



An
Bord
Pleanála

Inspector's Report ABP-302155-18

Development	Demolish existing warehouse structures and construct a mixed use development of apartments, aparthotel, hotel, office/incubator units, retail unit and crèche
Location	The Crown Paints Facility, Nos 1-3 Malahide Road, Coolock, Dublin 17
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	2921/18
Applicant(s)	Genvest Unlimited Company
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Genvest Unlimited Company
Observer(s)	None
Date of Site Inspection	22 nd November 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 1.97ha, is part of the Malahide Road Industrial Estate, Coolock, Dublin 17, approx. 7km northeast of Dublin City Centre and approx. 3.5km from the M1 motorway.
- 1.2. The site comprises 7 warehouse units and associated offices. One of the units is occupied at present by Crown Paints (decorating supply shop), which fronts onto the Malahide Road with parking to the front. The remainder of the units to the rear of this are vacant. Access to the appeal site is from the dual-carriageway (left in/left out) along the southern boundary. There is also a cross-over entrance to the site from the opposite side of the dual carriageway for those travelling south/southwest.
- 1.3. The wider retail/industrial estate is located on the northern side of the Malahide Road dual-carriageway, with access to the estate from Greencastle Road, which is 200m south of the entrance to the appeal site, at the junction with Cadbury's Factory. The industrial estate comprises a mix of light industrial units, with some retail also, including an Iceland supermarket. To the north of the site, existing industrial units back onto the site and include Chadwicks building supplies, Des Kelly interiors and Mother Redcaps building, which includes a retail element, wool shop, household store, and curtain shop. To the east/northeast/southeast boundary of the site are residentially zoned lands comprising single storey dwellings with some infill dwellings to the rear (Newtown Cottages). To the west of the site is a vacant building, with permission on the site for a funeral home. To the east/northeast of the industrial estate is Coolock Retail Park, anchored by Lidl. Opposite the appeal site is a Z4 District Centre, occupied by a cinema, leisureplex, electrical goods store and fast-food drive through with a large area of parking adjoining the road.

2.0 Proposed Development

- 2.1. The proposed development is a mixed use proposal comprising the following:
 - Demolition of all existing structures on site, including 7 warehouse units (10,021sqm)

- Construction of c.28,980sqm mixed-use development in six no. 3-5 storey blocks:

Commercial Floor space (15,307sqm - 50.4% of total floorspace):

- Hotel, 172 bed - Block H (5-storeys over basement 8468sqm): hotel (8138 m²) including 3 no. function rooms, and retail unit (330sqm)
- Aparthotel, 120 units - Block G (5 storeys, 6531sqm)
- 5 no. office/incubator units at ground level level of Block G (747sqm)

Residential (15,077sqm - 49.6% of total floorspace):

- 4 Blocks of 198 no. residential apartments (x 1 bed; x 2 bed & x 3 beds):
 - Block A (5-storeys 2877sqm): 40 x apts. (21 x 1 beds & 19 x 2 beds);
 - Block B-C – Block B (5-storeys 2923sqm) comprises 35 x apts. (6 x 1 beds, 28 x 2 beds & 1 x 3 bed); Block C (5-storeys 2905sqm) comprises 39 x apts. (18 x 1 bed, 20 x 2 bed & 1 x 3 bed).
 - Block D-E – Block D (5-storeys 2260sqm) comprises 30 x apts. (11 x. 1 beds &19 x. 2 beds). Block E (3/4/5 storeys 1958sqm) comprises 26 x apts. (10 x.1 beds &16 x. 2 beds);
 - Block F (4-storeys 2462sqm): 28 x apts. (14 x. 1 beds, 11 x. 2 beds & 3 x. 3 beds)(2,154 sqm) & 55 no. child place crèche (308sqm);
- 238 no. car parking spaces (149 residential & 89 commercial) (168 no. basement & 70 no. surface); (0.75 car spaces per residential or 0.23 spaces per bedspace)
- 360 cycle parking spaces
- Children’s playground (408sqm)
- New ESB substation located in the western corner of the site.
- Boundary treatments; landscaping, lighting; plant; service and refuse areas; and all associated works above and below ground.

