



An  
Bord  
Pleanála

## Inspector's Report ABP 304448-19

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<b>Development</b>	Apartment building comprising 60 no. apartments and all associated site works.
<b>Location</b>	Windemere. Hole in the Wall Road, Clongriffin. Dublin 13.
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	2295/19
<b>Applicant(s)</b>	Victoria Homes LTD
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	To Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Victoria Homes LTD
<b>Observer(s)</b>	Susan Garrigan & Daniel O' Neill Linzi Mullen Craig Mullen Andrey Idlis Emma Duffy Daniel Redmon Jagoda Pio.

**Date of Site Inspection**

August 19<sup>th</sup>, 2019

**Inspector**

Breda Gannon

## 1.0 Site Location and Description

- 1.1. The site consists of a triangular area of ground (0.26ha) located at the northern end of the Hole in the Wall Road. It accommodates 2 no. derelict dwellings surrounded by overgrown vegetation and trees in poor condition. The perimeter of the site is defined by a metal fence and vehicular access is from the west.
- 1.2. The site is bounded to the north by Belmayne /Marrsfield Avenue and to the east by Hole in the Wall Road. To the west there is a cul-de-sac formed when the roadway was realigned to facilitate an upgraded junction design to the north. The Malahide Road (R107) lies c.1000 metres to the west and the R139 and M50 extension are located c. 5km to the west.
- 1.3. The area has experienced significant development over the past 20 years both in terms of housing development and support infrastructure. The area in the vicinity of the site is predominantly residential, with Parkside and Belmayne to the west, Beltree to the east and new apartment developments along Marrsfield Avenue/Belmayne to the north. Clongriffin rail station is located to the east (c.1.4km) and there are bus services to the south (c.900m). Shopping facilities are located at Northern Cross to the west and Main Street to the south, with shopping centres at Clare Hall and Donaghmeade.
- 1.4. The area has significant local amenities in the form of Fr Collins Park (20ha) to the east and the linear park along the River Mayne to the north.

## 2.0 Proposed Development

- 2.1.1. The proposal consists of the demolition of an existing single-storey cottage and two-storey house and ancillary outbuildings and the construction of an apartment building comprising 60 no. apartments. The L-shaped building would range in height from four to seven storeys over basement. The accommodation would include the following;
  - 12 no. one-bedroom
  - 27 no two-bedroom, and

- 21 no three-bedroom apartments.

A total of 51 no. car parking spaces are proposed, 47 no. of which would be provided at basement level and 4 no. at ground level. Bicycle parking (88 no. spaces) would be provided at both basement and ground level. Entrance to the car park would be provided from the north-western side of the site. A communal area of open space is proposed to the front of the building.

2.2. The application is supported by the following:

- Planning Report (Hughes Planning & Development Consultants)
- Design Statement (Ferreira Architects)
- Housing Quality Assessment (Ferreira Architects)
- Landscape Design Statement (Mitchell & Associates)
- Architectural Visualisation (Digital Dimensions)
- Arboricultural Report (Charles McCorkell)
- Shadow Diagrams (Digital Dimensions)
- Site Specific Flood Risk Impact Assessment (Corrigan and Hodnett Consulting)
- Engineering Services Report (Corrigan and Hodnett Consulting)
- Assessment of Ambient Aircraft & Traffic Noise Impact (Dalton Acoustics Ltd)

### 3.0 Planning Authority Decision

#### 3.1. Decision

The planning authority decided to refuse permission for the development for the following reason:

*Having regard to the Z14 zoning objective, to the form and mass of the proposed development, which steps up from the north to the south of the site, and the proximity of the 7-storey element to existing 2-storey residential development, it is considered that the proposal provides poor legibility in terms of urban design, would have a negative impact on the residential amenity of adjoining property by appearing*

*overbearing, would have a negative visual impact on the character of the area and would appear visually incongruous in this respect and does not optimise sunlight and daylight for the benefit of future residents. It is considered therefore that the proposed development would seriously injure the amenities of property in the vicinity, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planning Officer's report of 15/4/19 is summarised as follows:

- The proposed development is in accordance with the land use zoning objective for the site.
- Site coverage at 51.6% marginally exceeds the standard of 50% in Z14 zoned areas. Higher site coverage is acceptable in certain circumstances and needs to be assessed in conjunction with the development standards. The plot ratio is within the acceptable range.
- The third party concerns in relation to building height are noted. The maximum height at 23.7m exceeds the general height of 16m that applies to 'outer city' as defined by the development plan. The applicant has not provided the required justification for the increased height by demonstrating that the development satisfies the criteria outlined in Section 3.2 of Urban Development and Building Heights-Guidelines for Planning Authorities 2018.
- There are concerns that the height of the building will result in overbearing impacts and be visually intrusive. It is considered that in the interests of urban design, legibility and impact on adjoining residential amenity, the tallest element of the building form should be at the north east corner of the site at the junction of the Hole in the Wall Road and the Parkside/Belmayne Distributor Road. This would have the least visual impact on the existing 2/3 storey house at Parkside Heath.
- The applicant has not submitted a Daylight/Sunlight report. Given the depth of the living areas of some of the apartments which also incorporate recessed

balconies, there are concerns regarding the future residential amenity of the proposed development in terms of the average daylight factor. It is not considered that the form, height and massing of the building maximises natural daylight given that the development steps up in height from north to south.

- The concerns raised by the objectors with regard to overlooking and overshadowing are noted. Separation distances of between 22m and 31.9 m are achieved between the proposed development and adjoining development at Parkside Heath. It is not considered that the proposed development would unduly overlook adjoining property.
- The applicant has submitted a shadow analysis and this indicates that the proposal will not give rise to overshadowing.
- There are concerns regarding the overbearing nature of the proposal which is likely to have a negative impact on adjoining residential amenity.
- With regard to impacts on the character of the area, photomontages show views of the proposed development from the Parkside/Belmayne Distributor Road. Views of the south of the site from Hole in the Wall Road or from Fr Collins Park have not been provided. No information is provided on finishes or materials.
- The proposal complies with the standards set out in the Sustainable Urban Housing-Guidelines for New Apartments in terms of unit mix, apartment size, floor to ceiling height, storage space and private open space requirements.
- The minimum requirement for communal open space is 438m<sup>2</sup>. It is stated that 632 m<sup>2</sup> is provided. The main area of usable open space to the west of the car park ramp measures 190 m<sup>2</sup>. No public open space is provided. The proposal is located adjacent to Fr Collins Park.
- No details have been submitted regarding sustainability and energy efficiency.
- The site is located in Flood Zone C. The Drainage Division has raised no objection to the development.

