



An  
Bord  
Pleanála

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

### Inspector's Report ABP-304061-19

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<b>Strategic Housing Development</b>	101 no. Residential units and associated site works.
<b>Location</b>	High Park, Grace Park Road, Dublin 9.
<b>Planning Authority</b>	Dublin City Council North.
<b>Applicant</b>	Respond.
<b>Prescribed Bodies</b>	The Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit, Wexford) The Heritage Council An Taisce An Chomhairle Ealaíon Fáilte Ireland

Irish Water  
Transport Infrastructure Ireland  
National Transport Authority  
Dublin City Childcare Committee

**Observer(s)**

Edward Fitzsimons  
Fintan and Eileen Lawlor  
Kieran Weldon  
Marie Cole

**Date of Site Inspection**

24 June 2019.

**Inspector**

Stephen Rhys Thomas.

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## 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.

## 2.0 Site Location and Description

- 2.1. The Inspector's Report relating to ABP-301733-18 and ABP-303303-18 describes the site and for the most part I broadly concur with this description as follows:

*The site is located in the established suburban area of Drumcondra, c. 4.5 km from Dublin City Centre. It is a former convent (High Park House) and church that are currently in institutional use as a 'family hub' providing accommodation for homeless families, also offices and community services, as operated by the Respond Housing Association. The housing association also have an office and associated facilities in a modern annex to the convent building. The site is a fragment of what was once a much larger institutional complex encompassing the lands at Grace Park Manor, Beechlawn nursing home and Highfield healthcare facility, originally High Park Estate, which has since been subdivided. The development site has a stated area of 2.142 ha. The site to the immediate south (0.0287 ha), Martanna House, is also owned by the Respond Housing Association but is not included in the red line site boundary. The development site is currently accessed via the Martanna House entrance from Grace Park Road, leading to a tree lined avenue to the convent buildings. There is a substantial amount of mature deciduous trees in front of the convent buildings and around the church. The area to the rear of the convent is currently in use as a surface car park but a play area is currently under construction at this location. There are also mature trees along the boundary shared with Highfield healthcare facility to the immediate west.*

*The immediate surroundings of the site are as follows:*

*Martanna House to the south. The original structure has been demolished and the area is currently being developed as 8 social housing apartments for older persons, as permitted under reg. ref. 2045/13.*

*Grace Park Manor apartment development to the south (4-6 stories), accessed from the Swords Road.*

*Bonnington (formerly Regency) hotel and car park to the south west, accessed from the Swords Road.*

*Highfield healthcare facility to the west, accessed from the Swords Road.*

*Beechlawn nursing home to the north, accessed from Grace Park Road.*

*Undeveloped lands to the north west, known as the 'Barina' site.*

*There is a protected structure at the site under the current Dublin City Development Plan, RPS ref. 3239, "High Park Church and projecting portion of original convent buildings". The constraint area of Dublin Port Tunnel runs beneath the south western corner of the site. There is a footpath along Grace Park Road in front of the site.*

*There are no cycle lanes along this stretch of Grace Park Road at present. There is a 750 mm storm drain running along the eastern site boundary, inside the Grace Park Road frontage.*

- 2.2. In addition, I note that the children's play area highlighted above has been completed. The front sections of the site and those most visible from the public road are well maintained and attractive. The area on the western side of the site, the rear, is less well maintained, with longer grass, skips and unsealed car parking areas. The footpath along the frontage of the site has some notable stone kerbs.

### **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed development comprises 101 apartments in 3 blocks with balconies, winter gardens and roof gardens, the detail includes:
- a new pedestrian and vehicular access at the north east of the site at Grace Park Road with new realigned cul de sac internal estate road,
  - a new pedestrian access point to Grace Park Road at the south east of the site and discontinuation of vehicular access into High Park from the Martanna House entrance, with removal of 35 m approx. of existing rendered front wall, and completion of the new low front wall with railings at Grace Park Road,

- amounts of open spaces, landscaping and planting and sustainable urban drainage and with ancillary water and sewerage services, within the curtilage of High Park Church and High Park House which are Protected Structures and part-Protected structures respectively.
- 136 underground car parking spaces and 4 surface level spaces will be provided along with 120 secure cycle spaces. A total of 40 existing surface level spaces will be removed.

