



An
Bord
Pleanála

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

Inspector's Report ABP-304383-19

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|--------------------------------------|--|
| Strategic Housing Development | 492 no. Build to Rent units with commercial uses and associated site works. |
| Location | Lands at Concorde Industrial Estate, Naas Road Walkinstown, Dublin 12. |
| Planning Authority | Dublin City Council South. |
| Applicant | Development Ocht Limited. |
| Prescribed Bodies | Irish Water. National Transport Authority. Transport Infrastructure Ireland. The Dublin City Childcare Committee. |
| Observer(s) | Health and Safety Authority. |

Date of Site Inspection

27 May and 23 July 2019.

Inspector

Stephen Rhys Thomas.

Contents

| | |
|--|----|
| 1.0 Introduction | 4 |
| 2.0 Site Location and Description | 4 |
| 3.0 Proposed Strategic Housing Development | 5 |
| 4.0 Planning History..... | 7 |
| 5.0 Section 5 Pre Application Consultation | 7 |
| 6.0 Relevant Planning Policy | 10 |
| 7.0 Third Party Submissions | 12 |
| 8.0 Planning Authority Submission | 12 |
| 9.0 Prescribed Bodies..... | 15 |
| 10.0 Appropriate Assessment | 16 |
| 11.0 Environmental Impact Assessment | 17 |
| 12.0 Assessment..... | 27 |
| 13.0 Recommendation | 36 |
| 14.0 Reasons and Considerations | 36 |
| 15.0 Conditions | 37 |

1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The Inspector's Report relating to ABP-303506-19 describes the site and for the most part I broadly concur with this description as follows:
- 2.2. *The stated area of the site is 1.88ha. It lies c6km south-west of Dublin city centre on the Naas Road R810, a major route along which the Red Line of the Luas runs. The Bluebell station is c250m east of the site. The area is characterised by large plots containing low-rise commercial building and yards with uses of low intensity. This area extends from Bluebell to the Red Cow on the M50 c3km to the south-west. The site is occupied by two such buildings with a floor area of 5,810m² comprised of a number of units, several of which are vacant but appear to have been last used for car sales. The front boundary of the site onto the public footpath is marked by a post and chain fence with a car park between it and the front of the buildings. Access to that car park is from an access road along the eastern boundary of the site serving the Carriglea industrial estate. The access road has a signalized junction with the Naas Road at the north-eastern corner of the site that allows turning movements across the Luas tracks. The south-eastern corner of the site adjoins open space associated with the school at Drimnagh Castle off the Long Mile Road. The rest of the southern boundary of the site adjoins a yard used by a car distributor. The land immediately to the west of the site on the Naas Road is occupied by an electricity pylon and a facility on the gas network.*
- 2.3. In addition, the site boundary includes a portion of the junction of the industrial estate road with the Naas Road.

3.0 Proposed Strategic Housing Development

The proposed development comprises 492 residential units (Build to Rent – BTR), commercial, retail, childcare and office space, in a number of blocks ranging from 4 to 8 storeys, the detail is as follows:

- 104 no. studio apartments
- 136 no. 1 bed apartments
- 21 no. 2 bed (3 person) apartments
- 231 no. 2 bed (4 person) apartments

Provision of 3,347sqm gross commercial/retail/crèche/office/ enterprise space fronting onto the Naas Road, 7.3 % of total floorspace, as follows:

Table 1: Commercial Units proposed*

| Ground Floor: | Use | Floor Area |
|----------------------|--------------------------|-------------------|
| Unit 1 | Creche | 191 sq.m. |
| Unit 2 | Car Showroom | 350 sq.m. |
| Unit 3 | Shop | 146 sq.m. |
| Unit 4 | Shop / Convenience Store | 437 sq.m. |
| Unit 5, 6, 7 | Café / Restaurant | 282 sq.m. |
| Unit 8 | Cafe / Restaurant | 177 sq.m. |
| Total | | 1,583 sq.m. |
| 1st floor: | Use | Floor Area |
| Unit 3, 4 | Shared Office | 716 sq.m. |
| Unit 2 | Medical Centre | 517 sq.m. |
| Unit 1 | Creche | 191 sq.m. |
| Total | | 1,424 sq.m. |

* I note that the totals outlined in the table above fall 340sqm short of the advertised gross total commercial floorspace of 3,347sqm.

- 930 sqm gross internal communal amenity space (resident lounge, shared winter gardens, shared work space, meeting rooms, events spaces)
- 76 sqm gross BTR management space
- 3,024 sqm public open space
- Provision of 200 no. resident car parking space at basement level with an additional 38 no visitor car spaces at grade.
- 516 no. cycle parking spaces, 258 no. at basement level and 234 no. cycle spaces at surface level and a further 24 no. surface level visitor spaces to serve the commercial uses.

Demolition of the existing industrial building (5,810sq.m.) on the site.

Table 2: Key development details

| Detail | Proposal |
|--|--|
| No. of Units | 492 Build to Rent units |
| Commercial floor space | 3,347 sq.m. total |
| Site Area – stated by applicant | 1.88 ha red-line boundary |
| Density | 262 units per hectare net (stated by applicant) |
| Building Height | 4 storeys (12 metres) to 8 storeys (24 metres) |
| External Amenity Space | 3,024 sq.m. |
| Internal Amenity Space | 930 sq.m. |
| Site Coverage | 31% |
| Dual Aspect Apartments | 48% |
| Childcare Facility | One |
| Car parking | 238 spaces |
| Part V proposal | 49 units (12 no. studio units, 37 no. 1 bed units) |

4.0 Planning History

4.1. Subject site:

- 4.1.1. The planning history related to the site, all refer to amendments and changes to the existing commercial development on the site and are not directly relevant to the proposed development.