2.2. The applicant in the grounds of appeal has proposed the following architectural design changes, which are summarised as follows:

- **Commercial Floor Space: 15302.2sqm; 50.6% of the scheme.**
- **Residential Floor Space: 14894sqm; 49.4% of the scheme.**
- 170 apartments, reduced by 28 units.

These revisions in floor area and apartment numbers are a result of the design changes proposed below.

- Provision of an 11m set back from the residential blocks to all boundaries of the site, involving relocation of blocks along the western boundary by approx. 1m-2m, from the northern boundary by 1m-5m and from the eastern boundary by approx. 3m-5m. The exception is Block D-E, which is approx. 5m-6m off the northeastern boundary.
- Elimination of north-facing single aspect units.
- Removal of all balconies from apartments along the northern boundary.
- Carparking spaces reduced from 149 to 144.

I do not consider the design changes proposed by way of the grounds of appeal to be significant and therefore, in my view, the scheme does not require readvertising.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission REFUSED for the following reasons:

R1: The application site is located within an area zoned 'Z6' Employment/Enterprise' - which seeks 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation' as indicated on Map B of the Dublin City Development Plan 2016-2022, this objective is considered reasonable. It is considered that the proportion and quantum of residential development proposed as part of the mixed use proposal would not be sufficiently subsidiary to employment generating uses and would therefore conflict with the objective to develop the area as an employment centre in accordance with the strategic direction set down in section 14.8.6 of the Development Plan. The proposed development would,

therefore, be contrary to the proper planning and sustainable development of the area.

R2: It is considered that due the close proximity of the development to adjoining third party sites that the proposal will unduly diminish neighbouring development potential and thus the consolidated and comprehensive development of the area. The proposed development would, therefore, be contrary to the land-use zoning objective and contrary to the proper planning and sustainable development of the area.

R3:It is considered that the outlook for those apartments which overlook the surrounding dated industrial landscape, and for those single aspect apartments served by balconies with a northerly aspect which do not overlook a substantive amenity space, will seriously diminish the residential amenity of future occupants of such units. The proposed development would, therefore, be contrary to the land-use zoning objective and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Roads and Traffic Planning Division: Further Information requested.

Archaeological Report: Given the number of RMP listed sites in close proximity, a condition in relation to monitoring is recommended.

Drainage Division: No objection, subject to additional SUDS measures in relation to stormwater being incorporated into the design, with this to be incorporated at source rather than a hard engineering solution of pipes and concrete tanks. A revised surface water discharge attenuation of two litres per second per ha is also required.

3.3. **Prescribed Bodies**

Irish Water: Further information requested as insufficient information available on which to make an assessment and recommendation with respect to availability of water services capacity and/or the protection of Irish Water Assets. It is stated there is an existing Irish Water sewer (150mm) running through the site.

3.4. **Third Party Observations**

- 3.5. A number of third party observations were received, including from Crown Paints (long leasehold tenant) who raised concerns over their leasehold and potential closure of the business and loss of employment. Concerns were also raised in relation to overdevelopment of the site, proposal out of character with the area, minimal open space and amenity provision, and lack of environmental investigations of the site.
- 3.6. The owner of the adjoining site to the southwest indicated support for the development, however, requested that the distance to boundary to the site be increased in order that the development potential of the site be protected. A submission from residents of Dunree Park and nearby cottages raised concerns in relation to right to light and privacy on existing residents, level of traffic likely to be generated, existing poor public transport service, the social impact of the project should social housing be developed, lack of school places to accommodate future population, lack of open space provision in the area, the height of the blocks in comparison to the surrounding area.
- 3.7. Cllr L O'Toole submitted that 15% social housing should be provided; site might be contaminated i.e. there should be a full environmental study; and concerns were raised in relation to traffic onto the Malahide Road.

4.0 **Planning History**

Adjoining site to the west/southwest:

4194/15 – Permission GRANTED for depot and head office facility for Stafford Funeral Homes, subdivision of the factory building to create a separate light

industrial unit, internal alterations and part change of use from light industrial to funeral home.

