



An  
Bord  
Pleanála

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

## Inspector's Report ABP-303358-19

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### Strategic Housing Development

Demolition of existing single storey licenced premises on site, construction of 112 no. Build to Rent units, café/retail/restaurant and associated site works.

### Location

Lands at Swiss Cottage Public House, Swords Road and School House Lane, Santry, Dublin 9

### Planning Authority

Dublin City Council

### Applicant

Cinamol Ltd.

### Prescribed Bodies

Irish Water

National Transport Authority

Transport Infrastructure Ireland

**Observer(s)**

8 no submissions/observations

**Date of Site Inspection**

15<sup>th</sup> March 2019

**Inspector**

Joanna Kelly

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Strategic Housing Development .....	5
4.0 Planning History.....	6
5.0 Section 5 Pre-Application Consultation.....	7
6.0 Relevant Planning Policy .....	13
7.0 Observer Submissions.....	22
8.0 Planning Authority Submission .....	29
9.0 Prescribed Bodies.....	37
10.0 Environmental Impact Assessment .....	37
11.0 Assessment.....	37
11.0 Recommendation .....	54
12.0 Reasons and Considerations .....	54
14.0 Conditions .....	55

## **1.0 Introduction**

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 as amended.

## **2.0 Site Location and Description**

- 2.1. The development site is located within the jurisdiction of Dublin City Council and has a stated site area of 0.48ha. The lands are 'L' shape and are located along the Swords Road in Santry. The site contains a single storey commercial property known as 'The Swiss Cottage' which is no longer in business. The lands are bounded by Schoolhouse Lane to the north, Swords Road to the west, commercial and retail development to the south and Magenta Crescent, a two storey residential development to the east.
- 2.2. There is a block rendered wall that defines the eastern and southern boundary of the site. There are tall conifer trees along the eastern boundary which are proposed for removal. The concrete area to the rear of the site appears to have been the car park associated with the former commercial use of the site. This area is currently partitioned off with timber hoarding fence. There is a small parking area to the south of the existing structures on site. Two storey commercial structures are located immediately south of the site.
- 2.3. Schoolhouse Lane is characterised with two storey residential units and a two storey apartment block with rooflights. Magenta Crescent, a two storey residential estate is located to the south and east of the development site and is accessed by car from the R-132 south of the site. There are currently bollards off Schoolhouse Lane to Magenta Crescent preventing a through route for vehicles. 'Burnside' is a gated residential development located within Magenta Crescent.
- 2.4. The Swords Road (R-132) is generally characterised by low rise commercial and industrial type units. Santry Demense is located north of the site with the Crown Plaza hotel and other restaurant units located at the entrance of Northwood Avenue. There is an entrance to Santry Park approx. 200m north of the site. The Omni shopping centre is located approx. 300m south of the development site. There are

industrial developments located off Santry Avenue opposite the site. The development site is located outside the Dublin Airport Outer Public Safety Zone and the Outer Airport Noise Zone.

### 3.0 Proposed Strategic Housing Development

#### 3.1 Table 1: Number of Residential Units proposed

Units Type	No of units	% of each Unit type
1 bed	13	12%
2 bed	99	88%
<b>Total</b>	112 Units	100%

#### 3.1. Table 2: Key development details

Detail	Proposal
<b>No. of Units</b>	112 Build to Rent units
<b>Commercial floor space</b>	398 sq.m. total
<b>Site Area – stated by applicant</b>	0.48 ha red-line boundary
<b>Density</b>	233 units per hectare net (stated by applicant)
<b>Building Height</b>	3-6 storeys
<b>Communal Amenity Space</b>	1261sq.m.
<b>Site Coverage</b>	50%
<b>Dual Aspect Apartments</b>	63%
<b>Childcare Facility</b>	None
<b>Car parking</b>	34 spaces

## 4.0 Planning History

**File Ref. No. 4211/15 PL.247121** Permission granted in January 2017 for the demolition of the former Swiss Cottage bar and restaurant structures and the construction of a three storey mixed use structures comprising of 1 retail/commercial unit and 1 no. takeaway unit at ground floor level, 1 no. two storey restaurant/café unit a ground and first floor, and 1 no. retail/commercial units at ground and first floor level, office accommodation at first floor and 1 no. licenced retail convenience/discount store including off licence and ancillary services with terrace at second floor. Permission included relocation of the existing entrance off Swords Road to access the proposed surface level undercroft car park which provides for 80. car parking spaces.

**File Ref. No. 4191/10 ABP PL.29N.239685** Spilt decision issued in August 2012 for 10 year permission for demolition of public house/restaurant, off licence, house and factory and construction of mixed use development (residential, retail, restaurant, public house, offices, medical/consulting room), new access road, 115 car parking spaces and associated site works. This site incorporated the current development site and also the lands to the north-east of the site along Schoolhouse Lane.

The Board granted permission for Block C and D to the rear of the site and refused permission for Block A and B as it considered the proposed design for the development of Block A consisted of over-development of the site, did not give adequate consideration to the quality of open spaces provided on roof terrace and in the central first floor garden which was surrounded by three floors of construction on three sides, provided for poor quality of private open space to the private balconies, many of which had an undesirable aspect facing onto a busy street or unattractive prospect, and provided for poor amenity by the excessive use of deck access. The Board further considered that the façade of Block A, at a very prominent location, did not provide sufficient articulation or visual interest at upper levels and did not provide an attractive visual street rhythm at ground floor level and that Block A contributed to overshadowing of buildings to the north and east.

Site immediately east

**File Ref. No. 3612/17** Permission granted on lands to the immediate east of the application site, on lands forming part of permission File Ref. No. 4211/15 and 4191/10 for demolition of 1 no. vacant commercial warehouse building and the construction of 8 no. two storey, semi-detached, three bed dwellings and associated development. The foundations are in place for this development.

**File Ref. No. 4215/15** Permission granted for the demolition of existing vacant residential dwelling, shed and vacant commercial building and the construction of 5 no. dwellings consisting of two semi-detached and three no. terraced dwellings accessed off Schoolhouse Lane.

## **5.0 Section 5 Pre-Application Consultation**

### **5.1. Overview**

A section 5 pre-application consultation took place at the office of An Bord Pleanála on 31<sup>st</sup> October 2018. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

1. Urban design, including the impact of the proposed development on the character of the area and the height of the proposed building relative to provisions of the development plan
2. The standard of amenity for occupants, including compliance with the 2018 Apartment Design Guidelines, the ongoing management of the scheme and its communal facilities, and the provision of adequate natural light for the proposed apartments and open spaces
3. Impact on the amenities of adjoining properties
4. Drainage and water supply
5. Access, including possible implications for works to improve public transport facilities along the Swords Road under BusConnects
6. Any other issues

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting is also available on the file.

## 5.2. Notification of Opinion

An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultation, require 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:

1. Further consideration of the documents as they relate to the height and design of the proposed development, which should have regard to the existing and the emerging character of the area including the context established by authorised developments on adjacent sites, and to the provisions of the development plan including those relating to height. A justification is required for the proposal to materially contravene the provisions of the development plan.
2. Further consideration of the documents as they relate to the standard of amenity that would be afforded to the occupants and neighbours of the proposed development. The consideration should relate to the nature, extent and quality of the open space that would be provided to residents; to the size, use, quality and management of the communal facilities that would be provided to residents; and to the protection of the privacy of neighbouring residential properties, particularly those on Magenta Crescent adjoining the eastern boundary of the site.
3. Further consideration of the documents as they relate to the drainage of the site, having regard to the comments made by the relevant section of the planning authority about the proposals for stormwater drainage. This should be informed by further consultation between the prospective applicant and the planning authority on the matter, and the nature and extent of any outstanding



issues on the topic should be clearly described in the documentation submitted with the application.

4. Further consideration of the documents as they relate to the treatment of the frontage of the site onto the Swords Road, having regard to status of that road as a public transport corridor and the proposals for its improvement under the Bus Connects project. This should be informed by further consultation between the prospective applicant and the National Transport Authority, and by the need to provide adequate facilities for public transport, pedestrians and cyclists along the Swords Road.
5. Further consideration of the documents as they relate to compliance with various planning policies, which should ensure that they provide specific information about the proposed development and that they avoid unnecessary repetition or generalised statements.

