



An
Bord
Pleanála

Inspector's Report PL29N.248996

Development	69 no. apartments in two 5-storey buildings over 2 levels of basement car park with access off Finglas Road
Location	Site of Former Royal Oak Public House, Finglas Road, Glasnevin, Dublin 11
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2458/17
Applicant(s)	LDC Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	Third-Party & First-Party
Appellant(s)	1). LDC Developments Ltd. 2). Mary McElroy
Observer(s)	1). William D'Arcy; 2). Violet Hill Residents Association; 3). Nora Cregan & Chris Cregan; 4). Conor Nolan & Others
Date of Site Inspection	9 th October 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of c.0.38 ha and is located at the traffic-controlled junction of the Finglas Road (R135 regional road) and the Old Finglas Road (R102 regional road), on the northside of Glasnevin and south of Finglas village in north Dublin city. It is irregular in shape and comprises approximately 135m frontage onto the inbound lanes of the Finglas Road, which comprises a dual carriageway including Quality Bus Corridor (QBC) and cycle lane. The site is undeveloped and extensively overgrown, with a steep wooded embankment in the northern portion. The former Royal Oak Public House, a two-storey structure has been demolished and removed from the site. Hardstanding for the former public house and car park remains and the site is accessed from off the Finglas Road, approximately 90m south of the junction with the Old Finglas Road.
- 1.2. Directly to the south of the appeal site is a steep wooded embankment, leading onto an area of open space, forming part of the Tolka river linear park, including a pumping station, mature trees and lawns siding onto the Tolka River. Bounding the site to the east and north are undeveloped wooded lands that are extensively overgrown containing steep embankments and to the rear of housing in the Violet Hill residential estate and Glasnevin Oaks. Housing in Violet Hill is generally characterised by pairs of semi-detached two-storey dwellings fronting onto estate access roads, while Glasnevin Oaks comprises a row of ten two-storey terraced dwellings fronting onto the Old Finglas Road and with parking area to the rear of the housing. On the opposite side of the Finglas Road, west of the site, is the Tolka Vale complex, containing 100 apartments in three four to six-storey blocks. Hoarding forms the northern and western boundaries to the site, while the eastern and southern boundaries are marked by palisade fence.
- 1.3. Ground levels drop sharply from Violet Hill estate and Glasnevin Oaks into the site and in the wider area the levels drop steadily moving southwards along Finglas Road and Finglas river towards the Tolka River. The confluence of the Tolka and Finglas river occurs immediately adjacent to the site under the Finglas Road.

2.0 Proposed Development

- 2.1. The proposed development initially submitted comprised the following elements:

- Site clearance works and removal of hoarding along Finglas Road and the Old Finglas Road;
- Erection of two five-storey residential apartment blocks, containing 69 no. apartments, including 19 no. one-bedroom apartments, 32 no. two-bedroom apartments, 15 no. three-bedroom apartments and 3 no. studio apartments, each served by balconies, all over two levels of basement car park with provision for 104 no. car parking spaces, 80 no. bicycle spaces, bin stores and ancillary services;
- Provision of separate vehicular entrance and egress (left-in/left-out only) off Finglas Road to and from the basement car park, separate drop-off / emergency and service vehicle access off Finglas Road to podium level and two separate pedestrian accesses off Finglas Road;
- Proposals also include extensive retaining wall structures and landscaping works throughout with open space to be provided primarily in a central courtyard and along the wooded northeastern boundary. Revised boundary treatments including replacement of hoarding to Finglas Road with galvanised steel fence;
- Attenuation tank at basement level -2 and connections to all local services;
- '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 the following:

- Planning Statement;
- Services Report;
- Part V Validation Letter;
- Correspondence and maps from Engineer regarding Flood Risk.

2.3. The application was supplemented by additional and revised reports and drawings submitted on foot of a request for Further Information, which included:

- Social Audit Report;
- Structural Report on the Retaining Works (Subsidence Risk);

- Correspondence from Applicant's Solicitor regarding land ownership;
- Sunlight Analysis.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for the following three reasons:

- Reason 1 – Residential Amenities - Unsatisfactory studio accommodation, inadequate natural lighting of apartments, undue overlooking and excessive noise arising from proximity to Finglas Road;
- Reason 2 – Layout - poor quality communal open space and inappropriate location of children's playground;
- Reason 3 – Visual Amenities – visually obtrusive overbearing design.

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:

- Apartment mix, size, internal floor to ceiling heights and requirement for 50% dual aspect units is acceptable, while there is no objection to plot ratio (1.6) or site coverage (31%) given the site constraints;
- Having regard to elevational changes, the proposed building height (16m) is acceptable in this location;
- No objection in principle to residential development on site, but concerns arise relating to the proximity of apartments on all levels to the Finglas Road boundary, the proximity of many apartments to a pedestrian route and access to sunlight and daylight for ground floor apartments along the southern boundary;
- Apartment scheme design provides continuity with existing schemes along this route, but concerns regarding materials and boundary treatment along Finglas Road;

- There is scope for ground floor units to be provided with terraces/gardens as opposed to balconies;
- Children’s play space should be provided on site, and clarity is sought regarding the provision of public open space;
- Car and bicycle parking provision is acceptable, while set down for service vehicles in necessary;
- City Archaeologist recommends archaeological conditions are attached consequent to the position relative to a zone of archaeology and protected monuments;
- Concerns regarding subsidence, traffic, noise, nuisance and odour during construction phase can be addressed by way of a Construction Management Plan;
- Additional information was requested in relation to the following:
 - (i) Proposals should address proximity to southern and eastern boundaries, including sunlight and daylight analysis;
 - (ii) Proposals should address issues relating to privacy for ground-floor apartments (1, 2, 4, 5 and 37);
 - (iii) A revised boundary treatment to Finglas Road and balcony material is required;
 - (iv) Confirmation required regarding proposals for public and communal open space, potential for ground floor gardens/terraces and green roofs should be investigated;
 - (v) Submit proposals for a children’s play area;
 - (vi) Details of a service area for short-term parking of deliveries and vans;
 - (vii) Social Audit and Implementation & Phasing Programme;
 - (viii) Landscape Scheme;
 - (ix) Clarification regarding breakdown of units;
 - (x) Applicant should address risk of subsidence during construction;
 - (xi) Clarification regarding land ownership sought.

