



An  
Bord  
Pleanála

## Inspector's Report ABP-303708-19

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<b>Development</b>	Construction of 94 apartments
<b>Location</b>	Site located at nos. 1, 3, 5, 7, 9 and 11, Eglinton Road, Donnybrook, Dublin 4
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	3047/18
<b>Applicant(s)</b>	The Donnybrook Partnership
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	(1) Anne Mandel (2) Angela Cummins (3) Eglinton Residents Association & Others.
<b>Observer(s)</b>	(1) United Tyre Company Limited. (2) Richard Good & Glenda Cimino.

**Date of Site Inspection**

21<sup>st</sup> May 2019

**Inspector**

Colin McBride

## 1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.3845 hectares, is located at the junction of Donnybrook Road and Eglinton Road and to the south east of Donnybrook Village. The appeal site is defined by Donnybrook Road along its north eastern boundary, Eglinton Road along its south eastern boundary and Brookvale Road along its western boundary. The appeal site is occupied by 6 no. two-storey semi-detached dwellings (no.s 1, 3, 5, 7, 9 and 11) Eglinton Road. The appeal site is only adjoined by existing development on its northern boundary. Adjacent this boundary is a commercial operation (tyre garage), which fronts onto Donnybrook Road. There is a separate commercial premises to the rear of the tyre garage fronting Brookvale Road. Immediately opposite the appeal site on the other side of Eglinton Road is a five-storey office block (junction of Eglinton Road and Donnybrook Road) as well as some two-storey semi-detached dwellings. On the opposite side of Brookvale Road is Eglinton Square a residential development with three-storey townhouses. Donnybrook Lawn Tennis Club is located to the north west of the site and has a vehicular entrance off Brookvale Road opposite the appeal site.

## 2.0 Proposed Development

2.1. Permission is sought for

- (1) Demolition of 6 no. two-storey dwellings and ancillary structures;
- (2) Construction of a residential development of 94 no. apartments comprising of 15 no. 1 bedroom apartments, 60 no. 2 bedroom apartments and 17 no. 3 bedroom apartments (all apartments to have balconies or roof terraces), with an overall height 7 storeys (over basement/part second basement level) at the junction of Eglinton Road Donnybrook Road, reducing in height to 5 and 4 storeys along Eglinton Road and (5-7 storeys) along the Donnybrook Road, and 3 storeys along Brookvale Road.
- (3) Provision of ancillary areas (residents meeting room/lounge with terrace, management area) at ground floor level;
- (4) Ground floor café of c. 67sqm at ground floor level onto Donnybrook Road with terrace and signage zone of c. 2 sqm);

(5) Vehicular access will be provided from Brookvale Road into basement levels which will provide 100 no. car parking spaces (including car stacker system), 5 no. motorcycle spaces and 94 no. cycle spaces and all ancillary areas (to include plant, storage and attenuation);

(6) The development includes all associated site development works, hard and soft landscaping (to include 20 no. cycle spaces at ground floor level) and all other ancillary works to include the provisions of an internal communal landscaped open space area at ground floor and deck area at fourth floor level on western boundary;

(7) Provision of hoarding around site boundary (with scheme advertisement zone c. 302.25sqm along Eglinton Road and Donnyborok Road) during construction phase.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission granted subject to 17 conditions. Of note are the following conditions.

Condition no. 4: Revised plans required which break up the gable elevation of the block facing onto Donnybrook Road.

Condition no. 16(i): The applicant shall liaise with the NTA/Dublin City Council regarding interaction of the proposed development and the NTA Dodder Greenway Proposal.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

Planning report (10/07/18): Further information required including proposal to comply with the building height strategy of the City Development Plan, proposals to deal with concerns about a number of single aspect apartments, proposal to deal with issues regarding private open space and privacy for some of the units, proposal for provision of 10% of the site area for open space and proposals to deal with the blank gable facing Donnybrook Road as well as submission of photomontages from the centre of Eglinton Sq. In addition the information required by the Drainage

Divisions, City Archaeologist and the Roads and Traffic Planning sections was requested.

Planning report (22/01/19): The proposal and response to further information was considered to address the issues raised. The proposal was considered to be compliant with Development Plan policy and national policy, to be acceptable in regards to its impact on visual amenity, the amenities of adjoining properties, satisfactory in the context of traffic safety and drainage. A grant of permission was recommended based on the conditions outlined above.

### 3.2.2. Other Technical Reports

Drainage Division (no date): Further information required including provision of site specific flood risk assessment, details of surface water management and landscaping to be integrated with sustainable urban drainage systems.

City Archaeologist (21/06/18): Further information required including submission of an archaeological assessment.

Roads & Traffic Planning (26/06/18): Further information including cognisance of the proposed NTA Dodder Greenway proposal to be taken, details of the car stacking mechanism, demonstration of accessibility of all car parking spaces, detail of cycle parking spaces, details of improved pedestrian facilities along Brookvale Road, revisions to boundary treatment at vehicular entrance and details of delivery servicing arrangements of refuse and the proposed café.

Drainage Division (23/01/19): No objection subject to conditions.

Roads & Traffic Planning (18/01/19): No objections subject to conditions.

### 3.3. Prescribed Bodies

Department of Culture Heritage and the Gaeltacht (20/06/18): Refusal recommended on the basis of adverse impact on architectural heritage of the area with lack of

justification for demolition of the existing dwellings, inappropriate scale, character and form and impact on the setting of Donnybrook Church and the village character.

### **3.4. Third Party Observations**

A number of third party submission were received. The issues raised in these submissions are similar to the issues raised on the grounds of appeal and outlined below.