4.2. In the wider area:

- 4.2.1. South east of the application site are lands known as Carriglea Industrial Estate, that have a long and ongoing planning history as follows:

Planning authority reference numbers 4244/15, 2438/17, 2875/17, 3940/17, all of these applications have resulted in a fluctuation of unit numbers from around 280 units to 370 residential apartments. A number of current applications for further amendments have been lodged with the Dublin City Council, as follows: 2203/18, 2319/18, and 2176/18.

5.0 Section 5 Pre Application Consultation

- 5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 4 March 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-303506-19. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

1. Interface with Naas Road

The revised documentation should provide a greater degree of pedestrian permeability and intervisibility between the public footpath and the front of the proposed development with additional access points for pedestrians from the Naas Road. The density of planting at ground and eye level along the boundary should be minimised, as should the width of the carriageway on the access road and the visual

impact of the car parking in front of the proposed building using the recommendations for local streets set out in DMURS.

2. Pedestrian and cycle routes

The revised documentation should illustrate that the routes have proper connections with the public road network, including its footpaths and cycle facilities, and to planned facilities on adjoining lands. Access should be provided from the western end of the proposed public footpath and cycle route at the south of the site back to the Naas Road at the western end of the site. This access should also facilitate pedestrians and cyclists travelling to the commercial premises in the proposed development. In accordance with the National Cycle Manual issued by the NTA, proper priority should be given to pedestrians and cyclists across entrances to the access road at the front of the site and the basement car park.

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

1. Cross sectional drawings in the context of the Naas Road and the buildings on the other side.
2. Proposals for the management and operation of the proposed development as a 'Build-to-Rent' in accordance with guidelines. A Building Lifecycle Report in accordance with section 6.13 of the guidelines, an alteration the proposed finishes possibly a substitution of the render panels shown on the submitted elevations.
3. 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, for a minimum of 15 years.
4. A mobility management strategy which shall be sufficient to justify the amount of parking proposed for cars and bicycles.
5. A housing quality assessment which provides the details regarding the proposed apartments set out in a schedule of accommodation.
6. A Daylight/Sunlight analysis.

7. A draft construction management plan and a draft waste management plan.

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

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. The Dublin City Childcare Committee

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

5.5. **Applicant's Statement**

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

1. Interface with Naas Road

The landscaping proposals for the front of the site along the Naas Road have been amended to incorporate a series of pedestrian and cycle linkages. Four new entrances have been opened up between the key entrances to the development and the Naas Road. To the western tip of the site a new public pedestrian plaza is proposed and coincides with the creche entrance. The berm previously proposed along the Naas Road has been replaced with a landscaping strategy of trees and low buffer planting up to a metre in height. Planting has been reduced by 43% in order to allow visual connectivity between site and road. The front access road has been reduced to 5.5 metres and given a shared surface treatment.

2. Pedestrian and cycle routes

The proposed development now proposes a pedestrian and cycle route along the western boundary of the development connecting the Naas Road with the proposed "green link" to the south of the site via a cycle lane along the southern boundary. All

cycle lanes and pedestrian connections are designed to meet up with the boundary of the site and provide future connections. The cycle and pedestrian links across the entrance points and the access road and at the front of site and across the basement car park access have been designed to ensure pedestrian and cyclist priority. Along the Naas Frontage of the site, a shared surface is proposed where cyclists/pedestrians would have priority. The proposed cycle facilities have been provided in accordance with the Cycle Manual issued by the NTA. The proposed pedestrian facilities are designed to link with a pedestrian crossing over the Naas Road, not part of this application, but that may happen in the future.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

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

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

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

Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. Section 28 Ministerial Guidelines

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

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

Other relevant national guidelines include:

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

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

The site is subject to zoning objective Z14 “to seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and “Z6” would be the predominant uses” in the Dublin City Development Plan 2016-2022. Z14 areas are capable of accommodating mixed use development, therefore, developments must include proposals for additional physical and social infrastructure/facilities. Residential development is listed as a permissible use within this zone. The proposed development contains a mix of residential and commercial uses such as retail, shared office, café, restaurant, medical centre, creche, and car showroom. The proposed mix of uses is compatible with the zoning objective on the site. A large number of relevant policies relate to this land use zoning and are all detailed in the planning authority’s submission.

I note that the City Plan refers to Build-to-let apartments and it provides that this particular managed rental model shall be retained in single ownership for 20 years (minimum) during which period units may not be sold off on a piecemeal basis. Build-to-let schemes for mobile workers should be adaptable for future demographic needs of the city, e.g. by providing for the amalgamation of studios in a change of use scenario, section 16.10.1 Residential Quality Standards – Apartments of the City Plan refers.

Development plan section 16.7 building height. The site is located in an area designated as suitable for taller buildings, e.g. an LAP, SDZ or SDRA, therefore the 'low rise' category does not apply.

Section 16.2.2.2 of the Plan sets out criteria for infill developments.

Sections 16.10.1 and 16.10.3 of the Development Plan outline quantitative and qualitative standards for public and communal open space.

The subject site is located to the north west of a zone of archaeological constraint for the recorded monument DU018-035 (Watermill Site) and DUO18-036 Drimnagh Castle.

The subject site is also located within the Naas Road Key District Centre (KDC6) and the Naas Road Lands Strategic Development and Regeneration Area (SDRA6).

Naas Road Lands Local Area Plan 2013

The site is located in the LAP for the Naas Road, this LAP was extended until 2023. The LAP sets out four key redevelopment sites and includes a mid rise height strategy in these locations.

7.0 Third Party Submissions

- 7.1. A submission was received from the Health and Safety Authority (HSA) on foot of a request from the applicant to do so, pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, and Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Though not requested in the Board's Opinion, I have included a summary of its contents here, as follows:

The HSA does not advise against the granting of permission for the development but advise the planning authority to consult their document – 'Policy and Approach of the Health and Safety Authority to COMAH Risk-based Land Use Planning'.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 27 June 2019. The

report states the nature of the proposed development, the site location and description, EIAR assessment, submissions received and details the relevant Development Plan policies and objectives. The report also included summary of the views of the elected members of the South Central Area Committee Meeting held on the 19 June 2019, and is outlined as follows:

- The elected representatives noted the lack of solar power and rainwater recycling proposals in the development.
- The lack of a green frontage and proximity to the road were highlighted and the resultant impact of noise was noted.
- The lack of storage facilities for tenants and 2 bedroom Part V units was a concern, so too was the provision of 200 car parking spaces and increases in traffic.
- The elected members raised a number of concerns related to the area generally and connected with social infrastructure, such as declining school numbers, older communities and that the development of one and two bedroom apartments that would not contribute the community as a whole.