Following receipt of Further Information, the Planning Officer concluded that the applicant had not fully addressed all issues raised in the Further Information request and recommended refusal of permission based on three reasons with the following comments in their report of note:

- Proximity of proposed apartment building to Finglas Road would be overbearing;
- Sunlight analysis was not sufficient and an unsatisfactory level of light would arise in apartments 34 and 35;
- Screening to address ground floor privacy is acceptable in principle, but the materials proposed are unacceptable;
- Materials proposed along Finglas Road boundary and balconies not satisfactory;
- Communal open space also serving as emergency vehicles turning areas would be unacceptable;
- Public open space shortfall to be addressed via a contribution in lieu;
- Location and access to proposed children's play area would be unacceptable;
- Conflict between communal open space and proposed set-down area could result in traffic hazard;
- Social audit confirms there is sufficient community infrastructure for the additional 180 residents;
- The proposed landscape scheme is considered acceptable;
- Clarity provided regarding apartment mix, subsidence issues and legal interest. Site boundaries amended to exclude an area along the east of the original site.

3.2.2. Other Technical Reports

Responses were received from the following:

- Roads & Traffic Planning Division – **no objection** subject to conditions;
- Drainage Division - **No objection** subject to conditions;

- City Archaeologist - **No objection** subject to conditions;
- Waste Management – recommends conditions.

3.3. Prescribed Bodies

3.3.1. Responses were received from the following:

- Transport Infrastructure Ireland – **no observations** to make;
- Irish Water – **no objection** and observations provided.

3.4. Third-Party Submissions

3.4.1. A total of 14 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

There is an extensive history of recent planning applications relating to the subject site, four of which the Board has previously adjudicated on:

- DCC Ref. 6360/06x1 - extension of duration of planning permission ref. PL29N.224579 (DCC Ref. 6360/06) **refused** (February 2013) as the previously permitted building height (21m) would not accord with the maximum building height restrictions (14m) of the Dublin City Development Plan 2011-2017;
- PL29N.224579 (DCC Ref. 6360/06) - permission **granted** (February 2008) for 86 apartments in 3 seven-storey blocks, over two levels of basement with single access and egress off Finglas Road. This development was not commenced;
- PL29N.208209 (DCC Ref. 5909/03) - permission **refused** (February 2005) for demolition of public house and construction of 51 no. apartments, retail unit and licensed premises in three four-storey blocks with basement and surface level parking. Reason for refusal related to the impact on the safety of road users, given the proposed commercial uses and the inadequate provision of parking;

- PL29N.203400 (DCC Ref. 1573/03) - permission **refused** (October 2003) for a mixed-use development ranging from 3 to 7 storeys and comprising 78 apartments, a creche, retail units, licensed premises, site works and car parking. Reasons for refusal based on the inadequate provision of parking on a busy route, the over-development of the site and the loss of privacy for units along the southeastern boundary.
- PL29N.128240 (DCC Ref. 4279/00) - permission **refused** for a mixed residential/commercial scheme consisting of a public house retail and offices with '29 residential' apartments over two levels of basement parking. Reason for refusal based primarily on the scale, height and massing of the scheme, constituting over-development of the site that would detract from the visual amenities of the Tolka Valley.

4.2. Surrounding Area

- 4.2.1. Planning permissions in the area are generally reflective of the urban character and the mix of uses, including several permissions for major residential development applications along Finglas Road, none of which appear to be recent.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The majority of 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". A section of the site, along the wooded area to the northeast, is zoned 'Z9 - Amenity/Open Space Lands/Green Network' with a stated objective "to preserve, provide and improve recreational amenity and open space and green networks".
- 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 16m restriction in the outer city.

5.1.4. Other relevant sections of the Development Plan:

- Section 4.5.3 - Making a More Compact Sustainable City;
- Section 4.5.9 – Urban Form & Architecture

Policy SC25: To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.

- Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);
- Section 11.1.5.13 - Preservation of Zones of Archaeological Interest and Industrial Heritage;

- Section 11.1.5.14 - Monument Protection;
- Section 16.2 – Design, Principles & Standards;
- Section 16.7 - Building Height in a Sustainable City;
- Section 16.10 - Standards for Residential Accommodation.

5.1.5. Section 9 of the Development Plan provides guidance with regards to flood risk, including the following policies:

- SI12: To implement and comply fully with the recommendations of the Strategic Flood Risk Assessment prepared as part of the Dublin City Development Plan;
- SI13: That development of basements or any above-ground buildings for residential use below the estimated flood levels for Zone A or Zone B will not be permitted;
- SIO8: All development proposals shall carry out, to an appropriate level of detail, a Site-Specific Flood Risk Assessment (SSFRA) that shall demonstrate compliance with:

The Planning System and Flood Risk Management, Guidelines for Planning Authorities, Department of the Environment, Community and Local Government, November 2009, as may be revised/updated and the Strategic Flood Risk Assessment (SFRA) as prepared by this Development Plan.

The site-specific flood risk assessment (SSFRA) shall pay particular emphasis to residual flood risks, site-specific mitigation measures, flood-resilient design and construction, and any necessary management measures (the SFRA and Appendix B4 of the above mentioned national guidelines refer). Attention shall be given in the site-specific flood risk assessment to building design and creating a successful interface with the public realm through good design that addresses flood concerns but also maintains appealing functional streetscapes. All potential sources of flood risk must be addressed in the SSFRA.

