



An  
Bord  
Pleanála

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

## Inspector's Report ABP-304686-19

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<b>Strategic Housing Development</b>	153 no. residential units and associated site works.
<b>Location</b>	Lands immediately east of the Assumption National School, Long Mile Road, Walkinstown, Dublin 12.
<b>Planning Authority</b>	Dublin City Council South
<b>Applicant</b>	Jackie Greene Construction Limited.
<b>Prescribed Bodies</b>	<ol style="list-style-type: none"><li>1. Irish Water</li><li>2. Transport Infrastructure Ireland</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. WALK.</li></ol>
<b>Date of Site Inspection</b>	16 <sup>th</sup> August 2019.
<b>Inspector</b>	Karen Kenny

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The application site is located on the Long Mile Road in Walkinstown, Dublin 12.
- 2.2. The site, with a stated area of 0.938 hectares, comprises an undeveloped field (former sports field) that is roughly square in shape and flat. It is bounded to the north by the Long Mile Road, to the west by the Assumption National School and to the south by the Assumption Secondary School and a social services centre (2-3 storey buildings). The building to the immediate east along the Long Mile Road is occupied by a community organisation (WALK). To the south east the site is bounded by a private back lane that provides access to the rear of 2 houses on Walkinstown Road.
- 2.3. There is a hedgerow and fencing along the southern edge with the secondary school, a block wall on the western edge to the national school and on the south eastern edge to the laneway and a low block wall with railings along the Long Mile Road.
- 2.4. The lands to the immediate north and west of the site on the Long Mile Road are characterised by educational developments, with primary, secondary and pre-school facilities. Further west the area becomes industrial in character. There is a village centre to the east of the site with a range of shops and services including a SuperValu. The established residential areas of Drimnagh, Walkinstown and Crumlin are to the north, south and east of the site.
- 2.5. The Long Mile Road in the immediate vicinity of the site is a dual carriageway with dedicated cycle lanes, a QBC and single traffic lane. The site is proximate to bus services on the Long Mile Road and Walkinstown Road and to Luas stops at Bluebell and Kylemore (850m and 1100m respectively).

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development comprises a residential development of 153 residential units containing 15 no. duplex / maisonette units and 138 no. apartments in blocks of 3 to 6 storeys. Vehicular access is proposed via a left in and left out access from the Long Mile Road and onsite car and bicycle parking is provided at undercroft and surface levels.

3.2. Key Details:

<b>Detail</b>	<b>Proposal</b>
No. of Units	153
Site Area	0.938 ha
Density	163.1 units per ha
Plot Ratio	1.5
Building Height	3-6 storeys
Open Space	5,126 sq.m. communal; 0 sq.m public
Car Parking	129 no. spaces – 123 undercroft spaces and 6 no. at grade spaces.
Cycle Parking	198 no. spaces – 134 undercroft spaces and 64 no. at grade spaces.
Dual Aspect	69%
Crèche	No
Communal Facilities	Gym (88.5 sq.m) and Concierge (79.3 sq.m)
Part V	15 no. units

3.3. Breakdown of unit types:

<b>Unit Type</b>	<b>No.</b>	<b>%</b>
Studio	1	<1%
1-Bed	61	40%
2-Bed	84	55%
3-Bed	7	4.5%
<b>Total</b>	<b>153</b>	<b>100%</b>

### 3.4. Documentation Submitted

In addition to the drawings, the application form and notices the application was accompanied by the following reports:

- Planning Report
- Statement of Response to ABP Opinion
- Statement of Consistency
- Assessment of Inward Noise Impact
- Building Lifecycle Report
- Schedule of Accommodation
- Housing Quality Assessment
- Traffic Impact Assessment
- Statement of Screening for Appropriate Assessment
- Ecological Impact Assessment
- Part V Details and Costings
- Childcare Capacity Assessment
- Landscape Design Report
- Architect's Design Statement
- Materials and Detailing Statement
- Photomontages

- Daylight, Sunlight and Overshadowing Study
- Site Specific Flood Risk Assessment
- Drainage and Water Infrastructure Engineering Report
- Waste Management Plan
- Environmental Impact Assessment Screening Statement

## 4.0 Planning History

4.1.1. The following planning history pertains to the application site:

**ABP Ref. PL29S.245075 / PA Ref. 2571/15:** Application for 61 no. residential units (22 no. houses and 39 no. apartments). Permission refused by the Planning Authority. The reasons related to deficiencies in public open space and lack of dual aspect apartments. Permission granted by An Board Pleanála on appeal.

