



An
Bord
Pleanála

Inspector's Report PL29S.248443

Development

The construction of 4, five-storey, over basement, residential buildings and part of a fifth, five-storey, over basement, residential building, the remainder of which would lie within the administrative area of Dun Laoghaire-Rathdown County Council. The access to the overall site, which is in this administrative area, has been permitted.

Location

Greenfield, Lands off Greenfield Park, Donnybrook, Dublin 4

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4459/16

Applicant(s)

Purleigh Holdings Ltd

Type of Application

Permission

Planning Authority Decision

Grant, subject to 24 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

Nutley Square Management Co. clg

Greenfields Residents Group

Observer(s)

Michael O'Connor

Marie & Michael Harte and Blaitin &
Paul McCormick

Date of Site Inspection

9th June 2017

Inspector

Hugh D. Morrison

1.0 Site Location and Description

- 1.1. The overall site is effectively a backland site that was formerly used by UCD's Department of Horticulture. To the west this site adjoins playing fields that are continuous with the overall UCD Campus. The only access to the site is via a short laneway from the end of the Greenfield Park, a residential street which runs on a roughly north east/south west alignment from its junction with Stillorgan Road (N11) and Nutley Lane beyond. The RTE Studios lie to the north of this junction.
- 1.2. The main body of the overall site is of rectangular shape and it slopes in a north easterly direction from c.19.5m OD to less than c.16.5m OD. This site is bound to the south east by the residential clusters known as Donnybrook Green, Nutley Square, and Greenfield Manor, which are all accessed off Greenfield Park. To the north east and the north west it is bound by, variously, the residential clusters known as Thornfield and Airfield Court.
- 1.3. The overall site straddles the administrative boundary between Dublin City Council and Dun Laoghaire-Rathdown County Council. The majority of the site lies within the former administrative area. It is of rectangular shape and it extends over an area of 1.2 hectares. The remainder of the site lies in the latter one and it encompasses a portion of the laneway to the site and a corresponding strip of the main body of the site along its western extremity. It is thus of elongated form and it extends over an area of 0.1086 hectares.
- 1.4. The access point to the laneway from Greenfield Park is gated. This laneway runs on a roughly north/south axis. It is accompanied by trees and a mature hedgerow on its eastern side and a hedgerow and a lawn on its western side. The access point from the laneway to the main body of the site is gated, too, and the western boundary of the site is denoted by means of a chain link and barbed wire security fence and a further hedgerow.

2.0 Proposed Development

- 2.1. Demolition of existing single storey sheds (670 sqm).

2.2. Construction of 5, five-storey, over basement, residential apartment buildings (12,680 sqm), accommodating a total of 90 residential apartments, each with an associated balcony/terrace.

- Block 1 – accommodating 8 two-bed apartments and 10 three-bed apartments, over ground to fourth floor levels, an energy building (81 sqm), car parking, bicycle parking and bin stores at basement level.

Part of Block 1 lies within the Dun Laoghaire-Rathdown County Council administrative area, on land which is the subject of a concurrent planning application D16A/0987 and appeal PL06D.248220, which specifically seeks permission for part of 10 three-bed apartments over ground to fourth floor levels, together with part of basement level car parking and the energy building.

- Blocks 2, 3, 4, and 5 – each block to accommodate 16 two-bed apartments and 2 three-bed apartments over ground to fourth floor levels and car parking, bicycle parking and bin stores at basement level.

2.3. 90 residential car parking spaces at basement level, to include 5 universal access car parking spaces, and 90 secure bicycle spaces.

2.4. Secure storage (total 371 sqm) and 5 bin stores (total 94 sqm) at basement level.

2.5. 37 visitor car spaces and 40 visitor bicycle spaces provided at surface/ground level.

2.6. ESB sub-station and switch room (27 sqm) and security/concierge office (13 sqm) at ground level.

2.7. Community amenity space, internal access roads, landscaping, boundary treatment, SuDS drainage and all ancillary works necessary to facilitate the development.

Access to the development will be via an existing entrance and roadway from Greenfield Park. Widening of the entrance and roadway has been approved under Dun Laoghaire-Rathdown County Council D15A/0860 and An Bord Pleanála PL06D.246607.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted, subject to 24 conditions, including the following one:

The second floor of Block 5 is to be omitted from the development.

