



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-300492-17

Strategic Housing Development	419 apartments, 1 house and a neighbourhood centre
Location	Former railway lands, 2-4 Carnlough Road, Dublin 7
Planning Authority	Dublin City Council
Applicant	Crekav Ltd.
Prescribed Bodies	Irish Water Iarnród Éireann Commission for Railway Regulation Transport Infrastructure Ireland National Transport Authority Dublin Childcare Committee

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Date of Site Inspection

5th March 2018.

Inspector

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site has a stated area of 3.89ha. It lies c3km north-west of Dublin's city centre and c1km east of the Phoenix Park. It occupies most of a piece of vacant brownfield land beside the Loop Line railway. The site has an elongated shape. Most of its eastern boundary runs along the railway, while most of its western boundary runs along the back gardens of two-storey houses on Carnlough Road. The site has also c35m of road frontage onto that street. The site does not include the southern end of the vacant land beside the railway which adjoins the Cabra Road. The shorter northern boundary mainly runs along the back gardens of two-storey houses along Fassaugh Avenue, but the site also includes two strips to the street that run along the side boundaries of the curtilages of those houses. The eastern strip is beside the railway bridge on Fassaugh Avenue, the western one provides access to an ESB sub-station. The levels in the area mainly generally falls from west to east and from north to south, but there has been extensive deposition of soil on the site and is a ridge near to the back of the properties along Carnlough Road which rises above the levels of the adjoining gardens behind the houses there.
- 2.2. The area around the site is mostly occupied by two-storey houses from the mid-20th century. The frontage of the site onto Carnlough Road is c400m from the shops and library at the bottom of the Navan Road and c1km walk from the Luas Stop at Phibsborough. The northern end of the site on Fassaugh Avenue is c700m from the Luas stop at Cabra and c1.1km from the train station at Broombridge. It is also close to the local GAA clubhouse and c200m from a parade of shops.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would provide 420 residential units and 3,667m² of other floorspace. The former would include –

- 66 three-bedroom apartments
- 260 two-bedroom apartments
- 93 one-bedroom apartments
- 1 three-bedroom house

The other floorspace would include -

- 1 supermarket of 1,719m²
- 3 other units whose use is described as retail/café/restaurant of 144m², 464m² and 468m² respectively
- An office unit of 102m²
- A community centre of 442m²
- A childcare facility of 328m²

There would also be a basement with car parking and other services for the residential and other development in the scheme. The total floor area of the proposed development is stated to be 46,211m² (including the car park) of which the gross floorspace of the apartments would be 34,353m².

3.2. The development would include 9 buildings –

- Block A would be the largest proposed building. It would stand on the southern part of the site and would contain the supermarket, other retail units and the office unit on its ground floor and 74 apartments above. It would be L shaped. Most of the block would contain 4 storeys of accommodation with a height of 15.4m over the ground floor level of the supermarket on its southern leg and 13.5m over the other commercial units on its western leg. The corner element of the block would have 8 storeys and reach a height of 24m over ground floor level. The block would be served by lifts running from the basement.
- Block B would stand in the central part of the site, closer to its western boundary with the houses along Carnlough Road. It would contain a childcare facility of 328m² on its ground floor and 28 apartments across its 4 storeys to

a height of 12.5m. The block would be served by lifts running from the basement.

- Blocks C, E and G would contain 24, 24 and 96 apartments respectively. They would stand near the western boundary of the site. Each would contain four storeys and would be 12.4m high. Blocks C and E would be served by lifts running from the basement. Block G would not have lifts or direct access to the basement.
- Blocks D and F would be located on the eastern part of the site parallel with the boundary to the railway. They would contain 93 and 96 apartments respectively. Each would contain two cores that would have eight storeys of accommodation and reach a height of 24m over ground floor level. The elements linking the higher cores would be at various lower heights. The cores would be served by lifts running from the ground floor.
- Block H would stand in the south-western part of the site. It would contain the community centre of 442m², with a two-storey element facing the main entrance from Carnlough Road and a single storey element along the near the boundary with back gardens of the houses along that street.
- Block I would be a two-storey, three-bedroomed detached house of 119m² in the south-western corner of the site on Carnlough Road. It would follow the building line established by the other houses on that street.

3.3. The main entrance to the development would be from a new junction on Carnlough Road at the southern end of the site. There would be unrestricted vehicular access on a road that ran along the eastern and northern side of Block A. This would provide access to a ramp leading to the basement car park. At surface level it would allow vehicular access to the retail units in Block A, to the loading and service areas to the rear of that block, and to the childcare facility in Block B. Vehicular access to the roads north of Block B would be controlled by gates and restricted to residents. There would be a pedestrian access at the north of the site to the footpath on Fassagh Avenue which would run along the side of a house on that street beside the railway bridge. The access would also serve dismounted cyclists. A cycle path is shown all along the eastern side of the development from that access to the junction on Carnlough Road, separated from the railway boundary by a planted strip.

The basement car park would contain 374 car parking spaces, of which 78 are shown as serving the proposed shops. At surface level another 8 spaces would be provided to serve the shops and 20 disabled access spaces would be provided for residents. So the total number of car parking spaces would be 402, of which 318 would serve the apartments. 484 bicycle parking spaces would be provided, 368 in the basement and 116 on the surface. The location of the surface car and bicycle parking is not clearly shown on the submitted plans. The application was accompanied by plans showing changes to the nearby junction between the Cabra and Carnlough Road, although it is outside the site.

- 3.4. An area of 1,035m² would be provided as public open space near the southern entrance to the development between Block A and Block H, named Carnlough Square. A second area of 2,623m² between Blocks A, B and D would be provided as a public open space named Carnlough Gardens. Two smaller areas of public open space would be laid out further north beside the cycle route and railway boundary through the site. Communal open spaces would be provided in an area of 1,178m² between Blocks C, D and E and another of 1,524m² between Blocks F and G, named Carnlough Court South and North, with smaller such areas between Blocks D and F and along the northern boundary of the site.

4.0 Planning History

- 4.1. Reg. Ref. 2387/16 – there is an extant planning permission for 321 apartments and c.3,259m² of commercial floorspace on the site. It was granted by the planning authority after a third party appeal (PL29N. 247658) was withdrawn on 22nd March 2017. The layout of the authorised development is similar to that now proposed, except that none of the authorised buildings would be more than 4 storeys high and they include a two storey building beside the entrance from Carnlough Road with a shop on the ground floor and office above, rather than the house and community centre now proposed.
- 4.2. Permissions for the site that have expired include Reg. Ref. 3884/06, PL29N. 221514 where the board granted permission in September 2007 for 330 residential units and a neighbourhood centre on the site; and Reg. Ref. 4173/09, PL29N. 235890 where the board granted permission in June 2010 to vary the former

permission allowing 388 apartments to be built on the site. In between those two decisions the board refused permission under Reg. Ref. 2569/08, PL29N. 231352 for a modified development that would have included 443 dwellings. The reason for refusal referred to the location of a proposed public road at the back of houses along Carnlough Road and the impact on their residential amenity.