The elected members broadly disapproved of the proposed development as not meeting the local housing needs, rents would be too high, the scale of the development too great and the proposed building finishes not suitable.

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

General – the proposal for a 4 to 8 storey mixed use apartment block along the Naas Road is acceptable. Though not identified in the Naas Road LAP as a redevelopment site, it is an important site and its redevelopment is welcomed. The mixed use development proposed with a large residential component is acceptable in the Z14 zoning, but should not be seen as a pointer to future development in the area where a greater proportion of commercial/employment development is preferred.

Access and parking – two access points are proposed from the Concorde Estate Road, one to surface parking and the other to a basement parking area.

Height – the proposed height of 8 storeys (24 metres) is in compliance with Development Plan standards for the area, close to a Luas line.

Materials – a simple palate of materials is proposed, including brick and protruding metal clad windows. Stone cladding is proposed to the main residential entrance and glazed curtain walling elsewhere. The finishes are acceptable and durable in nature.

Aspect – the Housing Quality Statement claims 48% of units are dual aspect, the planning authority query this specifically with regard to the northern elevation along the Naas Road and along the finger spines of the block. Particular observations relate to the ground floor units along the finger spines in terms of poorer aspect and outlook.

First Floor – the various uses at first floor are outlined and their interaction with residential units is of concern. Specifically, the planning authority note the lack of private amenity space and the value of compensatory shared amenity space and slightly larger units. The proximity of commercial space windows and apartment windows is highlighted, omission of some windows is suggested. Unit 1A23 is highlighted as lacking a living room window as this is not acceptable, omission or amalgamation is suggested.

Second to Seventh Floors – concerns about opposing windows and overlooking are highlighted.

Residential Amenity – policy SN5 requires the submission of a Social Audit, it is not clear if this has been submitted. The BTR character of the development is noted and so too is the provision of communal amenity facilities. In terms of the resident support facilities, the lack of a shared laundry is noted and should be provided. Block F should be omitted to provide a better defined area of public open space, the resultant space would act as a buffer to the grounds of Drimnagh Castle. A dedicated play space for the creche facility appears not to have been provided.

- 8.3. The planning authority conclude that the proposed development is acceptable subject to the attachment of 34 conditions. In accordance with the requirements of section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 the planning authority recommend that permission is granted with conditions. The planning authority recommend standard conditions in relation to Development Contributions, operational requirements that concern commercial

facilities, general requirements concerning landscaping, signage, construction management plan, taken in charge layout, and other technical aspects required by the planning authority. Detailed conditions suggested by the planning authority relate to operation of the development for a BTR purpose, the omission of block F and transferral of the Part V units contained therein elsewhere or a redesign of ground floor units, addition of laundry facilities, amendments to a number of apartments where residential amenity issues are perceived, building greening proposals and dedicated a play area for the creche facility.

8.4. Interdepartmental Reports

The reports of the Housing and Community Service Department, Archaeology Section, Air Quality Monitoring and Noise Control Unit, Parks and Landscape Services, Transportation Planning Division and Engineering Department – Drainage Division were submitted, and their recommendations incorporated into the conditions suggested by the planning authority.

9.0 Prescribed Bodies

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

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

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 2 May 2019, and a summary of comments are included as follows:

Irish Water (IW) - Based upon the information submitted and the Confirmation of Feasibility, that subject to a valid connection agreement being put in place the proposed development can be facilitated.

Transport Infrastructure Ireland TII – conditions are recommended in relation to the construction period of the development and the proximity of the site to the Luas Overhead Conductor System (OCS). Mitigation measures to protect operational Luas infrastructure should be incorporated into a Construction Management Plan and submitted for approval to TII before construction begins.

10.0 **Appropriate Assessment**

- 10.1.1. The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites and there are no known indirect connections to European Sites. Potential impacts on Natura 2000 sites from the development are restricted to the discharge of surface and foul water from the site.
- 10.1.2. I note the Screening for Appropriate Assessment Report submitted by the applicant, dated January 2019, that states surface and wastewater discharges ultimately enter Dublin Bay. Here can be found the South Dublin Bay and River Tolka Estuary SPA (site code: 4024); the South Dublin Bay SAC (0210). The North Dublin Bay SAC (0206) and North Bull Island SPA (4006) are also in this region. The Poulaphouca Reservoir SPA (site code: 4063), from which drinking water supply for this development will originate, is also considered to fall within the zone of influence of this project. The qualifying interests of the SACs and features of interest of the SPAs are listed and an assessment of significant effects is described and explored in terms of the development proposed.
- 10.1.3. The report concludes that significant effects are not likely to arise either alone or in combination with other projects that would result in significant effects to any SPA or SAC. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Environmental Impact Assessment

11.1. Introduction

11.1.1. This application was submitted to the Board on 3 May 2019 which was well after 16th May 2017, the date for transposition of Directive 2014/52/EU amending the 2011 EIA Directive. The Directive had not been transposed into Irish legislation by that date. In accordance with the advice on administrative provisions in advance of transposition contained in Circular Letter PL1/2017, it is proposed to apply the requirements of Directive 2014/52/EU. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for a development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015. Item 10 of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of:

(b) (i) Construction of more than 500 dwelling units

.....

