it is envisaged that the Poplar Row site will provide new accommodation for these tenants to be housed. Recently the public road has been re-aligned to allow for a new bus corridor.
- 3.9 The proposed development responds to the existing varied building along the south of Poplar Row. The elevation to Poplar Row is at angles as it approaches the existing dwellings to the west, in order to avoid overlooking and abrupt transition. The existing building line to the east is maintained.
- 3.10 External stairways at street level are required to address universal access, avoid flooding and allow a transition between the public and private realm, enhancing privacy at ground floor.
- 3.11 Hard and soft landscaping is proposed to the front of the building.

3.12 The existing stairwell, constructed to facilitate the previously proposed block 2, which was not constructed, is to be demolished as it has no function, the additional space will allow compliance with requirements for open space and car parking; and the layout and heights of the stairwell landings do not comply with the 2.7m clear height requirements of the Development Plan.

3.13 Technical Reports

3.14 Environmental Health – 18/12/2015 – conditions.

3.15 Engineering Department Drainage Division – 5/01/16 – conditions.

3.16 Roads & Traffic Planning Division -- 18/01/16 - conditions.

3.17 Planning Report - 2/2/16 – includes - the apartments were demolished in early 2006 and the site has been vacant since.

Zoning Z1 ‘to protect provide and improve residential amenities’

Appendix 3 the Council will seek to promote the provision of accommodation for older people.

Policy QH12 – to promote the development of appropriate accommodation for older people.

Policy QH19 – to ensure that new housing close to existing houses reflects the character and scale of the existing houses unless there are appropriate design reasons for doing otherwise.

Other Sections of the City Development Plan are referred to:

17.9.1 – residential quality standards including private open space e.g. balcony space - minimum 6 sq m for a 1 bed unit, 2m minimum depth.

17.9.7 – infill housing – that such housing reflects the character etc of the area.

Regarding height (17.6.1) - the height, in this location within DCC's height zone control boundary classed as Outer City, which limits all development to 13m. However, it is noted that the section 17.6.1 areas identified for high buildings and section 17.6.2 definition of high buildings, states 'where a site has a pre-existing height over that stipulated above, a building of the same number of storeys may be permitted subject to assessment against the standards set out elsewhere in the development plan. The pre existing building on the site was five storeys in height and the previously approved building with alterations (reg. ref. 2908/02), was also five storeys in height.

3.18 Interaction with the street/security/defensible open space – as this development is considered an infill development consideration should be given to how it will sit in with the surrounding properties and how it will interact with the public realm.

3.19 Recommending further information on 3 points:

1 The planning authority (PA) has concerns with regard to how this development will relate to the surrounding area with particular emphasis on the visual impact of the overall mass and bulk of the development, the appearance of the western edge of the development at lower and upper ground floor level, the appearance of the eastern gable elevation and the rear boundary wall, when viewed from adjoining properties, and the proposed communal space fronting onto Poplar Row. It is the opinion of the PA that insufficient information has been provided with regard to the visual impacts of this development. Colour renderings and computer generated images (CGI), showing it with reference to the surrounding properties, is requested. The applicant shall submit revised floor plans, elevations and supporting documentation where relevant. In addition particular emphasis should be given to the following elements of concern:

a) the 5.3m high blank coloured render/composite panel finish wall;

b) the 4m high metal/timber pedestrian gate and a 4.5m high timber /metal vehicular entrance gate,

c) the rear concrete block wall topped with a 1m timber/metal fence,

d) the gable elevations of the new structure,

e) the design and usage of the brick pier planter wall as it is noted that the elevations, floor plans and model show differing design elements,

f) comprehensive details of the proposed material finishes, including samples and/or reference images where possible, to be used for the gates, walls, windows, balconies and fencing.

2 The PA has serious concerns regarding the levels of residential amenity, security and privacy provided for the upper ground floor apartments, units 1-5. The applicant is requested to submit revised floor plans, elevations and other supporting documentation required to answer the following concerns:

a) clarity regarding the access to and security of the space between the brick pier planter wall and the front building line,

b) the levels of privacy and security afforded to the bedrooms of units 1-5, in particular units 1 and 3 regarding their proximity to the open space or access stairways to the building.

