



An
Bord
Pleanála

Inspector's Report PL29N.248490

Development

Demolish 4 houses and a workshop and construct 71 no. apartments in a 4 to 6-storey building over basement car park with main access off Ashcroft

Location

52, 54, 56 & 58 Station Road, Raheny, Dublin 5

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3973/16

Applicant(s)

Coralvale Limited

Type of Application

Permission

Planning Authority Decision

Grant permission

Type of Appeal

Third-Party

Appellant(s)

John Ring & Others

Paul Richardson

Caroline McCall & Others

Sharon Sterritt

Anne McManus

Réamonn & Breda Madden

	Ashcroft Residents Association
	Vanessa Byrne
	Gregory & Lorraine Hall
	John Maguire
Observer(s)	Thomas P. Broughan T.D.
	Robert Noonan
	Tom Brabazon
	Séan Haughey T.D.
	Elizabeth & John Conlon
Date of Site Inspection	26 th July 2017.
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	8
3.4. Third-Party Submissions	8
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. Development Plan.....	9
5.2. National Guidelines	10
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Applicant's Response.....	13
6.3. Planning Authority Response.....	14
6.4. Observations	14
6.5. Further Responses.....	15
7.0 Assessment.....	15
8.0 Appropriate Assessment.....	26
9.0 Recommendation.....	26
10.0 Reasons and Considerations	26
11.0 Conditions	27

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of c.3.6 ha and is located on Station Road, proximate and to the north of Raheny village and Raheny railway station in north Dublin city. It is irregular in shape and comprises 60m frontage onto Station Road and sides onto railway lands for a distance of 50m. The majority of the site is inaccessible, undeveloped and extensively overgrown. Four terraced cottages including associated outbuildings and a furniture workshop and showroom are located on the southern side of the site, with access off Station Road.
- 1.2. To the south of the appeal site and fronting onto Station Road is the former Raheny National School, a two-storey Protected Structure currently occupied by a childcare facility and a residential unit. Adjacent to the north of this is a shed structure which adjoins the furniture workshop facility. Immediately south of the railway lands, the area is generally characterised by rows of terraced two-storey dwellings within Rathmore Park and along Station Road. There is also a two-storey detached dormer-style dwelling, No. 26a Rathmore Park, adjacent to the railway lines and positioned between housing in Rathmore Park and Station Road. The eastern boundaries of the site back onto open space and properties in Ashcroft residential estate, which is characterised by rows of two-storey terraced dwellings. Adjacent to the north of the site are terraced two-storey dwellings also forming part of Ashcroft estate, which are set back from Station Road by a slip-road and a line of trees. The western boundary along the Station Road is primarily formed by a rendered and capped wall, which is over 2m in height. On the opposite side of Station Road, to the west of the appeal site, are rows of two-storey terraced dwellings and a childcare facility.
- 1.3. The estate access roads through Ashcroft have been taken in charge by Dublin City Council. Ground levels drop slightly moving eastwards on site and within the wider area ground levels generally drop steadily towards the coastline to the southeast.

2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:

- Demolition of four cottages, a furniture workshop and associated outbuildings, site clearance work and removal of boundaries along Station Road and along part of the northern boundary;
- Erection of a four to six-storey residential apartment block, containing 71 no. apartments, including 7 no. one-bedroom apartments, 52 no. two-bedroom apartments and 12 no. three-bedroom apartments, each with balconies, all over a basement car park with provision for 60 no. car parking spaces, 76 no. bicycle spaces, bin stores and ancillary services;
- Provision of a gated pedestrian, service and emergency vehicle access off Station Road and gated vehicular and pedestrian access to basement level from the rear via Ashcroft estate;
- Proposals also include landscaping works throughout with open space to be provided in three separate areas on site including a central courtyard (572 sq.m), in the eastern corner (365 sq.m) and along the northern boundary (245 sq.m). Revised boundary treatments including replacement of boundary wall to Station Road with dwarf wall and railing above;
- 'Part V' social housing is proposed (means of complying are not specified).

2.2. The application was accompanied by various technical reports and drawings, including:

- Planning & Design Report;
- Engineering Services Report;
- Traffic Impact Assessment;
- Landscape Report;
- Arboricultural Assessment (Tree Survey);
- Preliminary Construction & Waste Management Plan;
- Mechanical Systems Report & Plant Room Layout;
- Swept Path Vehicular Movement drawings.