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

11.1.2. The development would provide 492 dwelling units on a site of 1.88 ha within a built-up area. The proposal does not exceed the threshold at b(i) and (iv) and so EIA would not be mandatory. The applicant states that though the proposed development falls within the project class 10(b)(iv) 'Urban Development', the site is well below the mandatory size threshold for this type of project. However, given the nature and extent of development proposed, and in pre-application discussions with the Planning Authority (Dublin City Council) it was agreed that an EIAR was warranted. It was considered the opinion of the Planning Authority that whilst a sub-threshold development, it may have significant effects on the environment due to its height in particular. The applicant concludes that it is in this context the EIAR has been prepared.

11.1.3. The EIAR comprises a non-technical summary and a main volume. Chapter 15 of the main volume provides a summary of the mitigation and monitoring measures

described throughout the report. Chapter 1 and the introduction of each chapter describes the expertise of those involved in the preparation of the report. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended, as it stood when the application was made and as it now stands. The EIAR would also comply with the provisions of 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. A summary of the results of the submissions made by the planning authority and prescribed bodies has been set out at Sections 8 and 9 of this report. This EIA has had regard to the application documentation, including the EIAR, and any submissions received.

11.2. Alternatives

11.2.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) 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;

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

11.2.2. Chapter 2 of the EIAR states that the zoning of the site for residential and mixed-use development by the planning authority set the context for the consideration of alternatives by the developer. Therefore, it was not considered necessary to consider alternate sites for the proposed housing. It is set out that the design process for the proposed development considered several iterations of the layout and design. The design process has been informed by environmental factors such as visual impact, ecology, water, noise and the potential impacts upon existing and

future traffic and transport in the area. In this context four alternatives were examined, based upon the factors outlined above. Alternative 4 was selected as the best response to a variety of factors. Most notable is the imperative to increase residential densities, make the best use of zoned and serviced land, creation of a more appropriate interface with the Naas Road and better and more connected pedestrian/cyclist facilities through the site. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been properly addressed.

11.3. Likely Significant Direct and Indirect Effects

11.3.1. The likely significant indirect effects of the 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

11.4. Population and human health

11.4.1. The population of the Electoral Division of Walkinstown A, grew from 2,619 to 2,765 between the 2011 and 2016 censuses. Population growth in Electoral Division of Walkinstown A (5.2%) and Dublin City (4.8%) was more than the State averages over the intercensal period. The economy has recovered in recent years with consequent population growth predominantly attributed to natural increase, greater economic activity, increased job opportunities and continued immigration. The steady growth in the area is also likely to be attributable to the designation of growth areas in this part of the County, the availability and provision of physical and social infrastructure, including the Luas, and the associated redevelopment of this area in recent years for an increase in residential development.

- 11.4.2. The proposed development would provide accommodation for an estimated 1,379 people, based upon the maximum number of bed spaces. This increase in occupancy in the area will enhance local spending power and will assist with the delivery of a critical mass of population which will support a wide range of additional local businesses, services, transport infrastructure and employment opportunities.
- 11.4.3. Chapter 10 of the EIAR refers to noise and vibration. The occupation of the development would not give rise to noise or vibration that would be likely to have a significant effect on human health or the population, as it would be a residential scheme that formed part of the built-up area of the city. The impact of additional traffic on the noise levels and character of the Naas Road would be in the long-term imperceptible having regard to the existing traffic levels on that road and the marginal increase that would occur as a result of the proposed development, as described in section 10.3 of the EIAR, acoustic mitigation measures are not recommended.
- 11.4.4. The use of heavy vehicles and machinery during a prolonged construction period would have the potential to give rise to effects due to noise and vibration. However given the phased duration of the works and the control of activity on site by the developer at that time, these can be avoided through the use of management measures as set out in section 10.8 of the EIAR and in the draft construction management plan submitted with the application, and the imposition of limits by conditions on any grant of permission. Subject to these measures, it is concluded that the proposed development would not have be likely to have significant adverse effects on human health.

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

- 11.5.1. As advised in section 10 of this report above, the proposed development would not be likely to have any significant effect on any site designated under Directive 92/43/EEC or Directive 2009/147/EC. The predominant habitat on the site is existing mixed use commercial land, which is common in the area and not of any particular ecological value. The development would involve the loss of this habitat, such as it is, and this would not cause an adverse environmental effect on biodiversity given the low biodiversity that is accommodated by mixed use commercial land. Other

habitats on the site include non-native horticultural shrubs. There was no evidence of Badgers using the site while the buildings are of low suitability for roosting Bats.

Section 5.7 of the EIAR describes measures to minimise the impact of the development on biodiversity. Specific measures (FF CONST 1) relate to the potential for disturbance of birds' nests during the construction phase. Subject to its implementation, it can be concluded that the proposed development would not be likely to have significant adverse effects on biodiversity. The proposed development would introduce new landscaping and planting proposals that have been submitted with the proposed application and are satisfactory in that context.

11.6. Land and soils

- 11.6.1. The proposed development would revise the brownfield and hardstand nature of the site, the near surface subsoil is predominantly comprised of made ground. It is envisaged that all structural loads will be carried via concrete foundations to either bedrock or the over-lying layers of stiff black boulder clay. Surface water drainage (including Sustainable Drainage Systems - SuDS), foul water drainage, water supply and a new local street network will be constructed to service the proposed development.
- 11.6.2. The change of use from low density commercial development to high density mixed use will not have any effect on the scarcity of this land type. However, planning policy recognizes a scarcity of residential accommodation in the region and consequently the land is zoned for residential purposes. The change in the use of the land would not, therefore, have adverse environmental effects. Figure 7.3.6 of the EIAR illustrates that the site area is classified by the GSI as a Locally Important Aquifer which is moderately productive only in local zones. Minor impacts during the operational phase may include increased infiltration and therefore slightly increased recharge volumes entering the groundwater.
- 11.6.3. There is a potential risk of localised contamination of the groundwater due to construction activities i.e. construction spillages, leaks etc. resulting in a Permanent Negative impact on the groundwater, however, the low permeability Boulder Clay will effectively eliminate the potential for contamination to infiltrate into the underlying aquifer. For these reasons, the impact on the groundwater contained within the bedrock aquifer is considered as Small Adverse.