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

1. Detailed proposals for the management and operation of the proposed development as a 'Build-to-Rent' in accordance with Specific Planning Policy Requirement No. 7 of the 2018 Guidelines on Design Standards for New Apartments, including detailed proposals for the provision and management of support facilities, services and amenities for residents.
2. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build- to-Rent accommodation, and which imposes a requirement that the development remains owned and operated by an institutional entity and that similarly no individual units are sold or rented separately. The proposed agreement shall be suitable to form the basis for an agreement under section 47 of the planning act between the planning authority and the owner of the site and it shall bind the owner and any successors in title for a minimum period of at least 15 years.
3. A mobility management strategy which shall be sufficient to justify the amount of parking proposed for cars and bicycles.

4. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.
5. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties.
6. A draft construction management plan
7. A draft waste management plan.

### 5.3. Applicant's Statement

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

#### Item 1

Height and Design having regard to existing and emerging character of the area

#### Response

The predominant height in the surrounding area is two storey however a new precedent has been set by recent planning grant to the west of the site at the other side of the Swords Road for a five storey mixed-use development. The proposal seeks to respond directly to the characteristics of the existing permitted building form in the area by introducing site specific variations in height which respond to the site boundaries. The proposal ranges in height from three storey to the south east of the site which backs onto Magenta Crescent to four storeys along Schoolhouse Lane to the north of the site. Six stories are proposed along the Swords Road which is 20m wide and benefits from a westerly orientation. This elevation directly corresponds to the permitted mixed-use scheme across the road File Ref. No. 2713/17. The proposed development steps down to sensitive boundaries so as to mitigate against any effects of overshadowing or overlooking.

## Item 2

### Standard of Amenity for Future Occupants and Neighbours

#### Response

Following the pre-consultation meeting, amendments have been made to the boundary with Magenta Crescent to reduce overlooking to the rear of the houses. East facing balconies have been removed thus eliminating overlooking of rear gardens. Large openings have been amended to high level windows so as to provide light but not allow any views out onto the rear gardens. Proposed amenity areas have been re-located to the western side and its central location is easier for the management company to maintain. The scheme will be managed on a 24-hour basis with a reception desk location on ground floor. 135sq.m. is provided as internal amenity space for residents which includes a live/work space. A landscaped courtyard of 467sq.m. is proposed along with a roof terrace of 190sq.m. and a resident's exercise area of 223sq.m. It is also submitted that the applicant has engaged with established 'Build to Rent' operators in the UK, and based on their experience of the LIV Group, the quality, size and use of the internal and external communal spaces have been informed. It is set out that the proposed development provides for residential support facilities, resident services and amenities as set out in the apartment guidelines 2018 and external amenity space for the sole benefit of the future occupants.

## Item 3

### Drainage details

#### Response

The consulting engineers have reviewed the Drainage Division surface water drainage report dated 23/10/2018 received in response to the pre-application consultation request submitted by the applicant and have liaised on same to provide the required clarification/amendments in their final submission. The development as proposed has no material capacity impact on the diversion works as the provision of SuDS and limiting the development outflow to 2 l/s will in fact reduce the

development impact on the downstream surface water network. An amended SuDS Strategy integrating with landscape scheme is now proposed and is detailed with the Infrastructure Design Report/Engineering drawings accompanying the submission.

#### Item 4

BusConnects

#### Response

Further consultation has taken place with the NTA to demonstrate that the layout of the scheme does not affect the future emerging preferred route for the Swords to City Centre Core Bus Corridor as per the Bus Connects Project. The applicant has no objection to provide appropriate space within their property ownership at Swiss Cottage to facilitate the Swords to City Centre Core Bus Corridor. The proposed arrangement has been discussed with Dublin City Council Roads and Traffic Department. The applicant is agreeable to a condition that the detail of the public realm interface with BusConnects would be subject of a pre-commencement compliance submissions following consultation with the NTA.

#### Item 5

Planning Policy

#### Response

The documents submitted ensure all relevant planning policies have been addressed appropriately.

With regard to the specific additional information required, the applicant has submitted/ responded as follows:

- A management and operation document has been provided.

- Cinamol Ltd. has provided a covenant and legal agreement for the Build to Rent scheme.
- The Engineering consultants provide a response
- A housing quality assessment is provided within the architectural design statement and gives a breakdown of all apartments and their compliance with the 2018 Guidelines and Design Standards for New Apartments.
- A daylight and sunlight analysis has been prepared and the design has been altered to address specific areas highlighted by the analysis prior to lodgement.
- A draft construction management plan has been provided
- A draft waste management plan has been submitted.

## **6.0 Relevant Planning Policy**

### **6.1. Project Ireland 2040 – National Planning Framework**

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

National Planning Objective 13 provides that “in urban areas, planning and related standards, including in particular, 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”.

National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing

buildings, infill development schemes, area or site-based regeneration and increased building heights”.

## 6.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018
- ‘Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment’, August 2018.
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.

Other relevant guidelines include:

- Rebuilding Ireland: Action for Homelessness
- Guidelines for Planning Authority, Appropriate Assessment, NPWS
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## 6.3. Local Planning Policy

Dublin City Council 2016-2022 is the operative plan for the local area.

Land-Use Zoning Objective Z1:

*To protect, provide and improve residential amenities.*

The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

The policy chapters, especially Chapters 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development (see Chapter 16, Section 16.10 – Standards for Residential Accommodation).

Land-Use Zoning Objective Z3:

*To provide for and improve neighbourhood facilities.*

These are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres. They may be anchored by a supermarket type development of between 1,000 sqm and 2,500 sqm of net retail floorspace. They can form a focal point for a neighbourhood and provide a limited range of services to the local population within 5 minutes walking distance.

Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where necessary. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. When opportunities arise, accessibility should be enhanced.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise,

Mid-Rise and Taller Development. Section 16.10 deals with Standards for Residential Accommodation.

I note that the City Plan refers to Build-to-let apartments and it provides that this particular managed rental model shall be retained in single ownership for 20 years (minimum) during which period units may not be sold off on a piecemeal basis. Build-to-let schemes for mobile workers should be adaptable for future demographic needs of the city, e.g. by providing for the amalgamation of studios in a change of use scenario.

#### **6.4 Applicant's Statement of Consistency**

The applicant has submitted a statement of consistency with relevant policy required under Section 8(1)(iv) of the Act which provides, *inter alia*:

- The proposed apartments have been designed having regard to the Sustainable Urban Housing: Design Standards for New Housing 2018 and the requirements for Build to Rent developments.
- A full Housing Quality Assessment is submitted demonstrating the units meet the standard for unit and room sizes, however in accordance with SPPR8 some of the unit standards in particular to the provision of private open space to each unit have been relaxed due to the Build to Rent nature of the development.
- A total of 28 units have reduced private amenity space and 12 no. units have private amenity space omitted.
- The proposed development will provide for additional communal amenity space to offset against the reduced private amenity space in some units. The total requirement for communal amenity space is 758sq.m. Taking account of the loss of private amenity space and offsetting against the communal space, the total requirement is 911.7sq.m.
- The proposal provides for 1,261sq.m. of communal space in a combination of internal and external areas including a landscaping courtyard, roof terrace, exercise area, gym and yoga deck, meeting rooms, shared work space,



private bookable space and multi-purpose lounge area with kitchen, concierge and resident reception.

