



An
Bord
Pleanála

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

**Inspector's Report
ABP-304346-19**

Strategic Housing Development

Build to Rent residential scheme comprising of 495 apartments in 4 no. blocks above a basement car park. Proposal also includes a service building which includes a crèche, café and gym and other associated infrastructure.

Location

Former Chiver's site between Coolock Drive and Greencastle Road, Coolock, Dublin 17

Planning Authority

Dublin City Council

Applicant

Platinum Land Ltd.

Prescribed Bodies

National Transport Authority
Minister for Culture, Heritage and the Gaeltacht

Heritage Council

An Taisce – the National Trust for
Ireland

Irish Water

Dublin City Childcare Committee

Observer(s)

19. no submissions/observations

Date of Site Inspection

21st July 2019

Inspector

Joanna Kelly

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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 as amended.

2.0 Site Location and Description

- 2.1. The development site is located within the jurisdiction of Dublin City Council and has a stated site area of 3.86ha. The development lands are generally rectilinear in shape and are located at the junction of Coolock Drive and Greencastle Road in Dublin 17. Cadbury's factory is located to the east. There are retail uses to the south i.e. Northside Retail Park which includes an 'Aldi' store. There is a 'pitch and putt' course to the east of the retail park and south of the site. There are existing residential properties comprising of two-storey terraced and semi-detached houses to the west. 'Stardust Memorial Park' is located between Adare Road and Greencastle Road to the north-west of the site. There are old type industrial lands to the north east of the site accessed from Greencastle Parade which also include bulky retail units such as 'Bargaintown'.
- 2.2 There are existing large industrial structures on the site which are proposed for demolition to accommodate the residential development of up to 12 storeys. There is extensive hardstanding area associated with the site. There are trees located along the northern boundary of the site. There are also some trees/hedging to Coolock Drive. The site is currently fenced off and is inaccessible. The site is highly visible from Greencastle Road and Coolock Drive. There are also views from Oscar Traynor Road (R-104) towards the site. The 'Northside Shopping Centre' is located approx. 1km (south-west) walking distance from the site.
- 2.3 In terms of transport linkages, the QBC is located along Malahide Road which is approximately 550m from the site at its nearest point. The site is not located proximate to a train station. There are bus stops located on Coolock Drive and Greencastle road proximate to the site which the no. 27 and 27X bus serve. There are no cycle lanes along Greencastle Road or Oscar Traynor Road. There is a dedicated cycle path along the Malahide Road.
- 2.4 The development site is located outside the Dublin Airport Outer Public Safety Zone.

3.0 Proposed Strategic Housing Development

3.1 Table 1: Number of Residential Units proposed

Units Type	No of units	% of each Unit type
Studio	61	13.5%
1 bed	150	33%
2 bed	178	40%
3 bed	106	23.5%
Total	495 Units	100%

3.2 Table 2: Key development details

Detail	Proposal
No. of Units	495 Build to Rent units
Commercial floor space	803 sq.m. total – gym 412sq.m., café 34sq.m. and crèche 357sq.m.
Site Area – stated by applicant	3.86 ha red-line boundary
Density	137 units per hectare net (stated by applicant)
Building Height	4 to 10 storeys
Communal Amenity Space	12,843sq.m.
Site Coverage	42%
Dual Aspect Apartments	65%
Childcare Facility	Yes – 357sq.m.
Car parking	396 spaces (basement and surface)

4.0 Planning History

File Ref. No. 2074/13 – permission granted for the demolition of the factory buildings and ancillary buildings (former Chivers Facility).

There is extensive planning history associated with the adjoining Northside Retail Park and Cadbury's Facility.

5.0 Section 5 Pre-Application Consultation

5.1. Overview

A section 5 pre-application consultation took place at the office of An Bord Pleanála on 16th November 2018. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Development Strategy for the site including height, scale, design, density and impact on adjoining properties including their development potential.
- Residential support amenities
- Residential Amenity (internal and external) and open space
- Mobility Management, parking and permeability including public realm upgrades
- Surface water management
- Any other matters

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

5.2. Notification of Opinion

An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultation, require further consideration and amendment to constitute a reasonable basis for an application for strategic

housing development. The following are the issues noted in the Opinion that needed to be addressed:

Height, Scale and Density

1. Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed height, scale and density of the proposal particularly in the context of the suburban location of the site. In addition to the consideration of National Policy and Guidelines, particular regard should be had to the 12 criteria set out in the Urban Design Manual, which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009), commencing with Criteria No. 1 Context. In addition, any justification should have regard to the proximity to and frequency of public transport services, existing and proposed, and to the location of the site vis-a-vis such services. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Design and Layout

2. Further consideration and/or justification of the documents as they relate to the proposed strategy for the development of the site in respect of the design and layout of the proposal particularly as it addresses interfaces with the public realm and adjoining boundaries where proposed streets are created. Particular regard should be had to creating suitable visual relief and permeability in the treatment of elevations. Furthermore, the layout should address the creation of usable, amenable and high quality public and semi-private open spaces within the development particularly in respect of the proposed configuration of Block B. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage

Residential Support Facilities and Residents Services and Amenities

3. Further consideration and/or justification of the documents as they relate to the internal layout of the proposed development, having particular regard to the nature, quantum, size, distribution and compatibility of residential support/communal facilities and their location within the overall development and the provision of a greater range of communal uses and spaces. Particular regard should be had to Part (b) of SPPR7 of the Sustainable Urban Housing, Design Standards for New Apartments 2018. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Car Parking

4. Further consideration and/or justification of the documents as they relate to the proposed car parking strategy for the proposed development, having particular regard to the level of parking proposed, how it is intended that it is assigned and managed and measures proposed to address shared car parking and visitor parking. Further regard should be had to the interface and potential conflict between car users and pedestrians at the entrance to proposed Block B. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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

1. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings and privacy screening, the treatment of balconies, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development.

2. A public realm and permeability strategy which outlines how the proposed development can be accommodated within the existing public realm with particular regard to pedestrian crossing facilities and access to and through the proposed development.
3. A report that addresses residential amenity specifically how the development will limit the potential for overlooking and overshadowing within the proposed development. A comprehensive daylight and sunlight analysis addressing proposed units and open spaces should also be included.
4. A report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units and adjoining public pathways.
5. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
6. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build-to-Rent accommodation. There shall be a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residents units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018).

5.3. Applicant's Statement

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

Item 1

Height, Scale and Density

Response

The site size and scale is an opportunity to accommodate height without undue detriment to nearby property. The linear park provides a sterile boundary that mediates typical conditions of overshadowing and overlooking. Given the strategic location of the site and its proximity to good public transport infrastructure increased height and density over development plan standards are proposed.

Item 2

Design and Layout

Response

The elevational treatment of the scheme has been further developed in an effort to create a cohesive street pattern with a recognisable urban scale. The public open space north of the proposed development will act as a green link to the existing Stardust memorial park and future Santry Greenway. The interface between the proposed structure and the existing water course has been considered and fashioned to incorporate design criteria agreed with the environmental consultant and Inland Fisheries Ireland. In contrast to the steep embankment that exists at present a combination of a terraced, sloped and shelved land form treatment is proposed with large rocks and boulders being used as natural retaining elements. South of the restored bridge will be a plaza area with focal sculptural elements, informal play items and feature tree planting.

Item 3

Residential support /communal facilities

Response

As part of the proposal it is proposed to provide a certain amount of shared and communal spaces to allow for the potential for residents to access largers spaces outside of their normal home environment. Many of these rooms are located on lower floors to provide active frontage and to make them as visible within the scheme

as possible. At first floor level communal space is proposed to utilise some of the courtyard level space.

Item 4

Car-parking

Response

With regard to the specific additional information required, the applicant has submitted a response to each of the raised items.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

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

National Planning Objective 13 provides that “in urban areas, planning and related standards, including in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

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

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

6.2. Section 28 Ministerial Guidelines

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

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

Other relevant guidelines include:

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

6.3. Local Planning Policy

The relevant statutory plan for the area is the Dublin City Development Plan 2016-2022 wherein the site has two zonings. 2.5 hectares of the site is zoned Z1 the objective of which is ‘to protect, provide and improve residential amenities. It is noted that the site which was previously zoned Z6 (to provide for the creation and

protection of enterprise and facilitate opportunities for employment creation) and was subject to a Variation (No. 5) of the Dublin City Development Plan 2016-2022 which was adopted by the City Council on 5 March 2018.

The remainder of the site (c.1.08 hectares) is zoned Z9 the objective of which is 'to preserve, provide and improve recreational amenity and open space and green networks'.

The river area is also a designated Conservation Area.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development. Section 16.10 deals with Standards for Residential Accommodation.

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

6.4 Applicant's Statement of Consistency

The applicant has submitted a statement of consistency with relevant policy required under Section 8(1)(iv) of the Act which I outline a short synopsis of the overarching policies:

- Reference is made to Rebuilding Ireland and that the proposal is consistent with Pillar 2 and Pillar 3 to build more homes.
- Proposed development is a vacant, underutilised brownfield site located within the urban settlement of Dublin, near high quality public transport and also a range of existing services
- It will contribute to the targets set out in NPO 2a, 3a and 11

- Proposed development will provide for high quality residential scheme through the design quality and materials and finishes proposed.
- It is considered that the proposed development provides for the creation of an attractive, high quality, sustainable new neighbourhood within the existing built-up area of the city.
- The site is within the urban centre of Dublin, along a public transport corridor which will be of high quality design
- It is submitted that the height of up to 10 storeys is consistent with government policy and emerging trends.
- The density proposed is 137 dwellings per hectare which is considered appropriate for this intermediate area when assessed with other factors, such as sunlight, daylight, overshadowing, landscape etc.
- The Housing Quality Assessment with the application demonstrates compliance with the relevant quantitative standards on storage and private amenity space as required under the 2018 Apartment Guidelines
- Regarding car parking, the evidence submitted demonstrates that it is appropriate to provide .79 spaces per unit, or when factoring in other parking provision for car club and the crèche.
- This is a substantial reduction (c. 55%) of car parking provision policy as defined in the DCC Development plan, details fo which have been agreed with the Council.
- All of the proposed apartments meet apartment size guidelines.
- The development includes c. 65% dual aspect apartments.
- Residential units are located entirely on the residential Z1 zoned lands.
- The proposed uses on the Z9 lands are either permitted in principle or it has been demonstrated that the uses proposed within the service building are acceptable.