5.0 Section 5 Pre Application Consultation

5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on the 25th October 2017. The main topics discussed at the meeting were –

- Urban Design
- Height
- Water and Drainage, having regard to the submission from Irish Water stating that further investigation of services was required
- Other issues including pedestrian and cyclist permeability, quality of open space, amenity of apartments including aspect, floor areas and separation between buildings, public art, and the need to avoid inconsistencies in documentation

Copies of the record of the meeting and the inspector's report are on this file.

5.2. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed

- Urban Design – Further consideration should be given in relation to design rationale and the creation of a sense of place at the entrance from Carnlough Road
- Design and Layout of Apartments – Further consideration should be given to improving residential amenity for the apartments with more natural light and

dual aspect units, notably on the western elevation of Block A, with reconfiguration of awkward units

- Height – Justification for the proposed material contravention of the restrictions in the city development plan

5.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

- The existing, proposed and 'would be' scenarios regarding water and wastewater connections
- Cross sections showing the proposed buildings in relation to the existing houses on Carnlough Road and Fassagh Avenue and to the railway
- Details of any green roofs or water features
- A construction and demolition waste management plan
- Details of Phasing

5.4. The application is accompanied by a Statement of Response to the notice issued by the board. The following is a short synopsis of each of the items raised in the Opinion:

- With respect to urban design, the proposed development maintains one proposed house along Carnlough Road as consultation with local residents indicated that they were keen the streetscape there be respected. The proposed community centre beside that house has been expanded and will provide active frontage at ground floor from the entrance off Carnlough Road and along the new Carnlough Square linking with the active frontage on the southern side of Block A.
- With respect to the design and layout of apartments, those in Block A have been amended to provide bigger windows on the western elevation and a better layout for those in its north-western corner with some additional floorspace. 64% of the apartments would have dual aspect and 8% would have triple aspect. A daylight and sunlight analysis shows compliance with the BRE guidance for the apartments, as well as proper provision for the proposed open spaces.

- With respect to height, the applicant provides a statement justifying the excess height compared to the restrictions set out in the development plan. The statement notes that the proposed heights of 24m would be acceptable in the outer city within 500m of a Luas stop. The site is c650m from the Luas stop at Phibsborough (in a straight line) so the materiality of the contravention of the development plan is questioned. In any event it is clear that the site is on a public transport corridor within the meaning given in the 2009 Urban Residential Guidelines because it is less than 1km from the Green Luas Line,. It is also subject to the supplementary contribution scheme for the extension of that railway line that the planning authority adopted under section 49 of the planning act. The site is within 500m of existing bus stops and the proposed Bus Rapid Transit (BRT) line from Blanchardstown to Belfield that runs along the Navan Road. Section 5.8 of the guidelines seeks higher densities in such locations, with a minimum of 50dph specified. The height of 24m is required to achieve the 108dph density now proposed, and so is justified by the provision in the guidelines issued by the minister under section 28 of the planning act. Objective 11 of the draft National Planning Framework cautions against general height restrictions in urban areas where performance based criteria would be more appropriate.
- In relation to the specific information sought by the board, it is stated that stormwater runoff will be drained to the sewer on Bunnow Road, but it can be subsequently diverted to the one on Cabra Road if the downstream constraints on the latter sewer are resolved. Cross sections of the development are submitted showing the development in relation to the railway and neighbouring houses, as is a construction and demolition waste management plan. The design statement states that the water feature would be a rill located in a channel and no more than 100mm deep. It does not mention green roofs. A phasing plan shows Blocks A and H at the south of the site in phase 1, Blocks B, C and E in phase 2, Block G in phase 3 and Blocks D and F along the railway in phase 4.

6.0 Relevant Planning Policy

6.1. National Planning Policy

The government published the National Planning Framework in February 2018. Objective 3b is that 50% of new homes in cities would be within the existing built up area. Objective 13 is that, in urban areas, planning and related standards in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Sections 5.1, 5.2 and 5.3 set down design safeguards for higher density residential development in cities, including the avoidance of overlooking and overshadowing, adequate open space, adequate internal accommodation, suitable parking and proper ancillary facilities. Particular sensitivity is required where apartment blocks are higher than adjoining residential developments. They should taper down towards site boundaries, and planning authorities should consider height strategies. Section 5.6 refers to safeguards for city centre sites. Section 5.8 states that the substantial investment by the state in public transport requires higher densities on public transport corridors, which include places within 1km walking distance of a light rail stop, with minimum net densities of 50dph.

The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in December 2015. It contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of proposed apartments in schemes of more than 100 must exceed the minimum by at least 10%. Requirements for individual rooms,

for storage and for private amenities space are set out in the appendix to the plan. At least 50% of apartments must be dual aspect. Up to 8 apartments may be provided around each stair/core.

The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 4.3.1 specifies minimum footpath widths, with 2.5m required in area of low to moderate activity and 3.0m required in areas of moderate to high activity. Section 4.3.3 states that designers should be cautious in using swept path analysis to set corner radii as larger vehicles may only use them. Radii on turns from a link street to a local street may be reduced to 4.5m. A maximum radius of 1-3m should be used on local streets. Section 4.4.1 states that the standard carriageway width on local streets should be 5-5.5m.

6.2. City Development Plan

The Dublin City Development Plan 2016-2022 applies. The southern part of the site is zoned under objective Z3 for neighbourhood centres. The northern part of the site is zoned residential under objective Z1. Policy SC16 of the development plan is to protect the low rise quality of Dublin. Policy SC17 is to protect the skyline of the inner city and to ensure that mid-rise and taller buildings make a positive contribution to the urban character of the city. Section 16.5 of the plan has an indicative plot ratio standard of 0.5-2.0 for the Z1 zone, and between 1.5 and 2.0 for the Z3 zone. Section 16.6 has an indicative site coverage standard of 45-60% for the Z1 zone and 60% for the Z3 zone. Section 16.7.2 sets a general height limit of 16m in the outer city, or 24m at rail hubs which are defined as within 500m of Luas stops. The site is area 2 for the parking standards on Table 16.1, which allow a maximum of 1 car space per dwelling, per 100m² of floorspace in supermarkets or per 275m² of other retail or main street uses. Table 16.2 sets a minimum standard of 1 bicycle parking space per dwelling or 150m² of retail use. Section 16.10.1 of the plan sets down residential quality standards for apartments which reflect those set out the national

guidelines. It states that any scheme shall have a maximum of 30% of one-bedroom units and a minimum of 15% shall have three-bedrooms or more. It also 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) 2011. Communal open space shall be provided at a rate of 5m² for a one-bedroom apartment, 7m² for a two-bed. and 9m² for a three-bed. Section 16.10.3 states that 10% of the site area of residential development shall be provided as public open space.