3.2. The development comprises Block A of 5 storeys stepping down to 4 storeys, Block B of 5, 4 and 3 storeys, and Block C with 4, 3 and 2 storeys. Maximum height of the development is 15.83 metres.

3.3. The proposed housing mix is as follows:

Unit Type	No. of Units	Bedspaces
1 bed	40	2
2 bed	7	3
2 bed	29	4
3 bed	23	5
3 bed	2	6
<b>Total</b>	<b>101</b>	<b>344</b>

The stated site area is 2.142 Hectares and the residential density is 47 units/ha. The development also includes the following:

3.4. The development is to be exempt from Part V requirements as it is social housing, relevant correspondence from Dublin City Council is submitted.

## 4.0 Planning History

### 4.1. 3186/17 Subject Site

Retention Permission granted for restoration and conversion of former Church to Communal Facility and link structure connecting High Park House to former Church and demolition of ancillary and fire-damaged structures, being part completion of Planning Permission DCC 4050/09, An Bord Pleanála PL 29N.237222. Works all

carried out in conformity with the parent permission. Due to circumstances prevailing, the residential element of that permission (85 apartments in 3 blocks) was not constructed within the due period of the permission.

#### 4.2. 2045/13 Martanna House

Permission granted to demolish Martanna House hostel and construct a 2 storey building containing 8 no. social housing apartments for older persons at the site immediately adjoining to the south on Grace Park Road.

#### 4.3. 4050/09 PL29N.237222 Subject Site and Martanna House

Permission granted for the demolition of the Martanna House building and derelict buildings to the side and rear of the former convent and the construction of 150 no. apartments and a Day Centre facility in 5 no. 3-5 storey blocks with 168 no. car parking spaces; new stairs & lift at south wing of existing convent building; new single storey glass conservatory connecting the existing church and convent building; redevelopment of the existing former church as a communal facility; new boundary treatment to Grace Park Road, the redevelopment of the existing site entrance at Martanna House and the construction of a new separate entrance at Grace Park Road. The Board granted permission subject to the omission of Blocks A and B and the omission of part of Block C, therefore permission was granted for 85 apartments in the 5 storey Blocks C, D and E. The only elements of this permission carried out were demolition of ancillary structures and a fire damaged rear wing of the convent; the conversion of the church to a communal facility and the replacement of part of the high convent wall along Grace Park Road with a low wall and railings. Extension of permission refused 8 May 2015.

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

5.1. Two section 5 pre-application consultations took place at the offices of An Bord Pleanála on the 5 July 2018 and 13 February 2019, as there was no material change in the proposal between the first and second meeting, I refer to the Notice of Pre-Application Consultation Opinion ABP-301733-18. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The Notice

issued under ABP-303303-18 confirmed no material alteration in proposal and directed the applicant to refer to ABP-301733-18, if an application were made. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

5.2. Residential density – give consideration and justification to residential density in the context of the minimum densities provided for in the ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’, the updated ‘Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities’, the National Planning Framework and the relevant provisions of the Dublin City Development Plan 2016-2022. Note the location of the development site close to Dublin City Centre and in an established residential area that is well served by public transport and has a wide variety of services and amenities.

5.3. The prospective applicant was advised that the following specific information was required with any application for permission:

- Photomontages, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential visual and residential amenity impacts on Grace Park Road and on the setting of the protected structure High Park House and church, Grace Park Manor, Highfield healthcare facility and Beechlawn nursing home.
- Clarification of any proposed connection to third party lands, e.g. key pad access, along with wayfinding measures within the development to promote use of same.
- Rationale for proposed childcare provision (or lack of same), provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme.
- Development assessment of potential impacts on Dublin Port Tunnel.
- Rationale for the proposed car parking provision.
- Full auto track drawings of all proposed car parking areas.
- An Archaeological Impact Assessment.
- Appropriate Assessment screening report.