7.0 Observer Submissions

A total of 19 no. observations were received in respect of the proposed development. A brief summary of each submission received is set out hereunder:

1. Derek Casey

- Application seeks to develop the site in a way that contravenes the Dublin City Development Plan and is incompatible with the capacity of the local infrastructure.
- Heights are excessive.
- Proposal for block of 9/10 storeys overlooking a row of 2 storey houses.
- Impact on skyline and enjoyment of the local character.
- Limited analysis regarding sunlight.
- Excessive density
- Limited radial bus connectivity and people rely on car for work and school journeys
- Oscar Traynor Road operates at over capacity at peak times.
- Junction Coolock Drive/Greencastle Road is particularly problematic given that several houses face the junction and find it difficult to exit their driveways. There are no traffic lights or pedestrian crossings at this junction to manage road and pedestrian flow in a safe and effective manner.
- Concerns regarding car parking
- Concerns regarding access to the onsite crèche, gym and café would be managed.
- Concerning ABP had to request additional pertinent documentation for the application. Application should have been declared invalid without these documents as they take from local residents' ability to fully analyse the application.

2. Elaine Davis

- Proposal will increase traffic congestion which will impact on local residents.

3. John O'Brien

- Coolock Drive is over stretched with traffic and proposal will exacerbate this.
- 10 storey structure out of character with local area
- Asbestos concerns with demolition of existing building
- Overlooking issues and impact arising from overshadowing
- Lack of parking

4. Cllr. Alison Gilliland

- Application seeks to develop the site in a way that contravenes the height and densities prescribed by the Dublin City Development Plan and is incompatible with the general capacity of the local infrastructure.
- Maximum allowable height for site is 5 storeys which was carefully considered and customised to the character of the local environs.
- 9/10 storeys will have significant impact on skyline.
- Limited analysis in the application to assess sunlight and daylight.
- Limited radial bus connectivity and people rely on car for work and school journeys
- Oscar Traynor Road operates at over capacity at peak times.
- Junction Coolock Drive/Greencastle Road is particularly problematic given that several houses face the junction and find it difficult to exit their driveways. There are no traffic lights or pedestrian crossings at this junction to manage road and pedestrian flow in a safe and effective manner.
- There are no cycle lane facilities within the immediate vicinity of the site.
- Concerns regarding car parking

- Concerns regarding access to the onsite crèche, gym and café would be managed.

5. Sandra Deane

- Proposal not in line with Dublin City Development Plan
- Concerns regarding infrastructure capacity in the area
- Heights are excessive
- Loss of sunlight
- Overlooking
- Concerns regarding traffic and parking
- No provision for people crossing the road
- Underground car park will attract anti-social behaviour
- Development will only have one entrance, concerns regarding emergency access
- Concerns regarding lack of documentation that ABP had to request and that application should have been invalidated.

6. Mary Ann Murphy

- Height and density of the development is extreme and excessively overbearing.
- 10 storeys completely out of character with the area and will deprive natural light to the existing houses.
- Little information on height impact and shadow analysis.
- Impact on local services and infrastructure
- Object to the application's key designs and features for planned pedestrian only areas with unmanned security, with unprotected and unsupervised underground car park.

- There are a number of road capacity and design issues that have not been addressed.
- Additional traffic congestion will affect emergency services.
- Only one shared entrance point for vehicle entry and exit on Coolock Drive.
- Oscar Traynor Road runs well over capacity.
- Parking spaces are not provided in the rental price of the apartments. This will result in the parking of vehicles in other nearby residential areas.
- There is no issue with traffic calming, the issue is with traffic congestion and gridlock.
- Query regarding capacity of existing water mains and drainage system to cater for development.
- Query regarding affordability of the scheme for people to rent.
- Concerns regarding environmental impact arising from the demolition works.

7. Melanie Lambert

- Application seeks to develop the site in a way that contravenes the Dublin City Development Plan.
- Height and closeness of the development will seriously impact on observer's property
- Property will be completely overlooked.
- Proposal will affect natural light, sky-line and feeling of space that currently exists.
- Increase in vehicular traffic will have a huge impact on an already congested road.
- Serious lack of schools in the area
- Concerns regarding only one access/egress into development

- Nearest DART station is 30 mins away
- No consideration for local residents and the original proposals had a lot more green area and amenities proposed which has completely changed.

8. Karl Farrell

- Development location not comparable to city centre location of Docklands.
- Increase in vehicular traffic will have a huge impact on an already congested road.
- Proposed entrance to site will also be main egress point. No consideration of emergency services.
- Concerns regarding parking

9. Alan Greene

- Insufficient parking spaces in the development
- Only one entry/egress point
- Insufficient security especially in the underground car park
- Concerns regarding traffic and congestion
- Line of mature trees to perimeter of the site along Greencastle Road which will be removed and there is no justification for their removal
- Height completely excessive
- Two storey houses will be overlooked
- Local schools at capacity
- Local bus service completely inadequate

10. Mr and Mrs Griffin

- Cannot support a development that contravenes the DCC development plan and is incompatible with the capacity of local infrastructure

- Heights are excessive. Maximum height permissible in the development plan is 5 storeys
- Concerns regarding sunlight impact
- Traffic concerns in particular congestion and lack of pedestrian facilities
- Concerns regarding request by ABP for additional documentation and that application should have been declared invalid.

11. Cllr. Larry O'Toole

- Councillors feel that they have been misled as the plan is completely at odds with what was presented last year.
- Proposal contrary to the Dublin City Development Plan
- In terms of height the maximum permissible height is 5 storeys in the development plan
- Density with limited accessibility in an area plagued by traffic on a major arterial route into the city is of serious concern.
- Lack of transport options and pedestrian footpaths is a concern
- Existing bus services already at capacity at peak times

12. Alec Flood

- As local childcare provider support the overall proposal and welcome the childcare services being proposed
- There is a shortage of purpose built childcare facilities in the Coolock area
- The nearby Bonnybrook Community crèche will close permanently
- The introduction of recent government schemes will increase demand for childcare services nationwide
- Consideration should be given to increasing the number of childcare places in the proposed crèche to 132 as per the Childcare Facilities Guidelines 2001.

- Consideration should be given to designing the layout of the crèche to accommodate early years education

13. Deirdre Smyth

- Density and height will have a negative impact on local residents
- 100% Build to Rent not suitable for this area
- Negative impact on movement of traffic
- Public transport limited
- Schools at capacity
- Medical services are at full capacity
- Only entrance to development is directly opposite residential homes and will cause large volumes of traffic
- Emergency services will find difficult to access with only one entrance

14. Coolock Residents' Association

- Height excessive for area and will affect skyline, lighting and character of area
- Local infrastructure at capacity
- Parking is problematic at the moment with only one space per unit which leads to a lot of on street parking in turn leading to congestion
- No consideration of use of non-residents of the development facilities and the need for extra parking
- Should be a condition that a development of this scale to undertake a full environmental impact study of the area.

15. Cllr John Lyons

- The proposal if granted would destroy the low rise character of the Coolock area but would have a seriously detrimental impact on the quality of life of those living in the development as well as being a huge intrusion into the private home of existing residents.
- Heights would create an eyesore on the northside's skyline
- Development plan allows for heights of 16m proposal seeks to build up to 30.745m.
- Applicant has not addressed issue of accessibility to public transport, landscape and visual impact assessment, contribution to positive place-making, access to sunlight and daylight, urban design statement, relevant environmental assessments including AA screening and ecological impact assessment
- Request that proposal is refused
- Request an oral hearing take place

16. Pauline O'Shaughnessy

- All roads are traffic blackspots which results in traffic diverting down Barryscourt Road and Coolock Drive
- No. 27 bus at capacity and limited radial connectivity hence people rely on car
- Medical services in area at breaking point
- Over development of the site
- Development plan is a statutory document and proposals are grossly excessive with development plan indicating maximum of 5 stories
- Issues of overshadowing
- Not clear how many units will be dual aspect and there seems to very little outside play space

- Lack of car parking
- Concerns regarding access to crèche and other facilities for non-residents and lack of parking
- Fear that build to rent will not create communities but transient neighbourhoods
- Concerns regarding lack of documentation with application that ABP had to request and application should have been invalidated
- Object to proposal in its current format

17. Paula Murphy and Larry Delaney

- Height excessive and not customised to the character of the local area and infrastructure
- Overlooking concerns
- Impact on daylight and sunlight
- There are waiting lists for services including schools, creches, hospitals, GP etc.
- Existing road capacity issues and will have severe impact on local residents
- 27 bus may no longer be available under Bus Connects route.
- Minimal car parking being provided
- Concerns regarding access for emergency services
- Issue with lead content of the water in the location. Proposal will increase demand for water and waste water system
- Reference is missing documents that ABP requested and application should have been invalidated

18. Patricia and Anthony Dunne

- Application not in line with DCC development plan and is totally incompatible with the capacity of local infrastructure and will impact on local residents.
- Height exceeds development plan standards and will result in overlooking
- Concerns re capacity of supporting services in area
- Road capacity concerns and impact on existing residents
- Lack of public transport
- Concerns re car parking, emergency services access
- Issue with lead content in water
- Reference is missing documents that ABP requested and application should have been invalidated

19. Thomas Broughan T.D.

- Height, mass and density constitutes major over development at this outer suburban location
- Proposal would be nearly double the height of what is permissible in the development plan
- Development will have a major impact on the already oversubscribed bus service in the area
- Concerns regarding overshadowing onto Greencastle Road
 - Block B will have balconies facing directly onto the front gardens of Coolock Drive
 - Design, scale and mass reminiscent of that previous built in Ballymun and Kilbarrack which were not successful
 - Reference made to File Ref. 3301/16 which was refused by DCC in 2018 for 8-10 storey development in Clarehall for reasons pertaining to visual dominance and overbearing nature.
 - Serious loss of light and residential amenity for existing nearby homes and serious overshadowing of those properties

- No's 57,59, 61 and 63 Coolock Drive will be impacted upon and additional shade was identified
- Concerns about traffic access and egress to proposed new development and parking
- 496 apartments will have a huge impact on an already busy road
- Reference is made to developments and area of employment within close proximity to the site and consequential traffic congestion issues
- No provision for visitor parking
- Much is made of the availability of public transport however the bus services are already oversubscribed
- Residents uncomfortable with Built to rent model and ability of landlords to enter an area and set the market rent
- Part V provision – units will be leased to Council rather than sold which is unacceptable
- Number of studio units is concerning at this location
- Little space or storage facilities for long term tenants
- A significantly lower density development of affordable housing would be very welcome
- Requesting an Oral Hearing so that constituents maybe consulted at first hand on their wishes for this site.

8.0 Planning Authority Submission

8.1. Overview

The planning authority, Dublin City Council has made a submission which was received by ABP 25th June 2019. The report notes the 19 no. observations/submissions received and summarised the issues raised.