Reason: To protect the amenity of the neighbouring properties in Thornfield.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The further information request related to childcare provision, a social audit, landscaping, the relationship between proposed Block 5 and the Thornfield Development to the north east, and finishing materials.

3.2.2. Other Technical Reports

- Waste Management Division: Standard conditions requested.
- Drainage Division: No objection, subject to conditions.
- Road & Traffic Planning Division: No objection, subject to conditions.

3.3. Prescribed Bodies

- Irish Water: No objection, standard observations.

3.4. Third Party Observations

See observers' comments.

4.0 Planning History

Within Dublin City Council:

- **2210/16:** Demolition of existing sheds and construction of 5, four-storey, over basement, residential buildings (71 apartments): Permitted at appeal PL29S.247012 on 5th December 2016.

Within Dun Laoghaire-Rathdown:

- **D15A/0860:** Widening of existing vehicular entrance and roadway from Greenfield Park, including the provision of a pedestrian footpath and public lighting: Permitted at appeal PL06D.246607 on 5th December 2016.
- **D16A/0659:** Construction of part of a four-storey, over basement, residential apartment building (7 apartments): Permitted on 13th January 2017.
- **D16A/0897:** Construction of part of a five-storey, over basement, residential apartment building (10 apartments): Draft permission appealed to the Board PL06D.248220.

5.0 Policy Context

5.1. Development Plan

Under the Dublin City Development Plan 2016 – 2022 (CDP), the site is shown as being zoned Z1, wherein the objective is “To protect, provide, and improve residential amenities.” Section 16.7 of the CDP addresses height.

5.2. Natural Heritage Designations

n/a

6.0 The Appeal

6.1. Grounds of Appeal (a) Nutley Square Management Co. clg

The appellant represents 30 house owners along the south eastern boundary of the site.

- Height and density

Nutley Square comprises two storey dwelling houses with a height of c. 6m. The proposal would entail the construction of 5 apartment blocks with a height of 16m within about 27m of these dwelling houses. These blocks would be totally out of scale with these existing dwelling houses and their balconies would lead to overlooking.

The proposal would exhibit a density of 75 dwellings to the hectare, which would be greatly in excess of existing densities in the area.

- Loss of amenity

Attention is drawn to the draft condition, which would limit Block 5 to four storeys, thereby easing its relationship with the Thornfield Development. Attention is also drawn to dwelling houses numbered 8 – 18 along the north western side of Nutley Square. These dwelling houses would be at least as close as those in the Thornfield Development and they would face the long elevations of three of the proposed blocks rather than the end elevation of one of them. Consequently, these blocks should have been reduced by a storey in height, too.

The recommended modifications of the original scheme for the site made by the Board's inspector are saluted.

- Car parking

Concern is expressed that, notwithstanding the generous size of the proposed apartments, only 1 space is allocated to each in breach of the relevant CDP standards. Off-site parking options are limited to metered parking on Greenfield Park.

- Crèche

Contrary to the CDP, no childcare facility is proposed.

Grounds of Appeal (b): Greenfield Residents Group

The Planning Authority failed to consider/accept objections set out in a letter dated 1st February 2017. These objections can be summarised as follows:

- Attention is drawn to the motion to reject this application that was passed by the relevant Area Committee of Dublin City Council. Likewise, each of the local residents' groups are opposed to this application and the current one. The adequacy of information relating to the applicant's identity is questioned.
- Attention is also drawn to the inspector's recommendation to reduce by condition the previous proposed number of apartments from 71 to 58. The Board's subsequent grant without this condition was passed on a 2: 1 basis.

- The proposal would be overbearing and utterly out of character with the established housing within the vicinity of the site, which is of two and three storey form only.
- The proposed green space would be linear, inadequate, and unusable.
- The accessibility of the site to public transport is overstated and proposed car parking provision would be inadequate.

6.2. Applicant Response

The applicant has submitted plans that reflect the Planning Authority's draft condition requiring the omission of a storey from proposed Block 5.