5.4. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- The Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit, Wexford)
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Dublin City Childcare Committee

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

#### 5.6. **Applicant's Statement**

5.6.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the applicant has submitted a statement of the proposals included in the application to address the issues set out in the notice, as follows:

5.7. Residential Density – The applicant has submitted a detailed and exhaustive account setting out the rationale for land use and density, it states: the proposed development was devised to respond to site characteristics, local and national policies, national guidelines and the sensitivity of surrounding development, no amendment is therefore proposed. The proposed gross residential density is 62 units per hectare and net 73 units per hectare; a complex methodology has been prepared to demonstrate these figures. A basic calculation of residential density is given at 47

units per hectare and this would comply with current ministerial guidelines of a density of over 45 unit per hectare for Intermediate Urban Locations.

## 6.0 Relevant Planning Policy

### 6.1. Project Ireland 2040 - National Planning Framework

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which:

Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

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.

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions 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

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (2018).
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (March 2018)
- 'Design Manual for Urban Roads and Streets'

- ‘The Architectural Heritage Protection Guidelines for Planning Authorities’
- ‘Childcare Facilities Guidelines for Planning Authorities’

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands (1999).

### 6.3. Dublin City Development Plan 2016-2022

6.3.1. The site has the standard residential zoning objective ‘Z1 – To protect, provide and improve residential amenities’. A protected structure is located on the site and is referred to Protected Structure RPS 3239.

6.3.2. Housing policy QH4:

*“To support proposals from the Housing Authority and other approved housing bodies and voluntary housing bodies in appropriate locations subject to the provisions of the development plan.”*

6.3.3. Development plan section 8.5.10 Dublin Port Tunnel. Policy MT22:

*“To require the submission of a Development Assessment for all development proposals located in the vicinity of both Dublin Port Tunnel, the proposed DART Underground protected corridor, or any proposed public transport tunnel. Detailed requirements for Dublin Port Tunnel are set out in Appendix 6, and Iarnród Éireann should be consulted in relation to heavy rail.”*

6.3.4. Development plan section 11.1.5.3 on protected structures.

6.3.5. Chapter 16 development standards. The following are noted in particular:

- 16.3.3 10% public open space requirement for all residential schemes.
- 16.4 density standards. No maximum density. Target of 100 units / ha in the Housing Strategy.
- 16.5 plot ratio. Permissible plot ratio for Z1 outer city is 0.5 – 2.0.
- 16.6 site coverage. Z1 indicative site coverage 45%-60%

- 16.7 building height. The site is not located in an area designated as suitable for taller buildings, e.g. and LAP, SDZ or SDRA, therefore the 'low rise' category applies. A height limit of 16m applies for residential development in the outer city.

6.3.6. Development plan map J strategic transport and parking areas. The entire development site is within zone 3. Table 16.1 car parking standards:

- 1 space / 100 sq.m. GFA office space.
- 1.5 / dwelling
- 1 space / 10 bedspaces of Institutional Residential use
- 1 space / 2 dwellings sheltered housing

Table 16.2 cycle parking standards:

- 1 per residential unit all zones
- 1 space / 200 sq.m. offices.

## 7.0 Third Party Submissions

7.1. A number of observations were received and most refer to similar issues such as residential density, traffic/parking, apartment buildings, height, visual impact and tenure. A summary of each submission, follows:

- 7.1.1. E Fitzsimons – the lack of visitor car parking will result in overspill parking in the area. The assessment of traffic volumes conducted by the applicant are not representative. The density and height of apartments will negatively impact on the visual amenities of the area.
- 7.1.2. F and E Lawlor – generally support the proposed development but have reservations. The introduction of an increased amount of traffic from the proposed development will lead to traffic congestion, additional noise and disruption. The height of the proposed apartments is excessive and should be reduced by two floors. The view from the road will be impacted upon. The exclusively social housing nature of the development will devalue property in the vicinity.
- 7.1.3. K Weldon – the density of development is excessive. Both the traffic generated during construction and when finished will not be acceptable. The lack of car parking

will lead to parking in the wider area. The design of the apartments is out of keeping with existing development and trees will be lost.