8.2 Summary of Views of Elected Members

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

- Proposal at odds with scheme shown to developers to support the variation to the City Plan.
- Members shocked at scale of plans and anxious for development to be brought back to scale they agreed with.
- New height guidelines not mandatory and development could have regard to county development plan provision
- Height and density represents serious over-development
- Development will negatively impact the quality of life of existing residents with overlooking, overshadowing and the blocking of sunlight of particular concern.
- Tenants will be transient in nature which will not foster sustainable communities.
- Will proposed park and river feature within the development be accessible to the local community
- Studio style apartments do not meet the needs of housing applicants under Part V
- Developer required to submit a comprehensive traffic management plan for the area
- Proposal includes an alteration to the junction at Oscar Traynor Road but members feel a second remodelled junction at Coolock Drive is also necessary
- Road infrastructure is beyond capacity
- There is no cycleway in the locality and there will be a dependence on public transport
- Current bus service to and from the city centre is at capacity and oversubscribed at peak times

8.3 Planning Analysis

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

Principle

- Majority of site is zoned 'Z1' – 'to protect, provide and improve residential amenities'. This zoning was changed by way of variation from its previous 'Z6 Employment and Enterprise' in March 2018. There is a small portion zoned Z9 'to preserve, provide and improve recreational amenity and open space and green networks' by virtue of the location of the river at this location.
- Proposal is consistent with the zoning objectives

Height, Scale and Design

- The proposed development materially contravenes the policies and objectives of the current City development plan with regard to height.
- The site is located immediately adjacent to the Santry River Valley and is locally prominent.
- The development varies in height from 6 storeys (19.175m) to 10 no. storeys (30.745m) for Blocks A1 and A2 and 3 no. storeys (10.4m) to 7 no. storeys (21.95m) for Block B and C.
- Applicant is making the case for permitting the contravention on the basis of policy contained in the National Planning Framework, Urban Development and Building Heights: Guidelines for Planning Authorities 2018.
- Government policy provides that blanket height restrictions cannot be applied any longer but it does not, on the other hand, provide carte blanche to seek height in every area of the city.
- During pre-application consultations it was indicated to the applicant that the proposed height was problematic and this has been modified with the tallest blocks – A1 and A2 – now at ten storeys.
- The Planning Authority considers that were the scheme to be acceptable in principle a modified development of lesser height would sit more comfortably in this suburban location.
- The transition between the two-storey housing and the four storey block onto Coolock Drive is reasonable.

- The seven storey book end is excessive and any such pop-up should be in the order of one to two storeys higher than the rest of the street frontage.
- The remainder of Block B and the entirety of Block C should be no higher than five storeys with perhaps pop-ups to the corners of the interior corners of Block B and all corners to Block C.
- The ten storey landmark blocks onto the river park would be visible from distance and the site location would not warrant use of such height to identify the scheme at this location. This height would be more appropriate within and to draw focus to a district centre such as at the Cromcastle/Northside Shopping Centre.
- The applicant has not convincingly argued as to why the height is required beyond increasing density and the proposal in itself, which is not located in a particularly prominent landscape, or near a significant road junction or in an area providing local district services, would set an undesirable precedent for development of all sites in the area in similar conditions.
- There would be a monolithic quality to the row of buildings if the rhythm of the scheme was continued eastwards on the Cadburys site as indicated on the indicative masterplan submitted.
- It cannot be argued that the site is suitable for such height solely because it is a large site with river frontage and it is not considered that the site can set its own height being suburban brownfield at a remove from district centres or prominent interchanges.
- It is set out that were the Cadburys' site to be the subject of a future development it is critical that any such scheme be fully integrated with the subject proposal in terms of permeability and interaction. A condition should be attached to any grant of permission that compels the applicant in this instance to undertake, should this future scenario come to pass, to remove any and all southern and eastern boundaries and integrate the streets, junctions and connections with those on the exterior of any scheme on the adjacent lands.
- If ABP is inclined to permit the proposed development it is considered that the scheme would have least impact if it were to have a maximum height to blocks

A1 and A2 of six storeys while a maximum height of five storeys to the pop-up element of Block B onto Coolock Drive, being one storey higher than the rest of the street elevation of Block B while the remainder is five storeys rising to six at the above mentioned pop-ups.

Density, Site Coverage and Plot Ratio

- The Statement of Consistency submitted states that the proposed density on the site is 137 units per hectare with the site having a stated area of c. 3.58ha. The stated plot ratio is 1.8 and the site coverage is stated as 42%.
- The indicative ratio is 0.5 -2.0 and the site coverage standard is 45-60% for lands zoned Z1. The plot ratio for the proposed development and site coverage as stated by the applicant both fall within the range set out in the current development plan standards.
- The relatively low site coverage and plot ratio is accounted for by the presence of the publicly accessible park to the north of the site. The developable Z1 area of the site is c. 2.53ha. The total floor area of the buildings on this portion of the site is 63,375sq.m. (excludes the service building/crèche and café on the Z9 portion). This would generate a plot ratio of 2.535. The total site coverage would be 14,633sq.m. (again omitting the service building) which would constitute 58% of the total site area of the Z1 lands. The density would rise to 196 units per hectare comparable to development within the inner city.
- Poolbeg, by comparison will have anticipated density of between 204uph and 238 uph located within walking distance of the Docklands employment area, high capacity public transport and city centre.
- The question is whether the location in this case is comparable to the inner city to justify and support such density.
- The local bus stop is served by the no. 27 route with ten minute frequency while it is a 500+ m walk to the closest bus stop on the Malahide Road where a number of services operate to the city centre.
- With the forthcoming Bus Connects route the Malahide Road will be served by Line D, one of the principle spine lines with a weekday midday frequency of

every 5 minutes or better. Coolock Drive and Greencastle Road will be served by route N8 with a weekday midday frequency of every 10-15 minutes.

- The use of the DART at Kilbarrack is not considered suitable as public transport given the distance between the site and the station.
- The numbers shown in the assessment for public transport users generated by the scheme is considered too low at 85 in the AM and 68 in the PM peak.
- The existing bus services do not have capacity to accommodate a substantial increase in passenger numbers at the density proposed.
- The Planning authority is of the view that the density is not supported at this point in time by a high capacity public transport availability or by proximity to good quality employment opportunities and the scheme could be considered somewhat premature.
- If the Board is inclined to grant permission, the density should be reduced.
- Local visual impacts would be significant given the scale proposed with the residences on Greencastle Road to the north and Coolock Drive to the west.
- While the overall design and palate of materials is reasonable the PA has a strong preference for all balconies to be enclosed by obscure glass balustrades for privacy and aesthetics as expressed in the pre-planning consultations.

Specific Design Issues

- Internal layout of apartments is good with proportion of dual aspect units and orientation of units being mainly satisfactory. There are concerns regarding each blocks which relate to inter alia amenity levels of single or dual north-west and north-east facing apartments in Blocks A1 and A2 particularly at lower floors that face into the north facing courtyard; opportunities to provide windows into bathrooms and stair cores on the flanks of each block; roof gardens not readily overlooked.
- With regards to Block B it is set out, inter alia, that stair cores where possible should be glazed, concern over amenity for apartment B.00.05 sandwiched between storage and entrance/concierge, concern with regard to privacy at pinch

points within the perimeter block and between the central pavilion and the edges of main block with apartment close to heavily trafficked access and between apartment windows and balconies.

- With regards to Block C concerns expressed over amenity of certain ground floor only, single aspect units with street to front and podium parking to rear, concern at proximity of balconies and windows mainly in northwest and northeast inner corners of block, separation distance to east boundary is adequate.

General Design Comments

- Planning Authority has strong preference for the ground floor units in all blocks to have their finished floor levels raised above the local of the finished site levels to improve privacy. Stair cores should have windows where possible.

Daylight and Sunlight

- Great majority of apartments would receive adequate levels of natural light in addition to the external communal areas with only 18 units below the average daylight factor.
- There is concern that four of the studio units fall below the target value however the applicant has increased the floor area of units which fall short by greater than or equal to 10% larger than the design standards.

Residential Quality Standards

- Generally satisfied with the layout and dimensions of the majority of the apartments.
- There is satisfactory quantum of dual aspect units with the majority of single aspect units having favourable aspects to west, south and east.

Open Space

- Level of private open space per unit is reasonable and balconies appear to be commonly 1.5m in depth. There would have been a preference for balconies to be recessed into the buildings to provide more usable sheltered spaces but if considered acceptable by the Board a condition is recommended requiring the surrounds to be in obscure glazing rather than railings.
- Usability of projecting balconies at sixth floor and above, mainly in Blocks A1 and A2 would be questioned with regard to wind impacts.
- Public open space is provided mainly via the 1ha+ public park along Santry River valley. This is welcomed.
- Parks Department do mention a preference for the existing belt of trees at the Coolock Drive boundary to be retained but do not specify this in their recommended conditions. This action would be a significant design amendment which is outside the scope of the current application. The PA consider the loss of these trees would be reasonably compensated by the new public park.

Resident Facilities

- Such facilities are considered reasonable. It would have been preferable for the facilities to be located together to form a resident's hub accessed easily by all occupiers as there is a danger of the facilities becoming de facto only used by the residents of each specific building.
- It could be argued that the amount of ancillary facilities is too low given the overall scale of the development.
- A facilities hub should be provided at the first floor of Block B in the central wing with all apartment at the first floor wing being omitted. This would result in a far greater amount of residential facilities at a single location of scale.

Operational Management and Long-Term Maintenance

- A condition should be attached requiring that an Operation Management Plan be submitted prior to occupation of the development and following appointment of a management services provider.
- The Building Life Cycle Report states that the cost maintenance and reduction measures will be absorbed into the rental value of each unit and an annual maintenance/management fee would not be applied.

Impact on Neighbouring Properties

- Sunlight and daylight analysis indicates that the existing dwellings on Coolock Drive would not experience significant overshadowing or loss of sky aspect in excess of the accepted standard.
- Principal impact would most likely be increased traffic.

Services Building

- Design of the building is a departure from the more conventional forms of the apartment blocks and offers an interesting visual contrast in shape and materials.
- Planning authority would prefer the lobby to be glazed similar to the café to open up the street elevation.
- The scheme should not be gated in any way and a condition should be attached to that effect

Crèche

- Unclear whether the facility would be open to existing neighbouring residents.
- It is preferred that the crèche accommodates local children rather than lie empty and the location close to the public street is suited to such an accommodation.

Café and Gym

- Recommends a condition be attached to control the noise and odour emissions from the café and that the café cannot become a take-away.

Social Audit

- Planning Authority consider the audit to be accurate noting no shortfall in such facilities.

AA and EIA

- Matters for the Board to consider

Conclusion

- It is considered that the site is at too much of a remove from public transport and is not located near high capacity public transport as required by national guidelines as bus services are not high capacity.
- Density and height are excessive for this location and would provide a poor standard of residential amenity for future occupants due to its scale and intensity.
- Recommended that permission be refused for one reason pertaining to excessive height, scale and density which would constitute overdevelopment of a site inadequately served by public transport and in an area typified by two storey domestic housing and would, in its scale and location, set an undesirable and unsustainable precedent for excessive height and density.
- Conditions are provided should the Board be minded to grant permission.

8.3 Inter-Departmental reports

Drainage Division

No objections subject to conditions. It is noted that a revised flood risk assessment for the proposed development addressing any potential flood risks to the basement at construction stage and when the basement is developed and any potential flood

risk from a coupled rainfall and fluvial event when discharge from the development is stopped by a high water table in the river.