### **4.0 Planning History**

No planning history.

### **5.0 Policy and Context**

#### **5.1. Development Plan**

The relevant Development Plan is the Dublin City Development Plan 2016-2022. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'

The site is within a Zone Archaeological Interest.

QH1: To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).

QH6: To encourage and foster the creation of attractive mixed-use sustainable

neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

QH23: To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Enhancement opportunities may include:

1. Replacement or improvement of any building, feature or element which detracts from the character of the area or its setting
2. Re-instatement of missing architectural detail or other important features
3. Improvement of open spaces and the wider public realm, and re-instatement of historic routes and characteristic plot patterns

4. Contemporary architecture of exceptional design quality, which is in harmony with the Conservation Area
5. The repair and retention of shop- and pub-fronts of architectural interest.

#### Section 16.4 Residential Density:

The Regional Planning Guidelines settlement hierarchy designates Dublin city centre and the immediate suburbs as a gateway core for international business, high density population, retail and cultural activities. The guidelines indicate that development within the existing urban footprint of the metropolitan area will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present.

The Department of Environment, Heritage and Local Government (DEHLG) Guidelines on Sustainable Residential Development in Urban Areas 2009 supercede the 1999 Guidelines for Planning Authorities on Residential Density. In this context, Dublin City Council will promote sustainable residential densities in accordance with the standards and guidance set out in the DEHLG Guidelines on Sustainable Residential Development in Urban Areas and having regard to the policies and targets in the Regional Planning Guidelines 2010 – 2022 or any Regional Spatial and Economic Strategy that replaces the regional planning guidelines.

Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

All proposals for higher densities must demonstrate how the proposal contributes



to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

## 5.2 National Policy

Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018)

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

SPPR1:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR3:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Guidelines on Sustainable Residential Development in Urban Areas 2009

Appropriate locations for increase densities

Public Transport Corridors:

Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance<sup>18</sup> of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.

### 5.3 Natural Heritage Designations

None in the vicinity.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Anne Mandal, 12 Vergemount Park, Dublin

6. The grounds of appeal are as follows...

- The appellant notes that the proposal was not adequately assessed and her observations were not take into account.
- The appellant notes concerns regarding bulk, scale and massing and its overall negative visual impact as well as noting it exceeds the height specified under Development Plan policy.
- It is noted that the concerns expressed by the planning authority were not adequately addressed.
- The proposal would not be in accordance with Development Plan policy in regards to apartment developments (QH20) and demolition of habitable dwellings (QH23).
- The proposal is overdevelopment of the site and is deficient in terms open space and its overall contribution to the public realm.
- The proposal is lacking in overall quality and residential amenity for future residents and would be contrary Development Plan policy were it not for recent guidance on apartments.

6.1.2 A third party appeal has been lodged by Angela Cummins, 37 Eglinton Road, Donnybrook, Dublin 4. The grounds of appeal are as follows...

- The proposal is at variance with the character of the area with the type of development and building height inappropriate. The proposal would cause overshadowing and have an overbearing impact on adjoining dwellings.
- The density of the development is excessive in such a long established residential area and would have a negative impact on existing residential amenity.
- Eglinton Road is heavily trafficked and the introduction of the additional apartments would exacerbate this situation.

6.1.3 A third party appeal has been lodged by Kiaran O'Malley & Co Ltd on behalf of...

Eglinton Residents Association

Eglinton Square Residents Association

Donal Cahalane, 6 Eglinton Road, Donnybrook, Dublin 4.

Alan J McCollum, 8 Eglinton Road, Donnybrook, Dublin 4.

Ita Gibney, 34 Eglinton Road, Donnybrook, Dublin 4.

John B. Dillon, 42 Eglinton Road, Donnybrook, Dublin 4.

Robert & Lisa Cuddy, 44 Eglinton Road, Donnybrook, Dublin 4.

Dr. Michael Sommers, 51 Eglinton Road, Donnybrook, Dublin 4.

Maragert O' Connell, 59 Eglinton Road, Donnybrook, Dublin 4.

Deidre Finan, 65 Eglinton Road, Donnybrook, Dublin 4.

Ciaran Fahy, 66 Eglinton Road, Donnybrook, Dublin 4.

Thomas & Margaret Millar, 71 Eglinton Road, Donnybrook, Dublin 4.

Anne Fitzgerald, 84 Eglinton Road, Donnybrook, Dublin 4.

Suzanne McElligott, Donmel, Eglinton Road, Donnybrook, Dublin 4.

John Halford, 12 Eglinton Square, Donnybrook, Dublin 4.

Marianne Newman, 15 Eglinton Square, Dublin 4.

Ian Whyte, 15 Eglinton Square, Dublin 4.

Elizabeth Laffen, 5 Eglinton Road, Donnybrook, Dublin 4.

David Parkinson, 7 Eglinton Road, Donnybrook, Dublin 4.

Donal & Frances Costigan, Laburnam Cottage, Harmony Avenue, Donnybrook, Dublin 4.

Robin Bryan, 24 Knocksinna Park, Foxrock, Dublin 18.