3 The PA has serious concerns in relation to the design of the proposed development and the quality of the private open space provided for the future residents of the building in the form of the north facing balconies which are considered substandard in terms of depth (balconies for units 2, 4, 7, 9, 13, 16, 19, 21, 25 and 27, and in some cases lack of access to light, unit 1, due to overhanging of the above apartment. The applicant is requested to submit revised floor plans, elevations and other supporting documentation to address these issues. The applicant should have particular regard to section 17.9.1 of the Development Plan and also the Sustainable Urban Housing: Design Standards for New Apartments (2015) which refers to the minimum depth and size requirements for balconies and where it states that the balcony should be capable of accommodating a table and two chairs.

3.20 Further information submitted 12/5/2016.

- 3.21 Responding to item 1a) - revised drawings show the proposed materials, and lowering of wall to 4m with a brick finish, that incorporates highlighted areas of patterning where the brick is left out, so as to provide a perforated finish which allows for security by design between the public and private areas. This wall will be designed to ensure that it is not climbable while allowing visibility.
- 3.22 Responding to item 1b) - revised drawings show the proposed materials and lowering of gate to 4m with a metal finish which allows a vista to the semi-private realm behind allowing for security by design.
- 3.23 Responding to item 1c) - revised drawings show the proposed materials and design of the rear boundary wall. The design is a brick finish with highlighted areas of patterning where the brick is left out as to provide a perforated finish. The existing wall is being retained and a new wall 1m high is being proposed in part of its length to provide privacy. This wall will be designed to ensure that it is not climbable while allowing visibility.
- 3.24 Responding to item 1d) – CGI images are provided.
- 3.25 Responding to item 1e) – the space between the brick pier wall and the front building line is open and not enclosed, the brick piers are a threshold element between the public footpath and the screened area in front of the main building fronting onto Poplar Row. It is intended that the piers are 900mm high and 325mm x 325mm, with a 325mm gap between them.
- 3.26 Responding to item 1f) – samples provided.
- 3.27 Responding to item 2a) – it is not required to enclose these areas with gates and railings as these areas are passively supervised from the ground floor windows and steps leading to the entrance doors. Examples of similar conditions throughout the city where similar threshold areas are not enclosed, are given. The threshold element is a meet and talk area. The balconies/open space areas comply with section 17.9.1 of the Development Plan of 6 sqm and 2m depth and also the Sustainable Urban Housing: Design Standards for New Apartments (2015) where the minimum depth required is at least 1.5m to be useful from an amenity viewpoint e.g. to accommodate a table and two chairs. The minimum depth provided is 2.2m and each balcony is capable of accommodating a table and two chairs.

- 3.28 Responding to item 2b) – the two external access stairways to the building (the main access stairwells located beside units 1 and 2) were previously shown with a main access stairwell accessed from the west from Poplar Row where the bedroom windows are directly adjacent to the main stairwells.
- 3.29 These two external access stairwells to the building (located beside units 1 and 3) have been flipped so as to provide a main access stairwell accessed from the east where the bedroom windows are now not directly adjacent to the main access stairwells. Furthermore, the window cill height of the upper ground floor windows to the bedrooms of units 1-5 are 2.9m (approx.) from the external ground floor street level and it is not possible for someone walking past to view into the building.
- 3.30 Responding to item 3 – the main balcony of apartment no. 1 is now to be accessed off the living area, which will be south facing. The balcony is 6sqm in area and 2.2m in depth. The north facing balcony is now omitted. The north facing balconies of units 2, 4, 13, 16, 19, 21, 25 and 27 are now omitted. The north facing balconies of units 7 and 9 will still provide passive surveillance for street level and entry below. All south facing balconies are 6sqm in area and 2.2m in depth, accessed off the living area. All the main balconies are now located adjacent to the main living area and are capable of accommodating a table and two chairs. All south facing balconies have a 1.5m high timber screened balustrade for privacy and avoidance of overlooking of the neighbouring buildings.
- 3.31 A response to a letter of 7th April 2016, which they quote, is also made. This refers to detailing of gable treatment – the response states that the gables have been redesigned to include different planes of materials, plaster and brick, with areas of patterns. Also breaking up the massing of the walls by introducing different planes with separate materials, so as to address the top heavy dominant features; and also by breaking up the mass of the gables to provide a degree of visual relief to the gable elevations. Window opes and detailing of the reveals has been refined to soften the visual impact.
- 3.32 The proposed windows are intended to be a large aluminium external window panel with some detailed external railings and a timber internal finish.