5.0 Policy Context

5.1. National Policy

- Project Ireland 2040 National Planning Framework (2018)
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (DEHLG 2009) and the accompanying Urban Design Manual: A Best Practice Guide (DEHLG 2009)
- Design Manual for Urban Roads and Streets (DMURS) (DECLG and DTTS 2013)
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2018

5.2. Dublin City Development Plan 2016-2022

- **Zoning objective Z6, Employment/Enterprise**, the objective of which is ‘to provide for the creation and protection of enterprise and facilitate opportunities for employment creation.’
- **Chapter 14, Zoning, Section 14.8.6:** Z6 lands constitute an important land bank for employment use in the city, which is strategically important to protect. The primary objective is to facilitate long-term economic development in the city region’... residential uses are open for consideration on lands zoned Z6 but are seen as subsidiary to their primary use as employment zones.
- Development Principles are set under a series of headings in the development plan, which shall apply in addition to complying with land-use zoning: Employment, Uses, Transport, Built Environment, Landscape.
- **Plot ratio for Z6:** 2.0-3.0

- **Site Coverage for Z6:** 60%
- **Parking Area 3**
- Site is adjacent to Clongriffin -Tallaght BRT route (Map J)
- **Appendix 16:** Guidance on Aparthotels

The following policies are of note:

- **Policy SC10:** To develop and support the hierarchy of the suburban centres, ranging from the top tier Key District Centres, to District Centres/Urban Villages and Neighbourhood Centres, in order to support the sustainable consolidation of the city and provide for the essential economic and community support for local neighbourhoods, including post offices and banks, where feasible, and to promote and enhance the distinctive character and sense of place of these areas.
- **Policy CEE1 (i):** To promote and enhance the role of Dublin as the national economic engine and driver of economic recovery and growth, with the city centre as its core economic generator.
- **Policy CEE3:** To take a positive and pro-active approach when considering the economic impact of major planning applications in order to support economic development, enterprise and employment growth and also to deliver high-quality outcomes.
- **Policy CEE04 (i):** To carry out a targeted survey of those industrial estates with likely redevelopment potential and to make recommendations on how that redevelopment potential might be best achieved.
- **(ii):** To carry out a study on the potential of lands zoned for enterprise and employment space, the adequacy of such potential supply, and the issue of underutilised/vacant lands
- **Policy CEE12 (i):** To promote and facilitate tourism ... and to support the provision of necessary significant increase in facilities such as hotels, apart hotels...
- **Policy CEE13 (iii):** To promote and support the development of additional tourism accommodation at appropriate locations throughout the City.

5.3. Natural Heritage Designations

The site is not located within or adjacent to a Natura 2000 site. The nearest Natura sites are the North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), some 2.8km to the south east and separated from the subject site. Santry River, which is connected to the Natura 2000 sites, is located approx. 141m southwest of the site.

6.0 The Appeal

6.1. Grounds of Appeal

The first party grounds of appeal is summarised as follows:

- The site is an underutilised strategically located brownfield site, with access to a QBC and proposed BRT, with a range of services close by. The proposal is for a high quality contemporary designed commercial and ancillary residential development.
- There is no demand for speculative office development in this area, as confirmed by property agents, as evidenced by vacant offices at Northern Cross, 2km from the site. The key viable commercial uses are a hotel and an aparthotel, given the site's proximity to Dublin Airport and Beaumont Hospital, with residential development representing an appropriate and urgently required ancillary use. The proposed employment generating uses are entirely appropriate and viable on the subject site.
- The proposed mix of uses comply with the Z6 zoning objective and the arbitrary application of percentages in relation to the residential use is irrelevant once the scheme complies with the site's zoning objective, which it does, by providing a predominance of employment generating uses that increase the numbers employed on site, and providing an ancillary residential element that addresses national policy in relation to housing, addresses the shortage of housing in Dublin City, and is in a format that will co-exist with the proposed employment generating uses on the site.