2.3. These were supplemented by additional and revised reports and drawings submitted on foot of a request for further information, which included, *inter alia*, a Report for Screening for Appropriate Assessment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 19 no. conditions, the following of which are of note:

- Condition 4(c) – portion of land along the northern boundary to be handed-over to Dublin City Council;
- Condition 6(a) – vehicular entrances/exits, footpaths and surfaces to be modified to comply with Design Manual for Urban Roads and Streets standards;
- Condition 6(c) – mobility manager to be appointed to oversee and co-ordinate the Mobility Management Plan;
- Condition 7 – measures to address the requirements of Iarnród Éireann;
- Condition 19 – lodgement of a cash deposit or a bond.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority, with the following comments of note:

- Mix, aspect and floor areas of apartments and the communal open space proposed is acceptable;
- Proposed building height and development density is acceptable in this location;
- Visual impact of proposals is reduced by the separation distances achieved, open space buffers and setting back of the upper floors;
- Proposals complement the nearby apartment block at the corner of Station Road and Springdale Road;
- Confirmation required regarding proposals to address public open space shortfall;

- Agreement in principle reached with Dublin City Council to comply with Part V obligations;
- Proposals do not trigger the necessity for an on-site childcare facility;
- Additional information was requested in relation to the following:
 - (i) Breakdown of private and communal amenity space;
 - (ii) Potential for overlooking of houses to the rear in Ashcroft residential estate;
 - (iii) Proposals should address issues relating to privacy for ground-floor apartments;
 - (iv) Mitigation measures to address proximity of pedestrian pathway to apartments;
 - (v) Confirmation required regarding proposals for open spaces to northern and eastern ends of the site;
 - (vi) Supplementary shadow analysis addressing impacts on then open space;
 - (vii) Boundary treatments details;
 - (viii) Screening Report for Appropriate Assessment;
 - (ix) Applicant should address concerns raised by Iarnród Éireann;
 - (x) Social Audit and Implementation & Phasing Programme;
 - (xi) Details of a service area for short-term parking of deliveries and vans;
 - (xii) Tree survey report, landscaping and public open space provision.

Following receipt of additional information, the planning officer concluded that the applicant had addressed the outstanding issues and recommended a grant of permission subject to conditions.

3.2.2. Other Technical Reports

Responses were received from the following:

- Roads & Traffic Planning Division – Following review of Further Information, **no objection** subject to conditions;

- Parks & Landscaping Services - Following review of Further Information, **no objection** subject to conditions;
- Drainage Division - **No objection** subject to conditions;
- Air Quality Monitoring & Noise Control - **No objection** subject to conditions;

3.3. Prescribed Bodies

- 3.3.1. An **objection** was initially received from Iarnród Éireann based on the potential impacts of the proposed development on their property, including the adjacent rail embankment, and amendments were requested. The Further Information response submitted, refers to discussions between the applicant's representatives and Iarnród Éireann.

3.4. Third-Party Submissions

- 3.4.1. A total of 89 submissions were made during the course of the application. The issues raised are covered in the Grounds of Appeal and Observations to the appeal.

4.0 Planning History

4.1. Appeal Site

The most recent planning applications on the subject site are as follows:

- PL29N.236737 (DCC Ref. 4525/09) permission **granted** (August 2010) for demolition of 4 no. habitable houses and other buildings, and the construction of a three-storey, 80-bed nursing home facility with two separate vehicular entrances off Ashcroft residential estate. This development was not commenced;
- PL29N.226811 (DCC Ref. 4293/07) permission **refused** (August 2008) for demolition of 4 no. habitable houses and other buildings, and construction of 60 no. apartments¹ in three to four-storey blocks with vehicular access of Station Road;

¹ Reduced to 57 no. apartments following submission of Further Information to the Planning Authority.

Reason for refusal related to excessive density of development, proximity of 4-storey building (Block A) to Station Road and its relationship with other proposed buildings, and the proposed access solely from Station Road.

4.2. Surrounding Area

- 4.2.1. Planning permissions in the area are generally reflective of the suburban character and largely relate to applications of a domestic or commercial nature and scale.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site has a land-use zoning objective 'Z1 - Sustainable Residential Neighbourhoods' within the Dublin City Development Plan 2016-2022 with a stated objective "to protect, provide and improve residential amenities".
- 5.1.2. Under Policy QH1 of the Development Plan, the City Council will have regard to the Ministerial Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes, Sustaining Communities' (2007); 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009). The following policies are also considered relevant:
- Policy QH3 – 10% social housing allocation;
 - Policy QH5 – addressing housing shortfall through active land management;
 - Policy QH6 – sustainable neighbourhoods with variety of housing;
 - Policy QH7 – promotion of sustainable urban densities;
 - Policy QH8 – promotion of development of vacant and under-utilised sites;
 - Policy QH9 - phasing programmes for larger housing schemes;
 - Policy QH10 – support the creation of permeability and connectivity;
 - Policy QH13 – new housing should be adaptable and flexible;

- Policy QH18 – support provision of high-quality apartments;
 - Policy QH19 – promote the optimum quality and supply of apartments;
- 5.1.3. Section 16.7.2 of the Development Plan sets out building height limits for development, including a 24m restriction in the outer city within 500m of a DART station.
- 5.1.4. Chapter 11 of the Plan provides guidance on development comprising or in the curtilage of Protected Structures. Policy CHC2 seeks to safeguard the special interest of Protected Structures.
- 5.1.5. Other relevant sections of the Development Plan:
- Section 4.5.3 - Making a More Compact Sustainable City;
 - Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);
 - Section 16.2 – Design, Principles & Standards;
 - Section 16.7 - Building Height in a Sustainable City;
 - Section 16.10 - Standards for Residential Accommodation.

