



An  
Bord  
Pleanála

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

## Inspector's Report ABP-303435-19

---

### Strategic Housing Development

Construction of 265 Build to Let Apartments, 119 car parking spaces, café, including range of communal space.

### Location

Lands at former Dulux Factory Site, Davitt Road, Dublin 12

### Planning Authority

Dublin City Council

### Applicant

Durkan (Davitt Roads) Ltd.

### Prescribed Bodies

Irish Water

National Transport Authority

Minister for Culture, Heritage and the Gaeltacht

Heritage Council

An Taisce – the National Trust for  
Ireland

Dublin City Childcare Committee

**Observer(s)**

7 no submissions/observations

**Date of Site Inspection**

8<sup>th</sup> April 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.....	6
6.0 Relevant Planning Policy .....	9
7.0 Observer Submissions.....	16
8.0 Planning Authority Submission .....	19
9.0 Prescribed Bodies.....	24
10.0 Environmental Impact Assessment .....	24
11.0 Assessment.....	25
12.0 Recommendation .....	40
13.0 Reasons and Considerations .....	41
14.0 Conditions .....	41

## **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 approx. 4kms south-west of the City Centre within the jurisdiction of Dublin City Council and has a stated site area of 0.8266ha. There are warehouses on the site which are to be demolished. The lands are bounded by Davitt Road (R812) to the north and Galtymore Road to the south. The Grand Canal, a proposed natural heritage area is located approx. 25m north of the site. The Goldenbridge Luas stop is located opposite the site. There is a signalised junction in front of the site along Davitt Road, which facilitates pedestrian movements from the Luas stop.
- 2.2 The development lands are rectangular in shape and back onto Galtymore Road which is characterised by two storey residential properties. Benbulbin Road is located approx. 20m east of the site where there is a roundabout at the junction with Galtymore road. The Marble Arch pub is located approx. 20m east of the site on the opposite side of Benbulbin Road. There are semi-detached two storey dwellings immediately east of the site which have frontage onto Benbulbin Street and Davitt Road. There are local shops including a post office approx. 500m to the west of the development site along Galtymore Road.
- 2.3 The front section of the development site is identified as being within a conservation area. The development plan refers to these areas as including city quays, rivers and canals. Two mill stones were also noted as being present on the site at the former entrance along Galtymore Road and as suggested in a submission were associated with the historical Mill use on site.

### 3.0 Proposed Strategic Housing Development

**Table 1: Number of Residential Units proposed**

<b>Units Type</b>	<b>No of units</b>	<b>% of each Unit type</b>
1 bed	127	48%
2 bed – 3 person	17	6%
2 bed – 4 person	121	46%
<b>Total</b>	<b>265 Units</b>	<b>100%</b>

**Table 2: Key development details**

<b>Detail</b>	<b>Proposal</b>
<b>No. of Units</b>	265 Build to Rent units
<b>Commercial floor space</b>	132 sq.m. total
<b>Site Area – stated by applicant</b>	0.8266 ha red-line boundary
<b>Density</b>	321 units per hectare net (stated by applicant)
<b>Building Height</b>	3-7 storeys
<b>External Amenity Space</b>	3,356 sq.m.
<b>Internal Amenity Space</b>	1,024sq.m.
<b>Site Coverage</b>	46%
<b>Dual Aspect Apartments</b>	39%
<b>Childcare Facility</b>	None
<b>Car parking</b>	119 spaces
<b>Part V proposal</b>	27 units (18 no. 1 beds, 9 no. 2 bed units)

## 4.0 Planning History

No relevant on-site history

**File Ref. No. 3051/15** Permission granted for redevelopment of former Heidelberg/Miller Building on Davitt Road (c. 0.38ha) with permission for a 3-4 storey mixed use development (6,542sq.m. in area) including office (3,397sq.m.), retail units and 25 residential units.

## 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 9<sup>th</sup> November 2018. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

1. Elevational treatment
2. Residential Amenity – Existing properties and proposed units
3. Parking and access
4. Open Space treatment and permeability
5. 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:

## Design and Amenity

Further consideration and/or justification of the documents as they relate to the proposed design and amenity of the proposed development specifically in relation to, the following: a comprehensive justification of the scale of the proposed development at this location; and the elevational treatment of the eastern and western elevations of the proposed development which are highly visible along the Grand Canal. Furthermore, the documents should address, in detail, the potential impact on the residential amenity of adjoining residential properties to the east and west of the proposal as well as the amenity of the proposed ground floor units along Davitt Road. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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

- A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of materials and finishes, openings and privacy screening, landscaped areas, pathways, entrances and boundary treatment/s. The lighting of public spaces should also be addressed. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development given its strategic location and the visibility of the site. The documents should also have regard to the long-term management and maintenance of the proposed development.
- A car park management plan which outlines in detail the level of parking proposed, how it is intended that it is assigned and managed and measures proposed to address visitor parking, bicycle parking and motorcycle parking.
- A report that addresses residential amenity (both existing residents of adjoining development and future occupants of the proposed development), specifically how the development will limit the potential for overlooking and overshadowing. The report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining public pathways.