## 5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on 23<sup>rd</sup> November 2018. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

1. Street Interface and Perimeter Detail
2. Building Height and Street Presence
3. Pedestrian connectivity
4. Car Parking – Quantum and Design
5. Any other matters

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

## 5.2. Notification of Opinion

The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development. The Opinion notification

pursuant to article 285(5)(b) referred to specific information that should be submitted with any application, summarised as follows:

1. Architectural report and drawings outlining rationale for the proposed building heights.
2. Contextual elevations and cross sections.
3. Landscaping plan to include proposals for the podium level and interface with Long Mile Road.
4. Materials and Finishes Report; Life Cycle Report.
5. Mobility Management Strategy.
6. Housing Quality Assessment.
7. Daylight and Sunlight Analysis.
8. Construction Management Plan and Waste Management Plan - Drafts.

### **5.3. Applicant's Response to Pre-Application Opinion**

5.3.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- Building Height and Urban Design: Architectural design statement enclosed. Building height exceeds the 16-metre maximum in 'outer areas' in Section 16.7.2 of the CDP but is in line with national policy. NPF and Building Height Guidelines promote increased building height and density. The Building Height guidelines expressly seek increased building heights in urban locations. SPPR supports increased building heights and densities in locations with good public transport accessibility. SPPR 3 provides that the PA may grant permission for building heights that exceed the Development Plan Standard. The proposed development is an appropriate design response - tallest aspects front the Long Mile Road, a wide boulevard like urban road; heights are reduced to the rear and appropriate setbacks provided to 2-storey buildings. The duplex units facing the school are 3 storeys.
- Contextual Elevations / Cross Sections / CGI's / Photomontages submitted with the application.

- Landscape Design Statement, CGI's and visualisations submitted with the application.
- Building Appearance and Durability: Materials and Finishes Report submitted with the application. Life Cycle Report submitted with the application.
- Mobility Management Plan submitted with the application. Level of car parking is below the CDP maximum standards and is considered appropriate due to the high accessibility to Luas and the range of bus services. Car club spaces are provided. Bicycle parking exceeds the CDP standard.
- Housing Quality Assessment: Accommodation schedule enclosed. Proposal meets and, in many cases, exceeds the relevant standards in the Apartments Guidelines.
- Daylight, Sunlight and Overshadowing Study enclosed with the application.
- Draft Construction Management / Waste Management Plans enclosed with the application.

#### **5.4. Applicant's Statement**

5.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines, the County Development Plan and regional and national planning policies. The development is considered in the context of the national and regional policies and section 28 guidelines that are considered to be relevant. The following points are noted:

- NPF objectives promote growth within the metropolitan area of Dublin; increased scale, density and building heights; and the provision of high-quality residential development.
- Pillar 3 of Rebuilding Ireland – Action Plan for Housing and Homelessness 2016 aims to increase the output of private housing.
- The development is consistent with RSES principles for the Dublin Metropolitan Area in relation to consolidation and the development of urban infill sites.
- The site is suitable for a building range of 3-6 storeys, having regard to the Urban Development and Building Height Guidelines.



- The development is consistent with the density provisions and the high level aims for residential development in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the 12 criteria for successful neighbourhoods in the Urban Design Manual. The statement assesses the development against each of the criteria.
- In relation to the Sustainable Urban Housing Design Standards for New Apartments 2018 the development meets SPPR's 1-6, while SPPR's 7-9 are not relevant. The site is located in an accessible urban location that is deemed suitable in the guidelines for apartment development. Standards in relation to open space and cycle parking are met and the guidelines provide for reduced car parking provision at more central locations. A Housing Quality Assessment demonstrates that relevant qualitative standards are met.
- The Childcare Capacity Audit demonstrates that a creche is not required. The statement relies on the guidance contained in the Apartments Guidelines in relation to childcare provision for apartment developments.
- The proposed development is in line with the Transport Strategy for the GDA which promotes consolidation in the Metropolitan Area to support an enhanced public transport system.
- In terms of the Dublin City Development Plan the site is zoned Z1 "to protect, provide and improve residential amenities". Residential and ancillary uses are permitted uses. Section 16.7.2 states that the maximum height for 'Outer City' sites is 16 metres. The proposed building height (19m) when viewed in the context of the Building Height Guidelines is acceptable. Standards in relation to zoning, density, residential development, streets and open space are met. The development is below the maximum car parking standard detailed in Table 16.1 of the CDP and exceeds the minimum cycle parking requirements.