Housing and Community Services

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

Transportation Planning Division

No objection subject to conditions.

Parks and Landscape Services

Key issues arising include screen belt and tree retention on site. This buffer area should be retained due to its value in integrating the new higher density development into a lower density suburban residential area as well as its greening value to the locality.

Creation of new park welcomed and must be delivered in early stages of development. Park proposed to be taken in charge by DCC.

Further consideration should be given to vertical greening of proposed buildings

Public art is indicated and welcomed as part of the public open space proposals.

No objection to overall development but wish to see an amendment to the layout to retain the existing screen belt planting located on site. Recommended conditions are provided.

9.0 Prescribed Bodies

9.1 DAU

On the basis of the information in the EIAr there are no archaeological objections to a grant of planning subject to the implementation of the proposed mitigation measures (section 13.6).

9.2 Irish Water

Subject to valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

10.0 Environmental Impact Assessment

10.1 General

10.1.1 Under section 172 of the Planning and Development Act 2000 as amended, a planning application which comes within a class of development specified under Schedule 2 of Part 5 of the Planning and Development Regulations 2001 as amended, requires that an Environmental Impact Assessment is carried out for the project type proposed. The relevant class of development is under Part 2, Schedule 5, Class 10 (b) (i) construction of more than 500 dwellings. The proposal is for 495 and the applicant sets out that it was decided to apply the precautionary approach and an EIAR was submitted with the application.

10.1.2 The application was received by An Bord Pleanála in June 2019 and therefore, having regard to the provisions of Circular Letter PL/1/2017, the subject application falls within the scope of the amending EIA Directive of 2014 (Directive 2014/52/EU) on the basis that the application was lodged after the date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 as the application was lodged after these regulations came into effect on 1 September 2018.

10.1.3 I have carried out an examination of the information presented by the applicant, including an EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority, prescribed bodies and observers, has been set out at section 7, 8 and 9 of this report. The main issues raised specific to EIA can be summarised as follows:

- Impacts to population and human health
- Landscape and visual impact

- Impacts on material assets in particular road network

I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality. I note the qualifications and expertise demonstrated by the experts involved in the preparation of the EIAR which are set out in detail in each chapter of the EIAR. The information contained in the EIAR generally complies with article 94 of the Planning and Development Regulations, 2000 as amended and Article 5 of the EIA Directive 2014. I have carried out an examination of the information presented by the applicant, including the EIAR and the submissions made during the course of the application. This EIA has had regard to the application documentation, including the EIAR and the observations received, as well as to the assessment of other relevant issues set out in section 11 of this report below particularly the consideration of location, visual impact and transportation.

10.2 Content and structure of EIAR

10.2.1 The EIAR consists of three volumes. Volume 1 is a non-technical summary which is concise and generally written in a language that can be easily understood by a lay member of the public. Volume 2 contains 15 chapters which include introduction, project description, alternatives considered, population and human health, landscape and visual, material assets: traffic, material assets: built services, land and soils, water and hydrology, biodiversity, noise and vibration, air quality and climate, cultural heritage, interactions of the foregoing, summary of mitigation measures. Volume III provides appendices to the EIAR. This document does not contain a list of appendices that are enclosed.

10.2.2 Alternatives

Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Section 3 of Volume II of the EIAR considers the issues of alternatives. It is set out that the site was acquired in 2014 and represented a suitable site for development being zoned for employment (Z6) and open space (Z9) in the Dublin City Development Plan at the time of purchasing. The variation to the employment land use zoning to residential land use in March 2018 means that residential development is listed as 'permitted in principle'. The applicant indicates that the site suitability to satisfy environmental criteria was considered prior to acquisition. It is submitted that with regard to design and layout, this evolved during the design phase in response to input from the appointed EIAR team, advice received from DCC and ABP. This process highlighted environmental matters that informed the consideration of alternative layouts and designs including open space provision, permeability and connections, height of the proposed blocks, sunlight, daylight and overshadowing and transportation up to the finalisation of the final scheme. The description of the consideration of alternatives in the EIAR regarding layout and design is considered reasonable in terms of the requirements of the Directive in this regard.

10.3.0 Likely Significant Direct and Indirect Effects

10.3.1 The likely significant direct and indirect effects of the proposed development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- Land, soil, water, air and climate;
- Material assets, cultural heritage and the landscape; and
- The interaction between those factors.

10.4. Population and Human Health

10.4.1 Section 4 of the EIAR is entitled population and human health. Reference is made to the variation to the development plan in March 2018 (Variation no. 5) from Land use

zoning objective Z6 (employment) to Z1 (Sustainable Residential Neighbourhoods). The EIAR notes an overall population increase of 3.5% for the local area (electorate divisions within 1km of the site) between 2011 and 2016 with the exception of Kilmore which saw a population decrease. The overall population trend is expected to continue with increased population growth and urbanisation putting pressure on the need for new homes.

- 10.4.2 The EIAR sets out that the application site is a significant landbank at a pivotal location and left unoccupied for any significant time would go into decline. Anti-social behaviour is often associated with vacant sites and would have a negative effect on the local population. Reference is made to the submission of a daylight, sunlight and overshadowing report that is submitted. This is dealt with in more detail under planning section 11.5 of this report. A microclimate wind assessment report has also been submitted and identifies that in winter the site is subject to higher and more frequent winds from the southwest which means pedestrian areas in between Block B and C and Blocks A1 and Block A2 and areas at the west corner of the service building have higher than desirable wind speeds. It is set out that with the introduction of the proposed landscape masterplan it is expected that all pedestrian spaces outlined would be safe for their purpose of use.
- 10.4.3 Section 11 of Volume II of the EIAR deals with noise and vibration. Irwin Carr Consulting prepared this section indicating that the site is dominated by traffic noise from the surrounding road network. The nearest noise sensitive receptors are identified as being at Coolock Drive and Greencastle Road. A predicted worst-case noise level is outlined for the construction phase with no level exceeding 49.4dB L_{Aeq} .
- 10.4.4 I have considered all of the written submissions made in relation to population and human health. Having regard to the foregoing, it is concluded that the proposed development would not be likely to have significant adverse effects on the population or human health. The mitigation measures proposed within the EIAR are such that will reduce the potential for any temporary direct and indirect effects on human health during the construction stage in particular e.g. noise, dust abatements.

10.5 Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

10.5.1 Chapter 10 of the EIAR Volume II pertains to biodiversity. This section was carried out by Altemar Ltd. with desk studies carried out to obtain relevant existing biodiversity information within the zone of influence. The assessment extends beyond the immediate development area to include those species and habitats that are likely to be impacted upon by the project. The Santry river flows through the site. The EIAR sets out that as a result the potential ZOI beyond the site would be deemed not just to be limited to noise and light impacts but included the potential for downstream impact to extend the ZOI beyond the site outline. The EIAR sets out that the site has been derelict for some years with opportunistic flora species beginning to grow in cracks and joints and in areas where debris had accumulated. Species included bramble larger specimens of butterfly-bush, ragworts, blackcurrant, nettle, dandelion, rosebay willowherb, docks, rapeseed and hedge bindweed. Feral pigeon occupy the interior of the building. The bat surveys deemed the building to be unsuitable for bat roosts due to temperature extremes and no evidence of bats was noted. The built land in the vicinity of Oscar Traynor Road comprises of a busy road and footpaths which are of little ecological value. Three areas of amenity grassland were identified and while these areas appeared to be previously maintained, since the building is not unoccupied maintenance appears to have stopped. An old bridge crosses the Santry River and a single stand of Japanese knotweed was noted on this bridge. Mammal paths (fox) and the remains of several herring gull were noted in this habitat. The river appears to have a paucity of biodiversity with no fish, invertebrates or instream vegetation of significance noted. However, frogs would be expected although it is not expected that this river would form an important breeding area for frogs due to the fast-flowing nature of the river. No bird species on Annex I of the EU Birds Directive were noted on site by the NPWS or NBDC. The EIAR sets out that runoff during site demolition, re-profiling, the construction and operation of project elements could impact on the Santry River with water quality or downstream impacts. Impacts on Santry river is the primary vector for impacts on conservation sites. Ensuring water quality and compliance with Inland Fisheries Ireland procedures/conditions and the Water Pollution Acts is the primary method of ensuring no significant impact on designated conservation sites. The EIAR sets out

that standard construction phase and operational controls and good environmental practice will be carried out and no impact is foreseen in relation to designated conservation sites. The EIAR sets out that the biodiversity value of the site would be expected to improve as the landscaping matures.

10.5.2 I am satisfied that the identified impacts on biodiversity, flora and fauna would be avoided, managed, and mitigated through the measures outlined in the EIAR and no further significant adverse direct, indirect or cumulative effects on biodiversity, flora and fauna are likely to arise. The proposed development would not be likely to have any significant effect on species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC. In this regard, I refer the Board to section 11.9 of this report below which addresses appropriate assessment.

10.6 Land and Soil

10.6.1 Section 8 of the EIAR Volume II pertains to Land and Soils and was prepared by CORA consulting engineers. A preliminary site investigation was carried out to determine the permeability of the subsoils which included a number of soakaway tests (October 2017). These underlying clays have low permeability and are not suitable for discharging rainwater to the ground. The EIAR identifies that approx. 85% hardstanding as occupied by the former factory buildings is located on site. Site investigation was carried out to determine the geotechnical properties of the underlying soils plus chemical composition with respect to the design of the new foundation systems and to evaluate the waste classifications of the material required to be disposed off site. Results of this investigation were similar in each pit with a layer of made up ground overlying a firm-stiff sandy gravelly clay at around 1m to 12.5m below the existing ground level. 8 no. boreholes were carried out by means of percussion boring to a depth varying from 2.0 to 4.75m below existing ground levels to determine the soil profile. Initial results indicated a water level of between about 1.25m to 3.2m below ground level with one borehole recorded as dry. Final measurements indicate a ground water level of about 0.9m to 3.2m below ground level. The GSI records for the area note the aquifer in the area is a Bedrock Aquifer, Type LI – bedrock which is moderately productive only in local zones. A number of groundwater wells were recorded in the vicinity; the two closest are located c. 400m

south of the site at Beechpark Avenue a residential area. It appears that it is not known what the wells serve but considered likely that these wells serve the Cadburys factory, pitch and putt course or the former Chivers site. The EIAR sets out that the GSI records suggest that bedrock is to be found typically in the range of 5m – 10m below ground level at various locations across the site and that the ground water vulnerability is unlikely. It is noted that the only difficulties encountered was that no access was gained to within the building on site to carry out investigations of ground conditions. However, I accept that the findings of the EIAR are sufficient and consistent information has been gathered for the residual site.