In relation to appellant (a), the applicant draws attention to the range of separation distances of 31.1m – 35.5m that would exist between the proposed blocks and the nearest dwelling houses on Nutley Square. It responds to the grounds of appeal as follows:

- The appellant's contention that the density of the proposal would be excessive for its context is challenged on the basis that the densities exhibited by neighbouring housing areas are 53, 70, and 80 dwellings per hectare for Greenfield Manor, Nutley Square, and Donnybrook Green, respectively.
- The appellant's contention that the proposal would be out of scale and detrimental to residential amenity is countered on the basis that the slight increase in height, in conjunction with the new design of roofspace and lower floor to ceiling heights, would lead to an "undiscernible change within the landscape, compared to the previously permitted proposal."
- Dwelling houses on the Thornhill Development need to be distinguished from dwelling houses on Nutley Square, as the former have south easterly facing rear gardens, while the latter have north westerly facing ones. Clearly, the former would be more susceptible to overshadowing than the latter. In terms of the closest relationships between the proposal and the nearest dwelling houses on the Thornhill Development and on Nutley Square, in the former case, this would be 6m to the common boundary and 23.224m to the rear elevation, and, in the latter case, this would be 16m to the common boundary

and c.28m to the first floor rear elevation (there is a rear conservatory at ground floor level). The rationale for the Planning Authority's above cited condition is thus evident.

- The current proposal would have a maximum height of 16m, just 2.2m higher than its permitted predecessor (13.8m) and actually lower than the maximum height of the permitted plant/lift core (16.04m). Furthermore, the steam lined roof profile now proposed would be visually superior to that comprised in the original proposal. The landscaped open space would include considerable tree retention along the south eastern and north eastern boundaries and car parking would be provided underneath the proposed blocks.
- Under Map J of the CDP, the site lies within Zone 3 for car parking purposes and so 1.5 spaces per dwelling are required. As now proposed, 86 apartments would be provided in conjunction with 90 spaces for residents and 37 for visitors. If aggregated these spaces would equate to 1.5 spaces per dwelling. The principle of this approach was accepted under the extant permissions for the site.
- The question of childcare facilities was addressed by the applicant under further information. Thus, based on "the unit type and mix of the proposed apartment scheme, which is closely correlated with the demographic profile of the area, in addition to the geographical spread of existing childcare facilities in the area", the view was taken and accepted by the Planning Authority that such a facility is not needed.

In relation to appellant (b), the applicant notes that neither Greenfield Park nor Crescent adjoin the site. It responds to the grounds of appeal as follows:

- The report of the Board's inspector on the preceding applications/appeals on the site and the Board's decision are distinguished. The Planning Authority has granted the current proposal and evidence of its consideration of the same is given by means of the above cited condition (Block 5 to be 12.75m high).

The current proposal would have a maximum height of 16m, just 2.2m higher than its permitted predecessor (13.8m) and actually lower than the maximum height of the permitted plant/lift core (16.04m). Furthermore, the steam lined

roof profile now proposed would be visually superior to that comprised in the original proposal. Likewise, the landscaped open space now proposed would address some of the inspector's previously cited concerns.

- The proposal would ensure the provision of a well-designed apartment scheme on serviced but underutilised urban land, which is zoned for residential use, and which would protect the amenities of existing adjacent residential properties.

The additional apartments now proposed would be readily capable of being absorbed within the site as is demonstrated by the following factors:

- The proposed density of 71 dwellings per hectare would be more appropriate than the previous 59 for a site that is only 400m from the N11 QBC,
- The plot ratio of 1.01 rather than 0.93 sites comfortably within the range of 0.5 – 2.0 for Z1 lands, and
- The site coverage of 23% is actually below the range of 45% - 60% for Z1 lands.

6.3. Planning Authority Response

None

6.4. Observations

(a) Michael G O'Connor of 30 Greenfield Park

- Height: The proposed five storeys would be far higher than other buildings within the vicinity of the site and it would exceed the height of those with permission.
- Density: The extant permission for 71 dwellings would be exceeded by the 86 – 90 now proposed. With only one small entrance to the site, congestion would ensue.