5.2. National Guidelines

- 5.2.1. The following Guidelines are also relevant:
- Architectural Heritage Protection Guidelines for Planning Authorities (2004);
 - Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013).
 - Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011);
 - Sustainable Urban Housing: Design Standards for New Apartments (2015).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Third-party appeals were received from John Ring & Others, Paul Richardson, Caroline McCall & Others, Sharon Sterritt, Anne McManus, Réamonn & Breda

Madden, Ashcroft Residents Association, Vanessa Byrne, Gregory & Lorraine Hall and John Maguire.

- 6.1.2. It is evident from the appeals submitted that there is considerable overlap in terms of the issues raised. Photographs illustrating the scale of the proposed building are included with a number of these appeals. To avoid undue repetition, the issues are grouped into related headings below:

Scale and Principle of the Development

- Scale, mass, density and height of the development on an elevated site is out of character with the surrounding area;
- Site is more suitable for family housing or a more modest development and would restrict potential to expand rail services;
- Proposals are contrary to zoning objectives and do not address matters previously cited during the assessment of appeals by An Bord Pleanála;

Design, Layout & Amenities

- Inadequate provision of public open space on site;
- Building line is inappropriate and building height should step down proximate to dwellings at Ashcroft and the adjacent Protected Structure;
- Applicant needs to address boundary treatment with No. 22 Ashcroft;
- Living accommodation and storage not of appropriate Development Plan size with few units suitable for families;
- Pedestrian connection from Ashcroft to Station Road should be subject to consultation with local residents and could lead to anti-social behaviour, increased commuter parking and safety concerns for children;
- There is no necessity for an electronic sliding gate access to the rear, which will be a source of noise;
- Exterior finishes, materials, roof type and design out of character with surrounding area;
- Visual impacts of the proposals are not accurately reflected in the images submitted with the application;

- Proposals will form a visually obtrusive and over-dominant addition to the local area and would result in loss of views for some residents;
- Loss of mature trees and shrubs resulting in reduced screening;
- Proposals overbearing and imposing given proximity to properties and green space in Ashcroft;
- Proposals will be injurious to the setting of the former Raheny National School and Crescent Cottages, which are Protected Structures;
- Overshadowing and restriction of natural light to adjoining green space and neighbouring residential properties;
- Loss of privacy for neighbouring residents and childcare facility as a result of overlooking;
- Lack of cognisance for residential property to the south (within the Montessori school) i.e. No. 42 Station Road;

Access & Traffic

- Amenity, safety, security, noise, accessibility and pollution concerns regarding the proposed access route through Ashcroft estate at both operational and construction phases;
- Insufficient width of access road with poor visibility at ramped entrance and the need to use two internal junctions;
- Insufficient capacity at T-junction from Ashcroft to Station Road to absorb associated additional traffic;
- Significant traffic congestion occurs along Station Road presently and proposals will add to this;
- Limitations for emergency, service and fire tender access;
- Revised entrance solutions suggested;
- No need for a second pedestrian access from the rear off Ashcroft;
- Insufficient quantum of car parking in an area with a high parking demand, considered to materially contravene the Development Plan;

- Rationale for allowing a shortfall in parking has not been provided and this will result in overspill of parking to neighbouring areas;
- Lack of visitor parking and cycle parking, and potential for renting of spaces;

Other Issues

- Potential for subsidence impacting on dwellings and railway;
- Diminution of property values in the locality;
- Concerns regarding construction phase and activity, including noise, debris and dust emissions;
- Impacts on local water supply;
- Local population and school attendee numbers are not declining and there is limited capacity in local social infrastructure. Proposals will not discourage car ownership and empty-nesters will not downsize to the units;
- General increase in noise levels in the vicinity;
- Development description does not refer to demolition of carpenter's showroom;
- Contest ownership of a 1.5m strip of land across the proposed entrance to the site from Ashcroft;
- Proposals would seriously compromise the development potential of zoned land, currently used as open space serving Ashcroft estate;
- Need for control of rodents;
- Interference with telecommunication reception from satellites and other receivers.