10.6.2 With regard to potential impacts and mitigation measures, the EIAR identifies that a surplus of fill material will occur within the site area, approx. 94,500m³ which will be sampled, tested and classified with respect to waste acceptance criteria. Where possible material will be reused on site with an estimated 62,500m³ to be exported to an appropriate suitable approved facility. The construction phase will result in extensive earth moving operations over a significant area over approx. 3 year period. The worst-case scenario in terms of possible impact for the site is the event of an accidental disaster and either effluent and/or pollutants from the site or main sewer discharging into the ground contaminating the soil and geological substrate. The likelihood of this scenario is considered unlikely. Section 8.9 of the EIAR provides design mitigation during the construction stage such as all new build infrastructure to be designed in accordance with technical guidance documents and Building Regulations. Temporary sumps will be used to gather the ground water which will then be pumped from the excavated areas which shall be re-circulated by pumping into the ground adjacent to the excavation area to mitigate against hydrogeological effects from changes to the water table level during construction phase. Where this is not possible and discharge of surface water run-off or water pumped from the excavation works is required it is proposed to discharge to the Santry River via a silt trap and settlement pond. Extent of exposed soil is also to be minimised. It is set out that mitigation measures taken during the design process will ensure that mitigation measures are not necessary for the operational phase. The mitigation measures outlined are reasonable and consistent with good design and construction practices and therefore it is unlikely that the development would have significant negative effects on land or soils. I am satisfied that adequate consideration has been given to

the possibility of the potential for pollution from contamination, discharge to waters etc. and that no significant adverse effects are likely to arise.

10.7 Water and Hydrology

10.7.1 Section 9 of the EIAR, Volume II deals with water and hydrology and was prepared by Kevin O'Mahony, Chartered Engineer and provides details on all the sources of information, reports and surveys relied on for this section. With regard to difficulties encountered it is set out that the exact location of the existing services infrastructure is reliant upon both the public records obtained, which are indicative, and the results of the topographical surveys at ground level only to locate manhole and access covers. This information gives a good indication of the approximate location of the various water features however their exact location remains unknown.

10.7.2 With regard to potential impacts and mitigation measures I am satisfied that adequate consideration has been given to the possibility of potential for pollution from contamination, discharge to waters particularly from the demolition and excavation works proposed and that no significant adverse effects are likely to arise.

10.8 Air and Climate

10.8.1 Section 12 of the EIAR, Volume II deals with air quality and climate. Irwin Carr Consulting were instructed to undertake an air quality and climate impact assessment in relation to the proposed development. The construction phase impacts included assessment of the proposed demolition works. It is set out that the assessment in relation to air quality relied upon the methodology provided by the TII for the source of background data, appropriate modelling software and followed the UK Highways Agency and the Department for Environment, Food, and Rural Affairs guidance as an appropriate reference methodology. Section 12.5 of the EIAR identifies the nearest human sensitive receptors considered as part of the air quality assessment. The closest monitoring station to the site is St. Anne's Park where continuous monitoring is undertaken for Nitrogen Dioxide and Particulate Matter and the annual mean concentrations for both parameters is well below the relevant limit. However, it is indicated that the annual average mean for Nitrogen Oxides is in excess of the relevant limit value and is associated with inter alia transportation

measures. The demolition of existing structures on site and occupation of the development would give rise to emissions to air from dust, traffic and heating. While it is not considered that such emissions will have a significant impact on the quality of the air or the climate, such emissions will contribute further to the already elevated values. This issue pertaining to transportation infrastructure and locational context is assessed in further detail in section 11.3 of the assessment below. Mitigation measures are outlined in section 12.9 of the EIAR and include developing and implementing a Dust Management Plan and recording all complaints in this regard to ensure appropriate measures are taken in timely manner to deal with such complaints.

10.8.2 A wind micro-climate assessment has been submitted independent of the EIAR and is addressed in section 11.5.8 of my assessment below. While I consider that there are consequential impacts arising from the proposed height and arrangement of the structures on the public realm areas in terms of pedestrian comfort, I do not consider that the effects of the development in this regard is likely to have significant effects on the environment.

10.8.3 I have considered all of the written submissions made in relation to air quality and climate and I am satisfied that they have been appropriately addressed in terms of identifying potential direct and indirect significant effects on the environment and that no significant adverse effects are likely to arise.

10.9 Material Assets: Traffic, Built Services and Cultural Heritage

10.9.1 Section 6 and 7 of the EIAR deals with traffic and transport and built services. These sections were prepared by AECOM and CORA consulting engineers. Chapter 13 deals with cultural heritage. The proposed construction of 495 residential units will significantly increase the residential accommodation in the area. The development would marginally increase the demands upon the city's foul sewerage system and water supply network. There would also be an increase in the road network as a result of the proposed development. While there is an existing bus route within 500m of the site, the development site is not considered to be served by high quality public transport despite the applicant's assertion to the contrary. It is considered that the proposal will give rise to increased traffic movements on the local network (approx.

10% increase on existing levels) in the absence of accessibility to sustainable transport modes and would therefore give rise to more congestion on the road network. This also raises concerns regarding car storage in the absence of adequate public transport. The over-spill of on street car parking is identified as a significant impact however the EIAR indicates that provision of double yellow lines along the site access and ample visitor and car club parking will result in a light residual impact. This issue is discussed in more detail in section 11.6 of this report below. It is proposed to upgrade the Oscar Traynor Road/Coolock Drive signalised junction to include additional approaching lanes and pedestrian crossing facilities along the northern arm and the western arm which will mitigate queuing at this junction.

10.9.2 With regard with cultural heritage, there are no protected structures and the development would not have a significant effect on the architectural heritage. There are no known archaeological monument or sites within the proposed development site. It is set out that there is a low potential that groundworks for new development may impact on previously unrecorded archaeological material. There is a cut-stone bridge to the Santry river which is to be retained.

10.9.3 I have considered all of the written submission made in relation to material assets in particular concerns from observers regarding traffic. I am satisfied that the identified impacts could be avoided, managed and mitigated by the measures which form part of the proposed scheme and through the introduction of additional mitigation measures if permission is considered appropriate. The effects of the development on material assets therefore has the potential to be significant, however, through mitigation would not have any unacceptable adverse effects on the environment either directly or indirectly.

10.10 Landscape and Visual Impact

10.10.1 Section 5 of the EIAR deals with landscape and visual and was carried out by Feargus McGarvey with Mitchell + Associates, Landscape Architects. The landscape and visual impact assessment considered two main aspects – landscape character assessment and visual impact. The site is fenced off and unmanaged. It is set out that the proposal responds to the overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape, is not monolithic

and avoids long, uninterrupted walls of building in the form of perimeter blocks. It is set out that the proposal will enhance the urban design context for public spaces and key thoroughfares and will make a positive contribution to the improvement of legibility through the site or wider urban area and integrates in a cohesive manner.

10.10.2 There are no High Amenity landscape designations although the Santry river is a designated conservation area. Photomontages are submitted which give consideration to the visual effects arising from the proposal. In general, I consider that the montages reflect what the proposal would look like, however, I consider that there are key locations along Greencastle Road and Oscar Traynor Road where the visual prominence of the structures will actually appear greater. The use of the colour palette of external finishes and landscaping on the photomontages reduces the visual effect of the proposed development on the photomontages submitted. I am, however, satisfied that the selected viewpoints chosen are such that allow for a robust assessment of the greatest visual effects and represent the more sensitive locations. Mitigation measures are outlined in section 5.8.1 and 5.8.2 of the EIAR and are considered general in nature.

10.10.3 I have considered all of the written submission made in relation to landscape and visual impact. Notwithstanding that I consider some photomontages to not reflect the true visual impact on the environment, I am satisfied that the visual impact has been appropriately addressed in terms of the information submitted by the applicant and that while there are concerns regarding the extent of visual impact of the proposed development in terms of its locational context, no significant adverse effects are likely on the environment.

10.11 Interaction between the above factors

Section 14 of the EIAR deals with the interactions between environmental factors and a specific section on interactions is provided under each of the factors identifying the interactions for both the construction and operational stage. I consider that this approach is satisfactory and that adequate consideration has been given to the interactions. The key interactions are summarised as follows:

- Material Assets in particular traffic flow and potential to impact on road safety;

- Population and Human health and potential for impacts associated with noise, vibration, air quality, climate; and
- Land and soils and potential for impact on landscape, population and human health and biodiversity due to construction activity and excavation.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis. In particular, the concerns pertaining to visual impact and traffic and transportation and the potential for significant environmental effects to arise, may give rise to some impacts on the other factors such as population and human health, air quality and climate.

11.0 Assessment

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

- Procedural Matters
- Zoning
- Locational context to include height and density
- Urban Design, Layout and Visual Impact
- Residential Amenity
- Traffic and Transportation to include parking and bin storage
- Build to rent and relevant policies
- Other Issues
- Appropriate Assessment

11.1 Procedural Matters

A number of observers have set out that the application should not have been validated as An Bord Pleanála had to request additional documentation which takes from the ability of local residents to fully analyse the application. The documentation submitted as part of the application was considered to comply with the requirements of article 297 and 298 of the Planning and Development Regulations 2017 and therefore was accepted as a valid application. As the Board are aware, under the SHD process an Opinion issues following a tripartite meeting and this opinion sets out whether the documentation submitted as part of that process constitute a reasonable basis for making an application or require further consideration. In this instance, the documentation under File Ref. No. 304346-19 in relation to the development site was considered to require further consideration. The applicant therefore submitted additional documentation to address these issues. In the interests of clarity, no additional documentation has been sought in relation to the application and therefore the public had full access to all documentation submitted and I can also confirm that the information available on the applicant's external website www.jamfactorycoolock.com in relation to the development is the same as that submitted in paper and electronically to ABP and as such the public had full access to all information upon receipt by ABP of the application.

11.2 Zoning

11.2.1 The site in question contains two land use zoning objectives. The majority of the site is zoned Z1 "To protect, provide and improve residential amenities" following a variation to the City Development Plan in March 2018. Details of this variation no. 5 are enclosed as an Appendix for ease of reference by the Board. The remainder of the site which is confined to the north and north-east section containing the Santry River is zoned Z9 "To preserve, provide and improve recreational amenity and open space and green network". The river area is also a designated conservation area. The service building containing the crèche, gym and café is proposed on Z9 lands. Chapter 14 of the Dublin City Development Plan provides that "generally, the only new development allowed in these areas, other than the amenity/recreational uses, are those associated with the open space use". Crèche and tea

room/café/restaurant uses are open for consideration. It is therefore considered that the applicant has adhered to the zoning policy objectives of the development plan.

11.2.2 The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that other uses on the land, the zoning of which facilitates such use, can be included but only if the cumulative gross floor area of the houses comprises not less than 85% of the gross floor space of the proposed development and that the other uses cumulatively do not exceed 15sq.m. gross floor space for each house subject to a maximum of 4,500sq.m. gross floor space for such other uses in any development. The proposed development is consistent with the land use zoning objectives set out in the Dublin City Plan 2016-2022 as varied and the provisions of the Planning and Development Act of 2016 as amended in respect of strategic housing applications.