(b) Marie & Michelle Harte of 8 Airfield Park and Blaithe & Paul McCormick of 9 Airfield Park

Support is given to the appellant (a) and the following observations are made:

- That the conditioned reduction of one storey to Block 5 be extended to the other 4 proposed blocks, and
- The Planning Authority has given insufficient weight to our concerns over the size of the proposal and the impact it would have upon residential amenity.

If permission is granted, then consideration should be given to raising the back walls to the observers' residential properties along with all year round screen planting.

These measures would mitigate the impact of proposed parking on the site side of these walls.

6.5. Further Responses

Nutley Square Management Co. clg

- Scale: An increase in height of 2.2m is not considered to be “marginal”.
- Overlooking and overshadowing: The cited separation distances between the proposal and the dwelling houses at Nos. 8 – 18 Nutley Square fail to take the incidence of rear extensions and conservatories fully into account.
- Orientation: The rear elevations of the aforementioned dwelling houses face north west rather than north with implications for lighting.
- QBC: The applicant under-estimates the distance to the nearest bus stops. The corollary of this is that greater car usage would arise than that which has been planned for on-site with the resulting risk of overflow parking on neighbouring streets.

Greenfield Residents Group

- The use of the laneway by traffic would be a new departure for this laneway which hitherto has been little used.
- A contrast is drawn between what is now proposed and what the previous inspector recommended.
- The slope of the site is reflected in the corresponding levels of surrounding house plots and so, contrary to the impression created by Figure 1.0, the relationship between the proposal and adjacent dwelling houses would reflect the same.
- The densification of development that the proposal represents would not be justified by the distance between the site and the QBC.

- Increased traffic on Greenfield Park would have an adverse impact on amenity and its junction with the R138 will become busier on foot of developments such as the new maternity hospital and housing on the RTE site.

Michael O'Connor

- The proposed increase in height would not be “marginal” and so the Planning Authority’s approach to proposed Block 5 should be replicated in each of them.
- Traffic in attendance at the site heretofore came from via the campus rather than Greenfield Park.
- Congestion on Greenfield Park will ensue. Likewise, on the aforementioned junction, as described above.

Marie & Michelle Harte of 8 Airfield Park and **Blaithin & Paul McCormick** of 9 Airfield Park

- The height of the proposal would cause it to tower over existing low rise dwelling houses in contravention of the objective for Z1 lands.
- The proximity of the proposal to adjacent dwelling houses would cause it to be overbearing and out of character with the area.
- The proposed wrap around balconies would lead to overlooking and a loss of neighbour privacy.
- Visitor parking spaces would be adjacent to the rear boundaries to the observers’ residential properties and so they would be adversely affected by the environmental impact of the use of these spaces.

7.0 Assessment

I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties and the observers, and my

own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Procedural matters,
- (ii) Land use and density,
- (iii) Height and amenity,
- (iv) Development standards,
- (v) Traffic and parking,
- (vi) Childcare,
- (vii) Water, and
- (viii) AA: Stage 1 Screening.

(i) Procedural matters

7.1.1 Appellant (b) draws attention to the outstanding question as to the full identity of the applicant. This question relates to the adequacy or otherwise of the information that was furnished with the application for the purpose of its validation. The Planning Authority is the body empowered to assess such adequacy and it has declared this application to be valid.

7.1.2 Appellant (b) also draws attention to the South East Area Committee's motion to reject this application and to the extent of local objection to it. The thoroughness of the Planning Authority's assessment is questioned. The inspector's report on the preceding application for the site recommended significant modifications, which the Board did not adopt in its subsequent decision by 2: 1 to grant permission.

7.1.3 By way of commentary on these procedural matters, I note that the Area Committee fulfils a consultative role only as the executive power to determine planning applications is exercised by the City Manager. The applicant has pointed to the interventionist condition in the Planning Authority's draft permission, which requires that the second floor of Block 5 be omitted, as evidence that, to the contrary, the assessment undertaken was thorough. I note, too, that, while the previous inspector's report and the Board's decision

speak for themselves, it is the latter rather than the former that is the legally binding document.

7.1.4 I conclude that there are no procedural matters that prevent the Board from proceeding to determine this application/appeal in the normal manner.