Details in relation to noise impact and mitigation for same shall also be included. A daylight and sunlight analysis should also be included.

- 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. There shall be 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 residents units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018).

### 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

Design and Amenity

#### Response

The main mass of the building has been pushed into the centre of the site, stepping down on all sides to address the scale of the neighbouring houses. The highest point of the proposed building is located on the northern side of the site to prevent overshadowing of the neighbours' existing rear gardens and proposed amenity spaces within the scheme. To enliven the east and western elevations a green/living wall is proposed. The operator/management of the building will be responsible for maintaining this.

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



- High quality, low maintenance brick is proposed. Glazing elements will be a powder-coated thermally broken aluminium framed window system with glazed spandrel panels.
- A landscape scheme has been designed and submitted.
- A public lighting scheme has been submitted.
- A proposed management strategy for semi-public plaza and private courtyard has been submitted.
- A full report on the proposed car parking strategy has been submitted.
- With regards to the residential amenity of existing neighbouring properties, the scheme was designed in full recognition that this is a sensitive site. Every effort has been made to design a building that will sit well in its context.
- The proposed design does not provide for any windows directly overlooking neighbouring properties.
- A sunlight and daylight analysis has been submitted.
- With regard to residential amenity within the proposed development reference is made to the large semi-public green spaces located along Galtymore Road providing new amenity space. Open plaza links Galtymore Road and Davitt Road. Reference is also made to the ground floor amenity areas including reception; games room; business centre; gym; media centre etc. A communal lounge and roof terrace is also provided at upper levels.
- Details of residential amenity of ground floor apartment units are submitted.
- It is also submitted a full noise impact assessment and testing will be carried out at tender stage to ensure appropriate levels of noise mitigation.
- Details of covenant are 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).

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.

Section 11.1.5.6 pertaining to Conservation Areas is also applicable given the designation of the front section of the development site as a conservation area as it is located in close proximity to the Grand Canal. There are no specific policies in respect of the Grand Canal. It is set out that “new development should have a positive impact on local character. In seeking exemplary design standards, the planning authority will require development in Conservation Areas to take opportunities to enhance the area where they arise.”

#### **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 site is zoned to accommodate residential development and is considered appropriately serviced with appropriate infrastructure to deliver a sustainable residential development.
- It is submitted that the current proposal will deliver on the objectives of the NPF. The addition of rental units is an appropriate level of development at this well-located site.
- To avoid urban sprawl increased residential densities are required in urban areas.
- Draft Regional Spatial and Economic Strategy is intended to replace the RPGs and the proposal is considered to be fully supportive of consolidation and re-intensification of infill, brownfield and underutilised lands with 50% of all new homes to be provided in the existing built up area of Dublin City and

Suburbs in tandem with the delivery of key infrastructure to achieve a population of 1.4m people by 2031.

- The proposed scheme is fully compliant with the key SPPRs set out in the Sustainable Urban Housing: Design Standards for new Apartments, 2018.
- The site can be defined as 'central and/or accessible urban locations'. The site is c. 1.1km from St. James' Hospital and is directly adjacent to the Goldenbridge Luas stop.
- 100 of the 265 are dual aspect resulting in 38% of the units being dual aspect.
- The floor to ceiling heights are achieved with a minimum height of 2.7m at ground floor and 2.4m at upper levels.
- The applicant will accept a condition that requires the development to remain as build to rent development for a period of up to 15 years. With regard to SPPR 7 details of resident support facilities are enclosed.
- The applicants have undertaken significant research regarding support amenities and the provision is considered appropriate and viable and is a direct response to the objective to provide affordable residential accommodation.
- In terms of car parking a total of 119 spaces are proposed which is considered to be an appropriate amount. Sites within 800-1000m of a Luas or Dart stop are specifically identified as suitable locations for a reduction in car parking numbers. A further reason for the reduction in parking within this site is the proximity to the Grand Canal cycle route which runs parallel to the Red Luas line. A significant surplus of cycle parking is provided at the site to promote this mode of transport.
- A 'Go Car' sharing scheme will be operated from the site with 10 Go-Car spaces provided.
- Car parking will be centrally managed.
- A building life cycle report as per the guidelines has been submitted.
- Reference is made to section 4.7 of the childcare guidelines and the provision of childcare facilities. It is submitted that there are only 138 units which could,

in principle, contribute to a requirement for childcare. Some analysis has been undertaken of crèche provision and the demographic profile in the area.