- The orientation of the proposed development has been designed to ensure that all of the proposed units achieve adequate levels of daylight/sunlight throughout the year. 63% of the proposed units are dual aspect which is above the requirement as set out in the Apartment Guidelines.
- The proposed height ranges from three to six storeys.
- The scheme will be managed as a build to rent development.
- Proposal also include provision of retail, café, and restaurant uses along the Swords Road providing for increased activity at ground level.
- The overall design and quality of the materials proposed will be complementary and in keeping with the existing context of the area.
- The principle pedestrian entrance to the proposed development will be via the Swords Road. A new vehicle entrance will be provided from Schoolhouse Lane in the north-east corner of the site to allow access to the basement level car park. The TIA sets out the capacity for this junction and confirms that there is adequate provision to accommodate the proposed development.
- A waste management plan has been prepared.
- The site is located within Flood Zone C.
- A daylight and sunlight assessment has been submitted. It concludes that the proposed development would not have a significant level of impact on the sunlight currently received in the rear gardens of the existing neighbouring dwellings surrounding the proposed site along Magenta Crescent. There are a number of windows at Schoolhouse Lane that do not meet the standard for VSC, however, it should be noted that all windows pass with regard to APSH. Some rooms do not fully meet the BRE requirements however, these are guidelines and not minimum standards. The design of the units has been considered in order to provide for appropriate design solutions such as increased glazing on the elevations, maximising dual orientation and reducing balcony depths in order to increase the levels of light into the units.

- It is a national policy objective to increase heights and densities in appropriate urban locations adjacent to quality public transport routes. The site is located along one of the major arterial routes into the city centre and is located within an existing urban area well served by amenities such as Omni Shopping Centre, Santry Park, a quality bus service and the proposed BusConnects route.
- To provide for such forms of development at a high-density rate it is acknowledged that in some circumstances, reduced standards will need to be facilitated.
- Reference is made to the Urban Development and Building Heights Guidelines in particular the discretion which may be applied having regard to site specific constraints.
- The proposal will significantly improve the urban design quality of the area.
- An energy statement has been prepared.
- An AA screening report has been submitted and concludes that significant effects to the Natura 2000 network are not likely to arise, either alone or in combination with other plans or projects.
- An archaeological assessment indicates that the site as a whole is in an area of archaeological potential. Mitigation measures are proposed which provide for a programme of archaeological monitoring.
- A Noise Impact Assessment has been submitted and provides recommendations to mitigate against adverse noise intrusion on the proposed development from traffic noise. No adverse impact is predicted with regards to the roof garden.
- The proposed development is a strategically located underutilised site in the centre of an existing urban settlement adjacent to a quality bus corridor and in close proximity to the M50 and Dublin Airport and is therefore compliant with Objective 3a of the NPF regarding deliver of at least 40% of new homes nationally within built up envelope of existing urban settlements.
- Objective 11 of the NPF provides that there will be a presumption in favour of development that encourages more people, jobs and activity within existing

urban areas, subject to development meeting appropriate planning standards and achieving targeted growth. The proposal will provide for high density residential development in an existing urban area adjacent to existing and proposed public transport facilities.

- The NPF provides for a strong emphasis towards increased building heights in appropriate locations within existing urban centres and along public transport corridors. The proposed development ranging in height from 3 no. storeys to 6 is therefore considered appropriate in this location and in accordance with the NPF.
- Reference is made to Rebuilding Ireland which is set around 5 pillars. It is submitted that the proposed development is consistent with Pillar 4 to improve the rental sector. The provision of 112 residential units will substantially add to the residential accommodation availability of the area and cater to the increasing housing demand.
- With regard to the Sustainable Urban Design Guidelines, the site is located along a Dublin Bus transport corridor with a reasonably frequent service c. 10 mins peak hour. The site is also located along the proposed BusConnects corridor. The site therefore falls into the central and/or accessible urban locations category and is therefore suitable for high density apartment developments.
- Reference is made for the provision of reduced parking in these guidelines and the proposed development in this regard will provide for 34 no. car parking spaces which result in a ratio of 0.3 spaces per unit. The proposal will provide for compensatory additional transport facilities in response to the reduced car parking provision such as car club facilities, increased bicycle parking and blepper bikes for the use of the future residents and the surrounding existing community.
- The proposed development provides for 62.5% of dual aspect units which is above the minimum 50%.
- Reference is made to SPPR 7 and it is set out that the proposed development will comply with the management structure for build to rent developments and will remain in operation for a minimum of 15 years. A draft legal agreement is

submitted with the application to confirm that the applicant is willing to enter into the covenant agreement subject to a grant of permission.

- Reference is made to SPPR 8 and how the proposal meets the relevant design standards.
- The principle of the RSES is to support the implementation of Project Ireland 2040 – the NPF and NDP. The site provides for residential development on key urban infill site to increase densities, height and urban consolidation in the inner suburban location.
- With regard to the Sustainable Urban Design Guidelines, the site is zoned Z1 and Z3. The proposed development therefore makes the most efficient use of the subject land by increasing residential development in an existing urban area and providing for high density residential development in key location served by well served public transport and local services and as such is consistent with the sequential approach of these guidelines.
- The Design Manual sets out 12 criteria which it recommends be used in the assessment of planning applications. A response is provided which is dealt with in the assessment section of this report.
- The development seeks to prioritise pedestrian and cyclists in accordance with the policies set out in DMURS.
- With regard to childcare, as the development is build-to-rent and will predominantly consist of young professionals, the development will not generate the same requirement for a creche facility. A community audit has been prepared that identifies the number of childcare facilities in the area.
- The Transport Strategy for the Greater Dublin Area 2016-2035 provides for better integration of land use planning and transportation, consolidating growth in identified centres, providing more intensive development in designated town and district centres and control parking supply. The proposal is consistent with the vision and objectives of the Transport Strategy for the GDA.
- The site is located along one of the core radial corridors that BusConnects is proposing. The provision of this new public transport corridor will greatly boost

the accessibility of the subject site which is already well served by many Dublin Bus routes.

- It is submitted that the site is in compliance with the core principles of the Planning System and Flood Risk Management Guidelines and has been subject to a commensurate assessment of risk.
- The subject site is in an 'Outer City' location suitable for low rise buildings of a height not greater than 16m as set out in the Dublin City Development Plan. However, it is considered that given the context of the development adjacent to a high quality public transport route including the proposed BusConnects Corridor, additional height is appropriate at this location having regard to the NPF and the Urban Development and Building Height Guidelines.
- Given the national planning policy objective to increase heights and density in appropriate urban locations well served by public transport, the increased height at this location is not a material contravention of the development plan. Section 28(1)(c) of the planning and development act, 2018 notes that where national planning policy specifically SPPR's are at variance to the development plan, the SPPR objectives will take precedence. Therefore, it is considered that the proposed development at 6 stories is consistent with national policy objectives and is not a material contravention of the development plan. However, a material contravention stated has been prepared and is submitted should it be considered to be a material contravention.
- A number of CGI images and verified views have been prepared which demonstrate that the proposed development sits comfortably within the overall urban context of the development.
- With regard to plot ratio the development plan identifies indicative plot ratio standards of 0.5-2.0 and 1.5-2.0 for Z1 and Z3 lands respectively. The indicative site coverage for Z1 and Z3 lands is 45-60% and 60% respectively. These figures are indicative only and higher plot ratios and site coverage may be acceptable in particular circumstances. The proposed development provides for a plot ratio of 2.4:1 and site coverage of 50% and therefore is consistent with the development plan requirements.

- The proposed density of 235 units per hectare is considered appropriate given the location of the subject site within an existing urban area and adjacent to a quality public transport corridor.
- The reduced car parking is proposed on the basis of the proximity to high quality public transport network, the location of the site adjacent to major public services such as the Omni centre and the inclusion of commercial activity at ground floor level within the proposed development, in addition to the short distance from major employment zones. The shift towards reduced car parking or “car free” developments should therefore be actively encouraged in such locations.
- The proposed development has particular regard to overbearing and overlooking impacts on the surrounding existing properties. The proposed development is surrounded by existing residential properties on the north, south and east of the site. The proposed development has been designed to ensure appropriate separation distances are provided.
- The height of the building has been reduced to 3 no. and 4 no. storeys with a set-back. A separation distance of 8.6m at a minimum to 10.9m is provided from the south-eastern boundary. The separation distance increase at third floor level is 11.9m. A separation distance of 28.7m minimum is provided from the proposed development to the rear elevation of the adjacent residential units at Magenta Crescent.
- The applicant agrees to accept a condition regarding Part V provision. The proposal is to provide 11 no. units i.e. 10% of the units proposed.