- 3.33 The parapet level has been redesigned to incorporate a metal parapet that overhangs by 50mm.
- 3.34 The materials proposed on the elevations are redesigned to omit the dark and heavy appearance. The materials proposed are a dark brick with the use of a light mortar for part of the elevations, with contrasting tones of lighter brick and other materials e.g. lighter render.
- 3.35 Further Technical Reports
- 3.36 Planning 8/6/2016 – refers to satisfactory response to the further information request. A grant of permission is recommended.
- 3.37 The planning authority decided - 8/6/2016 – to grant planning permission subject to 16 conditions including:
- Condition no. 2 - this permission is in respect of accommodation for senior citizens. The units shall be managed by the applicant or other voluntary housing body, and shall not be let or sold on the open market unless a separate grant of planning permission is sought and obtained.
- Condition no. 3 - prior to commencement of development the applicant shall submit details, including revised drawings, confirming that level access can be provided to the stair/lift core leading to Unit 5 and the two bedroomed units overhead.
- Condition no. 4 - the applicant shall satisfy the planning authority as to the feasibility of the partial demolition of the redundant stair core and construction of new works in its place.
- Condition no 7 – the development shall not commence until a landscape scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted and the treatment of all external ground surfaces, has been submitted to and agreed in writing by the Planning Authority and implemented in the first planting season following completion of the development, and any trees and shrubs which die or are removed within 3 years of planting shall be replaced in the following planting season. (The landscaping scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, available from the Parks and Landscape Services Division).

- 3.38 The decision was in accordance with the planning recommendation.
- 3.39 Observations on the file has been read and noted.

4 PLANNING HISTORY

2908/02

Approval for demolition of Block 1 (14 to 37) Poplar Row and Block 4 (1 to 34 Courtney Place, 34 flats), St Paul's Hall and demolish and reconstruct in new location the existing ESB substation. Alter and upgrade Blocks 2 and 3 (38 to 101 Poplar Row, 62 existing flats) including construction of additional stairways and plant and meter rooms. All small one bedroom flats will be combined to form two bedroom flats. The front façade of each block will be faced in brick matching the proposed new dwellings. A pitched roof will be added to each block. Construct 69 new dwellings, comprising 7 one bedroom, 47 two bedroom, 13 three bedroom and 2 four bedroom dwellings, in continuous terraces 2, 3, and 4 storeys high, producing a continuous street frontage to Poplar Row, Annesley Place, Taaffe's Place and Annesley Avenue, and forming a new cul-de-sac off Annesley Avenue. Part of the site will be left vacant for a proposed Community Centre, which will be the subject of a separate application. A temporary single storey pre-fabricated building will be provided until the Community Centre is complete.

Block 2 and 3 of the history site refers to the subject site.