5.2. National Guidelines

5.2.1. The following Guidelines are also relevant:

- 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);
- The Planning System & Flood Risk Management: Guidelines for Planning Authorities (2009).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal was received from Hughes Planning & Development Consultants on behalf of the Applicant, LDC Developments Ltd., against the decision of the Planning Authority. The applicant submitted a revised set of plans with the appeal, which seek to further address requirements outlined in the Planning Authority's Further Information request, as well as the reasons for refusal. The first-party appeal raised the following:

Scale and Principle of the Development

- Proposals compliant with 'Z1 - residential' and 'Z9 – open space' land use zoning objectives and represent sustainable use of urban infill lands, thereby consolidating urban development;
- Site is located in a residential area, which includes apartment developments up to seven storeys in height;
- Area (measuring c. 384sq.m) on the east of the site, outside the redline boundary, in future may be used as additional communal open space for the scheme;
- Previous permission on site allowed for a residential density of 225 units per hectare;
- Site is well-served by Dublin Bus routes, with a stop 200m south of the site;

Design, Layout & Amenities

- Proposals would be compliant with Development Plan policy SC25 promoting exemplary urban design;
- Proposals provide for high-quality living accommodation, compliant with national standards and Development Plan policy;
- Revised proposals set back the proposed apartments blocks from the nearest boundaries by over 2m, similar to other apartment developments along Finglas Road;
- Revised boundary treatment along the Finglas Road, including stone clad wall with hedge behind this, would provide greater amenity for residents. (**Note:** A computer-generated image (CGI) of this boundary is included in the Planning Appeal report setting out the grounds of appeal);
- Pathway along apartments 1, 2, 4, 5 and 37 is not a pedestrian route, and is only for service and maintenance access, therefore loss of privacy would not arise;
- Clear glass balconies would be installed, replacing the originally proposed precast white concrete balconies;
- Children's play area would be relocated on site in order to achieve surveillance from apartments in Blocks A and B;
- Revised landscape details, including hedge planting along the boundary, would improve the visual amenity of the area;
- Apartment mix would be revised with a studio apartment omitted and an additional one-bedroom apartment proposed, resulting in 2 studio apartments, 18 one-bedroom apartments, 34 two-bedroom apartments and 15 three-bedroom apartments;
- Apartments 34 and 35 would not be excessively overshadowed and would receive sufficient levels of natural light. Sunlight analysis study of the apartments is included with the grounds of appeal;

Access & Traffic

- Set down space for delivery vehicles would be provided off the Finglas Road and use of telescopic bollards would only allow emergency vehicles from traversing the communal open space;
- Sufficient parking would be provided.

6.1.2. One third-party appeal was received from Mary McElroy, the resident of 44 Violet Hill Drive, a dwelling 25m to the east of the appeal site, and this raised the following:

- Proposals do not accurately portray the relationship of the proposed development relative to properties on Violet Hill Drive;
- Overlooking of properties in Violet Hill Drive would occur from east-facing Block B windows;
- Development is not in scale with neighbouring properties;
- Proposals would result in spillover parking into neighbouring residential areas;
- Proposals have potential for subsidence of properties in Violet Hill Drive.

6.1.3. The appeal was accompanied by a letter from a local representative.

6.2. Observations

6.2.1. Observations were received from William D'Arcy, Violet Hill Residents Association; Nora Cregan & Chris Cregan and Conor Nolan & Others. Several of the issues raised are covered within the third-party Grounds of Appeal:

Design & Amenities

- Building height is excessive, albeit lower than the seven storeys previously permitted in 2008. There is an absence of photomontages to illustrate the visual impact of the proposals and impact on Glasnevin Oaks. Justification for the proposed building height based on neighbouring apartment complexes is inappropriate;
- Overlooking and overshadowing of the rear of Violet Hill Drive properties from east-facing balconies in the proposed development. Overlooking was not a concern in the previous permitted development, as there were no balconies

facing Violet Hill properties and an additional separation distance was proposed;

- Materials colour palette would not be appropriate and the use of render would not be suitable;
- Accuracy of cross-sections queried, as well as the absence of cross-sections showing the relationship of the proposed development with Glasnevin Oaks and Violet Hill drive properties. Proposals were designed from the inside out and do not have sufficient regard for neighbouring context;

Access & Parking

- Vehicular access and egress arrangements would lead to queuing along a very busy road;
- Traffic to the site coming from the city centre would need to take an illegal u-turn at the Old Finglas Road junction, in order to access the development;
- Proposed access and egress would conflict with cycle and bus movements along Finglas Road and a Traffic Impact Assessment and Road Safety Audit was not provided;
- Insufficient capacity in local bus services to cater for the additional population;

Environmental Concerns

- Lack of due consideration for the environment, including the Tolka river;
- Flood risk assessment fails to consider the historical flooding of the Tolka Vale basement car park;
- Impacts arising during the construction phase, including subsidence, noise and vibration;

Other Matters

- Dispute legal ownership of piece of ground between the rear of Violet Hill Drive and the appeal site;
- Devaluation of properties in the vicinity, including Glasnevin Oaks;
- Absence of a planning permission for demolition of the public house may require retention of the demolition.

6.3. Planning Authority Response

The Planning Authority responded by stating that they consider that the Planner's Report for the application, comprehensively deals with the issues raised in the first-party appeal and justifies their decision. The Planning Authority did not respond regarding the revised proposals and recommended refusal of permission.

7.0 Assessment

7.1. Introduction

7.1.1. The following assessment addresses matters raised in the appeal submissions. The applicant has also submitted revised drawings for the proposed development, as part of their appeal and I will consider these as part of my assessment below. The main planning issues that arise in the assessment of the proposed development are as follows:

- Principle of the Development;
- Layout, Design & Amenities;
- Access, Traffic & Parking;
- Flood Risk;
- Other Matters.