## 7.0 Observer Submissions

A total of 8 no. observations were received in respect of the proposed development. A brief summary of each submission received is set out hereunder:

### 1. Betty O’Toole on behalf of Magenta Crescent Residence Association

- Proposed height is out of sync with existing homes and commercial premises
- The height precedent referred to in the proposed plan is taken from a building on the other side of the road located in an industrial area.

- As a Build to rent scheme there is no incentive to respect neighbours in terms of noise, anti-social behaviour and will give rise to a transient population.
- There are concerns regarding roof terraces and impacts on existing residents' privacy.
- Height and appearance of the proposed development will seriously impact on the character of the area which is low rise.
- Density proposed is not suitable.
- There are inadequate amenities in the area to justify such a density.
- Proposal will give rise to traffic congestion as ownership of cars will not be limited to the parking spaces available.
- Proposal will give rise to parking on footpaths, on the road etc.
- No provision for parking or set down area for the commercial element.
- The Zoning is Z1 for sustainable residential development and this development is not in keeping with this goal.
- Proposal will create an over burden of student accommodation already in the area.
- The underground services are no sufficient and need to be upgraded.
- A traffic management plan is required as Schoolhouse Lane is very narrow especially the part facing no. 1 to no. 3 Schoolhouse Lane.
- There is no alternative entrance or exit through Magenta Crescent as the area has always been blocked off with bollards.

## 2. Cllr. Alison Gilliland

- Welcome this development of 1 and 2 bed units.
- Concerns about an application with only 34 car parking spaces.
- Residents are concerned that the neighbouring area will be used by tenants of this development to park their cars.

- No reference in the parking strategy with regard to how parking for the café and the restaurant will be managed.
- The height proposed exceed the current local levels and there are concerns regarding overlooking.
- Concerns raised about sunlight and daylight impacts on nearby properties.

### 3. Dermot Greene

- No investigation by the applicant into whether there is any demand for the additional commercial units.
- The units in the retail block adjoining the Swiss Cottage have all closed down in the last year. Similarly, there are a number of vacant units on Shantella Road.
- There are already 13 restaurants and 7 cafes within walking distance of Schoolhouse Lane and permission has been granted for two more at the Omni Shopping Centre.
- Questions raised about limited parking.
- When the retail outlets that are currently closed reopen, the demand for parking space on Schoolhouse Lane will increase again and so there will not be enough space for all the additional parking created by this development.
- There are no plans to provide an open public space that is available to the surrounding community, instead the only open space provided is for use by the residents which goes against the Dublin City Development Plan section 16.3.4.
- Proposal is infill development within an area of established urban form. This application does not complement the prevailing scale or degree of uniformity of the surrounding townscape.
- The proposed development breaks the existing building line; is out of proportion to the surrounding buildings; contains none of the materials used; does not complement the prevailing scale and does not complement the degree of uniformity of the surrounding townscape.
- No attempt has been made to provide an up to date traffic survey.



- The parking survey doesn't take account of use of Schoolhouse Lane for parking by customers of the shops on the Swords Road, increase of parking on the road when the vacant units are occupied, eight new houses being built on Schoolhouse Lane and the new Church being built on Schoolhouse with capacity for 200 people.
- The application doesn't investigate if build-to-rent is appropriate here and there is no provision to reduce rental inflation.
- Build-to-rent here also runs the risk of a transient population that really don't add or invest in the overall community of the area.
- One of the previous reasons why the last planning application for the site was rejected was in relation to mass and scale and its position forward of the building line. This hasn't changed. The proposal presents an abrupt transition from the adjoining low-rise residential and commercial properties and has a significant overbearing impact on the residential development to the east along Schoolhouse Lane.
- The application does not really indicate how it will contribute to the place-making or identity of the area. It doesn't provide community or social infrastructure.
- While the site coverage of 50% is acceptable the building height breaches the limit for the area; there is no public-accessible open space; insufficient parking provision for the number of residents in the complex.
- There is no justification for such a high plot ratio.
- There are no measurements of how much additional noise will be caused for existing residents and neighbours.
- The applicant uses the planning permission for a 5 storey building on the opposite side of Swords Road as justification for a 6 storey building but the 5 storey building has a completely different context.
- The only light to the houses on Schoolhouse Lane will get is going to be reduced because the proposal will cast a shadow.

- The buildings should be limited to two storey or alternatively a four storey building should be moved further south so that it doesn't cast a detrimental shadow on any buildings on Schoolhouse Lane.
- Planning permission should be refused for reasons outlined in submission.

#### 4. Jack Lynch and others

- The building will have a major impact on people living in the area and will be totally out of place in a small village.
- The Build-to-Rent model is causing residents to be anxious as units will be sold off.
- The traffic at present is very busy and this area is not suitable for this kind of development.
- There are many restaurants in the immediate area.

#### 5. John Breen

- The proposed height is not in keeping with the existing residential homes and commercial premises in the area.
- There are only 34 parking spaces for 112 units. This will cause congestion and give rise to parking on and across footpaths.
- The drainage in the area is not sufficient for such a building. The Swords road and Schoolhouse Lane frequently flood.

#### 6. Roisin Shortall T.D.

- The height and scale of the development does not have due regard to the existing suburban character of the Santry area.
- The proposed design is not sensitive to the existing streetscape or surrounding neighbourhoods. The location is fundamentally at odds with the criteria which would allow for such a development in a suitable location.

- Concerned about the impact on residential areas that abut north and east of the site. Concerns about the loss of privacy and overshadowing which the development would have on the residents of Magenta Crescent and Schoolhouse Lane.
- Homes on the western side of Magenta Crescent would be directly overlooked and overshadowed.
- The Busconnects Plan is proposing the removal of all on-street parking at this location. Their plans would preclude the proposed location of nine on-street spaces to the front of the subject area.

#### 7. Sandra Ivory and Brendan Lennon

- Object to the proposed development which if allowed would provide a poor quality of life for new residents and would impact gravely on the quality of life and safety for existing residents.
- There is misinformation and inaccurate analysis provided in the daylight and sunlight report particularly in relation to the sunlight analysis for 17,18 and 18a Magenta Crescent.
- The height of 20.9m would completely dominate the surrounding houses and be completely out of character with the development in the area.
- The proposal is extremely high density, minimal open spaces, poor facilities and poor façades, especially to the rear. The development's proposed facilities include a small outdoor courtyard for a development with 112 units which will get virtually no sunlight due to it being completely enclosed by high rise buildings and totally inadequate parking resulting in parking problems.
- Minimal size of the proposed units will provide minimum storage and will result in the use of balconies for storage.
- It is inappropriate to have north facing balconies.
- Concerns about impact on rear gardens which currently enjoys sunshine from early morning until shortly before sunset.

- The Daylight and Sunlight Analysis report and shadow study provided as part of the planning application implies that there are large trees. We will lose many hours of afternoon and evening sunshine per day to the rear garden if this development is allowed.
- Concerned about the proposed length of time that is envisaged in terms of completing the development.

#### 8. Simon Ellis

- The height would have a significant negative impact on the area, community and residents. There are no developments in the area of that scale.
- The proposed development will have a significant negative impact on the neighbourhood.
- The height and how close to the boundary walls of Magenta Crescent will significantly impact the light and create significant shadowing on each property. The surveys are very limited in details.
- Proposal will impact on privacy. There are a large number of windows facing into the existing residential areas.
- Roof terraces will lead to further intrusion.
- Lack of parking will have a negative impact on neighbouring estates and will encourage illegal parking.
- Dublin City Council has refused permission for previous proposals for reason of scale and massing and position forward of the building line on Swords Road.
- Negative impact on the values of neighbouring dwellings
- Santry is a village and any development should take this into consideration for aesthetic purposes. Illustrations show the overbearing nature of the proposal.
- Santry village is subject to flooding during medium to heavy rain periods.
- The proposal to have “Build to rent” does not allow for a positive contribution to the community.