5 GROUNDS OF APPEAL

- 5.1 The third party, Catherine Clarke, Taaffe Place, has appealed to decision to grant permission.
- 5.2 The grounds can be summarised as follows:

- 5.3 They want this site developed for social housing. They are strongly in favour of an increase in the building of social housing by the Government, in particular housing for families. Many in their community are waiting for homes and overcrowding and stress are a constant part of their lives. They are aware that the developer Oakley have an excellent reputation as a social housing landlord and they have no concerns regarding their involvement. Should the Board decide to grant permission they ask that all conditions relating to their residential amenity, from Dublin City Council, be protected and retained.
- 5.4 Their appeal is to the height of the development and its effect on the surrounding homes. The site is an infill between two sets of housing built by DCC Housing Dept. as social housing. The Housing was regeneration new build to replace flat blocks that had poor quality housing. After much consultation the current housing was designed and built. The main thing is the own door aspect of their homes which sets the height of the housing. The infill housing on this site was to be 4 stories family style housing. This was promised and agreed with residents during the building of their homes. People were happy with this and believed that as soon as funding was available this would be built.
- 5.5 They are unhappy with the proposed 6 storey development which will overshadow their homes. In addition, the finish and style is not in keeping with the rest of the housing. The majority of the units are 1 beds for the over 55s and their concern also relates to the lack of parking. Many occupants will have cars.
- 5.6 They wish the height of the development to be reduced to be in keeping with what was promised and ideally to be family style housing. A complete development of family style housing will work better with existing residents. There is a danger with senior citizen housing, in such close quarters to family homes, that disagreements regarding children playing and family activities will occur.
- 5.7 Annotated photographs are attached to the grounds.

6 RESPONSES

6.1 Planning Authority

6.2 The Planning Authority has responded to the grounds of appeal, referring to the planning reports and stating that it has no further comment to make.

7 POLICY CONTEXT

7.1 The Dublin City Development Plan 2011 – 2017 is the operative plan.

7.2 Relevant provisions include:

Zoned Z1 ‘to protect provide and improve residential amenities’

Appendix 3 the Council will seek to promote the provision of accommodation for older people with the ‘in accordance with the ‘Sustainable Residential Areas’ section of the development plan on providing quality homes in a compact city and will seek to implement the recommendations and actions contained in A Strategy for Accommodating for Elderly Persons in Dublin City.

Policy QH12 - To promote the provision of appropriate accommodation for older people in accordance with the housing strategy.

Policy QH19 - To ensure that new housing development close to existing houses reflect the character and scale of the existing houses unless there are exceptional design reasons for doing otherwise.

Sections of the City Development Plan are referred to:

17.9.1 – residential quality standards including private open space including: balcony space - minimum 6 sq m for a 1 bed unit, 2m minimum depth.

17.9.7 – infill housing –such housing reflects the character of the area, etc

- 7.3 Building Height - section 17.6.1 - this location is within the Outer City height zone where development is limited to 4 storeys / 13m but where a site has a pre-existing height over that stipulated above, a building of the same number of storeys maybe permitted subject to assessment against the standards set out elsewhere in the development plan.

8 ASSESSMENT

- 8.1 The main issues which arise in relation to this development are flood risk, building height, residential amenity, visual amenity, parking and appropriate assessment and the following assessment is addressed under these headings.

8.2 Flood Risk

- 8.3 The proposed development will not contribute to flooding.

- 8.4 The application was accompanied by a Flood Risk Assessment Report which states that the proposed finished floor level of 4m at ground floor, places the proposed development in flood zone B from a fluvial perspective and in terms of coastal flood risk places the proposed development in flood zone C; and sets out justification for the proposed development to comply with the requirement for a justification test. The flood levels for flood zone B: for a return period 1:1000 are 4m fluvial and 4.36m coastal.

- 8.5 The Consultants recommend that a number of flood protection measures be implemented, such as proprietary demountable flood barriers, to provide protection to a minimum of 4.36m OD. They also recommend that vulnerable infrastructure be located above 4.36m OD and that consideration be given to flood resilient materials, for use internally on the ground floors; and that the bin storage area and cleaner's storage area, at lower ground floor, be protected by demountable flood barriers. Subject to compliance with these recommendations, I am satisfied that there is no significant flood risk associated with the proposed development.