- There is more than enough capacity in the surrounding area to accommodate the likely number of crèche going children that will live within the subject build to rent units.
- With regard to the Urban Development and Buildings Heights guidelines, the proposal provides for a compact urban form of development adjacent to the red line Luas with associated communal facilities including within the development.
- The proposal responds to the existing natural and built environment through an appropriate design that assimilates into the existing neighbourhood, while also providing an appropriate level of development for this regeneration site.
- A commercially viable scheme on this site requires the number of apartment units proposed. This can only be achieved through the building heights and block formation now put forward. The proposal achieves appropriate levels of sunlight and daylight access. The development has continuously been amended to ensure that it does not have an impact on access to daylight and sunlight in surrounding properties, however, this must be balanced against the requirements of wider planning objectives and the appropriate urban regeneration of sites zoned for residential development.
- The proposal is in accordance with the wider strategic and national policy requirements in relation to regeneration, compact development and integrated communities.
- With regard to the Sustainable Residential Development in Urban Areas/ Urban Design Manual Guidelines it is submitted that the current proposal has been designed with these in mind. The proposed development aims to deliver an appropriate density and form of residential development on this well-located site.
- The 12 criteria of the Urban Manual are referred to and details of proposal response to each criterion submitted.

- Consideration of DMURS has been a key objective for this project although there are no new streets proposed within the scheme and therefore DMURS is not directly applicable.
- The proposed development represents a new residential scheme which, through demand management, will ensure that the majority of residents will use public transport and car sharing initiatives.
- The current proposal is in compliance with the key objectives of the Transport Strategy for the Greater Dublin Area 2016-2035 by consolidating growth through more intensive development of a long vacant site.
- A flood risk assessment has been prepared and the subject proposal is adequately designed to mitigate any impacts from local fluvial or pluvial flooding.
- The proposed development is consistent with the development plan zoning objective.
- The site is located within a conservation area and section 11.1.5.4 applies. The conservation designation in this instance relates to the overall amenity value and characteristics of the Grand Canal Environment although there are no specific provisions for this in the City Development Plan.
- The Urban Development and Buildings Heights Guidelines supercede the City Plan policies on height.
- The development is within 500m walking distance of 'Ushers F' where there is significant employment and is therefore suitable for a built to rent proposal.
- Section 16.10.15 of the Development Plan refers to basements. As the subject site is within a conservation area, the basement proposal was subject to detailed review as part of the application. It is considered that the basement development will not cause any detrimental impacts on the surrounding area and the construction management plan attached to this submission illustrates the methods proposed to maintain structural stability of ground conditions.
- The development plan confirms that indicative plot ratio for 'Z1' sites is 0.5-2.0. the plot ratio for the site is 3.2 which is above the recommended development plan standards but is considered an appropriate level of

development for this well-located infill site. Higher ratios are permissible in certain circumstances.

- The site coverage is within the indicative site coverage for Z1 zones at 46%.
- There is a specific SRDA 15 for St James' Hospital which seeks to promote the provision of affordable accommodation in proximity of the hospital. These objectives promote residential development to be considered at this site and for further relaxation in residential mix.
- The statement of consistency refers to the submission of a flood risk assessment.
- The statement refers to residential standards and outlines the extent of amenity areas proposed, unit mix, apartment floor areas and refuse and children's play areas.

## 7.0 Observer Submissions

A total of 7 no. observations were received in respect of the proposed development. A brief summary of each submission received is set out hereunder:

1 Stephen Nolan

- Concerns regarding overlooking
- Concerns about impact on existing property and potential to get permission in future
- Concerns that there is asbestos on site.
- Concerns regarding noise, building work etc.
- Concerns regarding anti-social behaviour

2 Liam Fitzgerald and Others

- Object to proposal.



- Additional concentration of traffic and possible residual roadside parking will cause traffic problems
- Increase in traffic will heighten concerns re safety to children
- Proposal will overlook property which is situated on the narrowest part of the Galtymore Road.
- Concerns regarding structural damage to property
- Proposal will be visually overbearing
- Already considerable problems in terms of water supply and drainage in the area
- Concerns that proposal for a walk through will create another space for people to deal drugs.