- The Z6 study being undertaken under policy CEE04 has been underway since September 2017 with no completion date as of July 2018 and it has not been confirmed that this study will consider the appeal lands. The Development Management Guidelines for Planning Authorities (2007) addresses reasons for refusal on the basis of prematurity and states such a reason should only be used where there is a realistic prospect of a plan or strategy being implemented within a reasonable time frame. Furthermore, DCC rezoned the Chivers site from Z6 to Z1 without the study being finalised.
- The redevelopment of this site will not hamper the development potential of adjoining sites, with revised appropriate setbacks proposed, as per the grounds of appeal.
- With regard to the second reason for refusal, the applicant has submitted revised drawings, setting back development 11m from all boundaries.
- With regard to the third reason for refusal, single aspect north facing units have been omitted and the number of dual aspect units has been increased to 84, which is 50% of the scheme.
- Reference is made to the South Dublin development plan and its REGEN zoning category which allows for intensive employment and/or residential regeneration of industrial lands.
- Dublin City Council have been inconsistent in their approach to the nearby Chivers site and the appeal site.
- Further information was requested from the transportation planning division. A detailed response is submitted with this appeal.
- Irish Water made a submission indicating there was not sufficient information to make an assessment of the mains water quantity. A pre-water connection application form was submitted however Irish Water did not respond in relation to what information was missing. The water services information is resubmitted with the appeal.
- Additional SUDS measures are proposed to address the further information requested from DCC drainage division.

6.2. **Planning Authority Response**

None received.

6.3. **Observations**

None received.

6.4. **Further Responses**

None.

7.0 **Assessment**

I consider that the relevant issues in determining the current appeal before the Board are as follows:

- Principle of Development and Zoning Objective
- Layout and Development Principles for Z6 Zoning
- Apartment Guidelines
- Impact on Residential Amenity
- Traffic
- Water Services
- Appropriate Assessment

Principle of Development and Zoning Objective

- 7.1. The applicant contends that the residential element of the scheme comes within the spirit of being subsidiary/ancillary to the proposal's primary employment/enterprise uses, in compliance with the Z6 zoning objective. The arbitrary application of percentages in relation to the residential use is considered by the applicant to be irrelevant once the scheme complies with the site's zoning objective, which it does, by providing a predominance of employment generating uses that increase the numbers employed on site, with an ancillary residential element that addresses national policy in relation to housing, addresses the shortage of housing in Dublin

City, and is in a format that will co-exist with the proposed employment generating uses on the site.

- 7.2. Chapter 14 of the development plan is titled Land Use Zoning. It is stated under the heading 'Challenges' that 'development principles applying to Z6 (enterprise and employment) lands have been revised, taking account of changes in planning context (Section 14.8.6)'. Section 14.8.6 further states that 'Z6 lands constitute an important land bank for employment use in the city, which is strategically important to protect. The primary objective is to facilitate long-term economic development in the city region'. The plan states that the uses in these areas will create dynamic and sustainable employment, and these uses include innovation, creativity, research and development, science and technology, and the development of emerging industries and technologies, such as green/clean technologies. The permissible uses above will be accommodated in primarily office based industry and business technology parks developed to a high environmental standard and incorporating a range of amenities, including crèche facilities, public open space, green networks and leisure facilities. A range of other uses including residential, local support businesses, are open for consideration on lands zoned Z6 but are seen as subsidiary to their primary use as employment zones. The incorporation of other uses, such as residential, recreation, and retail uses, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective, nor with the vitality and viability of nearby district centres'.
- 7.3. As stated within the development plan in relation to Z6, Employment/Enterprise, the uses proposed within this development of hotel, childcare facility, and shop(neighbourhood) are 'permissible uses', while office and residential uses proposed are 'open for consideration'. An open for consideration use is one which may be permitted where the planning authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.
- 7.4. The commercial/employment generating element of this proposed mixed use development comprises, in terms of floorspace, 50.6% commercial use. Employment uses suggested in the development plan relate to innovation, creativity, research and

development, science and technology, envisaged as being accommodated in primarily office based industry and business technology parks developed. Such uses are not proposed in this application, albeit the uses of hotel and aparthotel are employment uses which are permitted in principle. The residential use relates to approx. 49.4% of the overall floorspace and 60% of the site area. The residential element is not therefore, in my view, sufficiently subsidiary to the main employment generating uses and would at the scale proposed conflict with and undermine the primary land use zoning objective, which is 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'. I note that zoning objective Z4 permits residential use and lands currently zoned Z4 are located opposite the appeal site. Such a location (or similarly zoned Z4 lands) would be more appropriate for the scale of residential use proposed. The proposal is in my view contrary to zoning objective Z6.