8.6 Building Height

8.7 The third party has raised as an issue the height of the proposed building. It is stated that they are concerned at the height of the development and its effect on the surrounding homes. The proposed development is higher than the 4 storey limit set for this Outer City height zone. However the Plan states that where a site has a pre-existing height over that stipulated, a building of the same number of storeys maybe permitted subject to assessment against the standards set out elsewhere in the development plan.

8.8 The pre-existing building on the site was five storeys in height and the previously approved building with alterations (reg ref 2908/12), was also five storeys in height. The building to the east is four storeys, the building to the west is three storeys and the building to the south west is five storeys. The site is south of Poplar Row which is a wide road; the four storey buildings to the north of the road will not be affected by the proposed development. I am satisfied that the height of the building as proposed is acceptable.

8.9 Residential Amenity

8.10 The third party has raised as an issue that the infill housing on this site was to be 4 storey family style housing. This was promised and agreed with residents during the building of their homes. They are concerned that the proposal is for senior citizen housing, which they consider to be inappropriate in such close quarters to family homes. They are concerned that disagreements regarding children playing and family activities will occur and that a complete development of family style housing would work better with existing residents. They also state that many in their community are waiting for homes and overcrowding and stress are a constant part of their lives.

- 8.11 The proposed development is higher than the housing at Taaffe Place but not significantly higher than that previously permitted or previously developed on this site. Any impact on their properties will not be significant in the context of the previous development/permitted development on the subject site.
- 8.12 In relation to the proposed tenancy by senior citizens, in contrast to the family housing in the vicinity, the proposed development is enclosed and separate from the surrounding area. In my opinion the senior citizens accommodation proposed is completely compatible with the family housing provided in the blocks to the east, west and south-west and the terraced housing to the south.
- 8.13 In relation to the concern expressed that family housing is needed in this area, the application details include reference to a feasibility study prepared by DCC which highlighted the potential for a more intensive re-development of the nearby sites of senior citizen housing at Thomas Clarke House, and at the Housing Maintenance Depot at Orchard Road; and states that it is envisaged that the Poplar Row site will provide new accommodation for these tenants.
- 8.14 It may be that the proposed senior citizen housing will release other lands for housing development. The Development Plan contains policies and objectives to provide housing for the elderly for which there is a need, there is also a need for family housing as indeed there is need for many other types of housing including student accommodation and general accommodation to rent or buy, in the capital city. In my opinion the nature of occupancy proposed: senior citizen housing for rent, which accords with the provisions of the County Development Plan, should not be a reason to refuse permission.

8.15 **Visual Amenity**

8.16 The third party has raised as an issue that the finish and style of the building is not in keeping with the rest of the housing. The proposed development is to be located between two existing blocks. The block to the west is a three storey brick finished building with a double pitched roof with direct access at street level set back from the street behind railings. The block to the east is a four storey brick finished building with a double pitched roof with direct access at street level to the ground floor units and prominent external stairs to the main accesses at first floor. The Poplar Row flats, a linked block of four storeys with flat roof and some brick detailing, access via arches under the building to stairwells and external landings at the rear, are a strong presence on the opposite side of the road.

8.17 The proposed development has part brick finish and has detailing which helps to break up its bulk both vertically and horizontally. The building is cranked at the western end to harmonise with the building line of the adjoining block and at the eastern end the building line harmonises with the building line of the block which adjoins to the east.

8.18 The quality of the design in terms of its external appearance is an important consideration on such a prominent site of c50m road frontage and in my opinion the proposed building will make a positive contribution to the streetscape and reflects the character of the area.

8.19 **Parking**

8.20 The third party has raised as an issue that there is a lack of parking, and that many of the occupants will have cars.