(ii) Land use and density

7.2.1 Under the CDP, the site is shown as zoned Z1, sustainable residential neighbourhoods, and so there is no in principle objection to the redevelopment of this vacant site from its last use as a university horticultural training and research site to a residential after use.

7.2.2 As originally submitted, the proposal would entail the provision of 90 apartments. As conditioned by the Planning Authority's draft decision, this number would contract to 86. The applicant has not appealed this condition and, at the appeal stage, it has submitted plans that reflect the same.

7.2.3 The overall site comprises both the site (1.2 hectares) within Dublin City Council's administrative area and the site (0.1086) within Dun Laoghaire-Rathdown County Council's one. If the areas of these two sites is aggregated, then the area of the overall site is 1.3086 hectares.

7.2.4 On the basis that 86 apartments are now proposed, the density of the proposal would be 65 dwellings per hectare. The site is an inner suburban one, which is just over 500m from the nearest bus stop on the N11/R138's QBC. Thus, under the Sustainable Residential Development in Urban Areas Guidelines, it is a possible candidate for over 50 dwellings per hectare. The extant permissions for the site indicate that this candidacy has been previously accepted by the Board.

7.2.5 The appellants and observers consider that the aforementioned density would be excessive within the context of existing housing areas around the site. The applicant has responded by recording that these areas have densities that would be higher and lower than that which is proposed.

7.2.6 The CDP cites other measures for the assessment of density, i.e. plot ratio and site coverage. Under the former measurement, the proposal would exhibit a plot ratio of 0.93, which would come within the range of 0.5 – 2.0 cited for Z1

lands. Under the latter measurement, the proposal would exhibit a site coverage of 23%, which would be below the range of 45% – 60% cited for Z1 lands.

7.2.7 I conclude that there is no in principle land use objection to the proposal and that its density would either be compatible with or accord with national and local planning policies.

(iii) Height and amenity

7.3.1 Since the extant permission on the site was granted, a new CDP has been adopted with a revised height policy. Thus, in the outer city, up to 16m is now permissible, which in the case of residential development equates to 5 storeys (previously 4 storeys was the maximum allowable to a height below 13/16m). The site lies within the outer city and so this height cap is applicable.

7.3.2 The applicant seeks to avail of this revision and so five storey over basement blocks are now proposed to a height of 16m. It presents a case in favour of this additional height, which refers to the replacement of the previously permitted roofline, which would have been punctuated by protruding plant/lift core, with a stream lined one. Reference is made to the height of these items, which would have come to as much as 16.48m. Their omission and the said new roof line would be aesthetically preferable.

7.3.3 I consider that *ceteris paribus* a straight comparison between the previously permitted and the now proposed roofscapes would favour the latter over the former. However, the question of height and resulting scale and perceived mass of the proposal raise questions beyond that of the roofscape. In this respect, the second item of Section 16.7.2 of the CDP states that “Plant, flues, and lift overruns should not be included in the height of the building, as long as they are set back and properly screened and do not significantly add to the shadowing or otherwise of natural light beyond that of the main structure.” This item is applicable to how the permitted proposal for the site is viewed *vis-a-vis* the current one. Clearly, the current proposal would be a storey higher in four of the five blocks proposed and so its impact upon the visual and residential amenities of existing properties in the vicinity of the site needs to be considered. Again the second item of the aforementioned Section is of

relevance in advising that “Notwithstanding the maximum permissible heights specified in this section, proposals will be subject to assessment against standards set out elsewhere in the development plan...”

7.3.4 The appellants and observers raise a number of issues regarding the current proposal. Thus, they express concern that it would be out of scale and thus out of character with existing adjacent dwelling houses, that it would be overbearing, and that it would lead to overlooking.

7.3.5 The aforementioned concerns were raised in relation to the preceding proposal. The Board did not consider that these concerns justified either a refusal or significant modifications to this proposal. Thus, the question that arises under the current larger proposal is whether these concerns, insofar as they are generated by the difference between this proposal and its predecessor, are of weight.

7.3.6 The applicant has submitted a Daylight and Sunlight Report, which follows methodologies outlined in the current edition of the BRE’s publication entitled “Site Layout Planning for Daylight and Sunlight”. These methodologies track light from the sky, garden overshadowing, and loss of sunlight. They indicate that, generally, adjacent dwelling houses and their accompanying gardens would not be adversely affected, in terms of outlook and lighting, to any significant degree.