6.3. Statement of consistency

The application was accompanied by a statement of consistency with relevant planning policy as required by section 8(1)(iv) of the 2016 act. It refers to various national policies that support sustainable development on zoned and serviced land in cities including the National Spatial Strategy, the draft National Planning Framework, Rebuilding Ireland and the Regional Planning Guidelines for the GDA 2010-2022. It refers to the draft changes to the apartment design guidelines that were issued in 2017 and its emphasis on key strategic brownfield sites in existing urban areas and the suitability of central and accessible locations for apartments. The current proposal follows a sequential plan led pattern of development on a public transport corridor and so accords with the Guidelines on Sustainable Urban Residential Development and would exceed the minimum density of 50dph required on such corridors, having a proposed density of 108dph which justifies the maximum heights of 24m. It would have a permeable layout with accessibility for pedestrians and cyclists. It meets the criteria set out in the design manual that accompanies the guidelines. Its heights step down to respect context, it has good internal connections and links to the surrounding street network. There is a range of uses in the scheme and it is accessible to other facilities in the area. It involves an efficient use of land and has a sense of place through good design with a clear and navigable set of streets and spaces. Ground floor apartments are provided with defensible space. Open spaces are properly sized and overlooked. The level of car parking is justified by the location of the site. The development would prioritise pedestrian and cycle movement in accordance with the DMURS, with frequent junctions slowing drivers. A childcare facility will be provided in accordance with the Guidelines on Childcare

Facilities issued in 2001. The proposed neighbourhood centre is a plan-led retail development and so accords with the retail planning guidelines.

With regard to the city development plan, the statement says that the development complies with the zonings of the site with mixed use on the Z3 zone and residential use on the Z1 zone. A justification for the proposed heights has been given. The plot ratio of 1.1 and site coverage of 28% would comply with the indicative standards for these zones set out in the development plan. 64% of the apartments would be dual aspect. Adequate private, communal and public open space would be provided, with 4,507m² or 12% of the site proposed as public open space. . Only 22% of the apartments would have only one-bedroom, and 16% would have three bedrooms. 42 social housing units are proposed to be provided under Part V, with their location shown throughout the development.

A statement was also submitted with the application with respect to the material contravention of the development plan. It argues that the site should be regarded as on a public transport corridor having regard to the proximity of the Luas and the inclusion of the site within the area to which the section 49 scheme for the Cross city extension application, as well as to the proposals for Bus Rapid Transite along the Navan Road near the site. It refers to the general policies in favour of sustainable development and higher densities near public transport corridors including section 5.8 of the sustainable urban residential guidelines. It also refers to objective 13 of the draft National Planning Framework which advises against restrictions on the height of buildings in urban areas in favour of performance based criteria. The additional height of the proposed development is therefore justified by the greater density of development which it allows, at 108dph.

7.0 Third Party Submissions

7.1. Submissions were received from 13 persons under section 8(1)(vii) of the act. They stated general concerns about the nature of the proposed development as well as concerns specific to neighbouring property. They can be summarised as follows-

- The height and form of the proposed development is not appropriate for an area whose character is established by two-storey houses. It would be incongruous and visually obtrusive even when compared to the authorised

four storey buildings on the site, and will devalue adjoining property. The photomontages do not adequately describe the visual impact of the development, in particular from Swilly Road and from the cul-de-sacs along Quarry Road. The submitted photomontages were selective and misleading in this regard. The height limits set down in the city development plan should not be broken. The applicant's justification for its proposal to do so is flawed, as the site is more than 500m from Luas stops. Moreover, the actual apartments would be even further from the stops and in most cases would be more than 1km walking distance from the Luas stops and more than 500m from bus stops. The heights of the proposed buildings do not properly step down to reflect the existing buildings that provide the context for the site.

- The proposed density is excessive and would cause problems with traffic, noise, water and drainage, and disruption to the peaceful occupation of neighbouring houses. The authorised development would achieve a density above 50dph and the additional development is not required to comply with the target set out in section 5.8 of the urban residential guidelines. The proposed development does not meet the design safeguards set out in section 5.2, 5.3 and 5.6 of the guidelines for the increased height and density that is proposed. The development at Clancy Barracks has a different context and does not provide a precedent for the proposed development. A more suitable model would be that provided by the development authorised at Botanic Road under PL29N. 246124 which achieves a density of 65dph in buildings of 2 to 4 storeys.
- The mix of housing types is not appropriate. The failure to provide a significant number of houses and family accommodation in the development means that it would not meet the needs of the local community and would likely to be occupied by a transient and poorly integrated population. Having such a number of apartments to rent would not contribute to the government's policy to assist first time buyers.
- The proposed increase in apartment will require an increase in parking, which will lead to traffic congestion and obstruction of road users in the area, particularly at the proposed junction on the Carnlough Road and its junction with the Cabra Road. At a minimum the conditions regarding access and

traffic applied by the planning authority on Reg. Ref. 2387/16 should be applied on any permission.

- The submitted daylight and sunlight assessment was inadequate and misleading. It failed to demonstrate that proper natural light would be available to neighbouring properties after the proposed development. The proposed development would overlook neighbouring properties and would seriously injure their privacy. Particular concerns in this regard were submitted by the occupants of 90 and 152 Carnlough Road.
- The proposed development could interfere with the provision of a new station on the railway.
- Noise from the railway would undermine the amenity of the apartments on higher floors in the proposed development.
- The submitted proposal does not indicate how the common areas of the development would be managed. It does not provide any indication as to the cost of their maintenance or reinstatement or of the sources of the necessary funds for this. In particular the management and funding of the community centre is not described, nor are the long term costs of landscaping. A condition should require the developer to provide details of such funding to the owners' management company. The corresponding condition no. 25 on permission 2387/16 is too vague in this regard.
- The proposed community centre should be open to the entire community rather than just the occupants of the proposed apartments. This should be required by a condition on any permission.
- A Dublin Bikes station should be provided as part of the development.
- Deliveries to the proposed commercial units in Block A should be restricted to business hours between 0800 and 1800.
- The area has experienced serious flooding in recent years due to drainage constraints which the proposed development could exacerbate. The drainage conditions applied by the planning authority under Reg. Ref. 2387/16 should be applied on any permission.