- 8.21 The planning report which accompanied the application states that the site is located in zone 3 which requires 1 space per 2 dwellings but is adjacent to Zone 1 which requires 1 space per 4 dwellings i.e. 8 spaces.
- 8.22 The Engineering Planning Report which accompanied the application refers to the provision of 8 parking spaces which they consider acceptable as the site is located in zone 3 bordering zone 1, has excellent public transport linkages, is for elderly residents, and there is an existing designated disabled car parking space available in front, along Poplar Row.
- 8.23 The Roads & Traffic Planning Division reported on the application and stated that the quantum of car parking spaces is considered acceptable having regard to the location of the site and to the nature of the residential use. There are a number of on-street car parking spaces available on the public road adjacent to the site, which can be used for visitor parking.
- 8.24 I am satisfied that the eight on-site car parking spaces is adequate to serve the proposed development and that parking provision should not be a reason to refuse permission.
- 8.25 **Appropriate Assessment**
- 8.26 The proposed development is the part demolition of an existing building and the construction of a 5 storey residential development comprising 29 no. apartments. The site is a brownfield site in a built up area with public piped water services and where a sustainable urban drainage system will be installed. The proposed development is of a scale similar to that previously developed on the site and also of a scale similar to a development previously permitted on the site.

8.27 The nearest Natura sites are South Dublin Bay and River Tolka SPA (004024) which is in just in excess of 750m distance away and to which the River Tolka, which is separated from the subject site by the public road and the Poplar Road flats on the opposite side of the road, drains.

8.28 Site-specific conservation objectives for the SPA have been defined and could be generally described as to maintain or restore the favourable conservation status of habitats and species of community interest which are:

Brent Goose, Oystercatcher, Ringed Plover, Grey Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern and the Wetlands which support them.

8.29 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document 'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.

8.30 Having regard to the nature and scale of the proposed development and proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, individually or in combination with other plans or projects, on a European site.

9 RECOMMENDATION

In accordance with the foregoing assessment, I recommend that planning permission be granted for the following reasons and considerations and subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the Z1 zoning objective pertaining to the application site, under which it is an objective to protect, provide and improve residential amenities, it is considered that the provision of accommodation for the elderly, on a brownfield site, where public services and infrastructure are available, would provide necessary housing in a central location, would not adversely impact on adjoining residential areas, would comply with the provisions of the development plan, and, subject to the following conditions, would be in accordance with the proper planning and sustainable development of the area.

Conditions:

1 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12th day of May 2016, 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 This permission is in respect of accommodation for senior citizens. The units shall be managed by the applicant or other voluntary housing body, and shall not be let or sold on the open market unless a separate grant of planning permission is sought and obtained.

Reason: In the interest of clarity.

3 Prior to commencement of development the developer shall submit details, including drawings, confirming that level access can be provided to the lobby adjacent to Unit 5.

Reason: In the interest of clarity.

4 Prior to commencement of development the developer shall submit details to satisfy the planning authority as to the feasibility of the partial demolition of the redundant stair core and construction of new works in its place; including detailed proposals in relation to the treatment of any surfaces exposed by the demolition.

Reason: In the interest of orderly development.

5 The developer shall comply with the site specific flood risk assessment submitted and in particular, prior to commencement of development the developer shall submit details to satisfy the planning authority that flood protection measures will be implemented, to provide protection to a minimum of 4.36m OD, in accordance with item 6.2.2 of the Flood Risk Assessment Report.

Reason: In the interest of public safety and sustainable development.

6 The development shall not commence until a landscape scheme prepared by a suitably qualified person comprising full details of the size, species and location of all trees and shrubs to be planted and the treatment of all external ground surfaces, has been submitted to and agreed in writing by the Planning Authority and implemented in the first planting season following completion of the development, and any trees and shrubs which die or are removed within 3 years of planting shall be replaced in the following planting season. The landscaping scheme shall have regard to the Guidelines for Open Space Development and Taking in Charge, available from the Parks and Landscape Services Division.

Reason: In the interest of visual amenity.

7 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.

8 Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9 Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10 Proposals for an estate name, 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 unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

11 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Dolores McCague
Inspectorate

Date

Appendix 1 Map and Photographs.

Appendix 2 Extracts from the Dublin City Development Plan 2011 - 2017.

Appendix 3 Site Synopsis for the South Dublin Bay and River Tolka SPA (004024).