11.6.4. Measures are described at section 7.8 of the EIAR which represent proper practice in the handling of soil during construction and the routine maintenance of SuDS measures during the operational phase of the development. Subject to their implementation, it can be concluded that the proposed development would not have significant adverse effects with regard to land or soil.

11.7. **Water**

Flood Risk Assessment and Surface Water

11.7.1. The application was accompanied by a flood risk assessment included within section 3.0 of the Civil Engineering Infrastructure Report that concluded that there is a no risk of flooding affecting the site from fluvial sources, so it is possible to develop the site within Flood Zone C. Any flood events do not cause flooding of the proposed development, and the development does not affect the flood storage volume or increase flood risk elsewhere. Surface water drainage flow paths will not be altered by the proposed development, that is via a gravity drainage connection to a buried culverted watercourse, will be controlled to greenfield runoff rates, via SUDS devices, attenuation tanks, and the revised on site piped network. The proposed foul drainage will discharge to Irish Water foul sewer and is not discharged to the ground within the site.

11.7.2. The site hydrology comprises an existing site layout almost entirely of hardstanding or roofs, with unattenuated outflow to the public drainage network. The nearest surface water sewer is a 450mm diameter concrete sewer on the south side of the Naas Road, parallel to the northern boundary of the site, flowing north-east. At approximately 25m north east of the development site boundary, the surface water sewer discharges to a manhole and subsequently, to the culverted River Camac. Similarly, on the north side of the Naas Road, a 300mm diameter sewer also flows to the culverted Camac. The proposed development will be designed in accordance with the principles of Sustainable Drainage Systems (SuDS) and will significantly reduce run-off rates and improve storm water quality discharging to the public storm water system. The submitted details are adequate to demonstrate that the occupation of proposed development would not be at an undue risk of flooding nor would it increase flood risk elsewhere and that it would comply with the flood risk

management guidelines. The proposed drainage system would also control the release of pollutants to surface waters.

- 11.7.3. There is a potential for an effect to arise during the construction of the proposed development from the emission of sediments or hydrocarbons to surface water as described in section 8.5.1.1 of the EIAR. The potential for such effects arises in projects that involve building on brownfield sites. It is therefore commonplace. There are standard measures that are used to avoid such effects which are described in section 8.8.1 of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.
- 11.7.4. The water supply for the proposed development would be from a connection from the public network which Irish Water advises is feasible.

Foul drainage

- 11.7.5. It is proposed to drain foul effluent from the proposed development to the public foul sewer, this is outlined in section 8.4.4 of the EIAR. A new separate foul drainage system will be provided within the site. The outfall from the proposed development will be directed to the existing 1,350mm diameter combined sewer along the east side of the site. Irish Water have provided confirmation, via the pre-connection application process, and the design verification process, that the existing public infrastructure in the vicinity of the site can cater for the proposed development. It can therefore be concluded that, subject the implementation of the measures described in the EIAR, the proposed development would not be likely to have a significant effect on water.

11.8. **Air and climate**

- 11.8.1. The occupation of the proposed development would be likely to have an imperceptible effect on air quality or the environment. The construction of the development could affect air quality through the emission of dust. However, any such effects can be properly limited through the measures set out at section 9.8 of the EIAR.

11.9. **Material assets**

11.9.1. The proposed development would have a significant positive effect on the material assets available in the area through the provision of additional housing, the provision of public open space, the provision of new commercial development, as well as improvements to the Naas Road interface and new pedestrian/cyclist facilities. Occupiers of the development would place additional traffic demands on the Naas Road and Luas/Bus network. However, the large emphasis placed on and access provided to other transport options will also mean that the increase in traffic volumes to the road network will be minimal. The remedial and mitigation measures outlined in section 11.1.8 of the EIAR should ensure that this city located development enhances and improves material assets.

11.10. Archaeology, Architectural and Cultural heritage

11.10.1. The site does not contain any recorded monuments or protected structures. There are no RMP sites, RPS or NIAH structures, or demesne landscapes located within the proposed development area or its immediate vicinity. The closest recorded monument consists of the site of a bridge (RMP DU018-034), located c. 170m to the north. Of the five protected structures within the study area, the closest is Nalsetra House (RPS 5793) situated c. 125m to the northeast. Lansdowne House (NIAH 50080437) is the closest NIAH structure located c. 115m to the northeast. No mitigation measures will be required with regards to the archaeological, architectural and cultural heritage resource.

11.11. Landscape and Visual Impact Assessment

11.11.1. The character of the site and the immediate area is described as poor. There are few features (buildings, vegetation or topography) of aesthetic value or interest. Views are typically characterised by wide, traffic dominated road corridors flanked by a clutter of signage, fencing and car parking, and large, low buildings of commercial or industrial character, with little vegetation.

11.11.2. The building of apartments on these lands will have a significant positive effect on the landscape, therefore. The significance of these effects has been illustrated by photomontage images at sensitive locations, where the impacts are described as between neutral to positive. The development would significantly improve visual amenity along the Naas Road in the vicinity of the site. The visual impacts elsewhere would be of lower significance, but where visible the development

would have a positive effect on views. No mitigation or monitoring measures are proposed.

11.12. The interaction between the above factors

11.12.1. The potential impact of the development on land, soil, water and biodiversity interact, due to the need to avoid the emissions of sediments to a culverted watercourse in order to protect water quality and the aquatic habitats there. The potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works. The potential impact of the development on biodiversity interacts with that on the existence of birds' nests, the demolition of existing buildings on the site and removal of low quality planting and sensitivity in relation to all those factors. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the population. The various interactions were properly described in the EIAR and have been considered in the course of this EIA.