## **8.0 Planning Authority Submission**

### **8.1. Overview**

The planning authority, Dublin City Council has made a submission which was received by ABP 26<sup>th</sup> February 2019. The report notes the 8 observations/submissions received and summarised the issues raised.

### **8.2 Summary of Views of Elected Members**

A synopsis of the comments/views in respect of the proposed development is set out as follows:

- Concerns proposal will be handed over to Approved Housing Body
- A mix of tenure would be more desirable
- Absence of estate management
- Height proposed does not comply with the City Development Plan
- Ratio of parking to number of units is insufficient
- Impact on bus corridor
- View that five storeys should be permitted given the housing crisis
- Proposed open spaces should be open to residents of Magenta Court
- Area is prone to flooding

### **8.3 Planning Analysis**

The report which sets out the principle planning considerations and response to issues raised is summarised as follows:

#### Principle

- Application site is subject to two separate zoning objectives – Z1 – ‘Sustainable Residential Neighbourhoods’ and Z3 ‘Neighbourhood Centres’. The commercial elements are located entirely within the Z3 zoning.

### Height, Scale and Design

- The application drawings indicate that the development would have a maximum height of 20.95m from ground level at the corner of Swords Road and Schoolhouse Lane.
- The development would breach the building line along Swords Road.
- The development effectively comprises two blocks, one of which spans the majority of the Swords Road and Schoolhouse Lane frontages and the other of which runs parallel to the southern property boundary before turning northwards adjacent to the eastern site boundary.
- The general design and appearance of the proposed development is considered acceptable.
- The maximum height of the development contravenes the provisions of the CDP in relation to building height, which allows for a maximum height of up to 16m in an outer city location such as this.
- In this instance, SPPR1 and SPPR 3 of the Urban Development and Building Heights, Guidelines for Planning Authorities document is of relevance.
- In general, the planning authority considers that a building of up to 20.95m tall may be appropriate for the site, however, there are serious concerns in relation to its potential impact on neighbouring properties along Schoolhouse Lane, in particular, and also in relation to the performance of the development in relation to access to daylight for the courtyard area and for a number of apartment units.
- The greatest impact in terms of height would be along Schoolhouse Lane, adjacent to the tallest section of the proposed building and directly to the north.
- It is noted that significant loss of daylight access to all south-facing windows within the Schoolhouse Court complex would arise and none of these windows would achieve the minimum target value for access to daylight.
- Given the serious concerns regarding height the planning authority would ordinarily request further information.

### Density, Site Coverage and Plot Ratio

- The proposed scheme provides for very high density, of approx. 233 units per hectare. There are no objections to high density development given the site's proximity to a high frequency public transport corridor subject to consideration of the design and the height of the proposal.
- The site coverage falls within the indicative range.

### Residential Quality Standards

- The planning authority has concerns that a number of the dual aspect units are in effect single aspect, north facing with a token east or west facing aspect which provides little or no amenity value to future occupiers. The apartments in question are unit types E and A, which look onto Schoolhouse Lane. Both the CDP and Sustainable Urban Housing: Design Standards for New Apartments only allow north facing, single aspect apartments in specific circumstances, for example, where overlooking an amenity space. No such amenity space exists at this particular location.
- In relation to the omission of private open space for 12 apartments, this is, on balance, acceptable where it addresses potential overlooking of south-adjoining dwellings at Magenta Crescent, where it enhances light penetration to the courtyard area and where an equivalent quantum of compensatory amenity space would be provided.
- In relation to the provision of reduced private open space for 28 no. units it is noted that this issue relates primarily to units which address Swords Road as it affects units on multiple floors. The planning authority has concerns that a number of these balconies have limited size and depth.
- In relation to Daylight and Sunlight Analysis report submitted it is noted that of the 27 units analysed across the ground and first floors, 12 would fail to achieve the target ADF recommended by BRE guidance. It is the shading caused by other areas of built form within the development that is affecting daylight penetration. The Study also outlines that the light penetration levels for the

courtyard area are very low and below target levels set out within the BRE guidance.

- The analysis also indicates that a number of the rooms assessed would exceed an ADF of 6% which, according to the BRE guidance indicates that summertime overheating or excessive heat loss in winter may arise.

#### Public and Communal Open Space

- The proposal does not incorporate any public open space, the application documents instead stating that the site is within walking distance of Santry park which is outside the administrative boundary of the planning authority. It is recommended that a financial contribution in lieu shall be required as part of any grant of permission.
- There is a minimum requirement for 758sq.m. of communal open space to be provided, together with a supplementary for approx. 160sq.m. arising from under-provision of private open space elsewhere within the development. There is a shortfall of 57sq.m. of external open space which in this instance the planning authority does not object to.
- The courtyard, the primary and central open space within the development, would be likely to be a dark and uninviting place for more than 6 months of the year, experiencing little or no direct sunlight.
- No play area for older children has been provided. In the event of a grant of permission, a condition seeking the provision of a formal equipped play space should be provided.

#### Build to Rent Operational Management

- An operational management plan has been provided and outlines the applicant's approach to the day-to-day management of the development.
- The planning authority recommends that a condition is attached to any grant of permission, requiring that this facility should be maintained in place for the lifetime of the Build-to-Rent Scheme.



- It is proposed to facilitate limited access to the roof terrace during the overnight period. To ensure a harmonious relationship to adjoining neighbours, the planning authority requests that the roof terrace should be required to remain closed after sunset.

### Resident Facilities

- At the pre-application stage, the planning authority highlighted the obligation placed on a developer, under SPPR 8 to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity.
- The applicant does not appear to have provided such a demonstration within the application documents.
- Clarification has not been provided to justify the non-provision of other useful services such as laundry facilities.

### Part V

- Applicant has provided a validation letter in respect of the Part V obligations.

### Impact on Neighbouring Properties

- There are serious concerns in relation to the overall scale and height and the potential impact of the development on neighbouring properties along Schoolhouse Lane.
- The impact of the development, in terms of daylight loss, is most pronounced at Schoolhouse Court, directly north and on the opposite side of Schoolhouse Lane, where the sunlight and daylight analysis indicates that significant loss of daylight access to all south-facing windows would arise. None of these windows would achieve the minimum target value for access to daylight.

- Overlooking a number of properties at Magenta Crescent may also arise, due to the removal of mature trees within the application site along the eastern property.
- The PA notes that the applicant has given consideration to the relationship of east facing units within the development, to adjoining properties at Magenta Crescent. Appropriate landscaping is required to address potential overlooking.

#### Commercial/Retail Uses

- The proposed commercial/retail uses are located along the Swords Road frontage of the site providing an active frontage along the primary public face of the development.
- Given the interface between the proposed commercial uses and a significant number of residential units overhead, careful consideration should be given to the potential noise and odour nuisance issues.
- The applicant has not clarified how provision has been made within the proposed development for access for all.
- The transportation planning division has requested that a condition is attached to any grant of permission requiring the applicant to engage and agree with the Traffic Advisory Group, in relation to loading bay and traffic management proposals along Swords Road and Schoolhouse Lane.

#### Childcare Facility and Social Audit

- No childcare facility is proposed. The community audit identifies crèches in the area that could accommodate the proposal, if required. Where it has not been satisfactorily demonstrated and verified that there is sufficient capacity in existing facilities in the area, to accommodate likely future demands arising from this development, the planning authority requests that a crèche should be required to be provided as part of the development.

### Signage

- A condition should be attached that the shopfront design and signage be agreed with the planning authority prior to commencement of development.

### Transportation

- Serious concerns are expressed in relation to the adequacy of car parking proposals to serve the development and the potential for overspill parking to cause a significant traffic hazard. A condition should be attached which requires the applicant to submit and agree proposals for additional car parking at basement level.

### Other issues

- A legal agreement has been submitted
- The site is located close to a Zone of Archaeological Interest and an Archaeological, Architectural and Cultural Heritage Impact Assessment has been provided as part of the application.
- AA and EIA are matters for ABP to consider

Recommended conditions are contained in the Chief Executive's report.