Having regard to national policy and ministerial guidelines, it is considered that the site may be suitable for increased height and density. However, it is considered that

the tallest element of the building should be located to the north of the site. Given the height of the building to the south of the site (23.7m) and its proximity to existing two-storey housing, it is considered that the proposed development would have a negative visual impact on the character of the area. Furthermore, it is considered that the form and massing of the development stepping up from the north to the south of the site does not optimise sunlight and daylight for the benefit of future residents. It is considered that the development should be refused.

### 3.2.2. **Other Technical Reports**

The **Transportation Planning Division Report** of April 2<sup>nd</sup>, 2019 raised no objection in principle to the proposed development. It recommended that further information be sought to include a revised car parking layout allocating one space for each residential unit and details of all areas proposed to be taken in charge by DCC.

The **Drainage Division** in their report of March 11<sup>th</sup>, 2019 raised no objection to the development subject to standard conditions.

## 4.0 **Planning History**

**Reg Ref No 5641/05** – Planning permission granted on the site for the demolition of existing buildings and the construction of a four-storey apartment building with 5 storey corner elements, including set back penthouse units and comprising 40 no. apartments and basement car parking.

## 5.0 **Policy and Context**

### 5.1. **National Policy**

- 5.1.1. The **National Planning Framework - Project Ireland 2040**, published in 2018 is the Government's plan for shaping the future growth and development of Ireland out to 2040. It is envisaged that the population of Ireland will increase by up to 1 million by that date and the strategy seeks to plan for the demands this growth will place on the environment and the social and economic fabric of the country. It sets out 10 no. goals, referred to as National Strategic Outcomes.

5.1.2. Under **National Strategic Outcome 1** (Compact Growth), the focus is on pursuing a compact growth policy at national, regional and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns and villages, to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards. Relevant policy objectives include:

National Policy Objective 2a

A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.

National Policy Objective 3B

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built up footprints.

National Policy Objective 13

In urban area, planning and related standards, including in particular building 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 tolerances that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

The NPF includes a specific Chapter, No. 6, entitled 'People Homes and Communities', which includes 12 objectives

National Policy Objective 27

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.

National Policy Objective 33

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

Increase residential 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.

### 5.2. National Guidelines

5.2.1. 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 S.28 Ministerial Guidelines are:

- 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 (2018).
- Urban Development and Building Height Guidelines 2018.

### 5.3. Regional Policy

5.3.1. The **Eastern and Midland Regional and Spatial Economic Strategy 2019-2031**, which came into effect on June 28<sup>th</sup>, 2019, builds on the foundations of Government policy in Project Ireland 2040, which combines spatial planning with capital investment. It is a strategic plan and investment framework to shape the future development of the Region to 2031 and beyond. It seeks to determine at a regional scale how best to achieve the shared goals set out in the National Strategic Outcomes of the NPF and sets out 16 Regional Strategic Outcomes (RSO's) which set the framework for city and county development plans. These include;

#### **1 Sustainable Settlement Patterns**

*Better manage the sustainable and compact growth of Dublin as a city of international scale and develop Athlone, Dundalk and Drogheda and a number of key complimentary growth settlements of sufficient scale to be drivers of regional growth.*

## **2 Compact Growth and Urban Regeneration**

*Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens.*

## **4 Integrated Transport and Land Use**

*Promote best use of Transport Infrastructure, both existing and planned, and promote sustainable and active modes of travel to ensure the proper integration of transportation and landuse planning.*

**Chapter 4 (People & Place)** sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth. It includes Dublin City and suburbs, Regional Growth Centres (Drogheda, Athlone and Dundalk) at the top of the settlement.

### **5.4. Local Policy**

- 5.4.1. The operative development plan is the **Dublin City Council Development Plan 2016-2022**. The site is located in an area zoned Z14 'Strategic Development and Regeneration Areas'. The objective for the Z14 zone is as follows;

*'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'.*

**Chapter 4 (Shape and Structure of the City)** emphasises the need to physically consolidate the city and to optimise the efficient use of urban land and the creation of sustainable neighbourhoods which are designed to facilitate walking and cycling and as close to public transport as possible. To achieve this, higher densities will be promoted in the city centre, within Key District Centres and SDRA's and within the catchment of high capacity public transport.

**Policy SC13:** To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design

and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding amenities, households and communities.

**Chapter 5 (Housing)** acknowledges that there is a pressing need to facilitate a significant increase in housing output whilst creating high quality accommodation. It is acknowledged that building at higher densities makes more efficient use of land and energy resources creating a consolidated urban form which fosters the development of compact neighbourhoods and a critical mass which contributes to the viability of economic, social and transport infrastructure

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

**Policy QH8:** To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and character of the area.

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

**Chapter 15** of the Plan identifies 18 no. Strategic Development and Regeneration Areas (SDRA). The site is located within the boundary of the North Fringe SDRA (including Clongriffin/Belmayne). Section 15.1.1 of the development plan sets out the development principles for the SDRA as follows:

1. To create a highly sustainable, mixed use urban district, based around high quality public transport nodes, with a strong sense of place.
2. To achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.

3. To establish a coherent urban structure, based on urban design principles, as a focus for a new community and its integration with the established community.

**The Belmayne/Clongriffin LAP 2012-2018** was adopted by the City Council in December 2012 and extended for a further 5 years by Council resolution to December 2022. It sets out a detailed mechanism for the development of remaining key sites, with the aim of providing approximately 8,000 new homes upon completion.

Relevant objectives include:

**UDO1:** To achieve high quality and sustainable densities to consolidate the area, maximise access for residents and employees to public transport and successfully define important locations and routes including the Main Street access and town centres (KDC designated zones).