## 6.0 Relevant Planning Policy

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

6.1.1. 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**

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

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' as updated March 2018.
- 'Design Manual for Urban Roads and Streets' (DMURS).
- 'Childcare Facilities – Guidelines for Planning Authorities'.
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- 'The Planning System and Flood Risk Management' including the associated 'Technical Appendices'.

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

The Dublin City Development Plan is the relevant statutory plan.

- The site is subject to zoning objective Z1 "to protect, provide and improve residential amenities". Residential development is a permissible use under this zoning objective.

- Policy SC 13: 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 residents, households and communities”.
- Policy SC16: To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area”.
- Chapter 16 sets out Development Standards for design, layout, mix of uses and sustainable design – including standards for Landscaping (16.3), Density (16.4), Plot Ratio (16.5), Site Coverage (16.6), Building Height (16.7), Standards of Accommodation (16.10), Car Parking (16.38) and Cycle Parking (16.39).
  - Section 16.2.2.2 Infill Development - states that “in areas of .... varied townscape, infill development will have sufficient independence of form and design to create new compositions and points of interest and have regard to the form and materials of adjoining buildings, where these make a positive contribution to the area”.
  - Section 16.5 Plot Ratio – the indicative plot ratio standard for Z1 lands in the ‘Outer City’ zone is 0.5-2.0.
  - Section 16.6 Site Coverage – the indicative site coverage for Z1 lands is 45-60%.
  - Section 16.7 Building Height - the site is not located in an area designated as suitable for taller buildings, e.g. an LAP, SDZ or SDRA, therefore the ‘low rise’ category applies. A height limit of 16m applies for residential development in the ‘Outer City’ area.

- Sections 16.10.1 and 16.10.3 outline quantitative and qualitative standards for public and communal open space.
- Sections 16.38 and 16.39 set out standards for car and bicycle parking.

## 7.0 Third Party Submissions

7.1. A single submission has been received from Walkinstown Association for People with Intellectual Disability Ltd (WALK) the occupiers of the property to the immediate east of the site fronting onto Long Mile Road. The main points made relate to the following issues:

- Traffic Impacts
- Construction Noise Impacts
- Impact on light

I have considered all of the documentation included with the above third-party submission.

## 8.0 Planning Authority Submission

8.1. DCC has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the South-Central Area Committee, as expressed at their meeting of the 17<sup>th</sup> of July 2019. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The submission includes several technical reports from relevant departments of DCC, which are incorporated into the following summary.

### 8.1.1. PA Comment on Principle of Development

- The site is zoned Z1 Sustainable Residential Neighbourhoods with an objective 'To Protect and Improve Residential Amenities'. Residential development is permitted in principle.

### 8.1.2. PA Comment on Compliance with Apartment Guidelines

- The development complies with the requirements of the Apartment Guidelines 2018.

#### 8.1.3. PA Comment on Development Plan Standards

- The site is an underused greenfield site that is well served by Public Transport. The development is considered acceptable and necessary to achieve objectives to densify the city in the NPF, the Building Height Guidelines and the Development Plan. The design provides an appropriate transition in scale from low to high density in the area and this can be accommodated without detriment to the visual amenities of the area.
- The proposed building height (Block 1) exceeds the maximum of 16 metres for 'Outer City Areas' set out in Section 16.7 of the Development Plan. Block 2 and the Maisonette blocks fall below the 16-meter maximum. The exceedance in height is not material within the context of the overall scheme. The development complies with the City Development Plan 2016-2022 and the Urban Development and Building Height Guidelines 2018 when assessed against the stated policies of both documents with reference to height and design.

#### 8.1.4. PA Comment on Residential Amenity / Impact on Amenities

- The main potential for overlooking arises from Block 2 overlooking properties along Walkinstown Road. The Block would be set back by c. 32m from properties on Walkinstown Road and the building line is staggered with no windows directly overlook the existing properties.
- The submitted Daylight, Sunlight and Overshadowing Study concludes that no additional shading is anticipated on sensitive receptors on Walkinstown Road. In terms of daylight, for existing residential development and the proposed development it is indicated that BRE standards are fully met and that any impacts arising would be 'negligible to minor'.

#### 8.1.5. PA Comment on Community Facilities and Social Infrastructure

- The area is well served by community and social infrastructure. It is noted that the Childcare Committee confirm that there are 13 no. childcare facilities in the catchment area of the proposed development with a combined vacancy of 72 childcare places catering for a range of services and age groups

(Childcare Capacity Audit). Play provision is provided in the communal area for what appears to be younger children. It is considered that a financial contribution is acceptable towards the provision of public open space / open space enhancements or landscape works in the area.