- The appellants are critical of overall layout and design of the scheme in terms of architectural quality and design and have included an architectural critique of the proposal.
- The proposal would be contrary to Development Policy QH7 (high standards of urban design and architecture) and QH8 (higher density proposal which respect the design of surrounding development and character of the area). The design and height of the proposal would significantly out of character at this location.
- The proposal is overdevelopment of the site with plot ratio and site coverage above that specified in the City Development plan. The scheme is deficient in that it requires an unconventional car stacking system, is deficient in public open space , provides single aspect apartments, the courtyard area would fail to get adequate sunlight/daylight, there is necessity to fell trees in the public realm, balcony depths do meet required standards, building height above development plan standards, internal overlooking between units.
- The communal courtyard does not provide adequate amenity space for future residents and fails to get adequate daylight/sunlight.
- The proposal would be injurious to residential amenity of adjoining properties due to overlooking and subsequent devaluation of property. The proposal would overlook the rear gardens of properties along Brookvale Road and Eglinton Square. There is inadequate separation between the proposal and the properties at Eglinton Square. There is inadequate separation between

the proposal and dwellings along Eglinton Road with the proposal having an overbearing impact and resulting in overlooking.

- It is noted that the concerns expressed by the planning authority were not adequately addressed.
- The proposal would not be in accordance with Development Plan policy in regards to apartment developments (QH20) and demolition of habitable dwellings (QH23).
- The proposal is overdevelopment of the site and is deficient in terms open space and its overall contribution to the public realm.
- The proposal is lacking in overall quality and residential amenity for future residents and would be contrary Development Plan policy were it not for recent guidance on apartments.

## 6.2. Applicant Response

6.2.1 A response has been submitted by John Spain Associates on behalf of the applicant, the Donnybrook Partnership.

- The applicants refute the arguments of the appellants regarding height, massing and design and note that the proposal is an appropriate design at this location.
- The proposal would be acceptable in terms of noise impact with a Noise and Vibration Assessment submitted.
- The proposal would not impact on the development potential of the site to the north and the additional development/residents would be good for the viability of the village.
- National Policy and guidance would support the proposed development including increased density and building heights.
- The proposal is compliant with Development Plan policies regarding residential development, apartment development and land use policy.

- The Landscape and Visual Impact Assessment including the addendum submitted demonstrates that the proposal would have an acceptable visual impact.
- Development Plan policy allows for higher plot ratios. Higher densities are appropriate along public transport corridors.
- National policy allows for increased building heights (Urban Development and Height Guidelines).
- The proposal would be satisfactory in terms of residential amenities with a significant portion of the apartments being dual aspect, adequate parking provisions and adequate provision of private and public open space.
- The central courtyard is of good quality and would have adequate light levels (compliance with BRE guidance). The apartment units also have adequate access to sunlight/daylight.
- There is adequate separation between the proposal and the dwellings in Eglinton Square and the proposal steps down to 3-storeys where it adjoins Brookvale Road. The visual impact of the proposal from Eglinton Square is acceptable and is demonstrated as such by the LVIA.
- The building line along Eglinton road is varied and the proposed building line is acceptable and boundary treatment is sufficient to provide privacy to future residents and is similar to other residential developments constructed nearby.
- The boundary treatment/frontage along Brookvale Road also takes into account privacy and the applicant has engaged with the City Council regarding the Dodder Greenway. The design proposal would have regard to the Greenway proposal and would not prejudice delivery of such.

### **6.3. Planning Authority Response**

#### **6.3.1 No response.**

## 6.4. Observations

6.4.1 An observations has been received from United Tyre Company Limited.

- The observer notes the proposal is located adjacent the observers property noting concerns regarding impact of construction work and inadequate distance for maintenance of either properties. The impact of parking along Brookvale Road is noted with existing issues regarding parking.

6.4.2 An observations has been received from Richard Good, 5 Beaver Row and Glenda Cimino, 9 Beaver Road.

- The proposal is overdevelopment of the site, excessive in height bulk and inappropriate in design at this location.
- The proposal would be visually obtrusive in the surrounding area including the Dodder Conservation Area as well impacting on the setting of protected structures.
- The proposal would give rise to significant traffic and would have safety implications, in particular along Brookvale Road. The proposal is inadequate in terms of provision for service/delivery vehicles and visitor parking. The proximity of the access to the access of Donnybrook Lawn Tennis Club would give rise to traffic safety concerns.

## 6.5. Further Responses

6.5.1 Response from the third party appellant, Anne Mandal.

- The appellant agrees with the observation by Richard Good & Glenda Cimino in particular views regarding overdevelopment and impact on the proposed greenway.

6.5.2 Response from the third party appellant, Anne Mandal



- The applicants' response does not take into account the appellant's concerns with the appellant reiterating concerns regarding height and scale, overdevelopment and adverse impact on streetscape.

### 6.5.3 Response lodged by Kieran O'Malley & Co Ltd on behalf of...

Eglinton Residents Association

Eglinton Square Residents Association

Donal Cahalane, 6 Eglinton Road, Donnybrook, Dublin 4.

Alan J McCollum, 8 Eglinton Road, Donnybrook, Dublin 4.

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Robin Bryan, 24 Knocksinna Park, Foxrock, Dublin 18.

- The applicants have failed to respond to the appellants' architectural analysis of the proposal and the appellants continue to note that the proposal is of insufficient quality.
- The impact of noise from the car stacking system has not been adequately addressed.
- The proposal is not compliant with the Building Height Guidelines with it noted in the case of SPPR1 that the City Development Plan has not been reviewed to have regard to such. It is noted in the case of SPPR3 that the proposal does not successfully integrate with character of existing development at this location and would be of poor quality design.
- The proposal would be injurious to adjoining residential amenity with the proposal overlooking properties in Eglinton Square.
- The excessive plot ratio and site coverage is not justified by the nature and mix of development and the proposal is of poor quality. The provision of open space is deficient and such does not receive adequate daylight/sunlight.
- The proposal deviates from the established building line along Eglinton Road to detriment of the character of the area.