**UDO2:** To promote the development of family orientated, high quality, adaptable, life long homes within the LAP area through creative design that still delivers a sustainable density to support the provisions of services.

**UDO7:** The height strategy for the LAP will seek positive integration of new building height with established character. Locations identified for special height character are the designated Key District Centres (in general 5 storeys minimum) and the Main Street Boulevard axis (in general four to five storeys). Heights of 2 - 6 storeys (including the set back at the top floor of a 5/6 storey building) may be facilitated subject to quality design criteria and set back requirements along the river corridor to complete the urban form to pavilion buildings to complete Marrsfield. One location for a landmark profiled building (10-14 storey office height equivalent) is designated adjacent to Clongriffin Railway Station. In other locations where 4 storeys residential height is proposed, some flexibility will be allowed on the height equivalent (13m) to achieve design improvements to the façade.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal are summarised as follows:

### Proposed Development

- It is considered that the proposed development comprises an appropriately scaled building which has been designed in accordance with the provisions of the development plan and the recently published 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
- Residential development is permitted in principle in Z14 zoned areas. The vision for these zoned lands is based on the comprehensive development/redevelopment of large areas of land which have the capacity for accommodating significant mixed-use and residential developments.
- The Clongriffin-Belmayne LAP provides a guide height of four storeys to frame streets and public open space areas. A four-storey proposal was submitted to DCC at pre-planning stage who advised an increase in height given the site location. The provisions of the 'Urban Development and Building Heights-Guidelines for Planning Authorities' regarding increased levels of residential development and increased buildings heights are noted (SPPR1).
- The SPPR's take precedence over any conflicting policies and objectives in development plans and as such the provisions of the Clongriffin-Belmayne LAP are no longer applicable with regard to guiding the appropriate height and density of future development within the area.
- The proposed development is appropriately designed within the context of existing infrastructure in the area and situated at a sufficient distance from adjoining residential properties so as to mitigate against any undue residential amenity impacts.

### Sunlight/daylight

- The design of the building has been organised to ensure that each unit has sufficient access to sunlight and daylight as per the Daylight Analysis and Overshadowing Report.

- Refers to Design Sketch, prepared by Ferreira Architects (Appendix B). The building has been situated in a manner that allows it to make efficient use of existing views within the immediate area. The manner in which the massing steps up from the southern end of the site towards the Belmayne Distributor Road is appropriate in the context of providing a strong urban edge to the north-west corner of Fr Collins Park.
- The commentary provided in the Design Sketch provides sufficient context with regard to the manner in which the building has been orientated so as to provide maximum solar gain across the entirety of the residential scheme.
- In addition to the rationale provided by Ferreira Architects requests that the Board have regard to the Daylight Analysis and Overshadowing Report prepared by Heffernan 3D (Appendix C). This confirms that the proposed development is compliant with meeting both the Average Daylight Factor (ADF) in respect of habitable rooms within the scheme and ensuring the protection of ADF levels within adjoining residential developments to the west.

### **Precedent Developments**

- A variety of precedents have been approved for development similar to that proposed.
- It is considered that the development permitted under Reg Ref 3014/18 at 19/20 Blackhall Street, Smithfield with frontage to Oxmanstown Lane provides a strong precedent for the proposed development. Photomontage imagery showing the pre-existing and approved development is provided.
- The proposed development has followed best practice, in a similar manner to the design of Reg Ref No 3014/18 with regard to providing appropriate separation distance and breaking down the massing of the building so as to limit the visual appearance of the building.
- Under Reg Ref No 3537/18, DCC approved the development of a building rising up to 7 storeys at Stoneybatter/Blackhall Place despite existing single/two storey dwellings adjoining the site along its northern boundary. Despite a request for further information and concerns raised by the planning authority regarding the height of the building, the revised plans did not alter

the height of the building. The planning authority issued a decision to grant with a condition to omit the seventh floor which was subsequently appealed (ABP 300366-17).

- Notwithstanding the contrasting location of the site, the seven-storey element of the building was situated at a distance c. 6m south of a single-storey dwelling. If this is permissible within an inner city urban context, then a separation distance in excess of 28.5m between a proposed 7 no. storey building and existing two-storey dwellings should be permissible in an outer city context.
- In a similar manner to the development approved under Reg Ref No 3538/17 the current proposal is considered to be in line with national policy guidance in relation to providing an appropriate density and maximising the efficiency of infill development sites so as to minimise the necessity for the outward expansion of the city. The Board is requested to assess the proposed development, which will provide 60 no. additional residential units within zoned and serviced land, in this context.

#### Amended Design

- An amended design is presented (Appendix D), with regard to the massing and form of the proposed development for the consideration of the Board. The preference is for the initial design and request that the Board judge this revision only in the event that it is considered necessary.
- The amended design is based on the omission of the sixth floor resulting in a six-storey over basement building and a reduction in the number of apartments from 60 to 57 no. units.
- It is considered that this reduction in height is appropriate having regard to the orientation and context of the site and, if required, should be approved by An Bord Pleanála.

#### Conclusion

The proposal is considered to be compliant with the various qualitative and quantitative standards of the Dublin City Council Development Plan 2016-2022 which encourages the provision of suitably scaled residential development subject to the

protection of adjacent residential amenity and other planning criteria. The proposed development has been designed to the highest standard and has duly considered the amenity of adjoining properties along Hole in the Wall Road in order to minimise any potential negative impacts of development at this site.

The proposed development represents a high quality and modest addition to the immediate streetscape. The proposed development is in accordance with the proper planning and sustainable development of the area.

## 6.2. Observations

The submissions from 7 no. observers are summarised as follows:

- Overdevelopment of a small site. The density is at odds with the policies of the LAP.
- Negative impacts on the area arising from the scale and height of the proposed development, which is out of character with existing development.
- Negative impacts on residential amenity arising from overlooking and overshadowing. No sunlight/daylight analysis submitted with the application.
- Noise disturbance for residents of Parkside Heath arising from the entrance to the carpark.
- Existing infrastructure and facilities are inadequate including shops, amenities, public transport and school places.
- Traffic and car parking.
- Comparisons cannot be made between the proposed development and other development in the area in terms of impacts.
- Negative impacts on property values.