7.2. Principle of the Development

7.2.1. The appeal site has an extensive planning history, with numerous appeals previously relating to the site decided by An Bord Pleanála. The most recent appeal on site was granted permission by An Bord Pleanála under ref. PL29N.224579 (DCC Ref. 6360/06) in February 2008. This development had proposed an apartment development comprising 86 no. apartments in three curved seven-storey blocks on a slightly larger site to the appeal site. The layout to the previously permitted development included a combined vehicular access and egress to two levels of basement car park off the Finglas Road and a pedestrian route was proposed to link the development with the Tolka River linear park through the adjacent public park. Blocks 1 and 2 of the permitted development would have been built onto the back

edge of the footpath along Finglas Road and would have been 7-storeys in height. An attenuation tank was to be provided in the southern corner of the site. The development was not commenced and an extension of duration of the permission was refused by Dublin City Council under Planning Ref. 6360/06x1 in February 2013, as the previously permitted building height (21m) would not accord with the maximum building height restrictions (14m) for this area, as set out in the Dublin City Development Plan 2011-2017. While I note the Board's previous decision to grant permission for a substantial residential development on the appeal site, the current proposals must be assessed on their merits within the context of the current Dublin City Development Plan 2016-2022 and current National Guidelines, which have been revised and supplemented since adjudication and decision by An Bord Pleanála on the previously permitted development.

7.2.2. The majority of 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'. A portion of the site along the northern boundary with the wooded area to the rear of Violet Hill Drive, is zoned 'Z9 - Amenity/Open Space Lands/Green Network' with a stated objective 'to preserve, provide and improve recreational amenity and open space and green networks'. This area would not include any proposed buildings for the proposed development and the proposals would comply with the land-use zoning objectives for the site.

7.2.3. Given the existing pattern of development in the immediate vicinity, the appeal site is considered to constitute an infill site. Following the submission of Further Information, the site area was revised to exclude an area to the east (Area C) with the resultant area amounting to approximately 0.38 ha. The proposal for 69 no. apartments on this site would, therefore, equate to a residential density of 182 units per hectare. I note that there are apartment complexes along the Finglas Road of similar densities to that proposed, while more mature housing areas to the east along the Old Finglas Road are characterised by much lower densities. There is no upper limit for densities set within the Development Plan and I consider that the proposed density would be reasonable having regard to the site's location along a QBC. 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 in providing for additional residential development. Proposals also need to provide an appropriate level of amenity for future occupants and I propose to address such matters in Section 7.3 below.

- 7.2.4. In conclusion, cognisant of the planning history for the site, site context and land-use zoning objectives, I consider that the principle of developing the appeal site for residential development at the density proposed is acceptable. However, the proposed development must be assessed in relation to a host of environmental and planning considerations, as addressed below.

7.3. Layout, Design & Amenities

- 7.3.1. Proposals submitted at planning application stage provided for 19 no. one-bedroom apartments, 32 no. two-bedroom apartments, 15 no. three-bedroom apartments and 3 no. studio apartments, and I consider that this would contribute to the overall dwelling mix in the locality and accords with the apartment mix provisions set out in Section 16.10.1 of the Development Plan. A total of 20 no. apartments would be single aspect (29%), and these are south-facing one-bedroom and studio units. The minimum size of apartments proposed, range between 41sq.m for a studio unit, 48sq.m for a one-bedroom unit, 74sq.m for a two-bedroom unit and 104sq.m for a three-bedroom unit, and in addition to the room sizes and 10% additional total floorspace required for residential schemes of between 10 and 99 units, all units 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 the 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. The proposed layout of the residential apartment block would appear to follow on the approach set out historically within previous planning applications on site, with access off the Finglas Road and curved building footprints. Layouts proposed would appear to be largely dictated by the configuration and orientation of the site, as well

as the steep embankments dominating the north, east and south boundary areas to the site. Other externalities impacting the layout of the development include the residential properties to the east of the site along Violet Hill Drive.

- 7.3.3. 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. Part of the Planning Authority reason for refusal no. 1, flagged the proximity of the development to Finglas Road and its resultant impact on the visual amenities of the area. Finglas Road is an important route through the area, which includes dual carriageway along the site frontage with a width of over 25m. Building lines along Finglas Road vary considerably, with existing apartment buildings set back between 5m and 13m from the carriageway. This design approach is not continued into the proposed development. I am cognisant of the planning history for the site, including the 2008 permission (ABP Ref. PL29N.224579 / DCC Ref. 6360/06) for two seven-storey blocks to be constructed onto the back edge of the footpath. I am also cognisant of the Development Plan standards relating to 'infill development', which require proposals to have regard to the existing character of the street by paying attention to the established building line. The original proposals submitted to the Planning Authority provided for part of the two proposed five-storey buildings to be constructed almost onto the back edge of the footpath, and I would have some reservations regarding this element of the proposals from a visual amenities perspective, notwithstanding the previous permission.
- 7.3.4. The revised proposals submitted with the first-party grounds of appeal, pull the two proposed blocks back from the edge of the footpath by a minimum of 2.1m and I consider this would reduce then impact of the development along Finglas Road and would present a more satisfactory design approach. Given the curved configuration of the proposed buildings and the gap between these blocks as proposed on Dwg. No. 101.a Rev A, which accompanied the first-party grounds of appeal, the building line would only be proximate to the roadside for a short distance and the proposals would provide variety in the building, as is already established along the Finglas Road. Setting back the buildings from the Finglas Road would also have benefits from an amenity perspective and is warranted for the ground floor apartments to address privacy, safety and security concerns, as discussed further below. Consequently, given the primacy and width of the route along Finglas Road, the

variety of building lines established along the Finglas Road and the design and layout of the proposed development, there is scope for a varied building line to be adopted for this site, as per the revised proposals submitted at appeal stage.