6.5.4 Further response by John Spain Associates on behalf of the applicant, the Donnybrook Partnership.

- The height and massing of the proposal development is appropriate at this location due to being along a public transport corridor and it has adequate regard to existing residential development in the vicinity.
- The proposal is acceptable in term of its visual impact and aesthetic character. The proposal development would have a positive impact in terms of said regeneration.

- In relation to the Conservation Area a visual report submitted with the response demonstrates that the visual impact of the proposal would have little effect on the Conservation Area to south of the site.
- In relation to impact on the proposed Dodder Greenway it is noted that the greenway travels through urban areas and exists alongside modern development.
- The proposal would have no impact on the setting or character of the protected footbridge and the river itself due to its distance from such.
- The applicant has engaged with the City Council and has demonstrated that the proposal does not prevent the provision of the Dodder Greenway with sufficient space existing to provide such.
- The response includes a traffic report, which outlines that the overall traffic impact of the proposal would be satisfactory.

## 7.0 **Assessment**

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan/national policy

Density/height

Design, scale, and visual impact

Quality of design/residential amenity/development control objectives

Adjoining amenities

Car parking/traffic

Dodder Greenway

Appropriate Assessment

Other Issues

## 7.2 Principle of the proposed development/development plan policy:

7.2.1 The proposal entails the demolition of 6 no. dwellings and the construction of a residential development consisting of 94 no. apartment units in a block with a maximum height of 7-storeys. The appeal site is zoned appeal Z1 with a stated objective 'to protect, provide and improve residential amenities'. The provision of residential development is consistent with the zoning objective of the site the established use.

7.2.2 The proposal entails the demolition of 6 no. semi-detached dwellings. The dwellings are currently vacant, however are in good condition and appear to be habitable dwellings. Policy objective QH23 of the City Development Plan states "to discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land". Streetscape, environmental and amenity considerations will be examined in the following sections of this report. The existing structures on site are not protected structures or of significant architectural heritage value (a report and photographic survey of the existing structures is included). The proposal will promote sustainable development by making efficient use of scarce urban land and the site is located along a public transport corridor. Subject to the design, scale and impact on adjoining amenity being acceptable, the proposal is acceptable in the context of policy QH23.

## 7.3 Density/height:

7.3.1 The proposal provides for 94 units on a site with an area of 0.3845 hectares. This a density of 244 units per hectare. This represents a significant increase on prevailing residential density in the area. Development Plan policy and national policy permit for increased densities along public transport corridors. The appeal site is located along a public transport corridor with an existing QBC running along Donnybrook Road as well the route being part of Bus Connect proposals. The site immediately adjoins this route and with the nearest stop being along the road frontage of the site on Donnybrook Road. In addition to such, the appeal site is in walking distance of

Donnybrook Village and cycling distance of the city centre. The location of the appeal site is an appropriate location for increased densities and based on the recommendations of the Guidelines on Sustainable Residential Development in Urban Areas 2009 density should not be below 50 units per hectare, which would be the case of existing residential development on the appeal site and in the surrounding area.

7.3.2 The density proposed is well above the minimum that would be permissible. The appellants suggest the density is excessive having regard to established pattern of development in the area. As noted above the proposal for increased density is appropriate and there is no upper limit imposed by policy. Whether the density is appropriate at this location is tied to a number of facts, appropriateness of design and scale, visual impact, overall quality of the development and adjoining amenities. These aspects of the proposal are to be explored in the later sections of this report. Pending assessment of such factors the provision of increased densities on the appeal site is appropriate.

7.3.3 The proposal provides for a building of up to 7-storeys with a ridge height above ground level of 26.98m. Chapter 16 of Development Plan policy relates to Development Standards and Section 16.7 relates to building heights. This section identifies locations where low, mid and taller building would be considered. The appeal site is located in an area that is deemed appropriate to facilitate low-rise (outer city) development, which is defined as up to 16m (commercial or residential). The recently adopted national policy in the form of The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns. Although Development Plan policy indicates heights of up to 16m, new national policy on building heights do allow for consideration of increased building heights. I would note that such would be subject to appropriateness of design and scale, visual impact, overall quality of the

development and adjoining amenities. As with density I would note that these factors are to be explored in the following section of this report.

7.3.4 It is noted by the appellants that Development Plan policy does not permit a height above 16m and that the Plan would need to be reviewed and policy amended to have regard to the new national policy on building height. It is noted under SPPR3 that where “an applicant for planning permission sets out how a development proposal complies with the criteria above; and the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise”.

7.4 Design scale, and visual impact:

7.4.1 The appeal submissions and observations note that the overall design, scale and massing of the proposal is out of character at this location and would have a significant and adverse visual impact. The submissions and observations also question the overall quality of the design in terms of architectural quality/character. The proposed development is located on at site at the junction of Donnybrook Road and Eglinton Road and is defined by public roads on three sides and commercial development to the north. The height of the development is stepped on site with the development part 5, part 6 and part 7-storeys along the Donnybrook Road frontage and part 4, part 5 and part 7-storeys along its Eglinton Road frontage, with the 7 storey element concentrated at the junction of Doonnybrook Road and Eglinton Road. There is a variation in the type of development and building heights in the surrounding area. Along Eglinton Road building heights are two-storey and three-storey (Eglinton Square). On the opposite side of Eglinton Road at the junction with Donnybrook Road is a five-storey office block and south of it is a bus garage. North of the site is low profile commercial development (tyre garage, petrol station). On the opposite side Donnybrook Road, which is wide dual carriageway is Energia Park (sports stadium).