11.13. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority and prescribed bodies (there were no observers) in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock and employment uses that it would make available in the area.
- A significant direct effect on land by the change in the use and appearance of a relatively large site from low density commercially driven uses to residential mixed use. Given the location of the site within the built up area of the city and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction due to the excavation and filling required to carry out the development, which will be mitigated by the re-use of excavated material on the site, a reduction in the need to source imported

material and the implementation of measures to control emissions of sediment to water and dust to air during construction.

- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the landscape because the proposed development would improve the amenity of the land through the provision of new urban form and dedicated public open spaces and amenity walkways/cycleways.

The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it.

12.0 Assessment

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

- Principle of Development
- Build to Rent
- Urban Design and Height
- Residential Amenity
- Movement, connections and transport
- Other Matters

12.2. Principle of Development

12.2.1. Z14 Zoning Objective - The City Development Plan land use objective for the overall site area is supportive of residential and commercial mixed use development. The planning authority note that the principle of a mostly residential scheme on Z14 lands is broadly acceptable but it should not necessarily be the norm as a more employment based use would be preferred. However, given the proportion of employment uses proposed in this scheme and the opportunity for regeneration of the area, the proposal is welcomed. Subject to meeting residential amenity standards, I am satisfied that the proposed residential accommodation with associated retail, office and commercial functions are compatible with the stated objective for lands zoned Z14, which is to seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and “Z6” would be the predominant uses.

12.2.2. Density - With regard to density, the proposal is to provide approx. 262 units per hectare. The site is located along the Naas Road not far from the Bluebell Luas stop, close to the city centre and as such the density proposed is considered acceptable.

There are local shops within 500m of the development site and Lansdowne Valley Park is located to east of the site.

12.3. **Build to Rent**

12.3.1. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (BRT) and Shared Accommodation sectors. The guidelines define BTR as “purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord”. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. A Build-to-Rent justification report prepared by CBRE is submitted and considered the commerciality and feasibility of the proposed scheme. Having regard to the location of the site in close proximity to the city centre, along the Naas Road and close to Luas stops which serves a number of employment centres including hospitals and that the site is within 500m of local facilities at Bluebell, I am satisfied that a Built to Rent scheme is suitable and justifiable at this location. The proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

12.3.2. I refer the Board to the provisions of Specific Planning Policy Requirement 7 of the guidelines which provides that

BTR development must be:

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

b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

12.3.3. The public notices refer to the scheme as ‘Build-to-Rent’ and a draft legal covenant has been drawn up that indicates the residential units remain in use as BTR accommodation 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. The owner and applicant consent to a condition be attached to this effect in the event permission is granted.

12.3.4. SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The proposal in this instance seeks some relaxations in residential amenity standards, namely reductions in private amenity areas, most apartments have an element of private amenity space or are enlarged, and an increased level of communal amenity space has been provided in order to compensate. I consider that any subsequent extension of use of the subject accommodation as BTR beyond the 15 years should be agreed with the planning authority prior to the expiration of the covenant, or any proposal to alter the tenancy type should be subject to a further planning application so as to allow further

assessment of residential amenity associated with the subject units or suitability of the scheme for any other purpose that maybe proposed in the future.

12.4. Urban Design and Height

- 12.4.1. In design terms the proposed development comprises an indented urban block to the Naas Road of between 7 and 8 storeys set behind a new interface condition of shared surface and landscape planting. To the rear of the new urban edge along the Naas Road are four 'finger' blocks that extend close to the rear of the site and enclose semi-private courtyards, blocks here range in height from 4 to 8 storeys. A standalone block of 8 storeys continues the built edge of the proposed finger block E and is set amidst public open space. Ground floor retail and café uses open out to the shared surface along the Naas Road and this defines the ground floor interaction of Block A at street level. At first floor, Block A also comprises office accommodation overlooking the Naas Road and the internal courtyards to the south. Most apartments will overlook the semi-private courtyard at the interstices between the finger blocks. A sizable proportion of apartments will overlook the Naas Road to the north. The layout provides permeability through and around the site for pedestrians and cyclist and includes routes that extend right up to the boundaries to allow future access opportunities.
- 12.4.2. The Urban Design Manual – A Best Practice Guide which is a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, uses 12 criteria that are designed to encapsulate the range of design considerations for residential development. New Apartment Guidelines for Planning Authorities, 2018 also provides relevant standards both in quantitative and qualitative terms. The ABP Opinion that issued required further consideration of the documents as they related to the interface and interaction of the development with the Naas Road and permeability through the site. This has been achieved with an active frontage that shows priority to pedestrians and a layout with good connections.
- 12.4.3. I am satisfied that the integration of the development as proposed and the scale of the apartment blocks is justifiable at this location. Furthermore, the scale and design of the development has considered the potential future built form of the area in the context of the Local Area Plan. This has been achieved by creating a strong urban edge to the Naas Road and the stepping down of finger blocks to the south of the

site, thereby reducing potential impacts by way of overlooking and overshadowing of future development. I also consider that the elevational treatment of all blocks in general will add to the amination of the Naas Road and the access road to Carriglea.

12.4.4. The taller blocks reach up to 24 metres, excluding areas roof plant located behind louvres and and lift overruns, and are at the height limits provided within the thresholds set within the Dublin City Development Plan at 24m. The provisions for more flexibility with regards height is provided for in the recent Urban Development and Building Heights Guidelines. I consider the density, height and general urban design of the proposed scheme is such that will help improve the visual amenities of the area and is a suitable design response given the design guidance provided by the LAP. I am satisfied that the proposed development will enhance the urban form at this location directly overlooking the Naas Road and will result in the removal of low quality and low intensity commercial units and provide structures of strong architectural merit so as to create a better sense of place at this location. The redevelopment of the site for residential and commercial purposes will also greatly assist in the creation of a more lively and active streetscape along the Naas Road. The proposal will provide strong passive surveillance onto the Naas Road and the Luas line and this is to be welcomed.

12.5. Residential Amenity

Residential Amenity for future occupants

12.5.1. The proposed development comprises 492 Build to Rent (BTR) apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2018 has a bearing on overall design, provision of communal facilities associated with the apartments and the relaxation of minimum standards in certain circumstances. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with, SPPR 8 refers.