- 7.3.5. Reason for refusal No. 3 of the Planning Authority decision highlighted concerns in relation to the materials proposed to be used in the development. The Planning Officer's Report specifically identifies that the smooth precast white concrete balconies with stainless steel handrails and bars with a height of 1.1m would have a negative impact on the visual amenities of the area and would be out of character with the established neighbouring apartment complex developments. As part of the first-party grounds of appeal, the applicant has proposed to revise the balcony materials to comprise clear glass balustrade with stainless steel handrails and I consider that these new materials along with natural zinc cladding, aluclad windows and pale yellow and white brick would be in keeping with the character of the area.
- 7.3.6. Surface levels drop steadily moving southwards towards the Tolka river along with steep embankments along the eastern, southern and northern side falling into the site. The surrounding area is characterised by a mix of building heights, including five to seven storey apartment schemes along Finglas Road and two-storey houses in Glasnevin Oaks and Violet Hill Drive. Buildings higher than two-storeys in the immediate vicinity include the six-storey Tolka Vale apartment blocks to the northwest of the appeal site, while further north along Finglas Road are the six-storey Premier Square apartments, seven-storey Craigie Court apartments and eight-storey Prospect Hill apartments. The appeal site is set below the more mature low-rise residential areas to the east. Survey drawings submitted with the application identify that the roof ridge height to 38 Violet Hill Drive is approximately 15m above the development area surface level. The proposed buildings on site would be 5-storeys with a maximum height of 16m. The City Development Plan allows for a maximum building height of 16m in locations such as this.
- 7.3.7. Given the surrounding topography and the difference in proposed building heights relative to surrounding building heights, views of the proposed apartment blocks would be most visible from the northern and southern approaches to the site along Finglas Road. A detailed set of computer-generated image of the proposed development from various angles has not been included with the application or appeal packages. The third-party grounds of appeal and observers assert that the

height of the proposed development would be excessive and justification for the scale proposed should not be solely based on the height of neighbouring apartment complexes. While I accept that the height of the proposed development should not be solely based on neighbouring heights, based on my detailed assessment of the surrounding area I consider that the height of the development is appropriate in the context of current Development Plan policy and standards, and also in relation to the relationship of the proposed building to the public realm, adjoining lands and neighbouring properties.

- 7.3.8. The third-party grounds of appeal and observations to the appeal assert that the proposed development would result in overlooking of the rear of properties in Violet Hill Drive, by virtue of the east-facing balconies on Block B. The Planning Authority considered that undue overlooking would not occur between the proposed development and neighbouring properties based on elevational differences and separation distances. The closest balconies and windows in the subject development would be approximately 14m from the rear boundary from the nearest neighbouring dwelling, 42 Violet Hill Drive, and approximately 27m from the rear elevation. Given the elevation differences and separation distance, including the intermediary wooded area, I consider that the potential for excessive overlooking between the proposed development and the nearest neighbouring properties would not arise.
- 7.3.9. Given the differences in topography and separation distances between the proposed development and neighbouring properties, I consider that the proposals would not have a significantly overbearing impact from neighbouring properties, nor would they result in excessive overshadowing or loss of light to neighbouring properties. With regard to the impact of the proposals from the public realm. I have previously noted above my concerns regarding the proximity of the proposed apartment blocks to the back edge of the road, as proposed within the application and further information submitted to the Planning Authority. The amendments to the proposed development, as submitted with the first-party grounds of appeal, shifting the buildings back into the site would alleviate the impact of the proposals along Finglas Road. Therefore, I consider that the revised proposals submitted with the first-party grounds of appeal would not have a significantly overbearing impact from neighbouring properties or from the public realm.

7.3.10. A lack of adequate sunlight and daylight levels for apartments in the proposed development formed part of the reason for refusal No. 1 of the Planning Authority decision. The Planning Officer's report outlines that the proposed layout would result in an unsatisfactory level of sunlight and daylight for the future occupants of apartments 34 and 35. Apartments 34 and 35 are a studio and a three-bedroom apartment respectively, and are located at ground floor of Block B with living rooms facing south onto the southern boundary. The proposed living areas serving these apartments are positioned almost onto the boundary, which is stated would be formed by powder coated steel fence, although scaled drawings of this boundary treatment were not included with the application. The Development Plan states that 'development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report [BER], 2011)'. While the southerly aspect to the subject apartments would normally suggest a reasonable level of sunlight and daylight to apartments in this position, their context directly adjacent and overlooking a steeply-rising densely wooded embankment that is not in the control of the applicant, would severely hamper natural lighting of apartments 34 and 35. Having visited the area, I would also have concerns in respect to lighting of the living area serving the adjacent two-bedroom apartment No. 36. The Planning Authority considered that the applicant had not provided sufficient information to show that the proposed development would be in line with the Development Plan standards.

7.3.11. To address the Council's concerns in this regard, the applicant has submitted an additional Sunlight Analysis report and drawings prepared by the project architects to attempt to show that lighting serving the apartments would be to the requisite standards. While I note that the Sunlight Analysis report identifies that the site is shielded by the group of deciduous trees growing along the bank, based on my review of the Sunlight Analysis drawings and having visited this space, I would have concerns that the drawings do not give a true indication of the density and height of mature planting within the adjoining wooded area to the south of Block B. Furthermore, the relationship of Block B to the embankment along the southern boundary is not illustrated in the elevation drawings (Nos. 207 Rev C & 209 Rev C) and the projecting balconies on the floor directly above the respective ground floor units is not identified on any of the Sunlight Analysis section drawings, which appear

to have guided the conclusions in the Sunlight Analysis report. In conclusion, I would have serious concerns regarding the actual ability for apartments to receive adequate levels of sunlight and daylight, and I consider that the proposed layout would result in an unsatisfactory standard of residential amenity for future occupants of apartments 34, 35 and 36.