## 6.3. First Part Response to Third Party Observations

The response is made in respect of the observations received from Emma Duffy and Andrey Idlis and is summarised below:

### **Parking**



- The images included by observer show an extent of unauthorised car parking on Hole in the Wall Road. The majority of vehicles shown appear to be associated with the construction of apartments by Twinlite to the north of the appeal site and as such cannot be considered a long-term issue.
- While the development plan states that 1.5 spaces per unit is required the proposal is assessed against the provisions of the Design Standards for New Apartments. It states that planning authorities must consider a reduced overall car parking standard in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare.
- On this basis and the sites location within proximate walking distance of bus and rail transport links, the proposed provision of 0.85 spaces per unit is considered appropriate.
- While concerns have been raised regarding the location of the access to the car park, the entrance is off a now unused section of the Hole in the Wall road, which is appropriate in the context of minimising the extent of impact on existing traffic infrastructure which is to be expected with a large-scale residential development.
- The NTA intends to redesign Dublin Bus with 7 no. super frequent spatial routes into the city centre, with Spine D serving Clongriffin. The revision of Dublin Bus services in conjunction with the expansion of the residential population of the immediate area is expected to result in an increase provision of public transport services which in turn will lessen the need for private car ownership in the short-medium term and, as such the proposed development is considered appropriate at this location.

#### Precedent Developments

- The precedent developments cited in the planning report are noted for similarity in the context of them being apartments developments.
- While none of the noted precedents adjoin residential housing estates it is considered that the height of the proposed development is appropriate in the

context of the separation distance achieved in comparison to the noted precedents.

- Figure 23.0 which relates to a 6 no. storey apartment block at Marrsfield Avenue is situated directly opposite a row of 15 no. three-storey houses at a distance of c 25.15m. The proposed 7-storey development does not sit directly opposite residential units in Parkside Heath and is situated at a minimum distance of 28.725m and is considered appropriate on the basis of the aforementioned precedent and the recently published 'Urban Development and Building Height Guidelines for Planning Authorities', which have been introduced since the Marrsfield Avenue development was constructed.
- The amended design submitted to the Board which would provide a six-storey development would address any overlooking concerns arising from the proposed development.

#### Policies of the development plan

- Policy SC13 – the proposed development site is located within proximate walking distance to public transport services, and while the concerns raised regarding the lack of shops and schools in the immediate area this is reflected in the fact that it is an intermediate urban location. It is considered that there are sufficient recreational and educational facilities in the immediate area to accommodate further housing development and that development contributions resulting from housing developments presently under construction will address any shortfall with regard to amenities in the short-term.
- Policy QH7 – it is considered that the height and density of the proposed development, in conjunction with the urban nature of the appeal site are sufficient to prevent against displacement effects which could arise if a lower density was approved on the site. The prominent nature of the appeal site provides a basis for the site to set its own character. In this regard the neutral nature of the design and the separation distance achieved are considered to be key elements of the development which combine to ensure that existing residential amenity is not unduly impacted upon.

- Policy QH8 –the neutral design and finish of the proposed development as portrayed in the submitted drawings and photomontages is considered synonymous with respecting the design and character of adjoining residential development within Parkside Heath.
- Policy QH22 – it is considered that the prominent position of the appeal site within the context of the immediate environment forms a strong design reason for the proposed development which, whilst at increased height in contrast to the existing two-storey residential development has utilised separation distance and neutral colour scheme to mitigate against any overbearing/overlooking impacts.
- The Specific Planning Policy Requirements (SPPR) outlined in the Urban Development and Building Height Guidelines take precedent over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes and as such the provisions of the LAP are no longer applicable with regard to guiding the appropriate height and density of future development in the area.

#### 6.4. **Third Party Responses to Observations**

The responses support the observations and strongly object to the proposed development. To a large extent the responses repeat the issues raised in the submitted observations. Additional matters raised include the following;

- The development permitted under Reg Ref No 5641/05 on the subject site was approved before the Parkside development was constructed. The visual appearance of the immediate area is now completely different.
- There are a number of inaccuracies and missing items in the daylight and sunlight report. It does not satisfy the guidance set out in BS 8206-2 and the BRE report. Recommends that the Board appoint an external consultant to review the daylight/sunlight report.
- The site is located in Area 3 zone for car parking. The reason it is in Area 3 is due to the distance to local transport links. The Road Planning Division raised issues in its report regarding under provision of car parking and the potential overspill onto the adjoining road network

## 7.0 EIA Preliminary Assessment

- 7.1.1. The application was submitted to the Board after the 1<sup>st</sup> September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations, 2018.
- 7.1.2. The proposed development falls within the category of an 'Infrastructural Projects' within Schedule 5 (10)(b) where mandatory EIA is required for the following;

*10. Infrastructural projects*

*(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.*

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

The proposal is for 60 no. residential units on an overall site of c.0.26 ha. The proposed development does not, therefore, fall within the above classes and mandatory EIA is not required.

- 7.1.3. Having regard to the location of the proposed development in a built-up urban location served by public infrastructure and the absence of any significant environmental sensitivities in the area and the nature, scale and location of the site, I consider that the proposed development would not be likely to have significant effects on the environment and an environmental impact assessment report for the proposed development is not required.

## 8.0 Appropriate Assessment

- 8.1.1. The site is located to the west of a number of Natura 2000 sites centred on Dublin Bay. These include Baldoyle Bay SAC (000199), North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and Tolka Valley Estuary SPA (004024). These sites are designated for a number of coastal/estuarine habitats and a range of bird species.

- 8.1.2. The site is well removed from all Natura 2000 sites which eliminates the potential for direct effects on qualifying habitats or species. Storm and foul water discharges from the site will be discharged to the public collection systems.
- 8.1.3. Having regard to the nature of the proposed development, the nature of the receiving environment which is a serviced urban site, the character and specific environmental conditions of the European sites concerned, which are coastal habitats/species and the distance to the designated sites, I consider that the proposed development either alone, or, in combination with other plans or projects, would not be likely to have significant effects on any Natura 2000 site, in view of the sites' conservation objectives and that, therefore, a Stage 2 Appropriate Assessment is not required.