8.0 Planning Authority Submission

8.1. Area Committee

The application was presented to the North West Area Committee of the council on 16th January 2016. An extract from the minutes of the meeting was submitted. Issues were raised in relation to compliance with the development plan, childcare and community facilities, drainage, height and density of development, and traffic. The dialogue with the developer was acknowledged.

8.2. Chief Executive's Report

The report states that the development complies with the zoning objectives of the site. The density of 108dph is acceptable. The proposed design will not unduly impinge on the residential and visual amenities of the area. All apartments reach and exceed the minimum quality standards with regard to floor area, ceiling height and private open space. 64% of units are dual aspect which exceeds the minimum requirement of 50%. The standard at section 16.10.1 of the development plan would require 2,888m² of communal open space. 3,039m² is proposed. 12% of the site would be public open space, compared to the requirement in section 16.10.3 of the plan that 10% would be. The provision of a piece of public art in front of Block H is welcome. With regard to height, the proposal has had regard to the requirement at policy SC17 of the development plan that taller buildings make a positive contribution to the character of the city. However the proposed height would contravene section 16.7 of the development plan and four storeys should be omitted from Blocks A, D and E to ensure a maximum height of 16m. The applicant has justified the sale of alcohol from the supermarket as required under policy RD5 of the development plan. There is no objection to the proposed café/restaurant at ground floor level, or the proposed office use. The proposed creche would be adequate for the scheme. A condition should require the community centre to be made available to the wider community. The pedestrian access from Fassaugh Avenue should be permanently open. The proposed development would not be likely to have a significant effect on any European site, either individually or in combination with any other plan or project. Subject to the reduction in the height of blocks A, D and E the proposed

development would be acceptable and would not be overdevelopment of the site. It would not significantly detract from the amenity of adjacent property in terms of overlooking, overshadowing or overbearing. 26 conditions were suggested for attachment to any grant of permission, including one reducing Blocks A, D and E to four storeys and another requiring a payment under the section 49 supplementary contribution scheme for the Luas cross city extension.

8.3. **Technical Report**

The Drainage Division raised no objection subject to conditions.

The Roads and Traffic Planning Division stated that there was no objection to the proposed access to the public road and the proposed works to the junction at Cabra Road and Carnlough Road. A reduced width for the cycleway is acceptable given the constraints of the site. The number of parking spaces is acceptable given the location of the site and the proximity to public transport facilities, including the Luas. The bicycle parking complies with development plan standards. The traffic generated by the development can be accommodated on the surrounding road network. In general the proposed street hierarchy respects the principles outlined in DMURS. There is no objection to the development subject to conditions.

The Parks Division states that it is not intended that any of the open space would be taken in charge. Flat roofs should be greened.

The Housing Section refers to the Part V proposals that accompanied the application

The City Archaeologist recommends that an archaeological assessment be carried out.

9.0 **Prescribed Bodies**

- 9.1. The **National Transport Authority** supports the development in principle as it represents an intensification in the use of urban land. The site should be fully permeable from Carnlough Road to Fassaugh Avenue for members of the public. The railway by the site has been identified as a possible location for a station under the DART expansion. The proposed development can proceed if the requirements of the NTA are complied with, in particular the safeguarding of proper pedestrian

access to any future station from Carnlough Road and Fassaugh Avenue. If permission is granted a condition to that effect should be attached.

- 9.2. **Transport Infrastructure Ireland (TII)** stated that the development fell within the area to which the Supplementary Contribution Scheme for Luas Cross City applies and a levy under that scheme may be required.
- 9.3. The **Commission for Railway Regulation** advise consultation with Iarnród Éireann to avoid increased risk of trespass onto the railway during construction and occupation of the development. Works should be carried out in accordance with Guideline RSC-G-010-A with particular care that works near the railway boundary that may increase loading on cuttings, the stability of embankments or which change the water table. Consideration should be given to the risk of falling from the roof terrace onto the railway and proximity to overhead electrification.

10.0 Assessment

The planning issues arising from the proposed development can be addressed under the following headings-

- Screening for Environmental Impact Assessment and Appropriate Assessment
- Zoning and uses
- Accessibility
- Amount of development
- Housing mix
- Urban design
- Impact on the amenity of property in the vicinity
- Standard of amenity for residents
- Drainage and flood risk
- Height and section 16.7.2 of the development plan

10.1. Screening for Environmental Impact Assessment and Appropriate Assessment

The proposed development is an urban development project that would be in the built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 420 dwellings on 3.9ha, which is below the threshold, although the number of dwellings units is a substantial fraction of the threshold. The criteria set out in schedule 7 of the regulation, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU therefore have to be applied with regard to the characteristics and location of the proposed development, and the type and characteristics of its potential impact need to be considered. The proposed development would be located on brownfield land (previously subject to works) in the city. The larger part of the development would be in residential use, which is the same use as that established on most of the surrounding land, along with accommodation for retail, service and office uses at a scale related to local demand and which is similar to that provided in nearby suburban service centres. The proposed development would use the water and drainage services of the city, upon which its effects would be marginal. In these circumstances the application of the criteria to the proposed development indicate that it would not be likely to have significant effects on the environment and that an environmental impact assessment was not required in respect of it.

Similar considerations arise with respect to appropriate assessment under the Habitats Directive. The site is not in or immediately adjacent to any Natura 2000 site, is on land that was previously subject to engineering works within the built up area of the city, and would drain to the city's sewerage infrastructure thus rendering its potential downstream effects marginal. The proposed development would not, therefore, be likely to have a significant effect on any Natura 2000 site, either

individually or in combination with any other plan or project, and an appropriate assessment is not required.

10.2. Zoning and uses

The proposed development provides residential uses with a childcare facility on the part of the site zoned residential under objective Z1. It provides a mix of residential and service uses on the part of the site as a neighbourhood centre under objective Z3. The services consist of a medium sized supermarket, three other shops, a small office and a community centre. Their scale and nature is appropriate for a neighbourhood centre. They would be likely to serve local custom. While they would provide a degree of choice and competition for other local centres in the area, they would not be likely to draw custom from any significant distance. So they would not interfere with the city's retail hierarchy or promote unsustainable travel patterns. The proposed uses would therefore comply with the zoning objectives that apply to the site. The development would also comply with the applicable retail planning policies.