7.3.7 Three dwelling houses would experience a reduction in lighting to their gardens, i.e. No. 25 Airfield Centre, and Nos. 3 & 4 Thornfield, No. 3 particularly so. The Planning Authority has responded to these findings by omitting by condition a full storey from proposed Block 5, which would be the one nearest to the two dwelling houses on Thornfield. The applicant has not contested this condition. The appellant (a) and observer (b) consider that there would be justification in applying a similar approach to each of the proposed blocks.

7.3.8 I note that the proposed blocks would be sited on a variable alignment whereby Nos. 1, 3, and 5 would be sited appreciably closer to the north western boundary of the site than Nos. 2 and 4. Thus, the separation distance between the nearest projecting balconies of Nos. 1 and 3 and the corresponding rear

gardens of Nos. 24 and 25 Airfield Court would be tight at 14.745m and 13.903m, respectively. While these sitings reflect those previously permitted, the addition of an extra storey to each of these blocks would cause them to appear more overbearing when viewed from the said rear gardens.

7.3.9 The separation distances between the proposed blocks and the south eastern boundary would be greater than the equivalent distances between these blocks and the north western boundary. A corollary of this greater distance would be that the views of the site from dwelling houses on Nutley Court, especially, would encompass the sweep of these blocks, with Nos. 2, 3, and 4 being especially prominent. While the heights of these blocks would ascend slightly in a south westerly direction to reflect the rising original ground level, I am concerned that this variation would not relieve the scale and mass of these blocks and associated sense of enclosure. I, therefore, consider a more pronounced variation in the height of these blocks would ease the visual impact of the same within these views.

7.3.10 In the light of the foregoing discussion of separation distances, I conclude that in addition to the omission of the second floor from Block 5, the second floor should be omitted from Blocks 1 and 3, in the interest of the visual and residential amenities of the area. Thus, a further 8 apartments would be removed from the proposal, 6 two-bed and 2 three-bed, and so the total would contract to 78.

(iv) Development standards

7.4.1 As originally submitted, the proposal would comprise 90 apartments, of which 72 (80%) would be two-bed and 18 (20%) would be three-bed. The mix of apartments would thereby comply with the CDP's requirement that a minimum of 15% of apartments be three-or-more-bed.

7.4.2 Quantitatively, the applicant has submitted a schedule of the proposed apartment accommodation, which indicates that this accommodation would either coincide with or comfortably exceed all relevant floor area and private open space standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines. Qualitatively, too, each of the apartments would be dual aspect.

7.4.3 The proposal would entail the provision of 1,950 sqm of communal open space or 15% of the site area. This space would be laid out along the south eastern and north eastern boundaries of the site. Additional details of what is envisaged for it were submitted under further information. Appellant (b) expresses concern that the linear form of the space would militate against its usability. However, these details show that the area adjoining the south eastern boundary would be opened up by means of a footpath through it, which would be accompanied by a centrally placed multi-functional area.

7.4.4 The proposal is accompanied by a tree survey, which identifies and categorises the condition of existing specimen trees on the site. The majority of these trees would be retained and compensatory and additional tree planting would be undertaken along the aforementioned boundaries and the north western one. Tree and shrub planting would also be undertaken within the site. In time, this combined planting would serve to soften the presence of the proposed apartment blocks and accompanying visitor car parking, thereby providing a measure of screening.

7.4.5 The proposal would comply with all relevant quantitative and qualitative development standards.

(v) Traffic and parking

7.5.1 The applicant has submitted a Transportation Assessment, which addresses public transport, the local road network and in particular the junction between Greenfield Park, Nutley Avenue, and the R138, proposed on-site access and parking arrangements.

7.5.2 With respect to public transport, attention is drawn to the QBC on the R138 and the high frequency of buses on this Corridor, due to the multiple bus routes that serve the same.