- 7.5. The applicant has quoted precedents where residential use has been permitted on Z6 zoned lands and the inconsistent approach of the planning authority to rezone Z6 zoned lands proximity to the appeal site. I have reviewed the precedents quoted by the applicant. I consider the sites are not directly comparable and each application is site specific, the merits of which must be assessed against current development plan and national policy.
- 7.6. The applicant in the grounds of appeal addresses the issue raised in the DCC planner's report of the study proposed in the Development Plan, under CEE04, which recognises that industrial estates land may be underutilised and with that in mind proposes to carry out a study on the potential of lands zoned for enterprise and employment space, the adequacy of such potential supply, and the issue of underutilised/vacant lands. The planner's report noted this study has not been completed and the applicant contends that this should not be utilised as part of any refusal. I further note a DCC report from March 2018 in relation to an adopted rezoning of an industrial site, the former Chivers factory which adjoins the Cadburys factory, west of the appeal site, from Z6 to Z1 zoning. It is stated in that report that this rezoning was undertaken prior to the study being completed for site specific reasons and that piecemeal rezoning is not normally undertaken. While the applicant considers a residential zoning would be appropriate for this site, I agree that the application proposed cannot be considered premature in light of this ongoing study

given the lack of details and a timeframe available. I further consider that the zoning objective cannot be disregarded in the interim and the zoning objective is reasonable and clear as set out within the development plan. The proposed development, as outlined above, is in my view contrary to the land-use zoning objective Z6.

- 7.7. Overall, the proposed redevelopment of this brownfield site is to be welcomed, given its current underutilisation. Land is a finite resource, and as per the National Planning Framework, it is an objective to support the growth of cities versus their outward expansion through increase densities and better utilisation of existing infill/brownfield sites within urban areas. The subject site is serviced and accessible, with significant improvements to the public transport network adjoining the site proposed. However, the NPF highlights also the importance of such sites in supporting jobs, as well as accommodating people. Dublin City Development Plan states that Z6 lands constitute an important land bank for employment use in the city, which is strategically important to protect. The primary objective is to facilitate long-term economic development in the city region. I am of the view that the proposed development, notwithstanding its location on a highly accessible and well serviced brownfield site, is contrary to the zoning objective for the area given the scale and nature of the residential and commercial elements proposed.

Layout and Development Principles for Z6 Zoning

- 7.8. There are two commercial blocks of development (Blocks G and H) and four residential blocks (Blocks A-F). The two commercial blocks are located along the southern part of the site, bounded by Malahide Road. The hotel with its ground floor retail unit adjoins the road, with the aparthotel and its ground level office units set behind it and separated from the hotel by ground level car parking spaces. Residential blocks A-C form an L shape north of the aparthotel, with open space centrally located between the aparthotel and the apartment blocks. Blocks D-F are located along the eastern boundary with the neighbouring dwellings at Newtown Cottages. The layout accommodates one vehicular access from the Malahide Road.
- 7.9. There are five development principles set out within the development plan associated with the Z6 zoning objective, namely Employment, Uses, Transport, Built Environment, and Landscape.

- 7.10. With regard to employment, the development plan states that any redevelopment proposals should ensure that the employment element on site is in excess of that on site prior to redevelopment. Given the low density warehouse nature of what exists on site, the proposed employment potential does exceed that of the existing development.
- 7.11. With regard to uses, the development states that where there are mixed uses, including residential and retail, these 'shall be subsidiary to employment-generating uses and shall not conflict with the primary aim of the Z6 land-use zoning to provide for the employment requirements of the city over the development plan period and beyond and shall not detract from existing centres'. As discussed above, under the heading 'Principle of Development', I do not consider the proposed residential component to be subsidiary to the employment generating uses. Furthermore, it is my view that the proposal of a significant level of residential development at this location would detract from the existing district centre, zoned Z4, on the opposite side of the road to the appeal site, which is a low density development comprising a cinema, leisureplex, a drive through, and an electoral goods shop, on a relatively large land bank, where residential is a permissible use (as opposed to open for consideration within Z6 zoned lands).
- 7.12. With regard to transport, built environment and landscape, the site is located adjoining an existing and proposed high quality bus transport corridor and the applicant has shown consideration for the built environment and landscape in the design and layout of the scheme, albeit limited to this site and not linked to the wider industrial estate development.