10.3. Access

The accessibility of the site is a key consideration for the assessment of the proposed development, particularly in relation to the additional accommodation that it would provide compared to the authorised development there. The site is in a suburban location rather than in the city centre. As was pointed out by submissions from third parties, the site is not within 500m of a Luas stop and the apartments would be even greater walking distance from one. Nevertheless, the circumstances of the site when considered as a whole indicate that development upon it would have a high degree of accessibility by sustainable transport modes to various social and commercial facilities and to places of employment. The site is closer to the city

centre than the nearly all other suburbs of Dublin, which would reduce the travel time to there by bus, cycle or foot. The site is also within an established residential area with a wide range of lower order, local facilities within reasonable proximity of the site including schools, shops and other services. Light railways can generally provide services with a frequency and reliability that will attract users to its stops from a distance of 1km or somewhat more. This means that most of the homes in the proposed development should be regarded as served by Luas. It is likely that a significant proportion of its residents would use that service when travelling to places near other stops on the Green Line, provided pedestrian access was maintained from both Carnlough Road and Fassaugh Avenue. This is consistent with the definition of a public transport corridor provided in the sustainable urban residential guidelines, which refers to 1km walking distance of a Luas stop, and with the fact that the entire development on the site would be subject to a financial contribution towards the Green Line extension under the supplementary scheme adopted by the council. It is evident, therefore, that people living on the site would have better access to the places to which they would normally go without having to use a private car than would the residents of most other places in the city or most other places where the current demand for new housing could be met. Building more residential accommodation on this site would therefore increase the share of travel that occurred by sustainable modes and would correspondingly reduce demand for travel by private car. Such an outcome would accord with public policy, which aims to achieve the more efficient use of roads, improve returns on investment in public transport and reduce greenhouse gas emissions.

As the location of the development means that it would reduce demand for travel by private car, its net effect would be to reduce the level of congestion on the public road network compared to that which would occur if the development were not carried out. The matter would not justify refusing permission or substantially altering the proposed development, therefore. The application was accompanied by a drawing showing a revised layout for the junction of the Carnlough Road and Cabra

Road. The revisions to the junction appear to be properly conceived and designed. However they are outside the application site and would not form part of a development authorised on foot of this application. They could reasonably be made the subject of a special financial contribution under section 48(c) of the planning act, however.

The layout of the development achieves a high degree of permeability for pedestrians and cyclists. It would provide adequate access for cars and for deliveries to the neighbourhood centre, while constraining vehicular movement in the vicinity of the apartment blocks. The proposed development therefore complies with the general principles set out in DMURS.

Nevertheless individual elements of the proposed street design depart from the applicable standards set out in that document, despite claims of compliance in the reports submitted with the application. This would make the proposed development a less safe and convenient place for pedestrians. The roads within the site would serve only the proposed development itself. They do not provide connections for vehicles to any other communities. As such they would be local streets only, as defined in section 3.2 of DMURS. Their carriageway width should therefore be 5-5.5m, or 4.8m where there is a shared surface. Radii on corners should be 1-3m, or 4.5m on a junction with a link road, as set down in section 4.3 of DMURS. The proposed development fails to meet these requirements in several respects. The corner radii on the streets in the northern, purely residential part of the development are excessive. They appear to be based on a swept path analysis to allow a fire engine to circulate at speed around the development. This approach would allow all other vehicles to circulate at speed around the residential development at any time. It is misguided. Access by a fire engine is a rare emergency event. It can be properly and safely facilitated (by occasional mounting of the kerb, essentially) without breaching the applicable road standards and permanently making the entire development a hostile and inconvenient environment for pedestrians. The risks

involved in relying on a swept path analysis for road design in this manner are highlighted at section 4.3.3 of DMURS, but the submitted design has not taken proper account of this caution.

There are also defects in the design of the street at the southern part of the site providing access to the neighbourhood centre and the underground car park. The specifications for local streets in DMURS include provision for access by larger vehicles, but they are not intended to facilitate heavy traffic by larger vehicles at the expense of the pedestrian environment. The supermarket and other retail units in the proposed neighbourhood centre would require deliveries on a daily basis. Local streets are adequate for such servicing of local shops. Exceeding the applicable specifications for the local streets would diminish the safety and convenience of pedestrian movement and would unnecessarily occupy space. If heavy goods vehicles can pass along a street and turn corners at speed without hindrance, then those streets are not properly designed for residential areas or neighbourhood centre. This is what is proposed in the application. The carriageway on the street, at 6m, is too wide. The footpath, at 1.8m, is much too narrow. Section 4.3.1 of DMURS explains that a footpath of that width would only allow two people to pass comfortably and is only suitable for areas of low pedestrian activity. The rationale for the proposed high-density apartment scheme at this location is the fact that it would be highly accessible for residents by sustainable travel modes, including by public transport and by walking. This would involve a lot of people walking along this footpath. The proposed 1.8m path beside an excessively wide road would not be capable of accommodating this level of pedestrian movement and would undermine the justification for proposing so much residential accommodation on the site. The footpath would need to be at least 3m wide to support the proposed development. The position of the street beside the neighbourhood centre means that there would be a very high likelihood that uncontrolled parking would occur along it. This would have to be controlled by some physical installation or landscaping to protect the operation of the footpath, requiring yet more width. The

access to the service yard at the back of the shops includes a large roundabout, despite the guidance in section 4.4.3 of DMURS that they are not suitable for urban areas, let alone on a local street in a residential development that needs a high quality of service for pedestrians along its streets. It should be omitted.

The street in the southern part of the site is a local street. The appropriate means to provide service for cyclists along it is a shared street, as stated in section 4.3 of the National Cycle Manual. The proposed segregated cycle way is neither necessary nor desirable on such a street on transport grounds. It might form a pleasant amenity, particularly when combined with the cycleway through the residential part of the site. However its omission is required to provide sufficient space for a footpath to the proposed development from Carnlough Avenue. The cycle way shown in the application lacks a clear junction at its southern end. Some, but not all, of the submitted layout plans showed a jug turn from the footpath on the western side of the street, which would further diminish the service provided to pedestrians.

It is possible that the various deficiencies and failures to comply with standards which the proposed street layout demonstrates reflect previously authorised development on the site. However administrative inertia would not justify granting another planning permission for them, particularly as the current proposal includes significantly more development than that authorised on the site and the current standards set out in DMURS have been in place for 5 years. As the built form and layout of the scheme is acceptable, the defects in the proposed street design can be addressed by condition.

Subject to the remediation of the proposed street network by condition, it would provide adequate access for deliveries to the neighbourhood centre. There is nothing the characteristics or location of the development that would require a restriction on the time such deliveries occur which did not apply generally in the city.

The proposed car and cycle parking complies with the applicable standards in city development plan. It is appropriate for the location of the site and the likely distribution of travel modes by the occupants of the proposed development. The limitation in the amount of car parking would mitigate the impact of traffic that might otherwise be generated by the development.

The development might be a suitable location for a Dublin Bikes station. However the construction and operation of that system is carried out on behalf of the city council rather than by private developers. Adequate open space would exist in the development to accommodate a station if the council decided to provide one.