- 7.1.4. M Cole – the volume of traffic generated by the proposed development will negatively impact the capacity of the Grace Park Road, leading to disruption and congestion. Grace Park Road is already at capacity and is expected to act as a relief route for other busy roads in the area. This development and others recently permitted and under construction in the area will add to traffic problems. Photographs are submitted to support the observation. The proposed apartment blocks will impact on the setting of the church and convent building.

## **8.0 Planning Authority Submission**

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 20 May 2019. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected members of the North West Area Committee Meeting held on the 16 April 2019, and is outlined as follows:

- The elected representatives welcomed the proposed high quality development, but have reservations about the traffic generated and a have a desire for more public accessibility to the open space and play areas of the development.

- 8.2. The following is a summary of key planning considerations raised in the assessment section of the planning authority report:

- 8.2.1. Principle of development – the site is zoned Sustainable Residential Neighbourhoods Z1 with the stated objective 'to protect, provide and improve residential amenities', residential use is a permitted use. Higher densities for this site were established by a previous permission, 4050/09 and PL29N.237222 refer. The proposed residential development is acceptable.
- 8.2.2. Housing Density – in the context of recent guidelines to planning authorities, the context of the site and its location, a greater density could be proposed. However,

given the architectural sensitivities of the site and other constraints the proposed density is acceptable. Building height, plot ratio and site coverage are acceptable.

- 8.2.3. Design standards – the floor area standards for all apartments are in excess of the minimum standards required, this is acceptable. Floor to ceiling heights meet standards. The mix of units and number per stair core is acceptable. The palette and mix of materials and external finishes compliment existing protected structure on site and this is acceptable. Private amenity spaces are provided by adequately scaled balconies. All aspects of the proposed apartments meet or exceed requirements. Public open space and communal open space is both well designed and provided to an acceptable amount. The public open space will be accessible during certain time periods and these should be notified by appropriate signage. The loss of some trees is regrettable, however, the planting scheme proposed provides a good level of compensation. In terms of access to daylight/sunlight, it is noted that there is a minor number of shortfalls, however, these are well compensated by the overall quality and design of amenity space. Five units are single aspect and north facing, however, given the compensatory measures proposed this is acceptable.
- 8.2.4. Childcare and Community Facilities – no childcare facility is proposed and the applicant has provided rationale for why not. Given the composition of the apartments and the availability of existing childcare facilities in the area, it is acceptable that a childcare facility is not provided in this case. There are community facilities on the site and these may be made available to the wider community, this is acceptable.
- 8.2.5. Protected Structures/Archaeology and Heritage – Protected Structure RPS 3239, an Architectural Heritage Impact Assessment has been submitted. The planning authority are satisfied that the integrity and structure of listed buildings on the site will not be negatively impacted and archaeological assessment has taken place a suitable condition should be attached.
- 8.2.6. Transportation – anticipated traffic volumes are considered to be low and a signalised junction is appropriate and necessary to ensure safety. Pedestrian permeability through the site has been designed, but is not achieved in this proposal. The amount and design of car and cycle parking is acceptable.

8.2.7. Impact on residential amenities – generous separation distances between the proposed development and existing residential properties have been maintained, no impact upon residential amenity is anticipated.

8.2.8. AA and EIA – these are matters for the Board to consider.

8.3. The planning authority conclude that the proposed development is acceptable subject to the attachment of 24 conditions. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions. The planning authority recommend standard conditions in relation to Development Contributions, conservation works and tree protection, details of future access to community facilities, details of the opening hours of connecting pedestrian accesses through the site and onwards to Swords Road, requirements concerning the public open space, landscaping, signage, construction management plan and other technical requirements of the planning authority.