12.5.2. A Housing Quality Assessment has been provided and it is stated that all apartments meet the minimum floor area requirements. The apartments are arranged in six blocks, between four and eight storeys in height. Most, though not all apartments are provided with either garden or balcony spaces, all to an acceptable standard. Floor to ceiling heights range from 2.7 metres to 2.5 metres. The applicant states that 48% of apartments are dual aspect and this is achieved by the creation of a bay window

configuration, mainly along the northern Naas Road elevation. The guidelines require at least 33% to be dual aspect at such a central and accessible location. The planning authority are not convinced by the applicant's calculation of dual aspect apartments. However, I am satisfied that the bulk of apartments either have a favourable orientation for single aspect units or have been provided with a suitably generous bay window arrangement that allows direct sunlight to penetrate units for a proportion of the day. In addition, given the variety and quantum of compensatory communal facilities, the proposed unit configuration and orientation is acceptable and complies with the guidelines in that respect.

- 12.5.3. The planning authority have highlighted areas where they believe the design of the development to be below par and recommend either redesign or omission and amalgamation of some units. Unit 1A23 is picked out for omission as it has no living room windows and is lit only by single east facing bedroom window. I note that this unit is a studio apartment and so the window lights bedroom and living room area, this is acceptable and omission or redesign is not necessary.
- 12.5.4. In addition, the planning authority highlight concerns about apartment units that are located adjacent to the commercial and office spaces of Block A at first floor, principally issues of overlooking and loss of privacy. I am not greatly concerned about loss of privacy at these locations, however, it would be no loss to the amenity of commercial and office spaces at first floor level if immediately adjacent windows were glazed with obscure glass. This can be achieved by a suitable condition to install obscure glazing to creche, medical and office space windows immediately adjacent to the apartment units most affected.
- 12.5.5. Lastly, the planning authority are very concerned about the potential for overlooking and loss of privacy between apartments located at the junctions between blocks B, C, D and E with Block A, at second floor and above. The proximity of offset windows is the primary concern and a condition has been suggested by the planning authority to address their concerns and omit a large number of apartments. I share these concerns up to a point. In some instances, bedroom windows between adjacent apartments at the acute junction between blocks C and D with block A do in my mind present a privacy issue. The acute junction between block B and block A is not such an issue as the configuration of windows is different and will not present a similar degree of overlooking, I see no change necessary to these apartments. The principle

overlooking issue arises at the junction of block A and blocks C and D, bedroom windows are uncomfortably close and will result in a significant residential amenity deficit. In this regard, I propose the omission of a number of units and their transferral to resident support facilities such as laundries or resident services/amenities such as private dining or guest only suites. The units for omission were based upon the selection of the smaller unit in the first instance and/or to retain the more favourable southerly aspect unit.

- 12.5.6. In other cases, no apartment windows directly oppose the other and separation distances where this is the case are greater than 21 metres and offset. Where windows are located quite close together at the junction of blocks, the offset angles involved allow for some level of visual deflection and do not provide unacceptable levels of direct overlooking and consequently no loss of privacy.
- 12.5.7. The spine corridor of blocks C, D and E are quite long and narrow with no break out areas, giving an oppressive and utilitarian character. Up to eighteen units are served by a single lift and stair core, however a separate stair core is also provided. Some relief is provided by a south facing window at the end of each block up to third floor and the lift and stair core areas at block A are quite generous. Subject to compliance with fire regulations and suitable lighting these service corridors are acceptable.
- 12.5.8. In terms of the provision of facilities that can be availed of by the future occupants the applicant has provided adequate details and drawings. The resident support facilities, services and amenities are well located throughout the proposed development, primarily on the ground, first and second floors. An internal and external terrace area is located on the seventh floor. Internal courtyard areas between finger blocks and a playground area adjacent to block F completes the amenities available to residents. A dedicated play area adjoins the crèche. Commercial refuse storage spaces are located adjacent to lift/stair cores at ground floor level and domestic refuse storage areas are located at basement level. The residential support facilities amount to 458sqm, resident amenities amount to 1,220sqm and public open space amounts to 3,024sqm; this is an acceptable quantum of shared amenity space to compensate for the lack of dedicated private amenity space to some apartments. I note block F, dislocated from the main building block, provides no such resident amenities and is entirely dedicated to the provision of Part V units, 40 units in total.

12.5.9. The planning authority have raised a concern about standalone block F. In their mind its omission should be considered or the interface between it and the surrounding open space reconsidered. I agree that the interface between ground floor units and the surrounding public open space and play area requires greater definition between public and private space. In this regard an appropriate condition could address a minor redesign of garden terrace areas and boundary treatment. I am more concerned about the utilitarian nature of block F's ground floor internal circulation space and the lack of any kind of ground floor external legibility. Firstly, the main entrance to this block is easily missed and accentuates the anonymity and blandness of the ground floor elevation. Secondly, the ground floor circulation space around the lift core, at just 1.95 metres in width, is mean and uninviting. Such a space does not allow for postal storage boxes if necessary or informal seating whilst waiting for the next lift. I note this building provides no resident amenities and I am satisfied that the main building block provides a good level of facilities and amenities to be shared amongst all residents. I am of the view that block F should offer some kind of passive amenity to future occupants by way of a larger circulation area and revised entrance detail at ground floor level. In this regard, unit 0.A40 should be omitted, its partition walls removed and the space given over to an enlarged ground floor lobby. The entrance to any building should contribute positively to the streetscape and building facade design and provide functional and safe common areas. The changes I have recommended will achieve these aims.

12.5.10. There are no existing residential properties in the vicinity of the proposed development, though a number of apartments are planned to the south east at Carriglea. The LAP for the area envisages future redevelopment of low-density commercial lands in the area and the applicant has designed around the potential for future development to the south. I do not anticipate any adverse impacts on existing residential amenity, such as it is.