11.3.0 Locational Context to include height and density

11.3.1 The development site is located in the Coolock area bounding the Greencastle Road to the north and Coolock Drive to the west. The retail strategy identifies Coolock as a district centre and Northside as a key district centre. There is also a green corridor identified to the north of the site in Figure 14 of the DCDP which forms part of the strategic network identified. Coolock is also identified as a neighbourhood in Figure 19 City of Neighbourhoods. Chapter 2 of the development plan sets out that “key district centres represent the top-tier of urban centres outside the city centre, a number of which form part of the larger SDRAs”. The plan acknowledges that all of the designated KDCs closely align to the public transport rail corridors with the exception of two (Finglas and Northside) which perform an important regeneration role for local communities. As set out under section 5.4 of the City Development Plan the approach is to implement the core strategy by “providing for an appropriate quantity and quality of residential accommodation incorporating sustainable densities and designs.” It is within this context that the proposed development should be considered.

11.3.2 SPPR 1 of the Urban Development and Building Height Guidelines for Planning Authorities set out

“in accordance with Government policy to support increased building height 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 and infill development to secure the objectives of the NPF and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.”

The planning authority has set out, in the Chief Executive’s report, that it retains the right to control height in the city and to direct denser development into appropriate locations close to employment generators, high capacity public transport and services, and to ensure that such development does not overwhelm the neighbourhoods in which such schemes will be located. The strategic approach contained in the development plan currently supports this approach which is reasonable and in line with national policy.

11.3.3 Section 16.7 of the current development plan ‘Building Height in a Sustainable City’ allows for a maximum height of up to 16m in the outer city. The proposed development varies in height as follows:

Blocks A1 and A2	6 to 10 storeys (19.2m to 30.75m)
Block B	3 to 7 storeys (10.4m to 22m)
Block C	3 to 7 storeys
Service building (crèche/gym)	3 storeys

The proposal before the Board therefore materially contravenes the overall height strategy set out in the Dublin City Development Plan. A statement of material contravention has been submitted by the applicant who indicates that permission for the proposed development should be granted having regard to section 37(2)(b) of the Planning and Development Act 2000 as amended, having regard in particular to the grounds outlined in section 37 (2)(b)(iii) as the proposal is in accordance with section 28 (Ministerial Guidelines and Section 29 (Policy Directives). I accept that the recent Urban Development and Building Height, Guidelines for Planning Authorities identify that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas but where it is proposed to have higher densities and height due regard must be given to the

locational context, availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

11.3.4 In this application, significant weight is given to the size of the site to justify the scale and height of development. While the site is considered large in urban terms this, in itself, does not justify heights of 10 stories. The immediate area is low density and the concentration of structures of any notably height within this area are the four storey apartment blocks located closer to Northside Shopping Centre on the Kilmore Road. I accept that this permitted pattern of development is unsustainable in the longer term. However, regard has to be given to the locational context of the site and availability of existing services to support a significant increase in population at this location and how/where these people will travel to work, schools etc.

11.3.5 With regard to density, the proposal according to the statement of consistency is to provide approx. 137 units per hectare. The stated plot ratio is 1.8 and the site coverage is 42%. I concur with the planning authority regarding their assessment of density in that once the 'Z9' lands are omitted, the density of the scheme is in fact much higher. I calculate the density to be in the region of ca.180 units per hectare. I refer the Board to Appendix A of the Sustainable Residential Development in Urban Development Guidelines regarding 'Measuring residential density'. A net density measure is a more refined estimate than a gross site density measure and includes only those areas which will be developed for housing and directly associated uses. It excludes open spaces serving a wider area which is the intended purpose of Z9 lands and therefore this portion of the site (1.05ha) should be omitted.

11.3.6 The planning authority set out that the density proposed is comparable to development within the inner city such as Docklands and Poolbeg SDZ areas which are located in high employment areas and in close proximity to high capacity public transport and the city centre. The subject site is suburban located on the northern fringe of Dublin City Council's jurisdiction where the only real public transport option is public bus. The DART stations while referred to in the documentation by the applicant are too far from the site (approx. 2km) to be considered to offer an alternative mode of transport. While the site is within walking distance of Northside shopping centre/district centre, it is approx. 1km from the site. Furthermore, the

development plan appears to make a distinction between the two centres with Northside being the key district centre and Coolock having a more local role.

11.3.7 I do not consider that the density proposed is sustainable at this location in the absence of commensurate level of employment opportunities and supporting social, educational and physical infrastructure for existing and future residents. While a social infrastructure audit has been submitted demonstrating the existence of various services, no analysis has been submitted as to the capacity of existing facilities e.g. schools to cater for the increased demand for school places or GP facilities to take on new patients – the latter being raised by some observers.

11.3.8 I refer the Board to paragraph 2.11 of the Urban Development and Building Heights Guidelines which set outs that

“locations with potential for comprehensive urban development or redevelopment (e.g. brownfield former industrial districts, dockland locations, low density urban shopping centres etc.) should be identified where, for example, a cluster of higher buildings can be accommodated as a new neighbourhood or urban district or precinct. Such areas, particularly those in excess of 2ha in area, should be accompanied by appropriate master-planning exercises and local planning frameworks to deal with movement, public realm, design and other issues that are best addressed at a neighbourhood level rather than at an individual site scale.”

The development site has a stated site area of 3.86ha of which approximately 1.05ha is the public open space lands. Reference is made in the design statement to ‘site plan in context of local area’ and it is set out that ‘this site cannot be viewed in isolation as the development potential for the neighbouring sites must be considered to allow a generation of block forms and urban design solutions which are readily translatable to the larger scale’. A notional masterplan study for the adjoining lands and the development site is submitted. This plan is very basic and does not explore issues such as movement and connections, particularly the provision for future public transport routes through the overall study area, public realm, design or other issues in any meaningful way. The planning authority has raised concerns about the monolithic nature of any proposal to replicate the taller structures along the river edge on adjoining Cadbury’s lands and I would share

these concerns. As advocated by the Building Height Guidelines the visual, functional, environmental and cumulative impacts of increased building heights need to be considered and whilst I acknowledge and accept in general the EIAR findings, I consider that the visual impacts arising from the proposed development are such that requires careful consideration in the context of the site's location. This issue is examined in more detail under the urban design and visual impact section.

11.3.9 With regard to the locational context, I consider that the proposed development of the scale and density proposed is premature pending the preparation of a masterplan that would address local planning issues at a neighbourhood level rather than at an individual site scale including proposals for the delivery of high capacity integrated public transport system providing access to employment centres. The proposed development of the scale and density proposed if permitted in the absence of a masterplan would represent a development which is at odds with the existing built environment at this location.

11.4.0 Urban Design, layout and visual impact

11.4.1 The ABP Opinion that issued sought further consideration of the development strategy for the site particularly in the context of the suburban location of the site and having regard to national policy and guidelines, including the 12 criteria set out in the Urban Design Manual, which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009). The response to ABP's opinion sets out that "the scheme provides a positive opportunity to create identity through density and height as well as providing quality amenities that will serve the local community." I do not consider that the overall height and density, as already discussed, can be sustained at this location in the absence of an overall masterplan and proposals for an integrated public transport system. The quality of the amenities proposed and its contribution to the wider community is considered hereunder.

11.4.2 Having considered the plans and particulars submitted, I would have concerns about the overall development strategy for the site. The strategy provides for four blocks, A1-A2 (6 stories up to ten stories to the north overlooking the river) and Blocks B and C (to the south up to 7 stories). There is also a services structure (3 stories) which is located to the west at the proposed entrance to the site. The re-development of this brownfield site provides an opportunity to create a new living quarter with attractive streets and public realm and to promote increased connections and permeability through these lands and adjoining lands that may be developed into the future. The documentation submitted is not clear as to the level of permeability through the site or the public open space. This concern has been raised by observers and is well-founded. It appears from the landscaping plans that there is to be a controlled access to the public open space lands from Greencastle road and Coolock Drive. No boundary treatments are indicated to the perimeter of the site. The documentation refers to the continuation of the green network to the north of this site with the Stardust memorial park in an easterly direction. However, the existing public park is gated with railings to the perimeter and is not the most inviting space given the presence of barriers at the gates to control access for presumably motorised vehicles. It is set out in the application details that the open space is not to be taken in charge and as such this raises concerns regarding its value to the wider community as a public park. It is indicated that access to the park will be managed at night but will remain open during daylight hours. This will be difficult to enforce if the lands remain in the ownership of a third party. The presence of a perimeter fence to this public park similar to that of the adjoining public park would in my opinion reduce its desirability for use particularly in this built-to-rent scheme as access to the site as a whole is to be controlled. The development of a strategic green network should encourage optimal permeability with ease of movement and connections thus contributing to the use of such spaces. The proposed public open space lands in this application would contribute to the fragmented nature of public open spaces which continue to have access curtailed with the provision of perimeter fencing.

11.4.3 The development of this large site presents a huge opportunity to create a new living quarter with a sense of identity for this neighbourhood with inviting public open space lands for the community. The Urban Design Manual – A Best Practice Guide which is a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, uses 12 criteria that are designed to encapsulate the range of design considerations for residential development. The Urban Design: New Apartment Guidelines for Planning Authorities, 2018 also provides relevant standards both in quantitative and qualitative terms. The documentation talks about the proposal being a positive identity to the area. I am not convinced of this. While the design strategy of delivering blocks within a new urban quarter is generally acceptable, there has been no analysis in this instance as to the locational context and how the size and scale of the blocks would successfully integrate into or enhance the character and public realm of the area having regard to the topography of the site and the proximity of domestic scale residential development. The design statement refers to the development being a ‘recognisable urban scale’. However, I disagree given the current locational context of the site and pattern of development in the area. Block B in particular is quite a long block at approx. 110m and would be at odds with the scale of the existing streetscape. There is also a difference in levels between the site itself and adjoining lands and within the site. No real analysis of this has been provided including consideration of the interface of the development with adjoining lands or how the organisation of the different spaces/streets created would inter-relate and function independently. The provision of connections and permeability through the site can help reduce the sense of separateness from the existing community which I consider important to this site particularly in the context of the public open park lands. The architectural design response in the absence of an agreed vision for the overall development of the wider Coolock area would in my opinion would result in an abrupt transition on the streetscape particularly along Coolock Drive and Greencastle Road. The use of smaller blocks or introduction of breaks within the blocks would provide some visual relief at street level and also provide increased sunlight/daylight to the courtyards.