8.4. Interdepartmental Reports

The reports of the Transportation Planning Division and Engineering Department – Drainage Division were submitted, and their recommendations incorporated into the conditions suggested by the planning authority.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

- The Minister for Culture, Heritage and the Gaeltacht (Development Applications Unit, Wexford)
- The Heritage Council
- An Taisce
- An Chomhairle Ealaíon
- Fáilte Ireland
- Irish Water (IW)

- Transport Infrastructure Ireland (TII)
- National Transport Authority (NTA)
- Dublin City Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 25 March 2019, and a summary of comments are included as follows:

- **Irish Water (IW)** - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.
- **Department of Culture, Heritage and the Gaeltacht Development Applications Unit (DAU) Archaeology** - The DAU concurs with the findings and recommendations outlined in the Archaeological Impact Assessment report (James Kyle, Archaeology and Built Heritage Ltd August 2018). There is sufficient information presented to allow an informed planning decision. The Department concurs with the recommended mitigation and archaeological monitoring of groundworks as noted in section 4.3 (page 15) of the Archaeological Impact Assessment report. A standard condition is recommended.
- **Transport Infrastructure Ireland TII** – the submission of a Structural Impact Assessment (March 2019) in relation to the Dublin Tunnel within zone 1 and 2. A standard condition to do with the Construction Management Plan and mitigation measures to protect Dublin Tunnel is recommended, including tower crane location.

## 10.0 Environmental Impact Assessment

10.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

*Construction of more than 500 dwelling units*



*Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.*

*(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)*

- 10.2. The proposed development involves 101 residential units on a site of 2.1423ha. The site is located in a suburban location within the built-up area and is below the threshold of 10 ha for such a location. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.
- 10.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

## **11.0 Appropriate Assessment**

- 11.1.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site.
- 11.1.2. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated October 2018, which concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant

effects to any SPA or SAC. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 12.0 Assessment

12.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings. The assessment is therefore arranged as follows:

- Principle of Development
- Residential and Visual Amenity
- Layout and Heritage
- Traffic and Transport
- Flood Risk and Surface Water Management
- Other Matters

### 12.2. Principle of Development

12.2.1. Z1 Zoning Objective - The City Development Plan land use objective for the overall site area is supportive of residential development. The planning authority note that the principle of both residential development at higher densities has been established by a previous permission on this site, reference number 4050/09 and ABP PL29N.237222 refers. Subject to meeting residential amenity standards, I am satisfied that the proposed residential accommodation is compatible with the stated objective for lands zoned Z1 – Sustainable Residential Neighbourhoods ‘to protect, provide and improve residential amenities’.

12.2.2. Density – The Board’s pre-application consultation opinion required the preparation of a detailed and robust rationale in relation to the density proposed. The applicant has prepared a very detailed statement in this regard and highlights the existing residential component in the former convent building, infrastructural constraints such as a public stormwater drain and Port Tunnel, architectural heritage and new public park. The applicant states that this results in a gross density of 62 units per hectare and up to 85 units per hectare (net) if the proposed public park is excluded. The

planning authority are supportive of the residential density proposed in the context of the site and its constraints.

12.2.3. On the matter of residential density the Sustainable Residential Development in Urban Areas Guidelines, have relevant advice in areas close to both Public Transport Corridors and Institutional Lands, sections 5.8 and 5.10 respectively. I note that the guidelines indicate that densities can vary widely from between 35 and up to 70 dwellings per hectare. I think that a flexible approach can be taken to this site and I note the Constraints and Density map (figure 1) prepared by applicant. I agree that certain areas of the site cannot be developed because of wayleaves and constraint zones around the Port Tunnel. In addition, it is correct to include those families already in residence on the site for the purposes of a holistic approach to calculating density. Finally, the site has the added design complexity of protected structures and a landscaped setting. All these factors lead to a gross density of 62 units per hectare and a net figure of 73 units per hectare. If the public park component were to be excluded for the purpose of calculating net density this would amount to 85 units per hectare.

12.2.4. In any case the proposed density, at the very least 47 units per hectare (101 units across 2.142 Hectares) is broadly in accordance with the guidelines. I accept the rationale put forward by the applicant in relation to their calculation of density across the site and I note the planning authority are also in agreement. I am satisfied that the residential density proposed is acceptable given the location of the site and the unique development constraints associated with it.