### 3 Ciaran and Geraldine Giles

- Development is immediately behind house at 4 Benbulbin Road.
- Proposal will have significant impact on quality of life
- Concerns regarding traffic
- Concerns raised about density and height of building
- Concerns regarding overshadowing and overlooking
- How will timber of 'living wall' be maintained
- Lack of facilities for existing residents

### 4 Drimnagh Residents' Community Group

- Scale of the proposed development – too high and obtrusive
- Traffic plans – not enough parking, disruption to bus services
- Environmental concerns – noise and light pollution, absence of EIA, overshadowing
- Construction Phase – what plans in place to limit disruption?

- Consultations – concerns re ability to comment
- Applicant has overstated the provision of local services and amenities in the area
- Reference is made to File Ref. No. 6641/07 and 3051/15 which were either refused or significantly amended.

#### 5 Cllr. Greg Kelly and Dáithí Doolan

- Welcome proposal for housing
- Would like to see height reduced in line with local housing and flats (Davitt House)
- Lack of parking for residential units proposed
- No EIA that show effects of this development.
- No details regarding under what conditions the units would be rented.

#### 6 Dermot Nicholls and others

- Density will cause unforeseen problems
- Height of grave concern and does not follow precedent set on other side of canal.
- Would like to see height reduced to five storey on Block A and B and blocks C and D reduced by two floors
- Reference is made to VSC and APSH carried out by applicant and specifically page 4 and 5 of the report where they have not carried out this function on the properties of 12 Benbulbin Road and 223 Galtymore Road because they state the properties are facing north. This statement is incorrect. These properties face east. It is suggested that the floors on the east side from ground floor to third floor are staggered reducing the amount of apartments by two.
- Parking is too small for number of units proposed.

- Traffic has increased considerably on exit from Benbulbin Road to Davvitt Road.
- No consultation with local residents

#### 7 William Lennon and Karen Fitzgerald

- Concerns over loss of privacy and overlooking
- Detrimental impact upon residential amenities – there are no definite childcare analysis outcomes in the documentation and proposal will add to shortage of childcare in the area
- Traffic and Access – proposal will impact on capacity of Luas and proposal will exacerbate existing congestion
- Serious concerns regarding construction stage and impacts on health.

## 8.0 Planning Authority Submission

### 8.1. Overview

The planning authority, Dublin City Council has made a submission which was received by ABP 5<sup>th</sup> March 2019. The report notes the 8 no. 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:

- City Plan sets out what is or is not acceptable in terms of development.
- Plan has not been varied to include provision for new height guidelines
- A change in legislation required to get developer to meet residents to discuss proposals.
- ABP should consider height limits in current plan
- 7 stories will dominate the area

- Proposal will cause serious overlooking to residents of Galtymore Road.
- View expressed that additional height is required in the City to facilitate growth adjacent to public transport and higher densities to develop a compact city.
- Seven storey will set dangerous precedent and have domino effect of similar height and scale.
- Proposal for gated community has caused upset in community.
- Should provide uniqueness of the area as a corridor to the city centre and this is not evidenced in application.
- Proposal does not meet needs of current housing applicants.
- Concerns expressed over floor sizes of units.
- Concerns regarding implications for the development and its locality if after 15 years the developer moves on.
- Heavy construction traffic will have serious negative impact on traffic in the locality
- Concerns over ratio of parking spaces to units
- Vehicular exit onto Galtymore Road which is predominantly residential area will cause problems and Davitt Road should be considered.
- Area prone to flooding
- Proposal to cut off access to the walkway running through the development in the evening time will cause a divide in the locality and could lead to exclusion
- Asbestos should be disposed of carefully.
- Consider providing 30% social housing.

### **8.3 Planning Analysis**

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

- The zoning of the site is 'Z1- to protect and improve residential amenities'.
- In light of the proposed site coverage and location of the proposed development, it is considered that the plot ratio of 3.2 is acceptable.
- The maximum allowable height at this location is 24m. The proposal has a height of 24.5m. This exceedance of height over a minimum area of the overall site is not considered material.