11.4.4 The proposed crèche, gym and café facility are located on open space lands in a structure referred to as the 'services building' which is to be accessed from Coolock Drive. The overall height of this structure is approx. 10.3m and while I acknowledge that an attempt has been made to provide a more innovative design response at this location, I am not convinced that the design response has been achieved. My main concerns relate to the absence of a real sense of how the building and uses at this location will contribute to a vibrant streetscape leading from Coolock Drive into the public open space lands particular as the gym and café are for residents use only. The configuration and layout of the uses are questionable in terms of their functionality, configuration and interdependencies. For example, the crèche is located at first floor accessed via a spiral staircase. This would suggest that the facility is a childcare facility for older children i.e. pre-schoolers. The open space area for the children is located at first floor and yet the gym at ground floor faces directly onto a children's play area serving the public park which is considered unusual. The floor plan at second floor of the creche does not correspond with the elevations submitted. Reference is made in the documentation to five rooms within the crèche however no internal configuration has been indicated on the floor plans.

11.4.5 Pursuant to site inspection and review of the photomontages submitted, I would have concerns that the true scale of the proposed development has not been accurately reflected. I consider that key locations whereby the proposal will be highly prominent are VVM4, 5 (along Greencastle Road) and VVM10 (Oscar Traynor Road) as identified in the photomontages, however, the landscaping and angles of these images in my opinion reduces the true scale of the proposed development. Further the design statement refers to the use of buff/yellow brick as a finish which is not reflected in the images submitted. The use of high quality durable external finishes to this scheme is critical to success of this scheme particularly to the balconies.

11.5.0 Residential Amenity

11.5.1 Observers are notably concerned about the impacts the proposed development may have on their existing residential amenity. A sunlight and daylight analysis has been submitted. With regard to Vertical Sky Component (VSC), results are given for the % of VSC to existing properties with the proposed development. It would have been

useful to provide the baseline figure without the proposed development so that the level of impact on existing properties could be measured. In any event, the 27% VSC will be retained in all but one instance. Window 9 to no. 25 Coolock Drive will have a VSC of 15.33 with the proposed development however the existing VSC is 17.06. The existing canopy over the window to this property is considered to give rise to this lower than normal rate. While I note the concerns of the observers regarding this issue, it is considered that the proposal will not have an undue negative impact on the VSC or loss of daylight or sunlight due to the height of the proposed development as demonstrated in the documentation submitted. This is mainly due to the separation distances and location of existing properties vis-à-vis the new structures. I am satisfied that the buildings on Greencastle Road are sufficiently distant from the proposed development to conclude that they would not be unduly affected by the proposed development by way of overlooking or overshadowing.

11.5.2 With specific regard to the future occupants of the proposed development and the standard of amenity afforded to them, I refer the Board to the following matters.

Block B, the larger of the blocks which has frontage onto Coolock Drive contains a small games room and communal dining room at either end of the block. Two study hubs are provided at first floor level. The dispersed nature of the residential support services/amenities is concerning and the usability by all residents of such spaces is questionable. It is unclear why a large communal dining room is required/proposed. There is no laundry area provided. I note that the apartment units are generous in size and this may off set the need for laundry services if facilities are provided within the apartments. There is no obvious concierge facility which I would suggest is required to help underpin the BTR model. There are two entrance/concierge areas indicated on the ground floor plan of Block B but having regard to their configuration they appear to be more akin to entrance lobbies. Block C contains a communal work area at the ground floor. Blocks A1 and A2 each contain a function room at ground floor which back onto apartments and where the main entrances are located adjacent to private gardens. My main concerns pertaining to the residential support services, is the lack of clarity regarding the management of these spaces and how residents will be encouraged to utilise all of these spaces due to their sporadic dispersion throughout the blocks. I also note that the TTA submitted indicates that

the gym and café are for residents use only. If this is the case, I do not consider that the provision of such amenities in a stand-alone services structure is the most efficient use and this also raises questions with regard to future maintenance and viability of this structure particularly when the crèche is located within this structure. I note the suggestion by the planning authority that a facilities hub should also be provided in addition to the other support facilities at first floor of Block B in the central wing with all apartments at this first floor omitted. I agree that a central facilities hub should be provided thus giving rise to greater opportunities for residents to interact and contributing to the ease of management of these spaces. The location of such needs to be carefully considered with a view to encouraging active streetscapes and ease of access for residents.

11.5.3 With regard to Annual Probable Sunlight Hours (ASPH), reference is made to paragraph 3.1.11 of the BRE Guide which states that if a room faces significantly north of due east or west it is unlikely to meet the recommended sunlight levels. It is set out therefore that these orientations were not analysed for APSH because the BRE Guide recognises that it is unachievable for these orientations. It is set out in the documentation that this approach was agreed with the City Council. There are no details on the file as the extent and location of units omitted from consideration. This therefore somewhat limits the assessment and analysis in terms of identifying what percentage of overall units have adequate APSH versus those that cannot achieve the appropriate rate due to their orientation. This is a large site within a low-density neighbourhood where there is an opportunity for appropriate design solutions to optimise APSH to all units. The sunlight target results for the southern elevations of Blocks A2 and A1 demonstrate that there is a shortfall of sunlight to units on the lower floors of the proposed blocks on the southern elevation. Consequently, given the number of units significantly north of due east and west which were not assessed and the results of those units that were assessed, I consider that the residential amenity to future residents of a large proportion of units in terms of sunlight is poor. Alternative design and layout solutions could ameliorate sunlight targets to a greater number of units.

11.5.4 With regard to daylight assessment to individual rooms the report notes that of 580 rooms analysed 97% achieved the BRE threshold. I note that the 2% value was used for kitchens which I consider to be the correct threshold. When the lower value 1.5%

for kitchen, living and dining areas is applied, all the rooms are considered to comply with the BRE guide.

11.5.5 The applicant indicates that BRE requirements are guidelines which I agree with, however the results of any analysis are a useful tool in reasonably determining the effects of the proposed development on existing properties and also what levels of sunlight/daylight would be expected for future occupants. Section 6.6 of the Apartment Guidelines provides that 'planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 –'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.' Section 6.7 of the apartment guidelines provides that where a proposal may not be able to fully meet all the requirements of the daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solution must be set out, in respect of which the planning authority (or ABP, the relevant consent authority in this instance) should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Having regard to the overall scale of the development, orientation of a significant number of units and the site size and lack of constraints generally on the site or immediate area, an alternative design strategy for the site could reduce the overall number of units that have reduced sunlight and daylight targets.

11.5.6 With regard to shadow impact analysis no details are submitted for December when the sun would be low in the sky and tend to cast the longest shadow. The results indicate that there will be morning shade to adjacent properties on Coolock Drive and evening shade to properties on Greencastle road in March. In general, I don't consider that the proposal gives rise to over-shadowing such that would be detrimental to existing residential amenities however I do consider that with amendments to the development strategy for the site, that improved levels of sunlight and consequently a reduction in shadowing to the communal open space areas, particularly in Block B, could be achieved thus improving the quality of these spaces. The BRE guidance refers to minimum recommended levels of sunlight and these would appear to have been used by the applicant as the threshold that was

required to be met. I do not consider that the scale, mass and height proposed should be justified on the basis that minimum recommendations are met. Rather, a focus should be on achieving optimal residential amenity levels for future occupants that will enhance the quality of living at this location.

11.5.7 A wind microclimate assessment has been submitted with the application documentation. The assessment carries out a pedestrian level wind microclimate for the proposed development. The study uses the Lawson Pedestrian Comfort and Pedestrian Distress (1) criteria to assess the wind microclimate. The report provides results of the summer assessment and the winter assessment. Wind roses were calculated using wind data from Dublin Airport between January 1998 and December 2018 adjusted for the site location based on terrain analysis using the EDSU methodology. With regard to pedestrian distress the locations expected to be unsuitable for more vulnerable pedestrians (e.g. elderly, children and cyclists) were identified in the following locations

- South of the pedestrian areas in-between Block B and C
- The pedestrian areas in-between Block A1 and Block A2
- West corner of the service building and
- Small areas at the southernmost corner of the site

The report sets out that the distress threshold wind speed of 15m/s for vulnerable pedestrians was found to occur for no more than 5 hours annually in the worst-case area i.e. south area in-between Block B and C.

11.5.8 Variation in wind speeds at different places is dependent on the prevailing wind direction and the urban fabric characteristics such as building height, street widths, vegetation cover, water body etc. The design statement submitted by the applicant would appear to suggest that the main axis through the development is between Block B and C providing a visual link to the public open space to the north. Yet, this route is identified in the micro-climate assessment as not being suitable for more vulnerable users. It is not evident that the results of the micro-climate assessment were used to inform any re-design as part of the overall iterative design process. There is a general statement that impacts will be reduced through landscaping.

However, consideration should also have been given to other mitigation measures such as reduced height, recessed balconies, consideration of re-locating uses that generate more pedestrian movements to locations that have less distressful thresholds. Of note, the locations identified as being unsuitable for more vulnerable users, albeit in the worst-case scenario, are where the main entry/egress points are located serving the development and residential blocks.

11.5.9 With regard to public and private open space, the scheme is considered in quantitative terms to deliver sufficient open space. Blocks A1 and A2 overlook the public open space lands to the north and there are two roof gardens c. 305sq.m. provided at the 6th floor of each of these blocks. Block B contains two courtyards referred to as B1 and B1 at first floor. (For clarity, ground floor is the basement level containing parking). It is proposed to have a play area and outdoor gym equipment in these areas. I consider that the apartments that bisect these courtyards i.e. B1 and B2 represent overdevelopment of the site and should be omitted thereby giving a greater level of communal open space that can be utilised more effectively without unduly compromising the residential amenities of the residential units that have window/private patios at this location. Block C also contains a similar courtyard. Any permission granted should provide that all play/gym equipment and outside furniture as indicated on the plans is provided. As previously stated, the location of the playground to the services structure should be revised and/or location of uses re-considered.

11.6.0 **Traffic and Transport to include parking and bin storage**

11.6.1 Given the absence of alternative modes of public transport and the limited availability of buses serving the site and the suburban location of the site, it is considered that there will be a reliance of the private car as a means of travel. The local road network, pursuant to site inspection, is busy with delays experienced at junctions in particular the Oscar Traynor Road junction and Coolock Drive. Whilst I consider that congestion is a feature of an urban area and is inevitable, the proposal

for 495 additional residential units in an area with minimal options in terms of public transport needs to be carefully considered. The proposal refers to the upgrade of existing Oscar Traynor Road/Coolock Drive 3 arm junction is to be upgraded to allow for a 2-lane approach and pedestrian crossing on the Oscar Traynor Road Western Arm and a 2-lane approach and pedestrian crossing tie-in on the Coolock Drive.

11.6.2 The TTA report provides a response to the Transportation Planning Division comments in respect of the documentation submitted at the pre-application stage which sought inter alia, a clear car parking management strategy, confirmation from a Car Club provider and details of the number of vehicles to be allocated to the proposed development, residential travel plan framework which identifies potential measures which could be implemented to promote sustainable travel amongst future residents. In general, the proposals outlined are considered to address the concerns/issues raised. The TTA refers to the use of a 'carrot and stick approach' with regards encouraging residents to use more sustainable modes of transport. Reference is made to an Action Plan Co-ordinator to implement initiatives with the timescale of 3 months from the date of occupation. I consider this too late. A mobility management plan and officer should be in place prior to occupation of the units to ensure that future occupants are aware of the constraints regarding parking and that they are aware of public transport facilities in the area.