### 12.3. Residential and Visual Amenity

12.3.1. Future Residents - The proposed development comprises 101 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in three blocks, between two and five storeys in height. The apartments are provided with either garden or balcony spaces, all to an acceptable standard. The unit mix of apartments are uniformly distributed throughout the site and are provided with adequately sized public or semi-private open space and play areas.

- 12.3.2. Section 27 of the applicant's Statement of Consistency deals with apartment design and compliance with the relevant standards and states that a majority of the apartments exceed the minimum area standard by more than 10%, i.e. 56 units. The applicant has also submitted a Dwelling Area Statement, that outlines a full schedule of apartment sizes.
- 12.3.1. Apartment units are a combination of dual aspect and single aspect. Single aspect apartments generally have favourable orientations, with five receiving only north light alone. The applicant explains that this less favourable aspect is mitigated by overlooking areas of open space, views towards the protected structures, large floor areas and private amenity space, exceedance of average daylight factor for living rooms and bedrooms. The proposed development provides 40% one bedroom units, which is less than the upward amount of 50% allowed for in the guidelines. All ground floor, floor to ceiling heights are 2.7 metres (upper floors are 2.4 metres) in height and a maximum of 6 units are served per core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.
- 12.3.2. Under the Guidelines, the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m, the standard for a 2 bedroom (four-person) apartment is 73 sq.m, while the minimum GFA for a 3 bedroom apartment is 90 sq.m. The applicant states that this has been achieved in all cases and has been demonstrated in the Area Statement for apartments submitted with the application. Apartments larger than the minimum standards by 10% amount to 58 units or 58%. The proposed apartments are mostly in excess of the minimum floor area standards (SPPR 3), with very few at or close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. In broad terms, I am satisfied that the location and layout of the apartments are satisfactory from a residential amenity perspective.
- 12.3.3. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application and details long term maintenance and running costs. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the

constitution of an owners' management company should be attached to any grant of permission.

- 12.3.4. The applicant's Design Statement outlines that the proposed materials for the 3 new blocks are selected to compliment the surrounding materials and colours. The three blocks (Block A, B and C) are largely faced with textured grey/brown brick referencing the grey tones and texture of the granite faced Church building and respecting the contrasting brick finishes already in use on the site. At selected corner locations the brick is laid as a decorative lattice wall. In addition, particular design elements are aimed to contrast with existing development on the site and provide longevity. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity, in broad terms the finishes proposed are acceptable.
- 12.3.5. Local Residents – I note that local observers have expressed concerns about the development of the site at the scale envisaged, but no strong opposition in relation to direct residential amenity concerns. The planning authority have raised no significant issues in relation to impacts upon the residential amenity of neighbouring property. The three apartment blocks are well located within site and in most case some distance from shared boundaries. Institutional type residential accommodation is located to the north and west of the site. Apartments are located to the south and red brick two storey houses are located across the road to the east. A drop down two storey element of Block C will be located approximately 21 metres from the two storey mostly blank gable of the adjacent medical institution, I see no amenity issues here. All other separation distances between the proposed apartment blocks and other existing development are greater than 22 metres and in most cases even more.
- 12.3.6. I anticipate no negative impacts to the existing residential amenity of neighbouring property as a result of overshadowing, overlooking or overbearing appearance. The apartment blocks are well located within the site and at sensitive locations to the west, outlook and height have been reduced.
- 12.3.7. Visual Amenity – concerns have been raised by local residents that the proposed development will impact on the visual amenities of the area through the loss of parkland and the scale of development proposed. The planning authority do not

share these concerns and are satisfied that the proposed development has been sensitively designed and subject to minor matters concerning access to public open spaces, the development is acceptable from a visual amenity perspective.

12.3.8. In terms of the height and scale of the apartments proposed. The proposed new structures, which are flat roofed, reach a maximum 15. 830 metres (Block A and Block B) over 5 storeys (stepping down to 4 storeys eastward and 3 south-eastwards storeys respectively) and of 14. 90 metres (Block C ) over 4 storeys (stepping down to 2 storeys) which is approximately level with the parapet level of High Park House. The development is broadly within the required parameters set out by development plan standards or the area, as the tallest element is no more than 16 metres in height. I am of the view that the combination of site topography; the moderate and sympathetic heights proposed; and the positive response to the surrounding architecturally sensitive environment in accordance with the approach advocated by the Urban Development and Building Heights - Guidelines for Planning Authorities; the building heights and scale proposed are acceptable and will not impact on the visual amenity of the area.