7.4.2 The pattern of development at this location is variable and the appeal site is at location where increased building heights over existing levels on site would be acceptable. The appeal site is segregated from adjoining development due to being defined by public roads on three sides. It is located on a larger triangular shaped block of development defined by the three public roads and with existing commercial development to the north. Its location with significant frontage along Donnybrook Road, detached from the village and at a junction would allow for a building of significant scale. There is a consistent pattern along Eglinton Road, however the appeal site is located where the road meets Donnybrook Road and is physically separated from existing development by Brookvale Road. The appeal site lends itself to increased building height and is good opportunity to provide a residential development of increased height and density.

7.4.3 The applicants submitted a Landscape and Visual Impact Assessment (LVIA) including photomontages illustrating the visual impact of the proposal in the surrounding area. This LVIA shows views of the appeal site from the public roads in the immediate vicinity as well as wider views of the site. The proposed/approved development is most visible along Donnybrook Road, Eglinton Road and Brookvale Road. When viewed along Donnybrook Road it is clear there is a significant variation in the streetscape and pattern of development with no rigid form of development. The location of the site at a junction and along Donnybrook Road, which is defined by a wide and busy public road means overall visual impact of the proposal would not be a negative one. The block is stepped in height moving south (when viewed from north of site along the road) towards the corner and it is not significantly larger in height than the existing office block on the other side of Eglinton Road, when viewed from south along the Donnybrook Road. I would consider that the overall visual impact of the proposal is satisfactory when viewed along Donnybrook Road and that a landmark structure in terms of scale is appropriate at this location. The appeal site although a short distance from the village core is detached from the village and its more rigid pattern of development and would, therefore, have no adverse visual impact in terms of streetscape of character on the village.

7.4.4 The visual impact of the blank gable wall on the northern elevation of the portion running along the Donnybrook Road frontage was an issue raised by the Planning Authority. The applicant was requested to address concern regarding its blank appearance. The revised and approved proposal entailed breaking up this facade with more varied external finishes in multiple sections. This gable element is quite visible when viewed from the north, however its provision is necessary to ensure that the adjoining site is not compromised in terms of development potential. The revised proposal is an improvement and there is a possibility in the future that this section of the structure would not be visible if the adjoining site to north was redeveloped.

7.4.5 Along Eglinton Road the proposal has a significant visual impact, however the location of the site at the eastern end of the road where it adjoins Donnybrook Road allows for a transition in height and scale as proposed. As noted above Brookvale Road provides a physical separation that allows for the change in the pattern and scale of development. The overall design has regard to the visual amenities and pattern of development in that it provides for 4-storeys at the junction of Brookvale Road and Eglinton Road stepping up to 5 and then 7. I would consider that the overall visual impact of the proposed/approved development along Eglinton Road is satisfactory and such is illustrated in the photomontages submitted. There is a clear physical separation between the appeal site and the adjoining pattern of development and the transition in heights from existing lower rise development is dealt with in an appropriate manner. The appeal submission note concerns regarding the visual impact of the change in building line and mass of structures along Eglinton Road. The well-defined and physically separate nature of the site allows for such transitions and I would consider that the scale and building line proposed along Eglinton Road would be acceptable in the context of the visual amenities of the area.

7.4.6 When viewed along Brookvale Road the development is 4-storeys where it adjoins Eglinton Road, but 3-storeys for the majority of the road frontage. This has regard to the scale of adjoining development on the opposite side of the road. I am satisfied the scale of the development along this road frontage has adequate regard to the



pattern and scale of existing development and that the photomontages submitted demonstrate that overall visual impact would be satisfactory. I would consider that the transition in scale on site has adequate regard to adjoining development and the visual impact of the proposal from the nearest residential development (Eglinton Square) to the south is satisfactory and that such is demonstrated in the photomontages submitted.

7.4.7 In relation to wider views in the surrounding area, I would reiterate that the location of the site at the junction of Donnybrook Road and Eglinton Road lends itself to a structure of increased bulk and scale such as this and that wider views of the proposal are satisfactory. I would note that from the further west along Eglinton Road the overall visual impact of the development diminishes. I would consider that the photomontages submitted provide an accurate representation of the visual impact of the proposal and demonstrate that such would be acceptable.

7.4.8 The submissions are critical of architectural quality and character of the proposal. I would note that the overall visual character of proposal is not out of keeping with the standard or character of design that has been permitted within the city. I would consider that the design of a standard that is acceptable in the context of architectural character and overall visual amenities. The external finishes are various brick finishes and glazing. In the event of a grant of permission, I would recommend a condition requiring external finishes to be agreed in writing. I am satisfied that the proposed development provides a structure of reasonable standard in terms of design and a structure of acceptable scale and form in the context of the visual amenities of the area.

7.4.9 The impact of the proposal on protected structures and a nearby conservation area is noted. The majority of the adjoining structures are not protected structures or located within an Architectural Conservation Area (ACA). The nearest protected structure is to south of the site (a dwelling on Harmony Road) and further south an Iron footbridge over the Dodder River. The appeal submission note that the proposal would have an adverse impact on the setting of Donnybrook Church, which is a

protected structure located to the east of the site on the other side of Donnybrook Road. I would consider that these structures are far enough removed from the site so as the proposal would have no adverse impact on their character or setting. There is a Conservation Area in close proximity and such is defined by the alignment of the Dodder River, to the south and east of the site. As with the assessment of the overall visual impact outlined above, the design, scale and visual impact of the proposed/approved development relative to the Conservation Area is satisfactory and such is demonstrated in the photomontages submitted.