- The subject site is well served by public transport.
- The need to densify the city through the use of brownfield sites particularly those well served by public transport is a key principle of the NPF and both the City plan and the Building Height Guidelines.
- It is considered that this substantial site has the ability to set a high density where an appropriate transition is proposed.
- The planning authority is satisfied that the design as now proposed provides an appropriate transition and can be accommodated without detriment to the visual amenities of the area.
- The provision of the living wall aids in the transition as one views the development from the east or west addressing the Grand Canal, this external finish also softens the impact of a three storey blank wall.
- External finishes should be agreed with the planning authority prior to commencement of development.
- It is considered that the omission of windows serving habitable rooms on the eastern and western side boundaries and the stepping back of the development from site boundaries to the east and west will mitigate against adverse levels of overlooking being generated at these locations on site.
- South facing balconies can be provided over four floors without detriment to residential amenity of the area.
- It is noted that the assessment carried out confirms that the gardens will continue to meet BRE guidelines after this development is constructed.
- Access to and through the site is via the central semi-public courtyard. This will permit a direct pedestrian/cycle route from the Canal and Luas stop through the site to residential developments to the south. It is considered that the access through the site, where no access is or has been previously available will be a net contributor to increasing permeability in the area and the closure of the gates to limit access to residents only in the evenings is acceptable for the management of the facility.

- The Board may wish to condition the applicant to submit clarity with respect to precise opening hours and management of this access.
- The applicant has demonstrated that there are a number of crèche facilities in walking distance of the site and stated there is sufficient capacity in the surrounding area to accommodate the likely number of crèche going children that will live within the scheme.
- A detailed demolition and construction management plan should be submitted prior to commencement of development. The majority of units achieve BRE guidelines in terms of ADF.
- All amenity areas meet BRE Guidelines.
- 90% of 54 rooms assessed at ground floor level meet the BRE standards.
- Noise mitigation measures will be put in place to provide adequate noise protection to the occupants of these units.
- The mix of units is in compliance with the apartment guidelines for Build to Rent schemes.
- Some of the units are below the minimum standards for private amenity space however as set out in SPPR7(ii) of the apartment guidelines, there is flexibility and it is considered that the development compensates by providing high quality shared amenity space within the development.
- It is noted that the development exceeds the required minimum communal amenity space required, however, the Board may consider it necessary to identify a separate play space for older children and young adults in a central location within the scheme.
- 38% of the apartments within the proposed scheme are either dual aspect or triple aspect.
- It is considered that the development as proposed will provide an acceptable standard of residential amenity to the residents of the proposed development. It is further considered that the proposed development will not adversely impact upon the residential amenities of the area,

- It is noted that the Transportation Division is satisfied with the proposal and has no objection to the development subject to conditions.
- The proposed café will benefit proposed and existing residents in the area.
- Drainage Division has no objection subject to conditions. The risk of flooding is low.
- An AA screening report has been submitted.
- The overall assessment findings regarding EIA are acceptable to the planning authority. It is considered that a sub threshold EIAR is not required for the proposed development as there are not significant effects associated with the proposed development.
- The planning authority recommend permission is granted subject to conditions.

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

### **8.3 Inter-Departmental reports**

#### Drainage Division

No objections subject to conditions.

#### Transportation Planning Division

No objection subject to conditions which includes clarity regarding the gated semi-public courtyard, parking management strategy.

#### Housing Department

Applicant has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site if permission is granted.

#### Parks and Landscape Services

Conditions are recommended requiring a revised landscape scheme to include street trees to Davitt Road.

### Archaeology Report

Site located at the former site of Mount Shannon Mills, a corn mill. It is almost certain two millstones used in Mount Shannon Mills are currently located at the entrance to the site. The future location of these items should be considered in any grant of permission. The site is one of distinct industrial heritage value and it is the opinion that a condition resulting in archaeological assessment be attached to any grant of permission.

## **9.0 Prescribed Bodies**

### 9.1 Irish Water

Confirm that subject to a valid connection agreement being put in place, Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

## **10.0 Environmental Impact Assessment**

- 10.1 The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Screening Report. The Screening Assessment concludes that the EIA of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.
- 10.2 The proposed development would be located on brownfield lands adjacent a residential development. The site is not designated for the protection of a landscape or of natural or cultural heritage although the Grand Canal, a proposed natural heritage area is located approx. 25m opposite the site (Davitt Road and the Luas



track are located between the site and Canal). The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Stage 1 Screening Report that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.

10.3 The development would result in works on zoned serviced lands. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

## **11.0 Assessment**

Pursuant to site inspection and inspection of the surrounding environs, 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 is zoned Z1 "To protect, provide and improve residential amenities". Residential use is a permissible use. It is also proposed to provide a commercial component to this development consisting of a café with a floor area of c. 132sq.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 comprise 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. 321 units per hectare.