12.6. **Movement, connections and transport**

12.6.1. The applicant has sought to maximise legibility through to the site, providing improved connections to the Luas and Naas Road, this was an item that required resolution in order to form a reasonable basis for an application. It is proposed to provide a landscaped and shared surface interface along the northern boundary of the site with the Naas Road and better integrate the development with the public

realm. In total there are four pedestrian access points across the frontage of the site to the Naas Road and this is acceptable. In addition, the applicant has provided for pedestrian and cycle connectivity through the site and onto other lands not yet development.

12.6.2. A basement car park is proposed and will provide 200 spaces, at a ratio of 0.41 per apartment unit, 41% of the spaces that would normally be required under the City Development Plan. According to the landscape masterplan and Parking Mobility Study Report there are 38 surface car parking spaces and this accords with revisions made after the pre-application consultation process. Car club spaces are also provided to the front of the scheme and account for 10 spaces. A total of 516 bicycle spaces are also proposed, most at basement level and the rest housed in green roofed structures in the courtyard spaces or to provide visitor spaces to the front of commercial uses. I do not consider that there is a lack of parking having particular regard to the need to promote more sustainable travel patterns and the presence of the Luas stop directly opposite the site. A traffic impact assessment was carried out and contained in the appendices of the EIA and demonstrates that there is existing capacity in the road network to cater for the proposed development. The Transportation section of the planning authority have raised no concerns. This is an urban area where congestion is to be expected although traffic volumes were low at time of inspection. Travel speeds would also be low. Furthermore, the presence of the Luas stop close to the site frontage presents a real alternative to the car. The Naas Road facilitates cyclists with a direct route to the Grand Canal and onwards to the city centre. There are also bus stops along the Naas Road making the site a highly accessible site.

12.7. **Other Matters**

Infrastructural Services including Flood Risk

12.7.1. No concerns are raised by the planning authority or Irish Water with regards to servicing the site from a public water or waste water perspective. With regard to flood risk, the site is identified as being within Flood Zone C. The Flood Risk Assessment report sets out that there is no risk of flooding from fluvial sources and the development will not affect flood storage volume or increase flood risk

elsewhere. In addition, the introduction of attenuation and SuDS measures will also assist in on site surface water management.

Childcare Facility

12.7.2. A childcare facility is proposed in this development. The applicant has calculated that the proposed development would generate the need for 66 childcare spaces, based on the number of two bedroom units (251) which may generate a local demand for places. A childcare facility has been proposed comprising 382 sqm and could accommodate between 76 and 127 childcare spaces. I consider that the proposal to have a childcare facility of the scale proposed within the scheme is acceptable.

Part V

12.7.3. Details of Part V has been submitted and it is proposed to provide 49 units in total, comprising 12 studio units and 37 one bed units. A condition requiring details to be agreed with the planning authority should be submitted.

13.0 Recommendation

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

14.0 Reasons and Considerations

Having regard to:

(a) the policies and objectives in the Dublin City Development Plan 2016-2022 and the Naas Road Lands Local Area Plan (extended to 2023);

(b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

(c) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- (d) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities prepared by the Department of Housing, Planning and Local Government in March 2018;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (f) the nature, scale and design of the proposed development;
- (g) the availability in the area of a wide range of social, community and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the submissions and observations received and
- (j) the report of the Inspector.

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

15.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The development hereby permitted shall be for 479 residential units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

3. The mitigation and monitoring measures outlined in Chapter 15 “Summary of EIA Mitigation and Monitoring Measures” of the environmental impact assessment report submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the Planning Authority:

(a) The omission of apartment units 2A20, 2A35, 3A20, 3A35, 4A20, 4A36, 5A20, 5A36, 6A15, 6A29, 7A11 and 7A23 and the designation of these areas shall be for residential support facilities and/or resident services and amenities.

(b) The omission of apartment unit 0.A40 and its partition walls on the ground floor level of Block F and the designation of this area as circulation and foyer space.

(c) Ground floor garden terraces shall be provided to all apartments in Block F and a suitable privacy strip and/or low level boundary treatment shall be provided between private and public amenity area.

(d) The eastern ground floor entrance to Block F shall be redesigned to provide better definition, allow greater legibility and contribute positively to the streetscape and building facade design.

(e) The ground and first floor south east facing windows of the creche unit shall be fitted with obscured glazing.

(f) The window(s) at the south eastern corner of Unit 2 Medical Centre and Unit 3 Shared Office located immediately adjacent to apartment unit number 1A11 and 1A22 respectively, shall be fitted with obscured glazing.

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

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

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

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

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

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

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

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

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

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

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. The proposed retail /café unit shall not be used for the sale of hot food for consumption off the premises without a separate grant of planning permission.

Reason: In the interest of residential amenity and to allow the planning authority to assess the impact of any such development through the planning process.

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

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

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

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

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

Reason: In the interest of residential amenity.

14. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

(a) All existing connections to the public surface water sewer to be decommissioned shall be identified on a site layout plan. Proposed new connections to the new surface water sewer shall be facilitated by the developer;

(b) Full details of proposed green roofs including construction and maintenance plan.

Reason: In the interest of public health.

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

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

Reason: In the interest of public health.

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

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

Reason: In the interest of residential and visual amenity.

17. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the An Bord Pleanála on the 03 day of May, 2019. This work shall be completed before any of the apartment units are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

18. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

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

19. Prior to the commencement of development, the owner shall submit to and agreed in writing with the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than

15 years and where no individual residential units shall be let or sold separately for that period.

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

20. Prior to expiration of the 15-year period referred to in the covenant, the owner shall be submitted to and agreed in writing with the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

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

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

22. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these

requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation.

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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

Thereafter, the waste shall be managed in accordance with the agreed plan.

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

25. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

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

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

27. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste. The plan shall also identify measures to protect operational Luas infrastructure.

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

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

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

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

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

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

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

Stephen Rhys Thomas
Senior Planning Inspector

31 July 2019