## **8.3 Inter-Departmental reports**

### Drainage Division

No objections subject to conditions. It is noted that the diversion works to the surface water sewer should be carried out as part of the first phase of development in order to decommission the existing surface water sewer traversing the site.

### Air Quality Monitoring and Noise Control Unit

No objection subject to conditions

### City Archaeologist

An archaeological report was included with the application. Agree with conclusion which states all ground reduction associated with the proposed development be monitored.

### Waste Management

No objection and no conditions recommended

The following reports are not on file however the Chief Executive's report makes reference to the following:

### Housing and Community Services

The applicant has engaged with the Housing Department and is aware of their obligations under Part V.

### Roads and Traffic Division

Report expresses concerns in relation to parking provision and seeks an increase in provision as part of grant of permission.

### Parks and Landscape Services

An issue with sunlight levels within the courtyard area and seeks a number of landscaping measures as part of any grant of permission.

## 9.0 Prescribed Bodies

### 9.1 Irish Water

IW confirms that subject to a valid connection agreement being put in place the proposed connections to IW networks can be facilitated.

### 9.2 National Transport Authority

The NTA is currently in the process of consulting with members of the public in relation to the Core Bus Corridor project, which aims to deliver full priority along the length of the primary bus routes in the Metropolitan Area, as provided for by the Transport Strategy. The Swords road at this point forms part of the Swords to City Centre CBC. The proposed development will not compromise the delivery of the CBC.

### 9.3 Transport Infrastructure Ireland

No observation to make.

## 10.0 Environmental Impact Assessment

An EIA Preliminary Examination for this application has been undertaken dated 4<sup>th</sup> January 2019 and is attached to the file. It is concluded that there is no real likelihood of significant effects on the environment. I concur with this examination.

## 11.0 Assessment

Pursuant to site inspection and inspection of the surrounding environs including lands within the jurisdiction of Fingal County Council, examination of all documentation, plans and particulars and submissions/observations on file, the following are the relevant planning considerations of this application:

- Zoning and Density
- Principle of Build to Rent and relevant policies

- Urban Design and Layout
- Residential Amenity
- Appropriate Assessment
- Other Issues

## **11.1 Zoning and Density**

11.1.1 The site in question contains two land use zoning objectives. The north-eastern corner of the site is zoned Z1 “To protect, provide and improve residential amenities” and the remainder of the site is zoned Z3 “To provide for and improve neighbourhood facilities”. Residential uses are permissible uses on these zonings. It is also proposed to provide a commercial component to this development consisting of a retail, café and a restaurant unit within this development. The cumulative floor area is approx. 398sq.m. The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that other uses on the land, the zoning of which facilitates such use, can be included but only if the cumulative gross floor area of the houses comprises not less than 85% of the gross floor space of the proposed development and that the other uses cumulatively do not exceed 15sq.m. gross floor space for each house subject to a maximum of 4,500sq.m. gross floor space for such other uses in any development. The proposed development is consistent with the land use zoning objectives set out in the Dublin City Plan 2016-2022 and the provisions of the Planning and Development Act of 2016 as amended in respect of strategic housing applications.

11.1.2 With regard to density, the proposal is to provide approx. 233 units per hectare. The site is located along a quality bus corridor and in close proximity to existing employment centres such as industrial estates, the airport and other strategic routes in Dublin Metropolitan Area and as such the density proposed is considered acceptable. However, the existing residential amenities in the vicinity of the site should not be unduly impacted upon and is assessed further in this report.

## **11.2 Principle of Build to Rent and relevant policies**

11.2.1 Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (BRT) and Shared Accommodation sectors. The guidelines define BTR as “purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord”. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. Having regard to the location of the site along a QBC approx. 6km north of the city centre, proximity to Dublin Airport and business/industrial parks, I am satisfied that a Built-to-Rent scheme is suitable and justifiable at this location. The proposal will provide a viable housing solution to households where home-ownership is not a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

11.2.2 I refer the Board to the provisions of Specific Planning Policy Requirement 7 which provides that

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a ‘Build-to-Rent’ housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately (my emphasis) for that period:
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

- (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
- (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

11.2.3 The public notices refer to the scheme as 'Build-to-Rent' and a copy of a draft legal agreement referred to in SPPR7 has been enclosed, which indicates that the applicant is willing to accept a condition requiring that the residential units remain in use as BTR accommodation owned and operated by an institutional entity and that no individual residential unit within the development be sold or rented separately upon completion of the development for a minimum period of at least 15 years. I refer the Board to the reference "rented separately" as referred to in SPPR 7 and suggest that this scenario is not of relevance given that the tenet of build-to-rent schemes is that they are managed/operated by an institutional entity whereby no units can be sold. Concerns have been raised by observers regarding the selling-off of units separately and a condition requiring details of a proposed covenant or legal agreement where no individual units shall be sold separately for that period will address such concerns.

11.2.4 SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units and in relation to the provision of all of the communal amenity space on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The issue of communal open spaces, private open spaces and provision of support services is



discussed in more detail hereunder. However, given the flexibility in residential amenity and support services that can apply, and the proposal in this instance is proposing a relaxation in residential amenity standards, that after the expiration of the period referred to in the covenant, details shall be submitted for the written agreement of the planning authority to ensure suitable management structures are in place to continue the operation of the scheme as a build to rent scheme. Where any amendment or deviation from the build-to-rent model is proposed this should be subject to a separate planning application. This is required to ensure appropriate management and operation of the residential development in the future and also to facilitate assessment of appropriate residential amenities to serve future occupants of the scheme should there be a change in the tenancy type.

### **11.3.0 Urban Design and Height**

11.3.1 The proposal is for primarily a 4 to 5 storey residential structure with 6 stories at the junction of Swords Road and Schoolhouse Lane. The proposal will provide a much stronger urban form along the Swords Road - one of the main arterial routes into Dublin City Centre. Much of the development along this road comprise of traditional single or two storey structures that has evolved in an ad hoc manner providing little continuity in the urban form. The proposed development, in general, is considered acceptable from an urban design perspective and will enhance the urban form to the Swords Road. The site is strategically located, in close proximity to industrial, commercial and residential lands, and will serve as a focal point in this local neighbourhood. The proposed structure is 5 and part 6 storey to the Swords Road and while this may be out of character with the existing single and two storey structures as highlighted by the observers, regard should be given to the fact that the lands are located within the Metropolitan area and along a QBC, approx. 5km from the city centre. I acknowledge that developments to date along the Swords road are characteristically low density with buildings of one/two storeys. However, the National Planning Framework and section 28 guidance acknowledge the need to

allow for appropriately scaled development on zoned serviced lands. Development has been permitted within Northwood, located approximately 800m north of the site which is characterised by 5-6 storey apartments blocks. Northwood business campus is also located off Northwood Avenue and there are commercial/retail and hotel uses within this development. The Omni Shopping Centre is located approx. 300m south of the development site along Swords Road. The Dublin Airport Business Park and other industrial/commercial type developments such as 'Fedex' and 'DPD' are located approx. 900m north of the site. The core tenets of the NPF include 'grow our regions' and 'build stronger regions'. To achieve this, it is necessary to realise critical mass in a more compact and sustainable manner. The area in which the development site is located is, in my opinion, in transition and strategically located in close proximity to Dublin Airport and the M50/M1 interchanges. The Swords road contains a QBC and is also located along the BusConnects route. The proposal is to re-develop a strategic site along this road which I consider represents a more efficient use of prime serviced land with the availability of existing social infrastructure to sustain increased population at this location.