7.5.3 With respect to the local road network, the presence of formal on-street car parking arrangements on alternate sides of Greenfield Park is acknowledged, as is the relatively high usage of this residential street by pedestrians and cyclists accessing UCD from its western extremity. The junction between Greenfield Park, Nutley Avenue, and the R138 experiences capacity pressures at peak time. However, the view is taken that these pressures would not be

appreciably affected by traffic generated by the proposal, due to the disparity in traffic volumes on Greenfield Park compared to Nutley Avenue. As these two streets correspond to one another across this junction and are twinned with one another for signalling purposes, the relevant stage in the signalling sequence reflects the higher volumes on the Nutley Avenue arm of this junction and so there is spare capacity on the Greenfield Park arm. Thus, while traffic generated by the proposal would increase markedly on Greenfield Park, it would not lead to a deterioration in traffic flow along the R138.

7.5.4 The existing access road to the site from Greenfield Park is the subject of an extant permission for its improvement in conjunction with the development of this site, i.e. widening and the provision of a footpath and street lighting. On-site the road layout would entail a loop with accompanying cul-de-sacs and it would incorporate two-way and one-way sections. Where this loop would pass underneath proposed Blocks 4 and 5 it would be ramped downwards to where the basement level residents' car and cycle parking spaces would be sited. Likewise, the cul-de-sacs would be ramped downwards to where the basement level residents' car and cycle parking spaces would be sited underneath proposed Blocks 1, 2, and 3.

7.5.6 Car parking provision would entail the allocation of 1 space to each apartment. In addition, 37 visitors' car parking spaces would be laid out along the north western boundary. On the basis of the revised proposal for 86 apartments, the combined provision of 127 spaces, including 7 for the mobility impaired, would approximate to the 129 that relevant CDP standards of 1.5 spaces per dwelling would require.

7.5.7 Eight motorbike spaces would be provided in accordance with these standards.

7.5.8 One hundred and thirty cycle spaces would be provided, i.e. 90 for residents and 40 for visitors (at ground floor level), again in accordance with these standards.

7.5.9 I, therefore, conclude that the traffic generated by the proposal would be capable of being accommodated satisfactorily on the local road network. I also conclude that site access and parking arrangements for the proposal would be satisfactory.

(vi) Child care

7.6.1 Under the Childcare Facilities Guidelines/Appendix 13 of the CDP, proposals for in excess of 75 apartments should be accompanied by a childcare facility. As originally submitted and subsequently revised, the current proposal would exceed this threshold and yet no such facility is proposed. Under a request for further information the applicant addressed this matter.

7.6.2 The applicant draws attention to the fact that, of the originally proposed 90 apartments, only the 18 three-bed apartments would lend themselves to family accommodation. It also draws attention to the existing demographic profile of the surrounding area, in which, as a proportion of the population, the 0 – 4 age group is under represented. Nevertheless, this area is well-served by childcare facilities. In these circumstances, the applicant concludes that the omission of such a facility from the proposal is justified. The Planning Authority has not challenged this conclusion. Nor do I.

(vii) Water

7.7.1 The proposal would utilise connections to the public water mains and foul sewerage system in Airfield Court. No capacity issues pertain to these utilities. Metering and water saving devices would be incorporated in the on-site water supply network.

7.7.2 The proposal would utilise a connection to the existing storm water drain in the access road to the site. On-site a new storm water drainage network would be installed, which would incorporate SuDS methodologies, e.g. sedum roofs, soft landscaping and tree pits, and attenuation tanks designed to handle 1 in 100-year storm events and fitted with a hydro-brake that would restrict discharges to 2 l/s/ha.

7.7.3 The applicant has submitted a Site-Specific Flood Risk Assessment. This Assessment considers tidal, fluvial, pluvial, existing and proposed drainage infrastructure, and ground water flooding. The site is categorised as being in Zone C for flood risk purposes and the proposal would be a highly vulnerable

land use. The Assessment concludes that negligible flood risk would arise under each of these headings, with the exception of pluvial flooding.

7.7.4 The OPW identifies a possible pluvial flood risk on Greenfield Park to the south east of the site. However, the area in question is over 2m below the level of the entrance to the site and so there would, in practise, be no link between the two that would facilitate overland flows.