## **9.0 Planning Assessment**

### **9.1. Introduction**

- 9.1.1. Pursuant to the site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars and observations, submissions on file, I consider that the following are the main issues that arise for consideration by the Board in respect of this appeal:

- Principle of the development
- Building height and density of development
- Residential amenity
- Impacts on visual amenities
- Other matters

### **9.2. Principle of the development**

Having regard to the Z14 zoning objective, where residential uses are permissible, the proposed development is considered acceptable in principle on the subject site.

The proposed development accords with national, regional and local policy/guidance which seek to secure compact growth in urban areas, deliver higher densities in suitable locations and ensure that apartment type living is an increasingly attractive option to meet housing demand within the urban footprint of the city.

The proposal will facilitate the redevelopment of this underutilised site and provide more efficient use of this urban land. It will increase the number of residential units within the existing urban footprint consistent with Government policy.

The proposal is wholly compliant with NPO 35 of the National Planning Framework the objective of which is to:

*'Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.*

### 9.3. Building Height and Density

The building will have a stepped profile ranging in height from four-storeys in the south to seven storeys (with two set-back upper levels) in the north. At its highest point the building is 23.7m. I note that there is considerable variation in the heights of buildings in the vicinity, ranging from one-storey dwellings on the southern end of Hole in the Wall Road, to 2 and 3 storeys houses developments at Parkside, Belmayne and Beltree to the west and east. Higher buildings define the edge of Belmayne/Marrsfield Avenue to the north.

- 9.3.1. The concerns regarding the height of the building are raised by the residents of Parkside, a residential development consisting of two/three-storey houses to the west of the appeal site. The houses at Parkside Heath are c.9.5m in height. However, the character of the immediate area is also influenced by the development under construction to the north which consists of five-storey blocks (with a set-back sixth floor), continuing the linear corridor formed by Marrsfield Avenue.

The original proposal considered by the applicant was for a four-storey building, who was advised during pre-planning discussions to consider a taller building due to the location of the site. I accept that the site has the capacity to accommodate a taller building and I note the provisions of the 'Urban Development and Building Height Guidelines' which states that increased height should be actively pursued in the interests of achieving increased urban housing delivery. However, I consider that the height of the building, which is at least 3m higher than surrounding buildings, is excessive relative to its surroundings. I consider that the revised proposals (submitted by the applicants at appeal stage), which provides for the omission of the sixth floor provides a more acceptable solution. The reduction in the height of the

building would effectively reduce its overall mass and bulk, facilitate more effective integration of the building into its surroundings and provide a greater level of consistency with the developing areas to the north. It would also conform with the provisions of the LAP for the area which facilitates buildings of 2-6 storeys (with set back upper floor) in the vicinity.

The height of the building relative to housing to the west is clearly of concern for local residents, who have concerns that their residential amenity would be compromised. This is considered in more detail below in Section 9. 4.

The development proposes a high density of development (231 units/ha) on the site. In accordance with Government policy/guidance increased residential densities are required to accommodate future population growth in the city, to achieve more efficient and sustainable use of urban land and to maximise the viability of transport and social infrastructure. The development plan does not provide indicative residential density standards, but supports the standards and guidance set out in the DEHLG 'Guidelines on Sustainable Residential Development in Urban Areas' (2009).

9.3.2. The Guidelines provide some guidance on acceptable densities in different locations, stating that in outer suburban areas, in order to achieve efficiency in land usage, net residential densities in the general range of 35-50 dwellings per hectare should be encouraged. The Guidelines predate the 'Sustainable Urban Housing : Design Guidelines for New Apartments' where there is greater emphasis on apartment living and the role it will play in addressing future housing needs. The proposed scheme will secure a high density of development in this location, maximise the efficiency of urban land, retain the compact form of the urban area and help to meet housing demand in accordance with Government policy/guidance.

The 'Design Guidelines for New Apartments' provide a broad indication of the scale of apartment development that would be suitable in different areas, depending on proximity and accessibility considerations. Based on these criteria (within 1,000-1,500m of high capacity urban public transport stops such as DART, or within reasonable walking distance of high frequency urban bus services) the subject site is potentially suitable for a smaller-scale high density apartment development.

In accordance with established principles the LAP states that higher densities should be provided in areas with good access to public transport (rail and QBC) and that

densities would reduce with distance from transport nodes. The LAP (Key & Policy Notes Fig 7.7) indicates that the site (Fig 7.7) lies outside the 1km catchment of the rail station and that general target densities of 40-50 units per ha would be required. The LAP precedes both the 'Design Guidelines for New Apartments' and the 'Urban Development and Building Height Guidelines' which now takes precedence over the policies of the plan. I would also note that high density residential developments have been permitted by the planning authority to the north of the site.

While a high density development can be facilitated on the site, the fundamental question is whether the level of development proposed can be accommodated on the site without compromising the residential amenity of adjoining residents/ future residents of the scheme, and the character and visual amenities of the area. These matters are considered in more detail below.

#### **9.4. Residential Amenity**

- 9.4.1. This section of the report assesses the impact of the proposed development on the residential amenity of both future residents of the scheme and on residents of the adjoining development at Parkside Heath.

##### *Impacts on future residents of the scheme*

In terms of the level of residential amenity afforded to residents of the apartments, the Sustainable Urban Housing: Design Standards for New Apartments (DoHPLG, 2018), places significant emphasis on qualitative standards. The aim is to ensure that apartment living is an increasingly attractive and desirable housing option for a range of household types.

The scheme will provide an appropriate mix of 1, 2 and 3 bedroom units ensuring that different housing needs and family sizes can be accommodated. A total of 20% of the apartments are one-bedroom unit ensuring that the proposal is not inconsistent with the provisions of SPPR1 of the guidelines.

The Housing Quality Assessment submitted with the application provides details of unit type, bed spaces, floor areas and private open space. The individual apartments comply with requirements in terms of aggregate floor areas, rooms sizes, internal storage space and private amenity space. The total combined floor of the apartments is in excess of the minimum floor area, plus 10% required by the guidelines, ensuring that the development is not designed to minimum standards.