6.2. Applicant's Response

6.2.1. The response received from the Applicant includes a 'taking-in-charge' map for Ashcroft estate and can be summarised as follows:

- Brownfield nature and proximity to village centre, bus routes and DART station make this site suitable for redevelopment at the scale proposed;

- Material changes have occurred in the statutory planning context since the previous refusal;
- Final design has emerged following a response to pre-planning discussions and further information requests;
- Site provides an appropriate setting for the development with adequate separation distances achieved and with scale, height, parking, design, open space and density within the requisite standards;
- Amendments of the proposals address the potential for overlooking of neighbouring properties;
- Junctions will not be significantly affected by the anticipated traffic generated, based on modelling and the access meets relevant design standards;
- Applicant will comply with Local Authority traffic controls to restrict parking along the access road;
- Appellant's claim that a 1.5m strip of land across the entrance from Ashcroft is not taken in charge is incorrect;
- Shadow and light studies submitted show that the proposals do not have an adverse impact on surrounding properties or open space;
- Ceding of land to the Planning Authority to enable a pedestrian link is viewed as a positive addition to the area;
- Primary construction access will be off Station Road, with limited access from Ashcroft subject to engagement with residents.

6.3. **Planning Authority Response**

The Planning Authority did not make any further comments on the grounds of appeal.

6.4. **Observations**

- 6.4.1. Observations were received from Thomas P. Broghan T.D., Elizabeth & John Conlon, Tom Brabazon, Seán Haughey T.D. and Robert Noonan, with the vast

majority of issues raised addressed within the Grounds of Appeal, but also including the following:

- Should a grant of permission be issued, a condition should be attached to restrict parking on the access through Ashcroft;
- Difference in ground levels between Rathmore Park to the south and the appeal site will result in the development having a greater visual impact from Rathmore Park;
- Noise from passing rail traffic will be reverberated from the proposed building;
- Site would be better served as a park and ride facility or a bus depot;
- Conditions attached by the Planning Authority will not mitigate against the impact of the proposals for residents of Ashcroft.

6.5. Further Responses

6.5.1. A further submission was received from Ashcroft Residents' Association responding to the grounds of appeal by the other appellants, reinforcing previous comments made and requesting further consideration of:

- Precedent that the proposed development could set;
- The need to protect the development potential of the open space to the north;
- Proposals are out of keeping with the existing pattern of development.

7.0 Assessment

7.1. The following assessment addresses matters raised in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Principle of the Development;
- Layout, Design & Amenities;
- Access & Traffic;
- Impact on Protected Structure;

- Other Matters.

7.2. Principle of the Development

- 7.2.1. I note the fact that a previous proposal was refused permission by An Bord Pleanála under ref. PL29N.226811 (DCC Ref. 4525/09) on the appeal site in August 2008. This development had proposed an apartment development comprising 60 no. apartments in three four-storey blocks with vehicular access off Station Road. Permission was refused for three reasons; the excessive density of the development, the proximity of Block A to Station Road and its relationship to Block B, and the proposed access off Station Road. A note on the Board's Direction stated that the Board had no objection in principle to a substantial apartment development on the site, which could incorporate four-storey elements and any future application should examine the option of an access from Ashcroft. Following this, permission was secured on the site for an 80-bed nursing home facility under ref. PL29N.236737 (DCC Ref. 4525/09). This permission provided for a three-storey building, built up to the back-edge of the footpath along Station Road and with central courtyard. Vehicular access and egress to the nursing home development was permitted from both adjacent cul de sac off Ashcroft. This permission has since expired. While I note the Board's previous notes and decisions regarding development proposal on the appeal site, the current proposal must be assessed on its merits within the context of the current Dublin City Development Plan 2016-2022, which has been revised since adjudication and decision by An Bord Pleanála on the previous cases.
- 7.2.2. The site has the benefit of a 'Z1' zoning, the objective for which is to provide for sustainable residential neighbourhoods and to protect, provide and improve residential amenities. Given the existing pattern of development in the immediate vicinity, the appeal site is considered to constitute an infill site. The proposal for 71 no. apartments on this site with a stated area of 0.36 ha., equates to a residential density of 197 units per hectare. Whilst much higher than the densities prevailing on adjoining lands, including Ashcroft to the north, I note that there is no upper limit set within the Development Plan and I consider the density to be reasonable having regard to the site's location within 100m to 200m of Raheny railway station. Notwithstanding this, and as per the relevant Guidelines for Sustainable Residential

Development and Policies QH7, QH8 and SC13 of the Development Plan, the acceptability or otherwise of the proposed development requires proposals to respect and integrate with the surrounding character and to have due consideration for the protection of surrounding residents, households and communities, and the need to provide for additional residential development. I propose to address such matters in the following sections.