The proposed development would not necessarily impede the operation of the Loopline railway or the construction of a new station there, particularly as the development would not occupy the access to the railway land from Cabra Road. However it would be prudent for the developer to consult with the railway authorities as advised by the NTA and the Commission on Railway Regulation.

10.4. Amount of development

As stated in section 10.3 above, the proposed development would be in a highly accessible location on a public transport corridor. As such the policy in section 5.8 of the sustainable urban residential guidelines that higher densities of more than 50dph should be provided is applicable. The proposed development would be at a density of 108 dph, which is well above the required minimum. The plot ratio of 1.2 is within the range of 0.5-2.0 specified for the Z1 zone in section 16.5 of the development plan, and somewhat below that of 1.5-3.0 for the Z3 zone. The amount of development proposed in relation to the size and location of the site is therefore in keeping with national policy and the provisions of the development plan, and so is acceptable.

10.5. **Housing mix**

The development complies with the requirements of section 16.10.1 of the development plan regarding housing mix, with just over 15% of the units having three bedrooms and only 22% having one-bedroom. 2-bedroom apartments would form the largest part of the development and would comprise more than half of the proposed homes. Given the historic predominance of low density, two-storey houses in this part of the city, the proposed housing mix would provide an overall range of accommodation that more closely matched the demographic characteristics of the community. The comments in the submissions stating that there was a demand in the area for houses to suit growing families with children is noted. It is undoubtedly accurate. However there are numerous such houses in the northwest of the city, many of which would be occupied by people who are not part of growing families. The proposed development would facilitate such people in moving home, and so would contribute to the provision of suitable housing for of all sections of the community. The proposed mix of housing types is therefore acceptable.

10.6. **Urban design**

The proposed development achieves a high standard of urban design. Its layout defines and encloses a series of spaces at Carnlough Square, Carnlough Gardens and Carnlough Courts North and South, as well as providing clear and legible streets through the scheme. It defines a strong edge facing the gap in the urban structure along the railway. The additional height proposed for Blocks A, D and F compared to the authorised development significantly improves this interface and thus the appearance and character of the overall scheme. The stepping down of the other parts of the apartment blocks to four storeys is sufficient to reflect the two storey houses to the north and west of the site. The provision of two storey buildings in the vicinity of the new junction onto Carnlough Road would show suitable deference to the built character of the surrounding area while providing an attractive entrance for

the neighbourhood centre and its more animated uses, as well as to the scheme as a whole. The detailed architectural treatment of the buildings and landscaping scheme for the site are also to an appropriate standard. The proposed development would therefore establish a pleasant environment on the site, although its appearance would differ markedly different from the low density 20th century housing around it. The submitted photomontages of the proposed development are necessarily selective and should not be exclusively relied upon to determine the visual impact of the development on the surrounding area. Nonetheless they have been competently prepared and provide a useful illustration of the proposed buildings in various views, including those from Quarry Road and Swilly Road. Having regard to its form and design, it is considered that the proposed development would make a positive contribution to the character of the area.

10.7. Impact on the amenity of property in the vicinity

The proposed development is comprised of buildings that are much larger than the two storey houses that predominate in the vicinity. It also involves buildings higher than those in the authorised development on the site. There will be visibility between the proposed development and private areas on nearby properties, and it will therefore impinge upon the latter properties to some extent and would effect residents' perception of the neighbourhood. The question for this assessment is whether its effects would seriously interfere with the amenities of those properties in a manner that would justify refusing permission or substantially altering the proposed development. I do not consider that it would, due to the arrangement of the proposed development on site and the situation of its higher elements relative to the surrounding houses. Apart from the spoil heaps, the site is lower than the land around it. The ground floor level of the proposed buildings has been set at 31.15m, which is c2m lower than the prevailing ground floor level of the houses to the west of the site. The railway on the eastern boundary of the site is c40m wide. The houses on Carnlough Road have relatively long back gardens, with the exception of those in

the first two terraced between Nos 6 and 16 beside the southern part of the site. These factors mitigate the impact which buildings of the proposed size would otherwise have on surrounding property.

Block H would be 1.2m from the back of neighbouring gardens. However that part of the building would be single storey without windows at the back. Block I would be a two storey house in the building line of other two storey houses. Their impact on other properties would therefore be minimal.

The authorised buildings of the site would have a prevailing height of four storeys. The parts of the proposed buildings that would be higher than that are in the central and eastern part of the site overlooking the railway. They would reach a height of 24m over their ground floor levels. They would maintain a separation distance of more than 45m from the back of the properties to the north of Fassagh Avenue, of 50m from the back of the properties on the other side of the railway, and 57m with the opposite windows on the apartments on Quarry Road. The taller parts of Blocks D and F would be between 55m and 66m from the back of the properties along Carnlough Road to the west. The taller part of Block A would be 41m from the nearest property along Carnlough Road. These separation distances are significant relative to the heights of the proposed buildings.

The proposed Blocks B, C, E and G would be closer to the boundary of property along to the west along Carnlough Road. They would be 12.5m and would have a separation distance of between 14m and 20m from the boundary of the site. These separation distances are also substantial.

Block A would be closer to the boundaries of back gardens to the west along Carnlough Road. Its four storey element at its southern end would be 15.4m high and 12m from the boundary, while its north-western end would be 13.4m high and 9.5m from the boundary. A part of the block at the back of the shops would be 7.3m

high and 6.6m from the boundary. These heights and separation distances are similar to those of the authorised development. However they result in a greater potential to impinge on the neighbouring properties than that arising from higher parts of the development that would be set further back from the site boundaries.

The daylight and sunlight analysis submitted with the applicant is consistent with the above dimensions. It indicates that the proposed development would not have a greater impact on the natural light received by the other properties around it than the impact considered acceptable in the applicable guidance issued by the BRE in 2011 which is cited in the city development plan. The greatest impact would be on the houses at the southern end of Carnlough Road, but even there it would not seriously reduce the amenities of the effected properties. The analysis is reasonable and comprehensive and is based on the applicable guidance and standards. Its conclusions are considered reliable. The proposed development would not unduly overshadow other properties. The separation distances between the proposed apartments and existing houses would be adequate to prevent overlooking that would seriously interfere with the privacy of neighbouring residential properties. The outlook from many of those properties would be certainly changed by the proposed development, but it would not overbear them. The board is therefore advised that the proposed development would not seriously injure the amenities of property in the vicinity of the site.