The site sections indicate that uniform floor to ceiling height of 2.85m are proposed which complies with SPPR5 of the guidelines. The proposal is also in compliance with SPPR 6 regarding the number of apartments per floor per individual stair/lift core. Over 50% of the apartments are dual aspect which coupled with the orientation of the remaining apartments, ensures reasonable sunlight/daylight penetration to each of the units. This is supported by the Daylight Analysis and Overshadowing Report submitted with the appeal.

Each of the apartments is provided with adequate private amenity space in the form of a ground floor terrace or upper floor balcony. With the exception of one apartment (A2.06 on the ground floor), where the terrace is positioned off a bedroom all of the apartments have a functional relationship with the main living areas. The inclusion of a door from the kitchen/living/dining room living, similar to other apartments would remedy the situation.

The apartments have access to a communal area of open space provided in the form of a courtyard at the front of the building. Other amenity space consists of incidental linear landscaped open space around the building perimeter. The development generates a requirement of 438 sq.m of communal open space. According to the applicant's submission a total of 632 sq.m is provided. There appears to be a discrepancy between applicants calculations and the open space proposed. The courtyard area is the only usable outdoor space available to the residents of the apartments and at c 120 sq. m is significantly below the minimum area required as set out in Appendix 1 of the apartment guidelines. It will function as a play area for small children and will also have a passive recreational function. No public open space is proposed.

I draw the attention of the Board to the apartment guidelines (Section 4.12) which makes provision for a relaxation of communal amenity space on urban infill schemes on sites of up to 0.25ha. The site at 0.26 ha only marginally exceeds the threshold. The Board will note that the site benefits from significant areas of open space in close proximity. These include by Fr Collins Park, a 20 ha park located to the east which incorporates a range of facilities (running/cycle track, skating area, playgrounds etc) and the River Mayne Park to the north which also includes a running/walking track and a children's play area.

Having regard to proximity of significant areas of open space and the range of facilities provided, I consider that the level of communal open space provision can be relaxed without compromising the amenity of future residents of the scheme.

Car parking would be provided primarily at basement level (47 no. spaces) with an additional 4 no. spaces at surface level. This is below the development plan standard for this area, which requires 1.5 space per residential unit (Area 3 Map J), equating to 90 no. spaces. The Roads Streets & Traffic Department note the deficit and consider that 1 no. space per residential unit should be provided in order to prevent overspill onto the adjoining road network. The parking standards set out in the development plan are regarded as the maximum applicable. It provides that parking below the minimum standard may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no negative impact on traffic safety.

Under the provisions of the 'Design Standards for New Apartments' there is provision made for planning authorities to consider reduced car parking standards in suburban/urban locations served by public transport particularly for housing schemes with more than 45 dwellings/ha. The applicant seeks to justify the reduced quantum of spaces on the basis of SPPR8 of the apartment guidelines. It sets out a presumption in favour of minimal car parking for Build to Rent Schemes and is therefore not directly applicable to the subject site.

The area is served by Dublin Bus (Route 15) which runs every 8-12 mins and is connected to the Malahide Road QBC. DART services operate from Clongriffin station with services to the city centre every 20 minutes. These networks are at a distance, with the closest bus stop at c. 900m and the DART station in excess of 1km from the site. The observers claim that public transport serving the area is inadequate and is too far removed from the site.

The Board will note that this is a developing area on the outer fringes of Dublin city. Significant residential development is taking place which will generate additional demands for public transport. I note that the NTA propose a rapid transport bus service which if progressed would improve bus transport in the area.

Having regard to the suburban context of the site within reasonable proximity to DART and Dublin Bus Services, future proposed bus connections and Government

policy to promote modal shift away from private car usage to alternative transport modes, I consider that the number of car parking spaces proposed, which is below the development plan requirement is adequate to serve the proposed development.

The level of unauthorised car parking in the area is an issue of concern for local residents, which they consider will be exacerbated by the level of car parking proposed as part of the scheme. At the time of inspection cars/vans were parked indiscriminately on both sides of Hole in the Wall Road close to the junction to the north. As noted by the applicant, there is a large construction site (Twinlite) to the north and these vehicles appear to be associated with this development and will therefore be short term.

I note that 88 no. bicycle spaces are proposed (56 no. at ground level and 32 at basement level) which exceeds the development plan standard (1 per residential unit) but is significantly below the 159 no spaces required by the guidelines (1 per bedroom and visitor parking at 1 space per 2 residential units). There is limited potential to increase the space allocated to bicycle parking in positions that are readily accessible to residents and any additional spaces would have to be provided at basement level which would result in a loss of car parking space. The Board may consider that this is warranted in the interests of promoting more sustainable forms of transport.

#### *Impacts on existing residents*

The adjoining residents have raised issues regarding overlooking, overshadowing, carparking and noise associated with the basement car park. While the western elevation of the apartment block contains windows and balconies that face towards the front of the houses on Parkside Heath, overlooking of habitable rooms and private amenity areas will not arise due the significant separation distance (minimum 28.2m) between the properties.

Similarly, the issues raised regarding overshadowing are unfounded. The proposed development would be located to the east of the houses and whilst the building will cast a shadow over the front façade of some of the houses when the sun is low in the sky during the winter period, it will be short lived. The shadow diagrams submitted in support of the application indicate that there will be no change in the level of sunlight received by the private amenity space associated with these houses

and accordingly there will be no deterioration in the residential amenity of the dwellings arising from overshadowing. This conclusion is further supported in the Daylight Analysis and Overshadowing Report (Heffernan 3D) which assessed the impact against relevant BRE guidelines and concluded that there will be no noticeable reduction in sunlight in these gardens as a result of the proposed development.

I do not share the planning authority's view that the proposed development will have overbearing and negatively impact on the outlook from the existing dwellings or that the impact would be reduced by placing the higher elements to the north. Whilst the building is considerable higher, the impact is mitigated by distance, the overall layout and design of the apartment block and the setback position of the upper floors. Subject to a reduction in the height of the building and having regard to existing development in the area, the proposal is not out of context with its surroundings. I consider that the redevelopment of this overgrown derelict site will have a positive impact on the outlook from these properties and the visual amenities of the wider area.