12.3.9. Given the foregoing, the reports and drawings prepared by the applicant and the views and observations expressed by the planning authority, I am satisfied that the proposed development will provide an acceptable level of residential amenity for future occupants. In addition, the proposed development has been designed to preserve the residential amenities of nearby properties.

#### **12.4. Layout and Heritage**

12.4.1. The site comprises the grounds of and the former High Park Convent and Reformatory, these are protected structures and entered on the City Council's Record of Protected Structure's, reference number 3239. The applicant has prepared a detailed Architectural Heritage Impact Assessment. No works are proposed to the protected structures, which have already been renovated, adapted and extended in the past. The planning authority raise no objections to the proposed development and its intervention into the spaces around the protected structures.

12.4.2. I acknowledge that the protected structures on the site have been well maintained and sympathetically extended in the recent past. The proposed development seeks to better utilise the space around these structures whilst ensuring their context and

setting remains understood. This is successfully achieved through the placement of three apartment blocks, new access avenues and open spaces. The landscape masterplan has been designed to fully integrate the blocks and nearly all surface car parking spaces are taken underground. As viewed from Grace Park Road, the site will be opened up with glimpses of the original house and wings, not available today.

12.4.3. In terms of public open space, the planning authority note that the area provided amounts to over 10% of the site and is well designed and located. Public access is raised as a minor issue to clarify, but on the whole the planning authority find the proposal acceptable. I am satisfied that the quantum and design of public open space is both sensitive to the setting of the existing protected structures and the spaces are usable by the residents and the wider community.

12.4.4. Archaeology – the applicant has prepared an Archaeology and Built Heritage report, in which it is accepted that the site may yield unrecorded archaeological remains. The applicant is willing to accept a condition that calls for archaeological monitoring of the site during construction and I agree. A suitable condition should be attached with regard to the potential for archaeological features yet to be found on the site.

## 12.5. **Traffic and Transport**

12.5.1. A number of observers have raised concerns about the existing traffic situation in the area, particularly along Grace Park Road and the impact that the development will have on further congestion. The applicant has prepared a Traffic Report that looks at the existing traffic environment, the characteristics of the proposed development and the likely impacts. The report also includes a framework mobility management plan.

12.5.2. The proposed development will be served by a new vehicular and pedestrian entrance and this was approved under the previous scheme. An additional dedicated pedestrian access will be via a new arrangement at the southern end of the site. In addition, the applicant has indicated the possibility of further pedestrian access points on the western side of the site onto the car park of the adjacent hotel and onwards to the Swords Road and north to Beechlawn. However, no third party arrangement has been made and the intention remains indicative on plan. The planning authority have recommended a condition that compels the applicant to agree access agreements some time in the future. The intention to provide future pedestrian linkages to the wider area and a shorter route to a public transport



corridor is welcomed, however, I think it is onerous to involve third party agreements at this time. In my mind the design of the scheme and the intention to provide future access to the south west and north west is welcomed and onward connections can be advanced if and when planning applications are lodged for adjacent sites. In relation to car parking the existing surface spaces (40) will be relocated to the basement car park and the total amount of parking spaces will be 140.

12.5.3. The planning authority are satisfied that the vehicular access arrangements are acceptable and the increase in traffic will be limited given the density of the proposed development. Car parking and future pedestrian access points are acceptable to the planning authority too. I note the concerns raised by local residents about traffic generation, but this is an urban infill site that has had an established and greater quantum of development previously approved, albeit by a permission no longer extant. In any case, given the urban context of the site, the availability of local services and public transport, I do not anticipate any adverse impacts from a traffic perspective resulting from the proposed development.