11.3.2 The Urban Design Manual – A Best Practice Guide which is a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, uses 12 criteria that are designed to encapsulate the range of design considerations for residential development. The Urban Design: New Apartment Guidelines for Planning Authorities, 2018 also provides relevant standards both in quantitative and qualitative terms. The ABP Opinion that issued required further consideration of the document as they related to the height and design of the proposed development which should have regard to the existing and emerging character of the area. A justification for the proposed height has been provided. The development will rise to 20.9m at its highest. The statement of consistency submitted sets out that the proposed development is located within the inner suburbs in close proximity to the city centre and other major employment hubs such as Dublin Airport,

Omni Centre, DCU and Beamount Hospital. Reference is made to national objectives in the NPF SPPR 1 which supports increased building height in locations with good public transport accessibility. The Board is also aware of the provision of the Urban Development and Building Height Guidelines, specifically SPPR 3 which allows for flexibility in height even where specific objectives of the relevant development plan may indicate otherwise. In this regard, I accept the principle of the proposed height, however due regard should be given to the existing residential amenities of the area and the proposed future residential amenity. This is discussed in more detail under residential amenity heading.

### **11.3.0 Residential Amenity**

#### Impact on existing residential amenity

11.3.1 The Opinion that issued required further consideration of the documents as they relate to the standard of amenity that would be afforded to the occupants and neighbours of the proposed development. The consideration should relate to the nature, extent and quality of the open space that would be provided to residents; to the size, use, quality and management of the communal facilities that would be provided to residents; and to the protection of the privacy of neighbouring residential properties, particularly those on Magenta Crescent adjoining the eastern boundary of the site. In this regard, I note that there have been revisions to the proposed elevations along the eastern boundary where by the previously proposed balconies have been omitted. Elevational details including photomontages have been submitted supporting the application. A sunlight and daylight analysis has also been submitted. While I note the concerns of the observers regarding this issue, the existing dwellings due to the low-rise nature of the structures on site currently enjoy long hours of sunlight to their properties. With regard to sunlight to the rear gardens of properties there will be some overshadowing as a result of the proposed development, not uncommon in urban areas and the levels indicated are within acceptable levels.

11.3.2 The vertical sky component impacts on Schoolhouse Court indicate that that both the target of 27% VSC and the impact of the proposed development on the baseline VSC is greater than 20% and therefore does not meet the BRE Guidelines suggesting the proposal will have a noticeable impact on the windows of this property which are in multiple occupancy. In this instance, the contribution of the proposed development in creating a stronger urban form with an attractive streetscape along Schoolhouse Lane and the Swords Road needs to be balanced against the provision of reasonable levels of natural light. I also note that the VSC baseline figures are low and therefore any proposal on this site would have a similar noticeable impact. Pursuant to inspection, I noted that the windows to Schoolhouse Court appear to serve bedrooms and kitchen areas. There is a separation distance of at least 21m between the development and the windows of Schoolhouse Court which generally is considered a good set back within an urban context.

#### Residential Amenity for future occupants

11.3.3 With specific regard to the future occupants of the proposed development and the standard of amenity afforded to them, I refer the Board to the following matters. With regard to support services and communal areas there is a proposed reception area with c. 136sq.m. of residents' internal amenity area, gym of c. 163sq.m. with an additional winter garden area of c. 18sq.m. and an external exercise area of c. 26sq.m. There is no laundry area provided. Given the scale of the proposal, the reduced amenity space to 24 apartments and the lack of private amenity spaces to 12 of the apartments as stated by the applicant, I consider that the scheme would benefit from additional communal areas such as TV/lounge room and quiet rooms. There is a bookable room of approx. 29sq.m. located adjacent to the gym. The bin storage area provided also appears quite small to serve the scale of the development and commercial units proposed.

11.3.4 With regard to ADF to ground floor units there are several units which fall below the BS 8206-2 which provides for minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. No values for the kitchens are provided. Bedroom 3 in Apt No. 9 only receives an ADF value of 0.35 which is totally

unacceptable in my opinion. This bedroom also has poor outlook and is located in close proximity to a stairwell. There are two bed apartments which are located immediately north of this unit which could be reduced in width by 2m and re-configured such that they are 1 bed units. The additional area created should be subsumed into the central court yard. Bedroom 2 in Apt. No. 2 at ground floor only achieves 0.54 ADF. This apartment lends itself to being used as a tv/lounge area given its proximity to the reception and direct frontage onto the central courtyard. The living space associated with Apt. No. 3 only achieves 40.5% of the ADF target which the applicant has indicated as being 1.5%. Given that this room is a kitchen/living area I consider that the target should be 2% and not 1.5% i.e. the higher value given that the room serves more than one purpose. The sunlight results to the proposed amenity areas i.e. courtyard and the roof garden indicate that the baseline target of achieving at least 2 hours sunlight to the courtyard is not met in March. In fact, the target falls short of this target by over 50%. I do accept that the roof garden achieves well in excess of the baseline target.

11.3.5 The applicant indicates that BRE requirements are guidelines and not minimum standards. Section 6.6 of the Apartment Guidelines provides that 'planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2<sup>nd</sup> edition) or BS 8206-2: 2008 –'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.' Section 6.7 of the apartment guidelines provides that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out, in respect of which the planning authority (or ABP, the relevant consent authority in this instance) should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. The Opinion that issued from ABP specially raised the issue regarding standard of amenity that would be offered to future residents. While the applicant has highlighted the shortcomings, no real justification for such has been provided other than stating that the proposal will improve the

streetscape. Notwithstanding the results the applicant did not seek to reduce the scale of the development from that submitted at pre-app stage or re-configure units to potentially increase ADF values.

11.3.6 Having regard to the lack of any private amenity space to 12 no. apartments and shortfall of such space in 28 no. apartments, in conjunction with unacceptable ADF values to some apartments, I recommend that amendments are sought by way of condition. Apartments no. 2 and 6 at ground floor level should be omitted. This floor space should be given over to residential support services areas such as use as a tv/lounge area for residents, additional bin storage and/or laundry areas. Additional floor space maybe provided to apartments no. 3 and 4 so as to help improve ADF to the living areas of these apartments. I also consider that the 2 bed apartments identified as Type K should be reduced in size and converted to 1 bed units. The western elevation should be re-positioned 2m in an easterly direction.

11.3.7 The primary communal amenity space provided for residents is the courtyard, which by their nature are difficult to achieve adequate sunlight. In this regard, the applicant is proposing a roof terrace which is an acceptable compensatory measure. I note the concerns raised by observers regarding the terrace area, however it will not give rise to overlooking of any existing residential amenities. I consider that the access from the Swords Road between the proposed café and restaurant should be increased to 3m in width. This will have the effect of also increasing the glazed link at upper floors at this location and will assist in achieving more sunlight/daylight penetration to the courtyard. I consider that this amendment, rather than reducing the building height, would be more beneficial in achieving additional natural light/sunlight to the courtyard. This amendment will also result in the 2 bed units on each floor having to be reduced in floor area and converted to 1 bed units as they will be below the minimum floor area of 73sq.m.

#### **11.4 Infrastructural Services including Flood Risk**

11.4.1 No concerns are raised by the planning authority or Irish Water with regards to servicing the site from a public water or waste water perspective. Concerns are raised by observers regarding surface water. With regard to the surface water drainage system it is indicated that it will collect storm-water run-off from the

proposed development via a number of SuDS collection systems. Two green roofs are proposed. It is proposed to discharge surface water via a single attenuated outlet to the existing/upgraded 525mm surface water sewer to the north of the site on Schoolhouse Lane. It is set out that the surface water discharge proposed is substantially less than the current existing development which is currently unattenuated. It is proposed to construct a new 525mm diameter surface water sewer along Swords Road to replace the existing 225mm diameter surface water sewer. Additional gullies to address existing pluvial flooding concerns as previously requested by Drainage Division under Reg. Ref. 4191/10 have also been included. All works relating to diversions should be agreed with the Drainage Division in advance of any works commencing.

## **11.5 Other Issues**

### **11.5.1 Build to Rent Management Plan**

A Build to Rent Management plan has been submitted. It is set out the development will be managed by the operational team with a resident services manager on-site during the working hours of a typical week 08.30-17.30 from Monday to Saturday. Residents will benefit from the use of transportation options on-site relationships including Go Car and Bleeper Bikes. It is proposed to have a resident services manager to provide support on the day-to-day requirements including move-in, move-out process, lease agreements, management of contractors and other requirements.