- 7.3.12. The orientation and layout of the proposed development would not lead to excessive overshadowing of the balconies serving as private amenity space for the proposed apartments.
- 7.3.13. Part of reason for refusal No. 1 of the Planning Authority decision outlined that the proximity of the development to the Finglas Road would result in excessive noise and nuisance for future occupants. I submit that in view of the revised setback of the proposed development from the Finglas Road, as amended with the first-party grounds of appeal and with bedroom windows only onto the wooded area or central courtyard, excessive noise and nuisance for future occupants would not arise, and the noise levels would be no greater than those experienced by other apartments along the Finglas Road.
- 7.3.14. The observers to the appeal assert that the amenities of local residents would be impacted by noise and vibration during the construction phase of the proposed development. While I acknowledge that the construction stage would be somewhat disruptive, this would be temporary in duration and should permission be granted, a detailed Construction Management Plan can be conditioned to further confirm and address matters raised by the observers, such as, noise, measures to address subsidence and hours of operation.
- 7.3.15. Consequent to the site constraints and the scale of development, scope for providing extensive communal and public open space on site is limited. With regard to public open space the applicant proposed paying a contribution in lieu of the shortfall, as allowed for in the Development Plan and this is reasonable. The Development Plan requires a communal open space provision of 466 sq.m to serve the development. This is largely provided for within the central courtyard, which measures 420 sq.m according to the proposals submitted at Further Information stage. An additional two small pockets of open space would also be provided at the northern and eastern ends of the site, measuring a total of approximately 180 sq.m and including a

100sq.m children's play area. The Planning Authority decided to refuse permission with regard to the provision of communal open space, as the proposed play area would only be accessible from Finglas Road and would not be directly accessible from the apartments, and as the location of the proposed drop-off / service and emergency vehicle turning radii would conflict with the use of the centrally-located communal open space. I consider the proposed location for the children's play area to be contrary to the guidance contained within Section 4.12 of the Design Standards for New Apartments Guidelines, as it would be dislocated from the apartments. In response to this, the applicant has submitted a revised proposal to accommodate the play area along the eastern side of the central courtyard overlooked by several apartments and I consider this a more appropriate location for same.

7.3.16. The quality, including functionality and scope for landscaping of the communal open space serving the proposed development is severely constrained and undermined by virtue of the proposed communal open space having a dual purpose as a turning and set-down area for service and emergency vehicles. To address the conflict between the use of this space as a set-down area and to accommodate emergency and service vehicles, the applicant has proposed introducing telescopic bollards to only allow emergency vehicles to traverse the communal open space. This measure does not alleviate my concerns regarding the conflict between the use of the communal space and I note that the introduction of bollards may ultimately lead to traffic queuing and hazard should a number of set-down or delivery vehicles arrive simultaneously. In conclusion, I consider that the proposed allocation of communal open space would not be appropriate to serve the development, as it would be compromised and undermined by the dual use of the space as a vehicular turning area and, therefore, would not meet the requirements of the Design Standards for New Apartments Guidelines and the Development Plan.

7.3.17. I note that the vast majority of trees on site are located along the northern wooded area and these would largely remain in situ. The adjoining lands to the east and south also include extensive tree cover. The landscape plan submitted in response to the Further Information request indicates that some tree planting would be undertaken within open areas of the site, although extensive tree growth would be restricted over podium levels. Nevertheless, as there would be minimal loss of planting this aspect of the proposals would be reasonable. A revised boundary

treatment along Finglas Road is proposed as part of the drawings submitted with the first-party grounds of appeal, and this comprises a stone-clad wall backed by a bow top, light grey powder coated steel fence with hedging to the rear. This would provide a more suitable boundary treatment than the railing initially proposed, but I would question the necessity for the steel fence and I note that some details regarding boundary treatments elsewhere on site have not been provided and would be required via condition.

- 7.3.18. In conclusion, while the proposed development would in some way address reasons for refusal issued by the Planning Authority, including the increased set back from the Finglas Road, the proposed layout does not provide an appropriate level of amenity for future occupants, on the basis of the inadequate levels of sunlight and daylight to apartments along the southern boundary and as the proposed set-down and emergency and service vehicles route would compromise and undermine the quality of communal open space proposed. In this regard the proposed development would not meet the development standards of the Development Plan or the New Apartments Guidelines.

7.4. Access, Traffic & Parking

- 7.4.1. The proposed development would be served via two levels of basement car parking with vehicular access off the inbound carriageway to the Finglas Road. A total of 104 car parking spaces are proposed to serve the 69 apartments, including eight visitor parking spaces close to the ramped entrance at basement -1 level, while a total of six accessible spaces are proposed. A total of 80 bicycle spaces are proposed split evenly between basement levels. I note that the Roads & Traffic Planning Division of the Planning Authority had no objections to the development, subject to conditions including the need for a service layby and reduced car parking. As part of the revised proposals submitted with the first-party grounds of appeal, a service access with telescopic bollards to restrict access onto the communal open space would be provided off the Finglas Road and I highlight my concerns with this arrangement above in Section 7.3.16 and below in Section 7.4.5.
- 7.4.2. Concerns have been raised by the observers regarding the potential for the development to lead to queuing along Finglas Road, and as there is a median restricting access from the outbound carriageway of the Finglas Road to the site, this

would lead to 'u-turn' manoeuvres at the neighbouring junctions. While I acknowledge that the access to the development from the wider area would be constrained by virtue of the median, the Roads & Traffic Planning Division of the Planning Authority considered that traffic generated by the proposal can be accommodated on the existing road network.