- 7.2.3. In conclusion, while I note that the grounds of appeal consider alternative and more modest forms of development would be more suitable for the site and cognisant of the planning history for the site, I consider that the principle of developing the appeal site for residential development at the scale proposed, given its context and with respect to current statutory planning policy, is acceptable.

7.3. **Design, Layout & Amenities**

- 7.3.1. Proposals provide for 7 no. one-bedroom apartments, 52 no. two-bedroom apartments and 12 no. three-bedroom apartments and I consider that this would contribute to the overall dwelling mix in the locality and accords with the development provisions, as set out in Section 16.10.1 of the Development Plan. All but 5 of the 71 no. apartments (7%) are dual aspect, with the single-aspect units being one-bedroom units off Core B and including east-facing balconies. The minimum size of apartments proposed, range between 51.7sq.m for a one-bedroom unit, 76.5sq.m for a two-bedroom unit and 95.1sq.m for a three-bedroom unit and in addition to the room sizes, all exceed the minimum space requirements of both the Design Standards for New Apartments and the Development Plan (Section 16.10.1). All units are served by balconies or terraces that accord with the minimum requirements in terms of depth and area for private open space. Floor to ceiling heights and number of apartments per core meet minimum requirements. Overall, the development provides for a range of apartment typologies of varying sizes and tenure which would add to the quality of the housing stock in the area.
- 7.3.2. I note that the Development Plan seeks to ensure that development responds to the established character of an area, including building lines and relationship with the public realm. I would submit that whilst a building line is established to the north within the Ashcroft scheme and along Station Road south of the railway, this is not continued through the existing appeal site, the adjacent former Raheny National

School site or further along the streetscape. I am also cognisant of the previous planning history relating to the site and the Development Plan standards relating to 'large-scale development', which seek to retain existing and create new features to make an easily understandable urban environment, including active building frontages with clearly defined edges and safe public routes. Consequently, there is variety in the building line and it is not imperative for the proposed building line on site to rigidly adhere to the adjacent building lines and there is scope to define a new line on site, more reflective of the primacy of the route along Station Road.

7.3.3. The proposed layout of the residential apartment block is dictated by the configuration and orientation of the site and relationship to adjoining lands. Proposals result in minimal setback from the footpath along Station Road of between 1.5 and 4.6 metres with the building dominating the wider parts of the site. This setback is warranted for the ground floor apartments to address privacy, safety and security concerns. Other externalities impacting the layout of the development include the Protected Structure to the south and I address the impacts of the proposal on this below (see Section 7.5). I note that the layout to the proposed development was amended by the applicant in response to the request for further information by the Planning Authority and the amendments suitably address rail safety concerns raised by Iarnród Éireann and safeguard the privacy of ground-floor residents.

7.3.4. Ground floor levels drop slightly moving eastwards into the site away from Station Road. The proposed building would have a maximum height of 19m (to accommodate Lift Core C) and the surrounding area is dominated by a mix of two-storey houses of varying designs. The City Development Plan allows for a maximum building height of 24m in locations such as this. Buildings higher than two-storeys in the immediate vicinity include the 3-storey apartment blocks of Grange Hall and Raheny Wood to the northwest of the appeal site, while to the southwest of the appeal site on lower ground is the Church of Our Lady, which features a 22m-high tower. The height of the blocks stepping down from six storeys in the centre to three storeys on the eastern end, four storeys on the northern end and with fourth-floor setback along Station Road has cognisance of the two storey dwellings to the east, north and west. The variation in height would aid to reduce the mass and bulk of the building.

- 7.3.5. Given the surrounding ground levels and the difference in proposed building heights relative to surrounding building heights, views of the proposed apartment block would invariably be achievable from the immediate and wider area. In this regard I note that computer-generated images of the proposed development have been included with the application package, as part of the Planning & Design Report. I am satisfied that these images provide an accurate portrayal of the proposed development, albeit from short range. The grounds of appeal assert that the height of the proposed development is not consistent with the surrounding area and would be visually obtrusive and overly dominant. The overall scale and bulk of the building would be broken up by the used of contrasting cladding including a slate coloured cladding primarily to identify corner features. While I accept that the proposed development would introduce a taller building into the locality, I consider that the height and design of the development is appropriate in the context of current Development Plan policy and standards, including the relationship of the proposed building to the public realm and adjoining lands.
- 7.3.6. In order to address potential for overlooking of properties to the north, there are no balconies proposed on the northern elevation closest to and behind the building line of No. 10 Ashcroft estate. Following submission of further information to address concerns relating to the potential for overlooking of properties at Nos. 7 to 10 Ashcroft, a revised northern elevation was proposed. This largely addresses the potential for overlooking, but I consider that the north-facing master bedroom (secondary) window to apartments 32, 36 and 40 should be obscure glazing to further address potential for direct overlooking. I consider that the separation distances between buildings, the stepped design at upper levels of the proposed building and the buffer formed by the roads, railway, existing and proposed landscaping would serve to suitably address potential for overlooking residences to the east, west and south. I note that the east-facing elevation to the internal courtyard has been designed to avoid overlooking internally within the apartment complex. The Protected Structure to the south includes a residential unit, No. 42 Station Road. The garden serving this dwelling is positioned to the rear and southside of the Protected Structure, with the rear area largely overlooked by the existing residence adjacent to the north, No. 52 Station Road. As a consequence, I consider the existing situation would not be exacerbated by the subject proposals