Apartment Guidelines

- 7.13. The Sustainable Urban Housing: Design Standards for New Apartments (2018) contain several specific planning policy requirements (SPPR) with which the proposed apartments must comply. A schedule was submitted with the revised drawings (submitted as part of the grounds of appeal) to demonstrate compliance with the guidelines. I note that the floor plans for Blocks B-C and Block D-E have mislabelled a one bed apartment as a two bed apartment, however the schedule is correct in the numbers and unit types listed. Overall, 50 x one bed units are

proposed. There are 117 x two bed and 3 x three bed units. The unit mix is in my view acceptable.

- 7.14. The guidelines state that it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations; 50% dual aspect is required where there is a greater freedom in design terms, such as standalone brownfield regeneration sites. Given the nature of the appeal site, in my view the applicable requirement for dual aspect units is 50%. The revised schedule states the number of dual aspect units is 84, ie 49.4% of the scheme, and 86 units are single aspect, ie 50.5% of the scheme. There are no northerly facing single aspect units, as per the revised design submitted as part of the grounds of appeal. The overall breakdown is in my view acceptable.
- 7.15. The minimum apartment floor areas are in accordance with SPPR3 of the guidelines. Sizes in relation to rooms, storage areas and balconies in the guidelines would be achieved. Ceiling heights of 2.7m at ground level would be provided in the apartment blocks, as per SPPR 5. Combined communal and public open space of approx. 2600sqm is provided in two areas. 1096sqm of communal open space is required, as per the guidelines, and approx. 1300sqm public open space is required, as per the development plan. The applicant meets the open space requirements.
- 7.16. The Board is advised that the proposed development would in general comply with the provisions of the guidelines, including its specific planning policy requirements.

Impact on Residential Amenity

- 7.17. In terms of residential amenity, the most sensitive boundary is that with the neighbouring residential dwellings to the east/northeast/southeast of the site. The applicant has, as part of the grounds of appeal, revised the distances to boundaries of the proposed residential blocks, with all blocks being 11m from boundaries, with the exception of the eastern end of Block D-E, which is 4m from the boundary with the neighbouring backland dwelling to the northeast (8A Newtown Cottages), and is a distance of 8m from the rear elevation of the dwelling. Block D-E has an overall height of 15m, however it steps down from five storeys to three storeys, 9.67m high, at this boundary. Given the design and orientation of this block relative to the dwelling to the northeast, its position on site and the stepped height at this boundary, I consider the proposal will not result in significant overlooking, overshadowing, loss

of privacy, or overbearance. Given the distance of Block F to the western boundary (21m-25m), I consider this block will not result in significant overlooking, overshadowing, loss of privacy, or overbearance of the neighbouring residential properties.

- 7.18. In terms of visual impact, the proposal differs in its scale to development immediately surrounding it, given the historic industrial nature of the land uses and suburban character of the dwellings. However, given the scale of the site and its relationship with the Malahide Road dual carriageway, I am of the view that the increased height proposed on this site can be accommodated at this location without adverse impact on the character or amenity of the wider area and wider residential developments.

Traffic Impacts

- 7.19. The internal report of the Roads and Traffic Division of DCC recommended further information in relation to this application. The applicant has submitted a revised Traffic and Transport Assessment (TTA) as part of the grounds of appeal to address the concerns raised within the internal report.
- 7.20. The report requested the applicant provide an assessment of the operation of the existing access as a stop controlled priority junction and comment on its suitability to accommodate the proposal. The revised TTA has justified the basis of the original TTA, reviewed the figures in the context of comparable developments in the area, and calculated that the junctions will operate within capacity, with saturation rates for AM and PM peaks falling between the 40% to 54% range, with the development in place, as per the original report submitted to the planning authority. The applicant in the TTA acknowledges there is merit in the request for improvements to the access to the site from the aspect of creating a more pedestrian friendly junction. It is suggested that this could be addressed by way of condition, having regard to DMURS.
- 7.21. The internal Roads and Traffic Report raised concerns in relation to the assumptions set out within the TTA particularly the low rate of trips attributed to the residential element of the proposal during the am peak and the narrow focus of the am and pm peak hours. The applicant submitted figures of comparable developments 1km northeast of the site to justify car ownership and travel patterns and also contended that the diversion of traffic to public transport with the improved bus connects

network/Clongriffin-Tallaght BRT would support the low assumption rates. A revised trip generation assessment of the proposed development for the am period between 7am and 10am and the pm period of 4pm to 7pm was undertaken as requested.