The site is located along the Grand Canal opposite the Goldenbridge Luas stop, close to the city centre and as such the density proposed is considered acceptable. There are local shops within 500m of the development site and the Grand Canal is located opposite the site. 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. A Build-to-Rent justification report is submitted. Having regard to the location of the site in close proximity to the city centre, along the canal opposite the Luas stop which serves a number of employment centres including hospitals and that the site is within 500m of local facilities along Galtymore Road, 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 may not be 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 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 letter from Solicitors acting on behalf of the applicant sets 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. Given that this is a BTR scheme I do not consider that the issue of “rented separately” arises as one institutional entity will manage the entire development.

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 as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The proposal in this instance seeks minimal relaxations in residential amenity standards, namely reductions in private amenity areas, although all apartment have an element of private amenity space. I consider that any subsequent extension of use of the subject accommodation as BTR beyond the 15 years should be agreed with the planning authority prior to the expiration of the covenant, or any proposal to alter the tenancy type should be subject to a further planning application so as to allow further assessment of residential amenity associated with the subject units or suitability of the scheme for any other purpose that maybe proposed in the future.

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

11.3.1 The proposal is to construct four no. blocks on the development site. Block A and B are the larger of the blocks with frontage onto Davitt Road. The proposed café/retail unit fronts onto Davitt Road and is located in Block B along with the residents’ gym, reception area and residents’ amenity area. All apartments overlook private courtyard space being provided. There is 18m separation distances between Block A

and B which overlooks semi-public space. Blocks C and D which front onto Galtymore Road are four storey. A further communal area is provided at fifth floor in Block A where two guest rooms are also proposed.

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 documents as they related to the proposed design and amenity of the proposed development specifically in relation to justification of the scale of the proposed development and the elevational treatment of the eastern and western elevations of the proposed development which are highly visible along the Grand Canal. I am satisfied that the scale of the development is justifiable at this location. Furthermore, the scale and design of the development has considered the existing residential amenities of the immediate area with the higher elements of the proposal fronting onto Davitt Road, thereby reducing potential impacts by way of overlooking and overshadowing onto properties along Benbulbin Road and Galtymore Road. The height transitions from three storey nearest the existing residential properties and rises to seven storey within the centre of the site. I also consider that the elevational treatment of all blocks in general will add to the amination of the streetscapes. Proposals have been submitted to have green living walls on the east and western elevations so as to provide interest on these elevations. While I note observers' concerns regarding timber panelling on these walls, I consider that all finishes should be the subject of agreement with the planning authority.

11.3.3 The taller blocks reach 24.13m facing onto Davitt Road and are just marginally outside the height limits provided within the thresholds set within the Dublin City Development Plan at 24m and which I do not consider material. The provisions for more flexibility with regards height is provided for in the recent Urban Development and Building Heights Guidelines. I consider the density, height and general urban design of the proposed scheme is such that will help improve the visual amenities of the area and is a suitable design response given the designation of part of the site

within a conservation area. Section 11.1.5.4 of the DCC plan indicates that these conservation areas have been designated in recognition of their special interest or unique historic and architectural character and important contribution to the heritage of the city. There are no specific provisions for this designation which relates to the amenity value and characteristics of the Grand Canal Environment. I am satisfied that the proposed development will enhance the urban form at this location directly overlooking the Canal and will result in the removal of disused warehouses and provide structures of better architectural merit so as to create a better sense of place at this location. The redevelopment of the site for residential purposes will also greatly assist in the creation of a more lively and active streetscape along the Canal and along Galtymore Road. The proposal will provide strong passive surveillance onto Davitt Road and the Luas line. It is noted that part of the site fronting Davitt Road is located within a conservation area.

#### **11.4.0 Residential Amenity**

##### Impact on existing residential amenity

11.4.1 Observers have raised concerns regarding in particularly overlooking and overshadowing. Sunlight and Daylight analysis has been submitted and in general demonstrates that all proposed unit will achieve a reasonable level of sunlight/daylight. I note that no ADF values have been provided for kitchen areas and that the target value for living rooms despite being multi-functional are set at 1.5% in the documentation. With regard to unit AG13 in Block A, it is noted that the living room only achieves 44% of the 1.5% target and arguably this target should be 2%. I note that both bedrooms exceed the 1% target and a west facing balcony is being provided. Unit BG02 in Block B falls just short of the target value for the living room. Unit D.G02 in Block D falls short of the target of 1.5% for the living room however the ADF Value for the bedrooms exceed the ADF values. In general, however, I consider that the proposal is such that offers reasonable levels of residential amenity to future occupants of the build to rent units and that the shortfall in ADF values are such that are justifiable given the overall quality of the scheme

and provision of compensatory measures for residents through the provision of variety of communal/support services and also having regard to the tenancy type.