given the intention to provide screen planting on the boundary and the increased separation distance from the rear garden of No. 42 to the proposed apartment building.

7.3.7. Notwithstanding the fact that this proposal would introduce a much taller building into the local environment, I do not consider that the proposal would have an overbearing impact along Station Road, given the width of the road at this point (approximately 16.5m) and as the proposed building is set back from the roadside to create defensible space for the ground-floor apartments, and as the proposed building would not extend across the entire frontage to Station Road. The grounds of appeal submitted raise concerns regarding the potential for the proposed development to be overbearing when viewed from within Ashcroft estate. I consider that the open space separating the proposed development from dwellings and the public realm within Ashcroft would reasonably serve to ensure the proposals would not have an overbearing impact from the adjoining estate. I note that the distance from the front elevation of the closest dwelling, No. 22 Ashcroft, which faces directly onto the open space, would be separated by the access road and would be 16m from the three-storey element and almost 20m from the four-storey element. Therefore, I consider that the proposals would not have a significantly overbearing impact from neighbouring properties or from the public realm.

7.3.8. The grounds of appeal assert that the development would result in excessive overshadowing of neighbouring properties and the adjoining public open space in Ashcroft. Following the Further Information request of the Planning Authority, the applicant submitted a set of Solar Shadow Analysis Drawings and supporting commentary within the response cover letter, where they state that they consider the proposals would not result in excessive overshadowing of the adjacent open space and the impact of overshadowing on the garden of the nearest dwelling to the north would be negligible. The proposed building would be sited directly to the south of the adjacent open space serving Ashcroft and would be approximately 0.5 to 4m from the boundary with the open space, which comprises groups of trees adjacent to the appeal site. I acknowledge that the proposals would lead to some overshadowing, but that this would be centred on the open space to Ashcroft and the front of properties at 11-22 Ashcroft, and this would be largely confined to evening time. The orientation and layout of the proposed development would not lead to

excessive overshadowing of the balconies serving the proposed apartments. Consequently, I do not consider that the proposed development would lead to excessive overshadowing of proposed apartments, neighbouring properties or the adjacent open space.

7.3.9. The grounds of appeal assert that the amenities of local residents would be impacted by noise during both the construction and operational phases of the proposed development. The impacts associated with the construction works and construction traffic are discussed below under Section 7.4.2. I do not consider that the impacts on surrounding residential properties during the operational phase would be significant. To address concerns relating to the potential impacts of the railway line on the proposed development, the response to further information submitted by the applicant stated that based on the results of a noise impact assessment measures would be put in place to meet the relevant standards. Given the circumstances I believe it would be imperative for the proposed development to meet the requirements of Iarnród Éireann, by attachment of a condition comparable to condition 3 attached to the Planning Authority decision. I am satisfied that noise impacts from the construction stage can be mitigated sufficiently, that the amenities of future residents can be safeguarded and that no significant amenity impacts would arise from the residential proposals and associated accesses.

7.3.10. Consequent to the site constraints and scale of development, scope for providing extensive communal and public open space on site is limited. The current Development Plan requires a communal open space provision of 507 sq.m. This is largely provided for within the central courtyard, which measures 570 sq.m. An additional small pocket of open space would be provided at the eastern end of the site, measuring approximately 365 sq.m. This space would be classified as semi-private or communal open space rather than public open space. To meet the Development Plan requirement for public open space, at least 10% of the site (c. 360sq.m) would need to be provided. Following submission of the revised proposals as part of the response to further information, the applicant set out that they would cede to Dublin City Council the northern portion of the site adjoining Station Road and opening onto the open space in Ashcroft to allow for a pedestrian route to be provided through this space. I note that the grounds of appeal submitted object to the principle of a new pedestrian access through this space to Ashcroft, but that this

has not been specifically provided for under this application. The Planning Authority saw fit to attach a condition (4c) to handover this land to the City Council and I would suggest that the treatment of this area is a matter which the Planning Authority and the applicant would need to agree upon prior to commencement of development. In conclusion, I consider that the proposed allocation of open space would meet the Development Plan requirements.