7.7.5 The Assessment considers a scenario within which pluvial flooding would occur on-site under a 1 in 100-year storm event of 6 hours duration, due to its lower lying level than that of adjoining properties. Within this scenario, a power failure to both the lead and back-up generators is assumed or the storm drain becomes blocked. The calculated build-up of water under proposed Block 5 would come to a depth of 17 mm and so the Assessment recommends that all electrical items within this Block's basement be installed on 300 mm high plinths and that the floor and walls be composed of resilient materials.

7.7.6 I conclude that the water supply and drainage arrangements for the site, including flood mitigation measures, would be satisfactory.

(viii) AA: Stage 1 Screening

7.8.1 The site, which is a fully serviced urban one, is neither in nor adjacent to a Natura 2000 site. The nearest such sites are the South Dublin Bay and Tolka River SPA (site code 004024) and the South Dublin Bay SAC (site code 000210). There is no source/pathway/receptor route between the site and these Natura 2000 sites, except insofar as waste water from the proposal would be processed at the Ringsend WWTP and, subsequently, discharged into Dublin Bay. The contribution of such waste water to flows passing through this WWTP would be minimal and so it would have no significant effect upon the water quality of the Bay. Accordingly, the proposal would not have any significant effect on the conservation objectives of these or any other Natura 2000 sites.

7.8.2 It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposal, individually or in combination with other plans or projects, would not be likely to have a significant effect on European Site Nos. 00402 and 000210, or any other European site, in view of the sites' Conservation Objectives, and a

Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

That the proposal be permitted.

9.0 Reasons and Considerations

Having regard to the Sustainable Residential Development in Urban Areas Guidelines, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the Dublin City Development Plan 2016 – 2022, the planning history of the site, and the nature and scale of the proposal within its context, it is considered that, subject to conditions, the proposal would not seriously injure the visual and residential amenities of the area and so it would accord with the zoning objective for the site. The proposal would, likewise, accord with relevant density, height, and residential development standards set out in the Development Plan. Traffic generated by the site would be capable of being accommodated on the local road network. Proposed drainage arrangements would be satisfactory and they would mitigate any risk of pluvial flooding. No Appropriate Assessment issues would arise. Thus, the proposal would accord with the proper planning and sustainable development of the area.

10.0 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 22nd day of March 2017 and by the further plans and particulars received by An Bord Pleanála on the 1st day of June 2017, 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 proposed development shall be amended as follows:
 - (a) The second floor of Block 1 shall be omitted, and
 - (b) The second floor of Block 3 shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. The total number of apartments permitted is 78.

Reason: In the interest of clarity.

4. Details of the materials, colours and textures of all the external finishes to the proposed apartment blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. 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.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

9. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

12. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit 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.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. 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:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

(c) Details of site security fencing and hoardings;

(d) Details of on-site car parking facilities for site workers during the course of construction;

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f) Measures to obviate queuing of construction traffic on the adjoining road network;

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

14. 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 of roads, footpaths, water mains, drains, 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 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 of the development.

15. The landscaping scheme shown on drg. nos. 300 revision 2 and 301 revision 2, as submitted to the planning authority on the 22nd day of March 2017 shall be carried out within the first planting season following substantial completion of external construction works.

Prior to the implementation of this landscaping scheme, the quantities in the planting schedule on drg. no. 301 revision 2 shall be stated and submitted to and agreed in writing with the planning authority.

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

the planning authority.

Reason: In the interest of residential and visual amenity.

16. The areas of communal open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with drg. nos. 300 revision 2 and 301 revision 2, as submitted to the planning authority on the 22nd day of March 2017. This work shall be completed before any of the apartments are made available for occupation and, thereafter, shall be maintained as communal open space.

Reason: In order to ensure the satisfactory development of the communal open space areas, and their continued use for this purpose.

17. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

18. At least one car and one cycle parking space shall be allocated to each apartment. Spaces shall not be sold off in connection with the apartments and they shall not be sold separately, or let to avoid non-take-up of residents.

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

19. No additional development shall take place above roof level, including lift motor enclosures, air handling equipment, storage tanks, ducts, or other external plant, telecommunications aerials, antennas or equipment, unless

authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Hugh D. Morrison
Planning Inspector

9th August 2017