- The facilities provided on site together with the private and communal space within the development are considered acceptable for a development of the scale and use proposed.

#### 8.1.6. PA Comment on Access and Car Parking

- The access arrangement was accepted previously and are acceptable.
- Car parking provision is acceptable given proximity to public transport and car club spaces. Detailed Mobility Management Plan / Residential Travel Plan to be submitted prior to occupation.
- Proposed 198 no. cycle parking spaces acceptable. Drawing No. PP17 only shows 178 no. spaces (shortfall of 20 no. spaces) and there are concerns in relation to distribution of spaces throughout the site and the accessibility of some spaces. These matters should be addressed by condition.
- Satisfied by scope, content and conclusions of TIA.
- Servicing Management Plan for refuse collection should be submitted for agreement to include the quantum and frequency of collection. No refuse collection from the Long Mile Road – provision should be made for refuse vehicles to enter and manoeuvre within the site and exit in the forward direction.
- Final details of works at the interface with Long Mile Road to be agreed with the various divisions of DCC.

#### 8.1.7. PA Comment on Other Matters

- Part V provision acceptable.
- No objection to conclusions of Site-Specific Flood Risk Assessment subject to a condition that the mitigation measures are implemented.
- Note conclusions of the AA Screening Report.

- The overall assessment findings of the EIAR screening report are considered acceptable and it is considered that a sub-threshold EIAR is not required as there are no 'significant effects' associated with the proposed development.

#### 8.1.8. PA Conclusion

On the basis of the information received it is considered that the proposed development does not impinge on the residential or visual amenities of the area and would not result in undue overshadowing, overlooking or have an overbearing impact on neighbouring properties. The PA recommends that the Board consider a grant of permission and recommend 13 no. conditions to be attached in the event of a grant of permission.

### 9.0 **Prescribed Bodies**

#### 9.1.1. Irish Water

Based upon the details submitted and the Confirmation of Feasibility issued by IW, IW confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the IW network can be facilitated.

#### 9.1.2. Transport Infrastructure Ireland

Rely on Planning Authority to abide by official policy in relation to development affecting national roads as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

### 10.0 **Environmental Impact Assessment**

10.1.1. The applicant has submitted an EIA Screening Report. The Report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.

10.1.1. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

10.1.2. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment<sup>1</sup>. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

10.1.3. The proposed development of 153 dwelling units would be located on an urban site of 0.938 ha that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. It is not a large-scale project and there are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The site is not designated for the protection of landscape or natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site (as per findings of section 12 of this assessment).

10.1.4. Having regard to:

(a) the nature and scale of the proposed development, on zoned lands served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

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<sup>1</sup> Section 172(1)(b) of the Planning and Development Act 2000 (as amended) refers.



environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 11.0 **Assessment**

11.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- Principle and Quantum of Development
- Building Height and Visual Impact
- Residential Amenity and Quality of Development
- Childcare Facilities and School Demand
- Impacts on Residential Amenities
- Traffic and Transport
- Drainage, Flood Risk and Site Services
- Part V

These matters are considered separately below. Furthermore, I have carried out Appropriate Assessment Screening in respect of the proposed development, as detailed in Section 12.0 below.

### 11.2. **Principle and Quantum of Development**

11.2.1. The Dublin City Development Plan, 2016-2022 is the relevant statutory plan for the area. The appeal site is zoned Z1 with an objective “to protect, provide and improve residential amenity”. Residential development is ‘permissible’ under this zoning objective. The proposed development is, therefore, acceptable in principle.

11.2.2. The quantum of development is considered in terms of density, plot ratio and site coverage standards. The site is at a location that is suitable for higher residential densities in accordance with the ‘Sustainable Residential Development in Urban Areas Guidelines’ and Section 4.5.3 of the Dublin City Development Plan due to its proximity to Dublin City (c. 6 km to St. Stephens Green), bus services on Long Mile Road and Walkinstown Road, Luas services at Bluebell and Kylemore (c. 850 m and

1100 m respectively) and local services and facilities. A residential density of 163.1 units / ha is proposed. I consider this density to be acceptable given the locational characteristics of the site. In terms of plot ratio, Section 16.5 of the Dublin City Development Plan outlines a plot ratio standard of 0.5-2.0 for Z1 lands. The proposed plot ratio of 1.5 is within this range. Section 16.6 sets out a site coverage standard of 40-60% for Z1 lands. The proposed site coverage of 61% is consistent with this standard. On the basis of the foregoing, I am satisfied that the quantum of development is acceptable.