7.3.11. I note that the vast majority of trees on site would be removed to facilitate the development and two street trees fronting the site would remain in situ. The existing trees within the adjacent open space would provide some screening from this estate, particularly of the lower levels to the proposed development. The landscape plan submitted in response to the further information request indicates that replacement tree planting would be undertaken particularly along the site boundaries, respecting the requirements of Iarnród Éireann and I consider that in this context this aspect of the proposals would be reasonable.

7.3.12. In conclusion, while the proposed development would introduce a new taller structure into the local environment, I consider that the proposed development would not have a significant impact on local amenities and would provide additional alternative housing meeting the requisite development standards.

7.4. Access & Traffic

7.4.1. The primary vehicular access to the site would be via Ashcroft, a residential estate accessed from Station Road to the north of the site. The estate access roads have been taken-in-charge by the City Council and I note the planning history of the site, including reference to preferred means of accessing the site. I consider that the additional vehicular movements associated with 60 no. car parking spaces for 71 no. apartments would not be material relative to that generated within the larger Ashcroft scheme (which comprises in the region of 211 residential units). The internal access roads and the estate junction onto the Station Road are capable of accommodating the anticipated increase according to the Traffic Impact Assessment submitted by the applicant in support of the proposed development and I note that the Roads & Traffic Planning Division stated that the junctions would operate within capacity and the associated traffic can be accommodated on the surrounding road network.

- 7.4.2. Concerns have been raised about construction traffic and the ability of the access roads to accommodate same. A Preliminary Construction & Waste Management Plan has been submitted with the application and this outlines that the primary construction access would be from Station Road, with a secondary access from Ashcroft. While I acknowledge that the construction stage would be somewhat disruptive, this would be temporary in duration and should permission be granted a more detailed Construction Management Plan can be conditioned to further confirm and address matters raised in the grounds of appeal, such as, noise, rodent control, hours of operation, construction traffic routes, dust and other emissions.
- 7.4.3. Applicable car parking standards for a residential development on this site are outlined in Table 12.8 of the City Development Plan, which allows for maximum, as opposed to minimum parking allowances, and in the subject case a car parking provision of 71 no. spaces or less is required. A total of 60 no. spaces are to be provided, which complies with the Development Plan standards, and while I recognise that some apartments may not be provided with a car parking space, the shortfall is insignificant. Furthermore, taking into consideration the location of the site along frequently served public bus routes, proximate to a range of local services and amenities and its proximity to Raheny railway station, I consider the provision to be acceptable. The allocation of the spaces to the respective apartments should be ensured. I note the grounds of appeal assert that the proposals would result in overspill and visitor parking along the streets within Ashcroft, and parking by non-residents is currently prevalent along these streets. However, the current situation is a matter for enforcement by the relevant authorities and there is scope for restrictive parking measures to be provided to address such concerns. A total of 76 designated cycle parking spaces are proposed at basement level in the proposed development and the Planning Authority request that these be of the 'Sheffield' stand type, which is in line with Development Plan standards.
- 7.4.4. A controlled pedestrian crossing exists to the south of the site on Station Road at the entrance to Raheny railway station. The main pedestrian access to the apartment complex would be from Station Road with a secondary pedestrian access route from the rear off Ashcroft. The grounds of appeal assert that this secondary access would not be necessary. I consider that there is merit in the secondary pedestrian access

from an accessibility perspective and to increase permeability with surrounding areas.

- 7.4.5. I note that the proposals were revised by the applicant to address matters relating to visitor parking, along with emergency and service vehicle access. Revised proposals were submitted as part of the applicant's further information and this was acceptable to the Roads & Traffic Planning Division of Dublin City Council. The proposed access and set down provision for service and emergency vehicles is typical for a development of this nature, scale and context, and accordingly I consider it to be adequate in serving the development. I note some revisions are required by the by the Roads & Traffic Planning Division with respect to pedestrian and cyclist priority and I consider that this could be addressed by way of condition should permission be granted.
- 7.4.6. I am therefore satisfied that the scheme can be accommodated without giving rise to concerns regarding vehicular or pedestrian safety or congestion.