10.8. Standard of amenity for residents

Apart from the one proposed house (which would provide adequate internal accommodation, private open space and adequate privacy for its occupants) the other 419 proposed homes are subject to the design standards for apartments issued as guidelines to planning authorities, including the specific planning policy requirements set down in revisions to the standards made in 2015. The application was accompanied by a schedule which indicated that the proposed apartments comply with the minimum floor areas set out in the appendix to those guidelines both

with respect to their total area (45m² for a one-bedroom unit, 73m² for a two-bed. and 90m² for a three-bed.) and the areas and dimensions of their living/dining/kitchen rooms, bedrooms, storage and private amenity space. Furthermore the schedule indicates that the most of the apartments (87%) would exceed the minimum floor area by 10% or more, as would most of each unit type including all of the one-bedroom apartments. 36% of the apartments would be single aspect. No more than 8 apartments on each floor would be served by a single core. The schedule is consistent with the submitted drawings. The ground floor apartments would have a ceiling height of more than 2.7m, while the upper floor apartments would have one of slightly more than 2.4m. The accommodation and services provided for the apartments would therefore meet the standards and the specific planning policy requirements set out in section 3 of the guidelines.

The sunlight and daylight analysis submitted with the application demonstrates that adequate natural light would be available within the proposed apartments in accordance with the BRE guidance cited in the development plan. The layout and orientation of the apartment buildings would also achieve adequate separation distances between opposing windows onto habitable rooms, ensuring a reasonable level of privacy for the apartments. The privacy of habitable rooms in ground floor apartments would be protected by planted privacy strips. These would be at least 1m wide and so would be reasonably effective, although they would be somewhat less than the 1.5m width which section 3.28 of the guidelines says should be considered.

Open space would be provided throughout the site close to the apartment buildings, either as public or communal open space or, in Block A, as a shared terrace. The area of public open space would be 12%, exceeding the standard of 10% of site area set down in section 16.10.3 of the development plan. The area of communal open space would be 3,039m², which would exceed the 2,888m² that would be required under the standards set at section 16.10.1 of the development plan. The size and layout of the open space is therefore acceptable. A comprehensive landscaping

plan for the site has been prepared and submitted. Its open spaces and communal areas would therefore provide an acceptable level of amenity for its residents.

The proposed development would include a childcare facility, as required under the guidelines for planning authorities on the subject issued in 2001. It would also provide an additional facilities in a community centre, which would be a desirable amenity. Submissions stated that the centre should be made available for use by the wider community and not just the residents of the proposed development. This would be a sensible approach and one which would probably be adopted by the operators of the centre. However in the absence of a public subsidy or any proposal to take it into the charge of the city council, the cost of constructing the centre would ultimately be borne by the residents of the proposed development, and no means have been proposed whereby access for the community could be either defined or compelled. It is unlikely, therefore, that a planning condition on the subject would be sufficiently reasonable, precise or enforceable to be valid. The submission which stated that the developer of the scheme should provide the management company with details of the likely costs of the maintenance and reinstatement of common areas is also noted. Those issues relating to management companies relate to legal and financial relationships based on contract rather than to the built form or landuse of the development. They are also regulated by a separate legal code since the making of the Multi-Unit Developments Act 2011. An attempt to forestall or resolve any issues under a planning condition would be ineffectual, therefore.

10.9. Drainage and flood risk

The reference in the submissions from third parties to previous episodes of flooding in Cabra is noted. The report from the applicant's eningeers acknowledges them, but states that they were pluvial events related to deficiencies in the sewer on the Cabra Road. Stormwater runoff from the proposed development will not drain to this sewer but to the one on the Bannow Road, although provision is made in the internal sewerage for subsequent connection to the sewer on Cabra Road if its deficiencies are remedied in the future. The report from the council's Drainage Division endorses

this approach. The site itself does not have a history or heightened risk of fluvial flooding and would be in a zone C under the Flood Risk Management Guidelines issued in 2009. Therefore its residential zoning and use does not require justification under the terms of those guidelines. The applicant has submitted proposals for SuDS measures to control the runoff of stormwater from the site. The proposed development would not, therefore, be at an undue risk of flooding nor would it be likely to exacerbate the risk of flooding on other lands. The application was accompanied by a response from Irish Water to an enquiry stating that a connection to the city's foul sewerage system was feasible. The proposed development would therefore be acceptable with regard to flooding and drainage issues.

It is noted that the submitted drawings show photovoltaic panels on the roofs of the proposed buildings, while the the planning authority recommends that grassed roofs be required by way of condition. The likely benefits of requiring grassed roofs are not clear in this circumstance. Neither are the other implications of imposing such a condition. It is not recommended, therefore.

10.10. Height and section 16.7.2 of the development plan

The proposed development would have buildings that were 28m high in the outer city and which were more than 500m from a Luas stop or railway station. It would therefore breach the limit on building heights in this area set down in section 16.7.2 of the 2016 city development plan. Such an unambiguous departure from a clear provision in a development plan should probably be regarded as a material contravention. The contravention does not relate to the zoning of the land, so the board may grant permission if it considers that it would do so if section 37(2)(b) of the planning act were applied. The planning authority advises that the height of the buildings should be reduced by condition to avoid the contravention. Some of the other submissions have stated that the provisions of the development plan should be respected. The applicant has submitted that the objective at section 5.8 of the sustainable urban residential guidelines to achieve higher densities along public transport corridors would justify the contravention, as the guidelines were issued by

the minister under section 28 of the act and so can be invoked under section 37(2)(b)(iii). This argument is reasonable, but not conclusive. The development meets the design safeguards set out in section 5.1, 5.2 and 5.3 of the guidelines by avoiding undue overlooking or overshadowing of neighbouring property, and by providing adequate open space, ancillary facilities, parking and properly sized accommodation. It also has building heights that taper towards the site boundaries. The provisions of section 5.6 are not applicable because if the proposed development were in the city centre, then its height would be allowed under the development plan anyway. The applicant also referred to objective 13 of the draft national planning framework which cautioned against the use of height restrictions and similar provisions in urban areas, preferring performance based criteria. Since the applicant's submission a similar objective was included in the planning framework issued by the government. The framework also includes objective 3a, which is that 40% of new homes would be provided within the built up area of cities and towns, which would necessarily require development on lands such as the current site to be at a higher density.

Providing higher density development on the site while providing adequate levels of open space and the separation distances that are needed to protect the amenities of neighbouring houses implies a need for higher residential buildings. These objectives of the national planning framework are statements of government policy and can be invoked under section 37(2)(b)(iii). They would justify residential buildings on the site that were higher than those allowed under section 16.7.2 of the development plan and so would allow the board to permit them, provided they protected the residential amenity of their occupants and neighbours, and were otherwise in keeping with the proper planning and sustainable development of the area. As advised in the paragraphs above, the proposed development would comply with those provisos. Therefore the board may and should grant permission for it despite the material contravention of the development plan by having regard to objectives 3a and 13 of the National Planning Framework, and also section 5.8 of the sustainable urban residential guidelines, under section 37(2)(b)(iii) of the planning act without making the modifications to reduce the height of some of the buildings to comply with the city development plan in the manner advised by the city council.