The observers have also raised issues regarding noise arising from the basement carpark. I note that the focus of the noise impact assessment report is on potential effects of traffic and aircraft noise on future occupants of the apartment block. It does not consider the impact of the proposed development on the residents of Parkside Heath.

The noise survey results indicate that the daytime limit LAeq 16-hour at 63.4dB is between parameters (i.e. above the desirable low sound level of <55 dB (A) L day and below the undesirable high sound level of >70 dB(A) L day set out in the Dublin Agglomeration Noise Action Plan 2013-2018). The L night of LAeq 8-hour is located just below the undesirable noise parameter of 55 dB(A). The report concludes that noise intrusion affecting the proposed development can be mitigated through the proposed external building envelop and specifically its glazing elements. Should the Board be minded to grant permission for the development, I recommend that a condition be attached requiring details of the acoustic performance of the glazing elements to be used in the scheme, supported by laboratory tests confirming their sound insulation performance be submitted to and agreed in writing with the planning authority prior to commencement of the development.

The access to the basement car park will be located off the currently unused section of the Hole in the Wall Road (now a cul de sac) and opposite the dwellings at Parkside Heath. This is the only development that will be accessed from this section of the road. The proposal will intensify the use of the site with the potential to increase traffic noise. I note that the car park entrance will be incorporated into the building structure and will be partially enclosed, which will reduce impacts. I am also mindful that this is an urban location where traffic related noise is to be expected. I note that the concerns raised relate entirely to the proposed development and no issues were raised regarding existing noise pollution arising from traffic or aircraft noise.

The observers refer to Policies Q7, Q8 and Q22 of the city development plan. These policies seek to ensure that residential development integrates with and respects the design of surrounding development and the character of the area. Policy Q22 requires that new housing development close to existing houses has regard to the character of the existing houses.

Having regard to the context of the subject site, the emerging pattern of development to the north and notwithstanding the lower density housing development to the west, I consider that subject to the removal of the sixth floor, the proposed building can be assimilated into the area, without compromising the character or amenities of the area or the existing houses.

The residents have also raised issues regarding the lack of support infrastructure including schools. This is a growing community and I accept that the increase in population will create additional demands. While note that additional schools have been provided in the area, I am in no position to comment on the adequacy of school places. Shopping facilities are available at Northern Cross and Clongriffin with larger facilities at Clare Hall and Donaghmeade.

#### **9.5. Impact on visual amenity**

The main issues relating to visual impacts relate to the introduction of a 7-storey structure on the site.

I consider that the L-shape configuration of the apartment block is an appropriate response to this triangular shaped site which forms an island on Hole in the Wall Road. The development provides strong definition along the road to the east and

continues the emerging streetscape to the north. Placing the taller element to the south provide a landmark feature at the junction. The set-back position to the west and the arrangements of the individual blocks, and the provision of a landscaped courtyard, street planting and other soft landscaping within the scheme forms an effective transition between the building and the lower density housing scheme at Parkside.

The removal of existing trees along the boundaries of the site will impact on the visual amenities of the area. The trees consist mainly of non-indigenous species (Leyland cypress, Lawson cypress) and Sycamore, which are assessed (Arboricultural Report) as being of low/poor quality. To mitigate the impact new planting will be provided as detailed in the Landscape Design Statement submitted in conjunction with the application as detailed Dwg No 100 (Landscape Plan and Boundary Detail). The proposed new planting, which will include street trees, defensible planting strips and courtyard planting will significantly enhance the overall amenities of the site and visual amenity of the area.

#### 9.6. **Other Matters**

Drainage and Flooding – A site specific Flood Risk Assessment Report supports the application. Residential development is classified as ‘highly vulnerable development’ in ‘*The Planning System and Flood Risk Management Guidelines for Planning Authorities*’, November 2009.

Storm water from the site will be discharged to the existing 225mm diameter surface water sewer to the east of the site in Hole in the Wall Road. The proposed development will result in increased hardstanding and the potential for increased run-off from the site. The drainage system will be designed as a sustainable urban drainage system and will incorporate measures to attenuate storm water and restrict the rate of discharge from the site. Attenuation storage will be provided in the form a single tank at basement level, designed to cater for the 1.0%AEP rainfall event with a 10% allowance for climate change. Surface water will be discharged to the public network via a pumped arrangement (discharge rate of 0.4l/s to mimic greenfield run-off rate). A green roof will be provided for the apartment building to act as interception storage in the absence of an area for surface water which would infiltrate to ground.

The Flood Risk Assessment report submitted in support of the application assesses the flood risk from fluvial, coastal, pluvial and ground water. The site is outside the areas of potential risk of **fluvial flooding**. The River Mayne runs c.100m north of the site and while flooding has been recorded in the wider vicinity, there are no recorded flood events on the site or the immediate area. The closest flood event recorded is c. 170m north of the site. The indicative fluvial floodmaps produced by the OPW as part of the Fingal East Meath Flood Risk Assessment and Management Study (FEMFRMS) indicate that the site is not within the Fluvial Extents of the 0.1% AEP Event. The site falls within Flood Zone C - Low Probability of Flooding and accordingly a Justification Test is not required.

The site is located c 2km west of the coast and is outside the area of potential risk from **coastal flooding**. The OPW's FEMFRAMS, September 2016 confirms that the site is outside the 0.1% AEP tidal flood event and is located within Flood Zone C for Coastal Flooding and no mitigation is therefore required.

The OPW Dublin Pluvial Study (August 2016) which includes pluvial flood extent mapping confirms that there is no **pluvial flooding** to the subject site for the 0.5% AEP Pluvial extreme event flood (Fig 4.2). Pluvial flooding during extreme prolonged rainfall events could give rise to surcharging of the proposed internal drainage system or the surrounding drainage system or flooding of the subject site or surrounding areas from overland flow. The risk of surcharging of the proposed internal drainage system will be mitigated by appropriate design and adequate sizing of the on-site surface water network, the use of SuDS and building floor levels. The risk of downstream flooding will be mitigated by minimising the rate of discharge from the site and there is a low likelihood of flooding from surrounding areas as no flood events have been recorded in the area. Adjoining road levels are noted to be lower than site levels and accordingly overland flow during extreme prolonged rainfall will not enter the subject site. The access to the basement is designed so that it rises 200mm towards the access ramp before falling to the basement which will prevent rainwater from entering the basement. The ventilation grills are also higher than road level.