- 7.4.3. Applicable car parking standards for a residential development on this site are outlined in Table 16.1 of the City Development Plan, which allows for maximum, as opposed to minimum parking allowances. The appeal site is located in zone 3 for parking purposes, where there is a maximum requirement for 1.5 spaces per dwelling. In the subject case a car parking provision of 104 no. spaces or less is required. A total of 104 no. spaces are to be provided, which complies with the Development Plan standards. The allocation of the spaces to the respective apartments should be ensured. I note the third-party grounds of appeal and observers assert that the proposals would result in overspill parking in Violet Hill estate. There is scope for restrictive parking measures to be provided to address such concerns. I note that the Roads & Traffic Planning Division of the Planning Authority accepted that 1.5 spaces per unit is the maximum permitted car park ratio, but they considered that 1 space per unit is sufficient and that any approval given should be conditioned as such. Considering the urban context of the site along a public transport corridor, including a QBC, I consider this to be a reasonable requirement.
- 7.4.4. A total of 80 designated cycle parking spaces are proposed at basement level and the Planning Authority request that these be of the 'Sheffield' stand type, which is in line with Development Plan standards.
- 7.4.5. I note that the proposals were revised by the applicant to address matters relating to emergency and service vehicle access. Revised proposals were submitted as part of the applicant's Further Information, but this was not commented upon by the Roads & Traffic Planning Division of Dublin City Council. The proposed access and set down provision for service and emergency vehicles would require use of the communal open space. As noted above, while this aspect of the proposed development would provide for the service and emergency set down area for the apartment complex, this would be to the detriment of the quality and safety of open space serving residents. To address this the applicants proposed use of telescopic

bollards to restrict access onto the communal open space to emergency vehicles only, but I note that given the restricted resultant space that would emerge, this may lead to difficulties for traffic entering or exiting the site should a number of vehicles arrive simultaneously. This in turn could lead to restricted movement on the adjoining carriageway to the detriment of pedestrians, cyclists and other road users. This is not a matter that can be addressed by way of a planning condition.

- 7.4.6. I am therefore not satisfied that the service and emergency set down to serve the proposed development can be accommodated without giving rise to concerns regarding the safety of users of the communal open space and the adjoining carriageway and would, therefore, lead to traffic hazard, and I consider that the proposed arrangement would conflict with the safe use and intended function of communal open space serving the development.

7.5. Flood Risk

- 7.5.1. The issue of potential flooding of the site, including the two levels of basement car park, has not been raised within the Planning Officer's report assessing the proposed development, but was addressed by the Council's Drainage Division and within a letter accompanying the application. This is not a new issue, but I believe that it is imperative that flood risk is comprehensively addressed in the application and appeal, despite previous permissions to redevelop the site for residential development incorporating basement car parking.
- 7.5.2. The Board should note that the applicant indicated in the planning application form that, to their knowledge, the site has never flooded. A letter prepared by The McKenna Pearce Practice Consulting Structural + Civil Engineers regarding Flood Risk accompanied the planning application and this includes two map extracts from the Office of Public Works (OPW) and a record of flood events in the Finglas/Glasnevin area. The letter outlines that the site does not have any flooding history and the nearest flood event occurred north of the adjoining Finglas Road and Old Finglas Road junction in 1965.
- 7.5.3. Having reviewed the OPW flood maps for this area, there is a record of at least one historic flood event on the appeal site dating from August 1984. This relates to flooding of the Finglas river at the Tolka Bridge and I note that the OPW record

states that the 'Local Authority who provided this flood information item wishes to point out that a number of defence assets were put in place since one or more of the flood events described by this item'.

- 7.5.4. The subject site is located adjacent to the confluence of the Finglas River and Tolka River. Based on the Council's 'Strategic Flood Risk Assessment (SFRA)' for the City forming Volume 7 of the Development Plan, the appeal site is located in Flood Zone 'C', which has the lowest probability of flooding, but it is adjacent to Flood Zones 'A' and 'B', which have a high and moderate probability of flooding respectively. Alternatively, the Draft OPW 'Flood Extents' maps for the area, suggest part of the site is located in an area that may be prone to extreme fluvial flood events, indicating that part of the appeal site is within Flood Zone 'A'. Appended to the 'flood risk' letter accompanying the application is an OPW map extract, which suggests the appeal site is outside the area at risk from fluvial flooding, but adjacent to the indicative area for 1 in a 100 chance of an annual fluvial flood event. I note that the Council's SFRA states that the Draft OPW 'Flood Extents' were not used in developing the flood zone map for the City, as there were more detailed studies available. In summary, it is not entirely clear which Flood Zone the site sits within.
- 7.5.5. It is an objective (SIO8) of the Dublin City Development Plan for development proposals to carry out, to an appropriate level of detail, a Site Specific Flood Risk Assessment (SSFRA) that shall demonstrate compliance with the Office of Public Works (OPW) document titled 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities' and the Council's 'Strategic Flood Risk Assessment (SFRA)'. The SSFRA shall pay particular emphasis to residual flood risks, site-specific mitigation measures, flood-resilient design and construction, and any necessary management measures (the SFRA and Appendix B4 of the aforementioned OPW guidelines). The Drainage Division of the Local Authority did not object to the development, but did request the developer submit a revised SSFRA. I also note that Policy SI13 of the Development Plan states that development of basements or any above-ground buildings for residential use below the estimated flood levels for Zone A or Zone B will not be permitted.
- 7.5.6. A flood risk assessment, in accordance with the requirements of Appendix 1 to the Flood Risk Management Guidelines, 2009 or the Council's SFRA, was not submitted in support of the planning application or appeal, and the letter accompanying the

application does not comprehensively screen out potential for flooding on site. While the application considers that the site is within Flood Zone C, the proposed development would incorporate two levels of basement car parking, with the floor to level -1 at -2.5m below the level of Finglas Road and the floor to level -2 at -5.5m below road level. The drawings submitted with the grounds of appeal (see Drawing No. 209 Rev C), suggest that the Tolka river is set -3m below the road level. The Letter submitted pertaining to flooding is both inaccurate and lacking in the required level of assessment. I consider that the issue of flooding associated with the appeal site and proposed development should have been more thoroughly considered.

- 7.5.7. In conclusion, notwithstanding the lapse in time since the previous flood event on site and the possible intervention by the Local Authority to address flooding on site, the information submitted with the application regarding flood risk, the location of the site adjacent to or partly comprising Flood Zone A and the proposal to incorporate two levels of basement car parking with plant and other areas to serve the proposed residential development, I have concerns that the proposed development may be at serious future risk from flooding. In this regard the proposed development would contravene Policy SI13 and Objective SIO8 of the Dublin City Development Plan and the provisions of 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November, 2009 and the proposed development should be refused for this reason.