## **12.6. Flood Risk and Surface Water Management**

12.6.1. The applicant has submitted an Engineering Services Report and engineering drawings that outline their surface water strategy that includes sustainable urban drainage systems and attenuation measures. In addition, flood risk documentation includes a Flood Risk Assessment dated April 2015 and references the previous development proposal on the site. That report states that the site is located in Flood Zone C and concludes that the site is outside the areas for potential risk from fluvial and coastal flooding, no mitigation measures are proposed so long as drainage infrastructure is constructed as designed. The planning authority are not satisfied that the flood risk documentation submitted with the planning application is adequate and require an appropriately detailed assessment in relation to the current proposal. I broadly agree with the planning authority and though the site is not at risk from flooding an appropriate and proposal specific flood risk assessment should be made that concentrates on the new measures proposed. Complications are also expressed by the planning authority in relation to private surface water drains and the need to obtain permission should abandonment of these drains be considered. The planning authority recommend a condition be attached that outlines these concerns in addition

to surface water management requirements. I broadly agree that the surface water issues should be clarified by condition.

## 12.7. Any Other Matters

- 12.7.1. Property values – a local resident is nervous that the proposed development will impact on the value of property in the vicinity. Given, the quality and design of the proposed development, the overall property management regime that will be put in place by the owners, I have no concerns that the proposal will negatively impact on the value of property in the vicinity.
- 12.7.2. Part V – the proposed apartment scheme is sponsored by Respond an approved housing association that provides managed solutions to social housing. There is no obligation for the applicant to provide Part V housing in this instance and consequently no requirement under section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended. A letter from Dublin City Council Planning and Development Department confirms that the applicant has no obligation to provide Part V Housing.
- 12.7.3. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed and generally accords with the specific information required by the Board's opinion ABP-301733-18. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. The site is located close to bus services and there are no extraordinary traffic or transportation issues that cannot be dealt with by condition as necessary. The planning authority have recommended a number of conditions that should be attached in the event of a grant of permission. These conditions are of a technical nature or refer to development contributions. For the most part, I agree with the planning authority's recommended attachment of conditions where relevant.

## 13.0 Recommendation

- 13.1. Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

## 14.0 Reasons and Considerations

Having regard to:

- (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 Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2018;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) the 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) the submissions and observations received and
- (j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, 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 pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

1. The proposed 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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to the commencement of development the applicant shall submit documentation for written approval, that details the future access and operational arrangements for the proposed public open spaces, details shall include signage, access and opening hours as appropriate.

Reason: To protect, provide and improve the residential amenities of the area.

3. The internal street network serving the proposed development, including turning bays, junctions, sight distances, footpaths and kerbs shall be in accordance with the detailed requirements of the planning authority for such works, and shall comply in all respects with the provisions of the Design Manual for Urban Roads and Streets.

(b) To facilitate connectivity and permeability, the finished surface of all footpaths that are shown as future possible access shall meet up to site boundaries without the provision of a grass verge or ransom strip.

Reason: In the interest of pedestrian and traffic safety, and in order to comply with national policy in this regard.

4. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing.

5. Proposals for an estate/street name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external

plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

8. 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. 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. 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) Full details of the existing public surface water sewer in terms of survey, layout drawings and proposed working areas.

(b) Revised surface water drawings that include Sustainable Drainage Systems, surface water discharge must be attenuated together with a reduced surface water discharge rate in accordance with the Greater Dublin Regional Code of Practice for Drainage Works, unattenuated surface water discharge to the public surface water sewer is not acceptable.

(c) A revised flood risk assessment that takes account of items (a) and (b) above.

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. The landscaping scheme as submitted to An Bord Pleanála shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

12 (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by

the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

13. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the An Bord Pleanála on the 20 day of May, 2019. This work shall be completed before any of the apartment units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been



set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. 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.

16. 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.

17. 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.

18. Site development and building works shall be carried out only between 0800 to 1900 hours 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.

19. (a) 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.

(b) The Construction Management Plan shall include written approval from Transport Infrastructure Ireland with regards to any mitigation measures to protect the Dublin Tunnel during construction and locations of tower cranes.

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

20. 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.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

22. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security

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

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

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Stephen Rhys Thomas  
Senior Planning Inspector

26 June 2019