#### 7.5 Quality of design/residential amenity/development control objectives:

7.5.1 The relevant and most up to date standards for apartment development are the Sustainable Urban House: Design Standard for New Apartments (March 2018). In relation to minimum apartment size the requirement is 45sqm, 73sqm and 90sqm for 1, 2 and 3 bed apartment units respectively (SPPR3). All units proposed exceed the minimum standards and in a lot of cases are well in excess of the minimum standards. It is noted that in order to safeguard higher standards that “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%”. This is the case in regards to the proposed development.

7.5.2 The appeal submissions raise concern regarding single-aspect apartments. The guidelines note that “it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments. Ideally, any 3 bedroom apartments should be dual aspect”. I would firstly note that the percentage of dual aspect apartments in the proposed/approved

development is 61%, which is well in excess of the standards recommended by the guidelines.

7.5.3 The guidelines note that “where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Particular care is needed where windows are located on lower floors that may be overshadowed by adjoining buildings”. The majority of single aspect units face onto the public road and external elevations of proposal. There also a number that are orientated into the internal courtyard (facing south west) and a number that face north west. The Planning Authority requested further information regarding the north facing single-aspect apartments. In response the applicants made a revision to the layout and design of a number of north facing single-aspect units. In the cases of no.s 6 and 10 at ground floor level and 22 and 26 at first floor level, such were converted to dual aspect apartment (alterations to no.s 5 and 9 at ground floor and no. 21 and 25 at first floor level). At second floor level the north facing single-aspect units (40, 43, 56, 59, 70 and 73) were also altered in design with a projecting window feature to enhance light levels. I would note that the original proposal submitted is compliant with the standards set down under the guidelines in that the level of dual aspect unit is a high proportion of the units proposed. The single-aspect units are either on the external elevation facing onto the adjoining public areas or are facing onto the courtyard area in compliance with the guidelines. All of the north facing single-aspect units face onto the main courtyard/amenity space and the revisions made in response to further information eliminate such units at ground and first floor level and improve the units at second, third and second floor level. I am satisfied that the proposal/approved development is complaint with the national guidelines in regards to orientation and quality of units.

7.5.4 Appendix 1 contains minimum standards for private amenity space with a requirement of 5sqm, 6sqm and 9sqm for 1, 2 and 3 bed apartment respectively. A

minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines. These standards are met in all cases. The apartments also meet all relevant standards in relation of internal storage space, ceiling heights, room dimensions outlined in Appendix 1 of the guidelines.

7.5.5 The applicant was requested to deal with issues regarding privacy and orientation of private open space in relation to an adjoining apartment unit (no. 28 and 26) and a roof terrace (no. 69). The applicant made revisions that dealt with both issues in a satisfactory manner. In relation to the issue of privacy for the ground floor units, which have private space and significant level of glazing. The ground floor units are elevated relative to the footpath level with a small buffer zone with landscaping proposed and boundary treatment and the change in levels would ensure that the privacy of the future residents of the ground floor level would be protected.

7.5.6 The guidelines note that “communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year. Roof gardens may also be provided but must be accessible to residents, subject to requirements such as safe access by children. These facilities offer a satisfactory alternative where climatic and safety factors are fully considered, but children’s play is not passively supervised as with courtyards. Regard must also be had to the future maintenance of communal amenity areas in order to ensure that this is commensurate with the scale of the development and does not become a burden on residents”. It is also noted that that “for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality”. The City Development Plan (Section 16.10.3) notes in relation to public open space that that “in new residential developments, 10% of the site area shall be reserved as public open space”.

7.5.7 The proposal provides for an internal courtyard area that is to feature hard and soft landscaping. This area is 849sqm which is in excess of the 10% of the site area (22% of site area). In addition it also proposed to provide a communal roof garden at first floor level (area of 42.8sqm). The appeal submissions raise concerns regarding the quality of public open space and the light levels obtained in the open space provided. An assessment of daylight level to the gardens and windows of adjoining properties, windows serving the apartments and the communal space serving the proposed/approved development, and a shadow impact analysis was submitted. The assessment was carried out using the BRE guide 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 2011. The assessment notes that 52% of the communal open space (courtyard at ground floor and the roof garden) is capable of receiving more than 2 hours of sunshine on the 21<sup>st</sup> of March with the BRE guide recommending such standard for 50% of an outdoor recreation area. The appellants are critical of this assessment as it includes the roof terrace and the figure of 52% is not solely attributable to the courtyard area. Notwithstanding this criticism I would note that the internal courtyard is of good size being compliant with development plan requirements, is accessible and central to the scheme and in keeping with similar apartment schemes permitted in the city. I would consider that such is of sufficient quality to service the residential amenity of future residents and taken in conjunction with the additional communal roof terrace and private amenity space provided, the proposal is satisfactory in terms of the quantity and quality of public and private open space.

7.6 Adjoining amenities:

7.6.1 The appeal submission raised concerns that the proposal is excessive in scale and that it would have an overbearing impact, resulting in overshadowing and loss of privacy to existing development in the vicinity. As noted earlier the appeal site is physically separated from most adjoining development by the public roads serving the site, with the only existing development immediately adjoining the site being

commercial development to the north. This means that the site does not immediately adjoin any existing residential development.