### **11.5.2 Building Life Cycle Report**

The applicant has submitted a building life cycle report. It is noted that the service charge budget will be required to be undertaken by management instead given that it is a build-to-rent scheme. A 10-year planning preventative maintenance strategy will determine the level of sinking fund required. I note that reference is specifically made to daylighting to units, and that where possible when undertaking development

proposers should offer the capability to satisfy minimum standards of daylight provision to units thus reducing the requirement for continuous daylighting. While it is considered that the applicant has failed to adequately deal with the shortcomings of some of the units through re-design, amendments are recommended to address this issue as discussed heretofore.

#### 11.5.3 Childcare Facility

No childcare facility is proposed in this development. Reference is made to the facilities located within the vicinity of the site. The planning authority has recommended a condition be attached seeking a childcare facility. Having regard to the availability of other services and the modest scale of the built-to-rent development, I consider that the proposal not to provide a childcare facility is acceptable in this instance.

#### 11.5.4 Parking

I note the concerns raised by observers regarding parking however the site is located along a QBC. The site is within walking distance of residential amenities such as retail, cinema, restaurants and parks. It is also located within walking and cycling distance of business and industrial parks. A Club/Go car scheme is proposed with designated spaces at ground level. 25 spaces are proposed at basement level. I consider the level of parking proposed acceptable. With regard to servicing the commercial units, a concern raised by observers, a loading bay is provided along Schoolhouse Lane. In addition, a yard for the restaurant is also provided to the southern boundary of the site. A draft Mobility Management Plan has been prepared.

### 11.6 Appropriate Assessment

#### Screening report

11.6.1 The applicant has submitted an AA screening report which provides a description of the proposed development, project and Natura 2000 sites. The site is not located within or directly adjacent to any Natura 2000 area. The report sets out that this part



of Dublin has historically been agricultural lands on the outskirts of Dublin City but since time has radically changed in nature and is now well within the urban fabric of the site. There are few features of semi-natural habitat in this area. It is set out that because of the distance separating the site and the SPA/SAC there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPA or the qualifying interests of the SAC. There is a pathway from the site via surface water flows to the Tolka Estuary via the Santry River. However, there is no evidence that poor water quality is currently negatively affecting the conservation objectives of the SPAs or SACs in Dublin bay. Water quality is not listed as a conservation objective for these areas. The increase in loading at the Ringsend treatment plant arising from the project will be small relative to its overall capacity. The impact of this project is considered not significant based on two points: no evidence that pollution through nutrient input is affecting the conservation objectives of the Natura 2000 sites. Upgrading works at the Ringsend waste water treatment plant and implementation of the Greater Dublin Strategic Drainage Study will address future capacity demand. The implementation of new surface water attenuation measures will enhance the quality of run off and so assist in meets the goals of the WFD. There are no aspects of this project, which could act in combination to result in significant negative effects to any Natura 2000 area.

#### 11.6.2 Identification of sites

Table 3: Natura 2000 sites within 15km range of site

<b>Natura 2000 Code</b>	<b>Site Code</b>	<b>Distance to site (as crow flies)</b>	<b>Qualifying Interests</b>
South Dublin Bay and River Tolka Estuary SPA	004024	4.22km south east of site	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]

			<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC	000206	6.72km east of site	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p>

			<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Baldoyle Bay SAC	000199	7.54km east of site	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
Baldoyle Bay SPA	004016	7.54km east of site	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>

North Bull Island SPA	004006	6.72km east of site	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
South Dublin Bay SAC	000210	7.06km south of site	Mudflats and sandflats not covered by seawater at low tide

			[1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
Rockabill to Dalkey Island SAC	003000	11.34 km south east of site	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]

Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

### 11.6.3 Assessment of likely Significant Effects on Designated Sites

The potential for likely significant effects should be assessed in the context of the relevant sites' conservation objectives. The development site in question is not part of or located adjacent to any of the designated sites. Having regard to the 'source-pathway-receptor' model and lack of any direct entry of surface and untreated waste waters to any of the Natura 2000 sites, the use of best construction practices as an integral component of the development and the treatment of waste waters prior to discharge, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites' conservation objectives.

### AA screening – Conclusion

11.6.4 I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in

respect of the Natura 2000 sites identified as being within 15km radius of the development site, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **11.0 Recommendation**

I recommend that permission be **granted** for the proposed development for the following reasons and considerations.

## **12.0 Reasons and Considerations**

Having regard to the:

- a) the policies and objectives in the Dublin City Development Plan 2016-2022;
- b) Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- c) Urban Development and Buildings Heights, Guidelines for Planning Authorities;
- d) Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of the Environment, Community and Local Government in March 2018;
- e) nature, scale and design of the proposed development;
- f) pattern of existing and permitted development in the area and the availability in the area of a wide range of social and transport infrastructure,
- g) submissions and observations received, and
- h) the Inspector's report,

it is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 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.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

**Reason:** In the interest of clarity.

2. The development hereby permitted shall be for 110 residential units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

3. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the Planning Authority:
  - (a) The omission of apartment units no. 2 and 6 at ground floor level and the designated of these areas for residential support services including additional bin storage area. The re-configuration may also

provide for increased floor areas to apartment no.'s 3 and 4.

(b) Units Type K on the eastern side of the courtyard i.e. Units 7 and 8 on ground floor and corresponding units on first, second and third floor shall be reduced in floor area by re-locating the western elevation of these 8 no. units 2m in an easterly direction. These units at ground, first, second and third floor shall be re-configured to one bed units. The roof terrace shall consequently be re-designed to reflect the reduced floor area.

(c) The entrance to the courtyard between the proposed café and restaurant shall be widened to 3m in width. The residential amenity area at ground floor and all apartment units (Type K) located on all floors over the café shall be reduced in floor area by 1.2m and re-configured as 1 bed units. Consequently, the glazed link corridor shall increase in length.

(d) details of green roofs

(e) details of the public realm interface with Bus Connects along the Swords Road which shall be subject of the written agreement of the National Transport Authority

**Reason:** In the interest of residential amenity of future occupants

5. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including external shopfronts, signage, pavement finishes and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

6. The proposed shopfront shall be in accordance with the following requirements:-
  - (a) Signs shall be restricted to a single fascia sign using sign writing or comprising either hand-painted lettering or individually mounted lettering,
  - (b) lighting shall be by means of concealed neon tubing or by rear illumination,
  - (c) no awnings, canopies or projecting signs or other signs shall be



- erected on the premises without a prior grant of planning permission,
- (d) external roller shutter shall not be erected and
  - (e) no adhesive material shall be affixed to the windows or the shopfront.

**Reason:** In the interest of visual amenity.

- 7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

- 8. Proposals for a development name, and for residential unit /commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the Planning Authority, and shall be in both Irish and English. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

- 9 All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

- 10. (a) Mitigation measures as outlined within the Acoustic Report shall be implemented in full and

(b) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(c) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

11. 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. The following specific requirements shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development, unless otherwise stated:

- (a) All existing connections to the public surface water sewer to be decommissioned shall be identified on a site layout plan. Proposed new connections to the new surface water sewer shall be facilitated by the developer;
- (b) Full details of proposed green roofs including construction and maintenance plan;
- (c) Implementation of mitigation measures in the site specific Flood Risk Assessment.

The diversion works to the surface water sewer shall be carried out prior to construction of the proposed residential units.

**Reason:** In the interest of public health.

12. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

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. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

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

16. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste. The plan shall also identify measures to protect operational Luas infrastructure.

**Reason:** In the interests of public safety and residential amenity.

17. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interests of public safety and residential amenity.

18. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority.  
This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

19. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the

development together with a detailed and comprehensive Build-to-rent Management Plan which demonstrates clearly how the proposed Build-to-rent scheme will operate.

**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area.

20. Prior to the commencement of development, the owner shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period.

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

21. Prior to expiration of the 15-year period referred to in the Covenant, the owner shall submit for the written agreement of the Planning Authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

22. Prior to commencement of development, the developer 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

23. 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 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.

24. 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.

25. 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

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Joanna Kelly

Senior Planning Inspector

28<sup>th</sup> March 2019