The potential for **groundwater** flooding is assessed as negligible having regard to the geology and topography of the site and the lack of evidence of groundwater flooding.

I consider that the proposed development can be accommodated on the site without contributing to, or exacerbating any potential flood risk in the area.

**Precedent** – I accept that the precedent developments referred to in the appeal, which are located close to the inner city are not directly comparable to the situation on the subject site. I accept that each proposal must be considered on its own merits. Having reviewed all of the documents submitted, I am of the opinion that subject to a reduction in the height of the building, the proposed development can be accommodated on the site, without significant negative impacts on the residential or visual amenities of the area.

## 10.0 Conclusion

- The proposed development is acceptable in principle in this location. It will secure the redevelopment of this under-used urban site, provide sustainable use of residential zoned land and achieve a compact high density residential development in a location accessible to existing and proposed urban transport networks. The proposed development is, therefore, consistent with national, regional and local policy and guidance.
- It is considered that the height and density of the development accords with national policy/guidelines and that the development can be accommodated on the site and provide an acceptable level of residential amenity for future residents. Furthermore, it is considered that the proposed development by reason of its height, scale and design would not be detrimental to the character or amenities of the area or the residential amenities of adjoining property by reason of overlooking, overshadowing or overbearing impacts.
- It is considered that the level of communal open space provided is adequate having regard to the proximity of the site to significant local amenities including Fr Collins Park and the linear Park along the River Mayne to the north.
- Having regard to the provisions of the 'Design Guidelines for New Apartments' and the location of the site in an accessible urban location proximate to high



frequency public transport corridors, I consider that the quantum of car parking is acceptable.

## 11.0 Recommendation

11.1. Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

Having regard to;

- (a) the site's location on land which allows for residential development
- (b) the under-used nature of the existing site,
- (c) the objectives of the National Planning Framework-Project Ireland 2040 issued by the Government in 2018, which seeks to pursue a compact growth policy and to deliver a greater proportion of residential development within existing built up areas,
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009, which promotes higher residential densities on residential zoned land in suitable locations,
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March 2018, which outlines the need for apartment type developments in particular to meet growing demand,
- (f) the Guidelines for Planning Authorities on Urban Development and Building Heights, issued by the Department of housing, Planning and Local Government in December 2018, which identifies building height as an important measure for urban areas to deliver compact growth,

(g) the provisions of the Dublin City Council Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012-2018, as extended to 2022,

(h) the location of the site within proximity of public transport corridors and other infrastructure, and

(i) the pattern of existing and permitted development in the wider area,

it is considered that subject to the conditions set out below, the proposed development would not detract from the character or visual amenities of the area, or the residential amenities of adjoining property, would be acceptable in terms of traffic and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

### Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the Board on the 13th day of May, 2018 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. The sixth floor shall be omitted from the building. The building shall be five-storeys over basement with a set back sixth floor and the number of apartments shall be reduced from 60 to 57 in accordance with the revised plans and particulars submitted to the Board on 16<sup>th</sup> day of May 2019.

**Reason:** To reduce the bulk and mass of the building in the interests of visual amenity.

3. The glazing system of the building shall have suitable sound insulation performance values. Prior to any development taking place on the site the developer shall agree details of the glazing system to be installed supported by laboratory tests confirming the sound insulation performance of the glazing system to currently recognised EU standards.

**Reason:** To protect the residential amenity of future occupants of the apartments.

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

**Reason:** In the interest of visual amenity.

5. A comprehensive boundary treatment and landscaping plan shall be submitted to and agreed in writing with the planning authority prior to commencement of the development. The plan which shall be designed by a landscaping professional shall include the following;

- (i) Details of all proposed hard surface finishes including samples of proposed paving slabs, materials for footpaths, kerbing and road surfaces within the development,
- (ii) details of the location, number, type and spacing of all species proposed,
- (iii) Details of any street furniture including bollards, lighting fixtures and seating.
- (iv) Details of proposed boundary treatment at the perimeter of the site, including heights, materials and finishes, and
- (v) Play space shall be in accordance with the requirements of the planning authority.
- (vi) Revised arrangements for the ventilation grills to the basement car park such that they are not positioned proximate to the ground floor apartments.

The boundary treatment and landscaping shall be carried out in accordance with agreed scheme. The approved scheme shall be completed prior to the occupation of the buildings.

**Reason:** In the interests of visual and residential amenity.

6. Water supply and drainage arrangements including the disposal of surface water, which shall be adequately attenuated on site prior to discharge, shall be in accordance with the detailed requirements of the planning authority.

**Reason:** In the interests of public health and to reduce the potential for flooding.

7. Public lighting shall be provided in accordance with a scheme details of which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available of occupation of any unit within the scheme.

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

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be placed underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

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

**Reason:** In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process.

10. 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.

11. 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. The plan shall provide details of the intended construction practice for the development including, hours of working, noise mitigation measures and off-site disposal of construction/demolition waste.

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

12. Prior to commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of the waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provisions of the Waste Management Plan for the Region I which it is situated.

**Reason:** In the interests of sustainable waste management.

13. A plan containing details for the management of waste (and in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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 interests of protecting the environment.

14. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

15. Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning

authority prior to commencement of the development. Thereafter, the development name, signs and apartment numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interest of urban legibility.

16. (a) The communal open spaces, including hard and soft landscaping, car parking and access way, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.

(b) details of the management company contract and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with the planning authority before any of the residential units are made available for occupation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interests of residential amenity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of roads, sewers, watermains, drains, car parks, open spaces and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

**Reason:** To ensure the satisfactory completion of the development.

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

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

19. 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 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.

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Breda Gannon  
Senior Planning Inspector

29<sup>th</sup> August 2019.