7.6.2 The nearest residential development to the appeal site is a three-storey block within Eglinton Square, which is to the west of the site with the block backing onto Brookvale Road. These are three-storey townhouses with their gardens backing onto the boundary with Brookvale Road. The proposed/approved development is mainly three-storeys along Brookvale Road and increases to 4-storeys where it adjoins the junction with Eglinton Road. On this side of development the main orientation is to the west over Brookvale Road with balcony areas located along the façade. One of the appeal submission notes that there is inadequate separation between the proposal and the properties in Eglinton Square resulting in overlooking. I would consider the pattern of development proposed is appropriate with development located along the road frontage of the site. I would also note that the scale of development along the Brookvale Road frontage has regard to the fact it is located at the closest point to existing residential development and provides for a reduced scale of development. As noted above the development along Brookvale Road is mainly 3-storeys, which is similar to the height of dwellings in Brookvale Square. In terms of separation, the façade of the proposed/approved development is a minimum of 22m from the rear elevations of the dwellings within Eglinton Sq. This level of separation is in keeping with the commonly applied separation standards between residential properties and opposing windows above ground floor level. There are a number of balcony areas along this façade. The proposed pattern of development is an appropriate pattern of development along Brookvale Road and allows the maximum efficiency of the site to be achieved. The development along Brookvale Road is three-storeys and respects the height of nearest residential development in Eglinton Square. The apartments along this frontage overlook a public area and are sufficiently separated from the residential development on the opposite side of the road. I am satisfied that the pattern and scale of development proposed relative to the dwellings in Eglinton Square is acceptable in the urban context of appeal site and the surrounding area. I am satisfied that the proposal would acceptable in the context of the residential amenities of the adjoining properties.

- 7.6.3 The next nearest dwellings to the appeal site are located to the south of the site in the form of no.s 4, 6 and 8 Eglinton Road, which are two-storey dwellings on the opposite side of the road. I would consider that these dwellings are well separated from the appeal site by the existing public road and that any views of the dwellings from the appeal site are of the front garden areas, which are visible from the public road.
- 7.6.4 The only development, which immediately adjoins the site is to the north and consist of commercial units with a tyre garage in operation that fronts onto the Donnybrook Road. I would consider that the proposed/approved development would have no impact on the continued operation or amenities of the adjoining commercial development. The owner of such property raises concerns about maintenance of each other's property due to the proposal to develop up to the boundary. I would consider that this is not a planning issue and that the development up the boundary to maximise development potential is acceptable. In addition I would not the provisions of blank gables on the northern elevation ensure development potential on the adjoining site would not be compromised.
- 7.6.5 An assessment of daylight level to the gardens and windows of adjoining properties and a shadow impact analysis was submitted, windows serving the apartments and the communal space serving the proposed/approved development. The assessment was carried out using the BRE guide 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 2011. The results regarding neighbouring properties indicate that the impact of the proposal daylight/sunlight level to adjoining properties would be not significant/slight and have magnitude of negligible/low. I would note that the proposed development is sufficiently separate from adjoining residential development due to the configuration of public road and where the development is closest to existing residential development, it is stepped down in scale to take account of such. I am satisfied with the scope and methodology used to carry out the assessment and consider that the results presented are reliable and demonstrate

that the proposed/approved development would be satisfactory in the context of residential amenity.

## 7.7 Car parking/traffic safety:

7.7.1 The proposal provides for a vehicular access off Brookvale Road with access to a basement car parking level, which contains 100 car parking spaces. 65 of the spaces use a car stacking mechanism. The basement parking also provides 94 cycle parking spaces. Car parking standards for new development is provided under Table 16.1 of the City Development Plan. The requirement for residential development in Zone 1 is 1 space per unit. The proposal provides for 100 spaces and, therefore in excess of the requirement under Development Plan policy.

7.7.2 Brookvale Road is 6m wide road that allows for two way traffic. The road is not heavily trafficked and currently provides access to the petrol filling station to the north, the commercial unit to the north (immediately adjoining the site), Donnybrook Lawn Tennis Club and the Irish Sisters of Charity premises also to the north of the site. The proposal entails the provision of a new vehicular entrance point providing access to a basement car parking level. The appeal raises concerns regarding traffic congestion and the fact the proposal would exacerbate such, the fact the entrance is located opposite the entrance serving the tennis club with potential safety issues and the lack of visitor parking and the potential for parking along the public road. In regards to traffic safety and entrance layout, the alignment of public road would afford good visibility at the vehicular entrance. The development would allow for the footpath width along the Brookvale Road frontage to be widened to 2m (confirmed in the further information response). The entrance is not immediately opposite the entrance to the lawn tennis club and is located just a little further south along Brookvale Road. I can see no reason to suggest that the proposed entrance layout or the width and alignment of Brookvale Road or any adjoining vehicular entrance would present traffic safety issues. In addition I would note that Brookvale Road allows access to Eglinton Road and Donnybrook Road to the south and Donnybrook Road to the north so traffic exiting and entering the development would not necessarily be approaching the development from one location. The appeal site is an



urban infill site that has significant potential to provide for additional residential development.

7.7.3 The proposal would provide for a 2m wide footpath along Brookvale Road and as well as providing sufficient space for pedestrian facilities along Eglinton Road (subject to Dodder Greenway proposals). I would recommend a condition requiring compliance with the Design Manual for Urban Roads and Streets.

7.7.4 The provision of the café on the corner is acceptable in the context of traffic safety and I would note that such is in close proximity to the village and has a significant level of residential development within walking radius. In regards to servicing arrangements/deliveries. I would note that space is available for a loading bay adjacent the bus stop (currently provided to facilitate a side entrance to one of the dwellings from Donnybrook Road).

7.7.5 The proposal provides for a sufficient level of car parking and is compliant with the car parking standards set down in the City Development Plan. The use of a car stacking mechanism is satisfactory and I would note that the location of such within the car park is such that no queuing would occur onto the public road. The location of the site within walking and cycling distance of the City Centre and adjoining a major public transport corridor reduces dependency on car transportation. I am satisfied that the existing road network has sufficient capacity for the proposal and the design and layout of the proposed/approved development would be satisfactory in the context of traffic safety and convenience.