11.0 Recommendation

I recommend that the board grant permission for the proposed development subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the site's location within the built up area of Dublin city on lands with zoning objectives for residential development and compatible uses under the Dublin City Development Plan 2016-2022, and which are in reasonable proximity to the city centre and to public transport facilities including the Luas Green Line and where a wide range of social infrastructure is locally available, as well as to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area and on the site, and to the provisions of the National Planning Framework issued by the government in February 2018, of the Guidelines for Planning Authorities on Sustainable Urban Residential Development, issued by the Department of the Environment, Heritage and Local Government in May, 2009, of the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2015 and of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development provide residential accommodation at a location within the city that would promote sustainable travel patterns, that it would not seriously injure the residential or visual amenities of the area or of property in the vicinity, that it would enhance the character of the area and that it would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

It is noted that the height of some of the proposed buildings exceeds the limit of 24m for this area set down by section 16.7.2 of the city development plan and that the proposed development would materially contravene this provision of the plan. Nevertheless a grant of permission is warranted in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to objectives 3a and 13 of the National Planning Framework, as well as to section 5.8 of the Guidelines for Planning Authorities on Sustainable Urban Residential Development, because the proposed higher buildings would provide additional homes in a built-up area of the city that is well served by public transport while protecting the character of the area or the amenities of other property in the vicinity of the site and the amenities of future residents of the development by maintaining the proposed open space and the separation distances from neighbouring homes provided by the development authorised under Reg. Reg. 2387/16.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The streets within the development shall comply with the requirements and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013. The proposals submitted with the application shall therefore be amended in the following ways –

- The street between the proposed junction on Carnlough Road and the ramp serving the underground car park and the service access to the rear of Block A shall have a carriageway no more than 5.5m wide. The footpath from Carnlough Road along the eastern side of the new Carnlough Square and the eastern and northern sides of Block A shall provide a clear passage for pedestrians at least 3m wide, with extra width beyond the 3m passage to provide landscaping or other physical measures to prevent vehicles parking or stopping on any part of the footpath. The proposed segregated cycleway along the street from the junction on Carnlough Road to the south of the new Carnlough Gardens shall be omitted and cycle movement shall be facilitated along a shared street as described in section 4.3.1 of the National Cycle Manual, save for revised measures to control conflicts in the vicinity of the ramp to the car park.
- The proposed roundabout at the rear access to Block A shall be omitted and shall be replaced by a low capacity priority junction designed in accordance with section 4.4.3 of DMURS.
- On streets to the north of the new Carnlough Gardens no carriageway shall be wider than 5m, or 4.8m where a shared surface is provided, and the radius of no corner shall be greater than 3m.
- Pedestrian access shall be maintained from the north-eastern corner of the development to Fassaugh Avenue at all times. A stile may be erected to require cyclists using this access to dismount. However any such structure shall allow unimpeded passage for persons with impaired mobility and at least 20cm clearance in each direction for a dismounted cyclist pushing a bicycle of the type used for Dublinbikes. Any structure which does not allow such passage and clearance shall be removed.

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

Reason: In order to comply with the guidance given in the Design Manual for Urban Roads and Streets (DMURS) issued by the minister in 2013 and to

provide an integrated street network that is safe and convenient for all road users and that achieves an acceptable standard of urban design

Prior to the commencement of development the developer shall submit for the written agreement of the planning authority a plan for the management of parking which shall provide for a maximum of 402 car parking spaces (not including the space within the curtilage of Block I), of which 78 would serve the proposed neighbourhood centre with the remainder serving the proposed apartments. At least 8 spaces for the neighbourhood centre and 20 spaces for the apartments shall be reserved for people with impaired mobility. The plan shall also demonstrate that a minimum of 484 bicycle parking spaces would be provided, so that each apartment and the neighbourhood centre has the benefit of convenient and secure bicycle parking. The developer shall consult with the planning authority on facilitating a station for Dublinbikes within the development. No car parking space shall be used for any purpose not directly related to the development and no space shall be sold, leased, licenced or sub-let in connection with any other use or purpose.

Reason: To regulate the use of the parking within the development and limit the traffic that it would generate.

3. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
 - Materials, colours and textures of all the external finishes to the proposed buildings Any proposed render finish shall be self-finish in a suitable colour and shall not require painting.
 - Landcaping, planing boundary and surface treatments which shall generally conform to the scheme submitted with the application.
 - Balustrades and privacy screens for balconies
 - Signage throughout the development, including the shopfronts on the commercial premises in the neighbourhood centre

- The initial uses of units 1, 3 and 4 of Block A which shall be within Classes 1 or 2 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 as amended, or as a restaurant or café. If uses as a restaurant or café is proposed the submitted details shall include detail of the air handling and ventilation.
- Public lighting through the development
- Public art for the proposed public open space

Reason: In the interests of visual and residential amenity.

4. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

5. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health

7. Communal waste storage areas in the development shall be designed and managed in accordance with an operational waste management plan that shall be submitted and agreed with the planning authority prior to the commencement of development. Prior to the occupation of any of the commercial units a food and bio-waste management plan shall be submitted for the written agreement of the planning authority. Grease traps shall be installed and managed in any commercial food preparation area or kitchen.

Reason: In the interests of public health

8. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interests of residential amenity

9. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall take place above roof level other than within the roof enclosures shown on the submitted drawings, whether or not it would otherwise constitute exempted development.

Reason: In the interests of visual amenity

10. The development shall be carried out on a phased basis in accordance with the proposals submitted with the application. Work on any phase after the first shall not commence until the written agreement of the planning authority is given.

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

11. 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 compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction;
 - (b) 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; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (d) 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;
 - (e) 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

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. 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.

Reason: In the interest of sustainable waste management

14. Prior to the commencement of development the developer shall consult with the National Transport Authority to ascertain its requirements regarding the possible provision of a station on the railway beside the site and the provision of pedestrian access to it and the developer shall comply with the reasonable requirements of the NTA in this regard. Any dispute may be referred to An Bord Pleanála for determination.

Reason: To avoid prejudicing the potential for a station on the adjoining railway

15. Prior to the commencement of development the developer shall contact Iarnród Éireann to ensure an agreed safe system of work in accordance with Guidelines RSC-G-010A. Any works associated with the proposed development shall ensure that the integrity of the railway is maintained

Reason: To protect the railway and public safety

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

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

18. 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

19. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of works to improve the junction between Carnlough Road and Cabra Road. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

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

20. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City extension in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The

contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

21. 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

Stephen J. O'Sullivan
Planning Inspector

6th March 2018