7.5. Impact on Protected Structure

- 7.5.1. The grounds of appeal highlight concerns regarding the impact of the proposed development on the setting of the former Raheny National School, a Protected Structure (RPS Ref. 8703) now accommodating a childcare facility and a residence. This former National School is zoned 'Z1 - Sustainable Residential Neighbourhoods', and was most recently granted planning permission for extensions and alterations to a residential unit under DCC Ref. 4131/02 (March 2003). Based on historical Ordnance Survey maps for the area, there is no apparent link between the subject appeal site and the Protected Structure. There is an existing narrow mono-pitch roof shed structure with separate vehicular access off Station Road positioned between the appeal site and the Protected Structure. The proposed building would be set further away from the Protected Structure than under previous applications and a reasonable level of separation (c. 23m) is provided between the Protected Structure and the proposed building fronting onto Station Road. Consequently, the proposals have greatest potential to impact on the setting of the Protected Structure when the Protected Structure is viewed against the backdrop of the proposed apartment block from the south on Station Road. In this regard I note the existence of the aforementioned shed structure on the boundary, the proposals to demolish existing

buildings adjacent to the Protected Structure, the provision of screen planting along the southern boundary of the appeal site and separation distances, including the positioning of the closest part of the proposed building behind the rear building line of the Protected Structure. In view of the this, I do not consider that the proposal would have an adverse impact on the setting of the Protected Structure.

7.6. Other Matters

Property Values

- 7.6.1. Having regard to the lack of a significant impact on the residential or visual amenities of property in the vicinity discussed above, there is no evidence to support the appellants' contention that the proposal would negatively affect property values in the area.

Legal Issues

- 7.6.2. The issue of ownership relative the '1.5m strip' along the proposed rear access off Ashcroft is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of Section 34(13) of the Planning & Development Act 2000, as amended and Chapter 5.13 entitled 'Issues relating to title of land' of the 'Development Management – Guidelines for Planning Authorities' (DoECLG, June 2007).

Procedural

- 7.6.3. Arguments are put forward in relation to the description of the development used in the planning application, which does not specifically refer to the demolition of the furniture workshop and showroom. The development description was accepted by the Planning Authority in their validation of the planning application. It is also evident that third parties were well informed of the application by the public notice, given the significant number of submissions received and by virtue of the level of engagement at appeal stage. I am satisfied that the public notices served their purpose. Accordingly, I am satisfied that no procedural issues arise in relation to the description of the proposed development on the public notices.

8.0 Appropriate Assessment

- 8.1. A Report for Screening for Appropriate Assessment was submitted to the Planning Authority on 23rd March 2017 as Additional Information. This has been prepared by JM McConville + Associates Chartered Environmentalist.
- 8.2. The closest Natura 2000 sites to the appeal site are the North Bull Island Special Protection Area (SPA) (Site Code: 004006) and the North Dublin Special Area of Conservation (SAC) (Site Code:000206), both of which are located approximately 1.1km to the southeast along the coast. The nearest pathway to the aforementioned designated sites from the appeal site is the Santry river, which is over 200m to the southwest and separated from the appeal site by Station Road, Raheny railway station and housing in Lough Derg Road.
 - 8.2.1. 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 proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the North Bull Island SPA (Site Code: 004006) and North Dublin SAC (Site Code:000206), 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.

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted for the reasons and considerations set out below, subject to compliance with conditions.

10.0 Reasons and Considerations

Having regard to the 'Z1' land-use zoning objectives for the site, as set out in the Dublin City Development Plan 2016-2022, and to the nature and scale of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 23rd day of March 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. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The proposed development shall be amended as follows Prior to commencement of development revised site layout and elevation drawings shall be submitted to, and agreed in writing with, the Planning Authority. The revised plans shall include:

- (a) obscure glazing to the north-facing master bedroom window to apartment nos. 32, 36 and 40;
- (b) details of boundary treatments along the boundary of the site with No. 22 Ashcroft;
- (c) revised layout plan and sections of the entrances to the site to comply with the Design Manual for Urban Roads & Streets;
- (d) details of bicycle parking;
- (e) details regarding implementation of the Mobility Management Plan.

Reason: in the interest of traffic and pedestrian safety, residential and visual amenity.

4. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 with respect to the northern section of the site reserved for public open space.

Reason: In the interest of local amenities.

5. Water supply and drainage arrangements shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

6. Boundary treatments, landscaping, layout, construction works, noise abatement measures, lighting and consultation shall comply with the requirements of Iarnród Éireann for such works and services.

Reason: In the interest of public health and rail safety.

7. The areas of open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the apartments are made available for occupation.

Reason: In order to ensure the satisfactory development of the open space areas.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

9. The car parking spaces to be provided within the development shall be individually marked and assigned to the residential units.

Reason: In the interest of residential amenities

10. Public lighting shall be provided in accordance with a scheme, 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 apartment.

Reason: In the interests of amenity and public safety

11. 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.

12. Proposals for a building name and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all building signs, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

13. (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 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.

14. 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 following submission to the Planning Authority and agreement in writing with the Planning Authority.

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

15. 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 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 adjoining road network;

(j) Details of appropriate mitigation measures for site clearance (rodents), noise, dust and vibration, and monitoring of such levels;

(k) 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;

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

(m) 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.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste

Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

17. 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.

18. 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 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.

19. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, 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.

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.

Colm McLoughlin
Planning Inspector

4th August 2017