- 11.4.2 I am satisfied that there is no undue overshadowing on adjoining properties particularly those located along Benbulbin street. The overall development will have a negligible effect on the overshadowing of nearby properties and the shadow analysis submitted actually indicates an improvement on the current situation at particular times of the day for some properties.
- 11.4.3 One of the Observers has raised concerns about the reference in the daylight and sunlight analysis report which specifically states that Annual Probable Sunlight Hours (APSH) were not calculated for the rear of 12 Benbulbin Road and 223 Galtymore Road as these two properties are pre-dominantly north facing which I consider to be accurate. The windows to these houses are predominantly east facing which may be what the observers are referring to and an analysis of such and the vertical sky component has been undertaken by the applicant. The analysis shows that there will be an impact to the sunlighting and the vertical sky component to the rear of these properties however the impact is less than or just within the 20% target range.
- 11.4.4 With regards to overlooking, it is considered that the scheme will not give rise to undue overlooking of the adjoining residential properties. The design of the proposed development has been designed to avoid overlooking with no windows on the east and west elevations.

#### Residential Amenity for future occupants

- 11.4.5 A Housing Quality Assessment has been provided and it is noted that all apartments meet the minimum floor area requirements. There is a shortfall in balcony areas to approx. 35 apartments however all units have balconies which are accessed from the living room. I consider that the shortfall is not detrimental to the residential amenities of the overall scheme given that there is sufficient resident amenity areas provided at ground and fifth floors and there is semi-public open space provided by way of landscaped courtyard. Further, the Grand Canal is also located opposite the development site offering a further amenity to future residents.

## **11.5.0 Movement and Connections**

11.5.1 The applicant has sought to maximise legibility through the site providing improved connections to the Luas and Grand Canal. It is proposed to provide a landscaped pedestrian access route to the Luas from Galtymore Road for existing residents in the area. This will also provide a more direct route from the Luas to the existing bus stop on Galtymore Road. This route is overlooked and will have access control at night. Observers have raised concerns about this. The controlled access is considered appropriate given the nature of the scheme and in the interests of managing control to the residential units themselves. The management company will be required to control this access and it is reasonable that pedestrian access through the site would be made available during the day. The exact hours of public access should be agreed with the planning authority. This can be dealt with by way of condition.

11.5.2 A basement car park is proposed providing 119 spaces. 10 spaces are dedicated to Go Car and there are also 10 motorcycle spaces provided. A total of 560 bicycle spaces are also proposed. While I note concerns raised about lack of parking and the access point to the development from Galtymore Road, I consider that the proposal is not such that would represent a traffic hazard. I do not consider that there is a lack of parking having particular regard to the need to promote more sustainable travel patterns and the presence of the Luas stop directly opposite the site. A traffic impact assessment is submitted with the application and demonstrates that there is existing capacity in the road network to cater for the proposed development. The Transportation section of the planning authority have raised no concerns. This is an urban area where congestion is to be expected although traffic volumes were low at time of inspection. Travel speeds would also be low. Furthermore, the presence of the Luas stop at the site frontage presents a real alternative to the car. The Grand Canal facilitates cyclist with an easy route to and from the city centre. There are also bus stops along Galtymore Road making the site a highly accessible site.



## **11.6 Other Issues**

### **11.6.1 Infrastructural Services including Flood Risk**

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. It is noted that a condition is recommended that a 3m separation distance shall be maintained between the existing surface water sewer and all structures as set out in the Greater Dublin Regional Code of Practice for Drainage Works, Volume 6.0 Section 6 and for a Stage 2 SuDS management treatment approach. The plans indicate that there will generally be a 3m separation distance between the sewer and the proposed structures and as such I do not consider it necessary to specifically condition this as there may be some anomalies regarding the exact location of the sewer and a minimal reduction in separation distances is not, in my opinion, considered critical to the maintenance of sewers. With regard to flood risk, the site is identified as being within Flood Zone C. The report sets out that Flood Resilience City flood maps identify Galtymore Road as a pluvial flow path with flood depths of up to 0.5m in certain areas with the potential to inundate the site along the southern boundary. Proposed ground levels are above the levels along Galtymore Road. Further the introduction of attenuation measures will also assist in alleviating pluvial flood waters.

### **11.6.2 Childcare Facility**

No childcare facility is proposed in this development. Having regard to the nature of the scheme, predominantly 1 and 2 beds in conjunction with the build-to-rent nature of the scheme and the proximity of the site to a number of childcare facilities within 500 metre radius of the site as set out in the community facilities audit, I consider that the proposal to have no childcare facility within the scheme is acceptable in this instance.