- 7.22. Concerns were raised in relation to the low level of parking for the residential element; the layout of the parking for different uses; the layout of the cycle parking and clarity in relation to any requirements of the NTA given the sites location adjoining the route of the Clongriffin to Tallaght BRT and part of the Bus Connects proposals. The applicant in the TTA has submitted a rationale for the level of parking provided, which falls before the planning authority's preferred option of 1 space per residential unit (0.84 spaces proposed per unit) and below the requirement for hotels (0.25 spaces are proposed per hotel bedspace against development plan max requirement of 1 per bedspace). The TTA's rationale of reduced parking provision for residential is on the basis of the improvements to the quality bus network being proposed in the area. I accept this rationale as valid and note that a travel framework plan and a car parking strategy with identified spaces for car sharing options as suggested, could be agreed by way of condition in conjunction with DCC.
- 7.23. The revised TTA sets out the bus connects proposal as it relates to the Malahide Road, off which the site is accessed. A cross section of a typical road layout along this route is indicated in the report. The existing road layout appears to be of sufficient width, however, the applicant has not directly liaised with the NTA with regard to the impact, if any, of the proposed development on the proposed BRT/ bus connects corridor. It is stated in the TTA that this can be undertaken in the future. I note the NTA was circulated the original application by DCC, however, no response is on record. I note DCC has not responded to the revised TTA submitted as part of the applicant's grounds of appeal. Overall, I am not satisfied that sufficient consultation has been undertaken with the NTA to ensure the strategic public transport proposals along the Malahide Road will not be adversely affected by the proposed development.

Water Services

- 7.24. The report from Irish Water indicated there may be capacity constraints in relation to water capacity and that further information is required. The applicant is unclear as to what these constraints are and has attempted to contact Irish Water in this regard. I

note the reports do not highlight specific network constraints, and given the site is subject to a connection agreement with Irish Water, I do not consider it a reasonable basis upon which to recommend a refusal of permission.

- 7.25. A revised Foul and Surface Water Design report, submitted as part of the grounds of appeal, notes the development will discharge to the existing sewer running through the site. It is stated that IW records indicate that this sewer is connected to Newtown Cottages, however, following a CCTV and manhole survey, no connectivity was identified upstream of the site.
- 7.26. I note the internal Water Services Report suggested conditions relating to the management of stormwater which should preferably be managed at source rather than a hard engineering solution of pipes and concrete tanks. In response, the applicant states that in terms of SUDS, additional grass roofs, permeable paving, tree pits and two geocellular outfall areas are proposed, which will assist in reducing the surface water discharge to two litres per second per ha, as requested within the internal DCC report.
- 7.27. The applicant has submitted a revised Foul and Surface Water Design report to address the concerns raised in the internal reports.

Appropriate Assessment

- 7.28. Santry River is located 141m southeast of the appeal site and separated from it. This river is connected to North Dublin Bay SAC (000206), and the North Bull Island SPA (004006), some 2.8km to the south east of the site.
- 7.29. The applicant proposes the following measures for the treatment and disposal of surface water run off: grass roofs, permeable paving, tree pits and two geocellular outfall area. There are limited relevant pathways between the development and the Natura 2000 sites and I am satisfied that standard construction management practices would be sufficient to avoid an indirect effect on water quality during construction. I consider that adequate attenuation is proposed within the site during the operational phase and therefore the potential for impact on water quality within designated sites is remote. In addition, the proposal for connection to the public foul network would ensure no impacts from wastewater.
- 7.30. Having regard to the nature of the development on a brownfield and serviced site in an urban area, and the separation distance to any European site, no Appropriate

Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Environmental Impact Assessment

- 7.31. Having regard to the nature and scale of the proposed development and its location in a serviced urban area, removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

- 8.1. It is recommended that permission is refused.

9.0 Reasons and Considerations

Having regard to the zoning objective of the site, Z6 Employment/Enterprise, the primary objective of which is to provide for the creation and protection of enterprise and facilitate opportunities for employment creation, it is considered that the proportion and quantum of residential use proposed would not be at an appropriate ratio to be considered sufficiently subsidiary to the main employment generating uses and would therefore be contrary to zoning objective Z6, section 14.8.6 of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

28th November 2018