11.6.3 I note the concerns raised by observers regarding parking. A total of 396 spaces are proposed at ground and basement level. 391 spaces are dedicated to the residential units and 5 to the services building for the proposed crèche. 24 no. EV spaces are provided. It is also proposed to have 10 no. car club spaces (at surface level) and 14 no. visitor spaces for the residential development. The reduced parking provision is justified by the applicant on the basis that it is consistent with the Sustainable Urban Housing Design of New Apartments Guidelines which recommends that for Intermediate Urban Locations "planning authorities should consider a reduced overall car parking standard and apply an appropriate maximum car parking

standard". It was determined that the proposed quantum of 0.79 space per dwelling is sufficient to serve the anticipated demand.

11.6.4 Figure 3.6 of the Traffic and Transportation report references pedestrian linkages. I would caution against the overreliance on this figure alone. It is indicated that the site is approx. 500m from the Malahide QBC. While this is true, this distance will only get a pedestrian to the north-east corner of the public open space. As detailed this public open space is to have controlled access and therefore it may not be possible in the early mornings/late evenings for pedestrians to access this space. Further, there is only one access point across the river and in reality the walking distance to the residential units will be much greater than 500m. The bus routes in the area, as detailed in the TTA, is limited and observers and the planning authority state are at capacity.

11.6.5 While there is flexibility with regard to parking spaces for BTR schemes given the locational context of the site, the scale of the reduction in this instance i.e. 0.79 spaces per unit, is not justified given the absence of alternative modes of public transport in the area. It was noted at time of inspection that parking along streets is in high demand and given the scale of this development, car storage would in my opinion be an issue.

11.6.6 The majority of the bin storage is provided to the basement level serving blocks B and C. Minimal storage bin areas are provided at ground level. The servicing of the bin storage areas will be difficult and while this is considered to be a management issue, I note the documentation indicates that a service lorry will collect the refuse bins at ground level. No area has been designated for the placing of such a large quantum of bins thus there are concerns about the potential impact on residential amenity given the proximity of private amenity areas to the footpaths at this location. I also consider that the bin storage area at ground level of Block B will generate pedestrian movements along the main entry/egress point to the car park which will give rise to a conflict in traffic/pedestrian movements that could easily have been

avoided through re-design. The Board should note that the basement plan forms part of the transportation drawings and is somewhat confusing as it also contains signage details/road markings for ground level. There would appear to be a lot of other areas which are unmarked and appear to consist of additional storage areas, lift shafts and access to core areas.

11.7.0 Build to Rent and relevant policies

11.7.1 Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (BTR) and Shared Accommodation sectors. The guidelines define BTR as “purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord”. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. The residential type and tenure provide a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland. However, given the location of the site which is not within 500m of a QBC and distant from a DART/Luas line, I am not convinced that the location is entirely suitable for a BTR scheme of the scale proposed. While I acknowledge that there are some employers in the area, in particular Cadbury’s on the adjoining site and the Northside shopping centre which the applicant refers to, I have reservations about the need for BTR at this location in particular given that there is generally a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.

11.7.2 The public notices refer to the scheme as ‘Build-to-Rent’ and a copy of a draft legal agreement referred to in SPPR7 has been enclosed, which indicates that the applicant is willing to accept a condition requiring that the residential units remain in

use as BTR accommodation owned and operated by an institutional entity and that no individual residential unit within the development be sold or rented separately upon completion of the development for a minimum period of at least 15 years.

11.7.3 SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units and in relation to the provision of all of the communal amenity space on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. I note that the sizes of the apartments are generous and they also contain adequate storage spaces, in fact some units contain storage areas that greatly exceed the recommended standards of the Apartment Guidelines which set out that “as a rule, no individual storage room within an apartment should exceed 3.5 square metres”. There are numerous apartments with storage areas of up to 5.5sq.m. While increased storage areas within bedrooms so as to accommodate walk-in storage rooms are generally acceptable there are apartments e.g. B.02.15 which contain two storage areas side by side at 3.8sq.m. and 4sq.m. respectively and there is also a third storage area of 3.7sq.m. accessed from the hall.

11.7.4 The residential support services has been discussed under section 11.5.2 of this assessment.

11.8 Other Issues

11.8.1 Oral Hearing request

It is noted that there were two separate requests for an Oral Hearing in respect of the subject application. A memo was prepared which sets out that it was not recommended that an oral hearing be held. I refer the Board to the memo which sets out in detail reasons for request and response by ABP to same.

11.8.2 Building Life Cycle Report

The applicant has submitted a building life cycle report which I consider to be quite general and nondescript.

11.8.3 Infrastructural Services including Flood Risk

No concerns are raised by the planning authority or Irish Water with regards to servicing the site from a public water or waste water perspective. It is noted that the surface water from the development will discharge to the river via a proposed terraced wetland feature. The engineering division of DCC set out that detailed design should be agreed with them prior to commencement of works on site and the proposed surface water management strategy as detailed in the Water service and Flood Risk Assessment report should be implemented in full. It is noted that it is also set out that a condition should be included requiring the submission of a revised flood risk assessment for the proposed development addressing any potential flood risks due to the basement both at construction stage and when completed. I consider such a condition inappropriate as all flood risk concerns should be addressed at application stage rather than post-consent. Notwithstanding this, I consider that the documentation on file is adequate to determine that the proposal should not pose a flood risk or result in displaced waters elsewhere.

11.9 Appropriate Assessment

Screening report

11.9.1 The applicant has submitted an AA screening report and NIS which provides a description of the proposed development, project and Natura 2000 sites as identified in Table 2 of the report. The site is not located within or directly adjacent to any Natura 2000 area. The report screens out all the listed SACs save for North Dublin Bay SAC and North Bull Island SPA as the site is in the Santry River catchment adjacent to the Santry River with direct hydrological links. It is set out that standard construction and operational phase controls will be carried out on site to ensure all

works will be carried out in compliance with Local Government (Water Pollution) Acts 1977-1990. It is set out that “despite the fact that these measures will ensure protection of the water quality in the Santry River the recent decision by the Court of Justice of the EU People Over Wind (C-323/17) means that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at screening stage. An NIS was submitted accordingly.

11.9.2 Identification of sites

I refer the Board to the list of sites contained in the AA screening report and I am satisfied that this list identifies all of the sites within a 15km range of the development site that may have a pathway. The applicant has screened out all of the 16 sites save for two which are listed below along with their qualifying interests. I concur with the findings of the applicant in that AA is required in respect of same.

Natura 2000 Code	Site Code	Distance to site (as crow flies)	Qualifying Interests
North Dublin Bay SAC	000206	3.1km east and south-east of site	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110]

			<p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
North Bull Island SPA	004006	3km east of site	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>

			Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]
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Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular, the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

11.9.3 Assessment of likely Significant Effects on Designated Sites

The information contained in the NIS is, in my opinion sufficient to allow the Board to carry out an AA. The potential for likely significant effects should be assessed in the context of the relevant sites' conservation objectives. The development site in question is not part of or located adjacent to any of the designated sites. Having regard to the 'source-pathway-receptor' model and lack of any direct entry of surface and untreated waste waters to any of the Natura 2000 sites, the use of best construction practices as an integral component of the development and the treatment of waste waters prior to discharge, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in-combination with other plans or projects would not adversely affect the integrity of the European Sites North Dublin Bay SAC or North Bull Island SPA (Natura 2000 Codes 000206 and 0004006).

12.0 Conclusion

I consider that at a strategic level, the proposed development of the scale and density proposed is premature pending the delivery of a high capacity public transport system in the immediate area of the development site. Furthermore, the design strategy including height and scale is at odds with the existing pattern and character of development and where such is to be justified, a masterplan for the wider local area which addresses issues such as movement, connections, design, public realm should be prepared having regard to the extent of under-utilised/brownfield lands in the immediate area of the site.

The proposal is for a built-to-rent scheme of 495 units which will give rise to an increase in population within this local area where I am not convinced that there is a commensurate level of employment opportunities, social and recreational facilities required to underpin sustainable neighbourhoods.

The development strategy for the site itself both in terms of scale and height is considered excessive. There are concerns regarding the qualitative nature of the public open space lands to the north given that they will be controlled in terms of access and not taken in charge by the local authority. There are also concerns regarding the quality of the residential amenities for future occupants both in terms of the support services/hub and also sunlight/daylight to individual apartments, although the latter is considered to be a less substantive issue. The conflict in pedestrian/vehicular/bin storage movements at the entrance to block B is in my opinion a substantive issue given the public safety concerns.

13.0 Recommendation

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

14.0 Reasons and Considerations

1. Having regard to the location of the development site at a remove from the City centre or major employment centres and a high capacity integrated public transport system, it is considered that the development at the scale and density proposed is

premature pending the provision of a master plan and local planning framework as provided for in paragraph 2.11 of the Urban Development and Building Heights Guidelines for Planning Authorities, 2018, which addresses, inter alia, issues such as movement, public realm, and design. The proposed development would set an undesirable precedent for developments of similar densities in suburban locations in the absence of a commensurate level of social and physical infrastructure including employment opportunities to support the increased population levels. The proposed development would therefore be contrary to the proper planning and sustainable development of the area

2. It is considered that the proposed design strategy as it relates to scale, mass and height of the proposed structures, does not provide an appropriate design solution having regard to the site's locational context and to the established character and pattern of development in the immediate area. It is considered that the arrangement of the proposed blocks and overall design of the scheme is monolithic and would set an undesirable precedent for the repetition of this proposed form with unsympathetic proportions relative to the character and pattern of development in the immediate area. The applicant has not satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area having regard to the proximity of domestic scale residential development and existing public open space to the east of the site. The proposed development would be contrary to the National Planning Framework and Ministerial Guidelines which promote innovative and qualitative design solutions which promote permeability and strong visual connections thus supporting the creation of sustainable neighbourhoods. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. The absence of an integrated facilities hub within the proposed residential blocks would fail to create a shared living environment which promotes integration between residents and would result in a poor standard of residential support

services/amenities for future occupants of the proposed built-to-rent development and would be contrary to paragraph 5.5 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018. The proposal would, therefore be contrary to the proper planning and sustainable development of the area.

4. The proposed vehicular access and egress arrangements to the surface parking at Block B and basement car parking serving Blocks B and C would give rise to a conflict in pedestrian, cyclist and vehicular movements particularly having regard to the location of a bin storage area immediately adjacent to the ramp of the basement car park. The proposed development would therefore endanger public safety and as such would be contrary to the proper planning and sustainable development of the area.

Joanna Kelly
Senior Inspector