### **11.6.3 Part V**

Details of Part V has been submitted and it is proposed to provide 18 no. 1 bed units and 9 no. 2 bed units. A condition requiring details to be agreed with the planning authority should be submitted.

#### 11.6.4 Notice of Motion

It is noted that there is correspondence on the file which refers to Motion 687 from the Dublin City Council South Central Area Committee Meeting which calls on An Bord Pleanála to agree a site visit with Drimnagh Residents' Association at the former Dulux site to discuss the impact of the proposed development. I have noted all of the submissions on file including all documentation submitted with the application and have inspected the site and immediate vicinity and consider that there is sufficient detail to allow a comprehensive assessment of the proposed development.

#### 11.6.5 Construction works and Environmental Concerns

Observers have raised concerns regarding the impact on residential amenities due to the demolition and construction works on site. While there will be some disruption due to the nature of the works, these will be temporary in nature. A construction environmental management plan has been submitted and will be subject to agreement with the planning authority to ensure any short-term impacts on existing residential amenities are minimised. A construction and demolition waste management plan is also required which should also deal with the removal of asbestos if present on site. A traffic management plan will also be required thus ensuring the appropriate management of traffic to and from the site. As such these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project.

## 11.7 Appropriate Assessment

### Screening report

11.7.1 The applicant has submitted an AA screening report which provides a description of the proposed development, project and Natura 2000 sites. The report sets out details of proposed surface water drainage and existing and proposed foul sewer. It is set out that all discharges from the proposed development will have to comply with conditions and Water Pollution Acts. The Grand Canal is a proposed Natural Heritage Area and is located 25m to the north of the site with no direct hydrological connection. However, dust that may inadvertently enter the canal would be mixed and settled within the canal and the Grand Canal Basin prior to entering the River Liffey. The surface/foul water from proposed works are not directly hydrologically linked to watercourses which could act as a vector for downstream impacts to Natura 2000 sites. All discharges from the site will be treated by existing treatment facilities at Ringsend WWTP. It is concluded that the site is located in an urban environment 6.3km from the nearest Natura 2000 site and sets out that no significant effects on Natura 2000 sites or site-specific conservation objectives are likely. A Stage II NIS is not required.

### 11.7.2 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	6.8km east of site	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]

			<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	9.2km north-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 maritimae</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	14.35km north east of site	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glaucopuccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]
Baldoyle Bay SPA	004016	14.3km east of site	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Wetland and Waterbirds [A999]
North Bull Island SPA	004006	9.3km north east of site	Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054] Shoveler ( <i>Anas clypeata</i> ) [A056] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> )

			<p>[A141]  Knot (<i>Calidris canutus</i>) [A143]  Sanderling (<i>Calidris alba</i>) [A144]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Curlew (<i>Numenius arquata</i>) [A160]  Redshank (<i>Tringa totanus</i>) [A162]  Turnstone (<i>Arenaria interpres</i>) [A169]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Wetland and Waterbirds [A999]</p>
Glenasmole Valley SAC	001209	9.3km south of site	
Wicklow Mountains SPA	004040	10.9km	<p>Merlin (<i>Falco columbarius</i>) [A098]  Peregrine (<i>Falco peregrinus</i>) [A103]</p>
South Dublin Bay SAC	000210	6.8km east of site	<p>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]</p>
Rye Water Valley / Carton SAC	001398	11.9km north-west of site	

Wicklow Mountains SAC	002122	c. 13km south of the site	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
Rockabill to Dalkey Island SAC	003000	15km east of site	<p>Reefs [1170]</p> <p><i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</p>

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.

### 11.7.3 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

11.7.4 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.

## 12.0 Recommendation

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



## **13.0 Reasons and Considerations**

Having regard to the:

- a) the policies and objectives in the Dublin City Development Plan 2016-2022;
- b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- d) the Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of the Environment, Community and Local Government in March 2018;
- e) the Urban Development and Buildings Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- f) nature, scale and design of the proposed development;
- g) the availability in the area of a wide range of social, community and transport infrastructure;
- h) the pattern of existing and permitted development in the area;
- i) submissions and observations received, and
- j) 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 and pedestrian 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 build to rent 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) Details of living walls and how these areas are to be maintained
- (b) Landscaping details which shall include the re-location of the two mill stones within the proposed development
- (c) Hours of controlled access for the public through the central courtyard

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

4. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes 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.

5. 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.

6. 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.

7. 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.

8. (a) 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.

(b) 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.

9. 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.

10. (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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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

21. 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.

22. 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.

23. 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

---

Joanna Kelly  
Senior Planning Inspector  
9<sup>th</sup> April 2019