7.8 Dodder Greenway:

7.8.1 The applicant was requested to take cognisance of the Dodder Greenway alignment and advised to contact the NTA and the City Council regarding such. There is an

emerging preferred route that was published and put out for public feedback in September 2018. A final design has not been made available yet. I have attached a copy of this preferred route with the photos and maps. This route shows that the greenway will run along Eglinton Road on the side that the appeal site is on. This will join up with a pedestrian/cycle crossing on Donnybrook Road and continue along the Dodder River. It will provide for a segregated greenway with a cross section through Eglinton Road shown (18.45m wide). The applicant has provided a drawing showing a possible layout along Eglinton Road, which takes account of the greenway proposal. This layout shows the provision of footpaths on each side, cycleway on each side of the road and the carriageway for two way traffic with a left hand turning lane. The design of this is different from the cross section for the greenway, however the width available is 18m. It would appear that there is sufficient space available to achieve the provision of a segregated greenway. The applicants drawing reduces the width available at the junction to facilitate a left turn lane, however there is not one currently in place. I am satisfied that sufficient space is available to facilitate the Dodder Greenway as proposed in the preferred route drawings. I would however note that the applicant should be required to consult with the NTA/Planning Authority in this matter.

## 7.9 Appropriate Assessment:

7.9.1 A screening report was submitted and identified two Natura Sites within the zone of influence of the proposal. These are...

South Dublin Bay and River Tolka SAC (Site Code 4024)

South Dublin Bay SAC (Site Code 0210)

These are 1.8km from the site and the report identifies the conservation objectives and qualifying interests of each site. The River Dodder drains into the sites in question however it is noted that there is no direct pathway to such due to the degree of physical separation between the appeal site and the River Dodder. It is concluded that the significant effects are not likely arise, whether alone or in

combination with other plans and projects that would affect the integrity of the Natura 2000 network. I would consider that sufficient information is submitted to conclude that that a Stage 2 Appropriate Assessment is not required and that having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

#### 7.10 Other Issues:

7.10.1 The applicant submitted a noise and vibration impact assessment. I would consider that the location of car stacking mechanism in a basement car parking and well separated from adjoining premises is such that no adverse noise impact would be experienced outside the site.

7.10.2 The proposal entails removal of a number of trees on site and 3 no. trees on the footpath along Eglinton Road. An arboricultural assessment was submitted. I am satisfied that there is justification for removal of the trees and the such would facilitate the comprehensive redevelopment of a site with considerable development potential located along a major public transport corridor. In relation to the trees on the footpath I would consider that the redevelopment of the site justifies the removal of such, but would also note that this area is also likely to be alerted by the Dodder Greenway project, which includes segregated greenway along the north eastern side Eglinton Road.

7.10.3 A flood risk assessment was submitted in response to further information. The flood risk assessment was carried out in accordance The Planning System and Flood Risk Management Guidelines. The assessment notes that the site is in flood zone A in terms of fluvial flooding. Given the proposal is classified a highly vulnerable development a justification test is required. It is noted that the appeal site is in a defended area with the Dodder River subject to a flood alleviation scheme. It is also noted that the proposal would not reduce floodplain capacity. The proposal passes the justification test on the basis of being in a defended area, being zoned land, not

posing the risk of increasing flood risk and having measures incorporated including attenuation and the apartment levels being higher than ground level. The proposal is satisfactory in regard to flood risk.

7.10.4 The proposal provides for 94 residential units with the Childcare Guidelines noting that a crèche should be provided in a residential development of 75 units and over. No crèche facility is included in the proposal. The appellants have indicated that existing crèche facilities in the area are adequate to cater for the additional demand and that a crèche is not required in the proposed development.

## **8.0 Recommendation**

8.1. I recommend a grant of permission subject to the following conditions

## **9.0 Reasons and Considerations**

Having regard to:

- (a) The provision of the Dublin City Council Development Plan 2016-2022,
- (b) Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018),
- (c) The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018),
- (d) The existing pattern of development at this location,
- (e) The design, scale and layout of the proposed development, and
- (f) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of

the amenities of adjoining properties and be satisfactory in the context of traffic safety and convenience. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars lodged with the application, and as amended by the further plans and particulars received on the 17<sup>th</sup> day of December 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interests of clarity.

2. Details of materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity.

3. The streets and footpaths within the development shall comply with the requirement and specifications of the Design Manual for Urban Roads and Streets (DMURS) issue in 2013. The proposal submitted with the application, shall therefore, be amended as follows:

(a) the treatment of the footpath and where it adjoins and crosses the vehicular entrance shall be designed in accordance with the recommendation Design Manual for Urban Roads and Streets (DMURS).

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

Reason: In order to comply with the guidance give in the Design Manual for Urban Road and Streets.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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.

7. Prior to the commencement of development, the developer shall consult with the National Transport Authority to ascertain its requirements regarding the provision of the Dodder Greenway and the developer shall comply with the reasonable requirements of the National Transport Authority in this regard.

Reason: To avoid prejudicing the delivering of the Dodder Greenway project.

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

Reason: In the interest of residential amenity.

9. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

10. 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 traffic management, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and the amenities of the area.

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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

12. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing



with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this private development in the interest of residential amenity and orderly development.

13. 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.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development

Act 2000, as amended, and of the housing strategy in the development plan of the area.

15. 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Colin McBride  
Planning Inspector

22<sup>nd</sup> May 2019