7.6. Other Matters

Archaeology

- 7.6.1. I note that the report of the City Archaeologist identifies that the site is close to the Zone of Archaeological Constraint for both the Recorded Monuments DU018-001 (Watermill Possible Site) and DU018-002 (Bridge Site), which are subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994. Furthermore, the appeal site is located within a Development Plan 'Zone of Archaeological Interest'. The City Archaeologist recommends attachment of conditions should permission be granted, therefore, should the Board agree to grant permission for the development I would recommend attachment of a condition

requiring detailed archaeological assessment, prior to the commencement of development.

Property Values

- 7.6.2. Having regard to the lack of a significant impact on the residential or visual amenities of property in the vicinity, as discussed above, there is no evidence to support the observers' contentions that the proposals would negatively affect property values in the area.

Contributions

- 7.6.3. Should the Board be minded to grant permission for the proposed development, I note that it would be subject to Section 48 Development Contributions. Furthermore, I note that the appeal site is also within the area covered by the Luas Cross City Scheme and, therefore, would also be subject to Section 49 Supplementary Development Contributions.

Part V

- 7.6.4. The applicant has submitted a letter of Validation from Dublin City Council regarding Part V requirements, but means of complying are not specified. A condition requiring a Part V agreement is recommended in the event of permission being granted.

Legal Issues

- 7.6.5. The observers to the appeal raise the issue of ownership of the area along the eastern boundary of the site, which I note was excluded from the site at Further Information stage. This 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).

8.0 Appropriate Assessment

- 8.1.1. A report Screening for Appropriate Assessment was not submitted as part of the planning application or appeal.

- 8.1.2. The closest Natura 2000 sites to the appeal site are the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024) located approximately 4.3km to the east at Clontarf, and the North Bull Island SPA (Site Code: 004006) and the North Dublin Special Area of Conservation (SAC) (Site Code:000206), both located approximately 7.2km to the east at Dollymount strand. Other Natura 2000 sites within 15km of the appeal site include; Malahide Estuary SAC (000205), Malahide Estuary SPA (004025), Ireland's Eye SAC (002193), Ireland's Eye SPA (004117), Rockabill to Dalkey Islands SAC (003000), South Dublin Bay SAC (000210), Rogerstown Estuary SAC (000208), Rogerstown Estuary SPA (004015); Howth Head SAC (000202), Howth Head Coast SPA (004113), Lambay Island SAC (000204) and Lambay Island SPA (004069).
- 8.1.3. The nearest pathway to the aforementioned designated sites from the appeal site is the Tolka river, which meets the Finglas River adjacent to the site under the Finglas Road and flows in an easterly direction towards Dublin Bay. With the exception of the South Dublin Bay and River Tolka Estuary SPA, the North Bull Island SPA and the North Dublin Special Area of Conservation SAC, I am satisfied that the other sites within 15km of the appeal site can be 'screened out' on the basis that significant impacts on these European sites could be ruled out as a result of separation distance from the appeal site and given the absence of any hydrological or other pathway to the appeal site.
- 8.1.4. I note the location of the Tolka River and the fact that it drains to the South Dublin Bay and River Tolka Estuary SPA, the North Bull Island SPA and the North Dublin Special Area of Conservation SAC. The Conservation objectives for the South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA seek to maintain the favourable conservation condition of various estuarine and coastal bird species and wetland habitats. The Conservation objectives for North Dublin SAC seek to maintain the favourable conservation condition of petalwort and the following habitats: mudflats and sandflats, annual vegetation of drift lines, salicornia and other annuals colonizing mud and sand, Atlantic salt meadows, Mediterranean salt meadows, embryonic shifting dunes, shifting dunes along the shoreline with *ammophila arenaria* ('white dunes'), fixed coastal dunes with herbaceous vegetation ('grey dunes') and humid dune slacks.

- 8.1.5. The subject proposals would not have the potential for loss or fragmentation of protected habitats. Having regard to the Source-Pathway-Receptor model, there will not be a direct pathway between the proposed development and the Natura 2000 sites. I note that significant surface water attenuation is proposed within the site by way of an underground attenuation tank with connection to existing piped services. In addition, given the distance from the Natura 2000 sites across built-up urban lands and the proposed connection to existing foul network, I am satisfied that the proposals would not result in a reduction in the quality of the SPA wetland habitats or the SAC habitats or the status of protected birds or plant (petalwort) species, and subsequently would not have a significant effect on the conservation objectives of the designated sites.
- 8.1.6. The proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the North Bull Island SPA (Site Code: 004006) and the North Dublin Special Area of Conservation (SAC) (Site Code:000206) in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.

9.0 Recommendation

- 9.1. I recommend that planning permission should be **refused** for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the scale and layout of the proposed development and to the location of the site adjacent to steeply sloping embankments with dense trees and vegetation, it is considered that the proposed development would provide inadequate levels of sunlight and daylight to apartments 34, 35 and 36 and would not provide quality communal open space to serve the proposed development, by reason of the conflicting use of the communal space as a set down and turning area for emergency and service vehicles. The proposed development would, therefore, constitute a substandard form

of residential development with an unsatisfactory standard of residential amenity for future occupants contrary to the development standards of Dublin City Development Plan 2016-2022 and the guidance contained within the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, and would set an undesirable precedent for similar type developments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the flooding history of the site, the location of the site adjacent to or partly comprising Flood Zone A, the proposal to incorporate two levels of basement car parking incorporating plant and other areas to serve the proposed residential development and the absence of a Site Specific Flood Risk Assessment, the Board cannot be satisfied that the proposed development would not be at serious future risk from flooding or would not contravene Policy SI13 and Objective SIO8 of the Dublin City Development Plan or the provisions of 'The Planning System and Flood Risk Management - Guidelines for Planning Authorities' issued by the Department of the Environment, Heritage and Local Government in November, 2009. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

6th November 2017