### **11.3. Building Height and Visual Impacts**

- 11.3.1. The proposed development is 3 to 6 storeys in height. The development comprises a 5-6 storey apartment block along the northern site boundary (Block 1); a 4-5 storey apartment block along the southern site boundary (Block 2); and 2 no. 3-storey duplex / maisonette blocks along the eastern and western boundaries. The blocks are arranged around an internal courtyard with undercroft car parking at ground level and a podium level open space.
- 11.3.2. The site is currently vacant. It is bound by the Long Mile Road to the north and by educational and community facilities to the immediate south, east and west of the site. To the south east the site is bounded by a private back lane that provides access to the rear of 2-storey terraced houses on Walkinstown Road. Block 1, would front directly onto the Long Mile Road. Block 2, is located in the southern section of the site and would address the private access lane to the south east and a Social Services Centre to the south. The duplex / maisonette blocks are proposed along the eastern and western site boundaries and face the private lane to the east and a school yard to the west. The streetscape along the Long Mile Road to the west of Walkinstown Road is fragmented, with educational buildings set back from the road, while further west the road becomes more industrial in character.
- 11.3.3. The proposed development is above the prevailing 2-storey building height in the area. Block 1 is 19 metres at its highest point; Block 2 is 16.1 metres at its highest point; and the maisonette Blocks are 9.8 metres high. The development exceeds the height limit of 16 metres for commercial and residential development in the 'outer city' area as defined in Section 16.7.2 of the Development Plan. The applicant argues that the proposed development is consistent with national policy contained in

the NPF and the Building Height Guidelines. It is noted that SPPR 1 of the Building Height Guidelines supports increased building heights and densities in locations with good public transport accessibility and that SPPR 3 states that a PA may grant permission for building heights that exceed the development plan standard, where the applicant demonstrates compliance with the criteria set out in Section 3.2 the Guidelines. The response presents a case for compliance under each of the criteria in Section 3.2. It is noted that the development plan allows for heights of up to 24 metres within 500 metre of existing and proposed Luas stops and that the proposed development is within a 850-metre walking distance of Bluebell Luas Stop. It is also noted that the Naas Road Strategic Development and Regeneration Area on the northern side of the Long Mile Road, allows for mid-rise development of up to 50 metres.

11.3.4. In terms of visual impact, the six-storey block (Block 1) is at the northern end of the site at a remove from existing residential properties to the south and east. It fronts onto the Long Mile Road, a wide boulevard like urban road. There is a reduction in scale to the rear of the site closer to existing dwellings. A setback of over 30 metres is maintained between Block 2 and the existing housing along Walkinstown Road. The 3 storey maisonette blocks are setback by over 7 metres from the site boundaries. The photomontages submitted with the application show that the infill development will provide an urban street frontage along the Long Mile Road. The development will be visible intermittently from Walkinstown Road, behind the 2-storey dwellings and will alter the view from the laneway and private gardens to the east and from the community and educational facilities to the south, east and west. The applicant argues that the design response strikes a balance between national guidance to increase building heights and density and the need to respect the existing context of low density two storey development. The PA opinion notes that an exceedance of height standards is proposed in respect of Block 1 only and concludes that the exceedance is not material within the context of the overall scheme. In terms of the Urban Development and Building Height Guidelines the PA opinion notes that the site is an underused urban site that is well served by public transport and that the need to densify the City, through the use of these types of sites, is a key principle of the NPF, the Building Height Guidelines and the City Development Plan. Furthermore, the opinion notes that the development is

sufficiently set back from the site boundaries, that the design provides for an appropriate transition in scale from low to high density and that this can be accommodated without detriment to the visual amenities of the area.

11.3.5. I have inspected the site and viewed it from a variety of locations in the area. While the proposed development will change the outlook from the adjoining areas, I consider the visual and landscape impacts to be acceptable in the context of an evolving urban area that is close to Dublin City Core and well served by public transport. The site is an underutilised urban site and the proposed development is consistent with national and local policy to consolidate and densify urban areas. The development is sufficiently set back from the site boundaries and would provide an appropriate transition in scale from low to high density, in my view. In relation to the exceedance of the 16-metre height detailed in Section 16.7.2 of the Development Plan, I would concur with the PA's opinion that the exceedance is not material in the context of the overall development and the wider policies and objectives of the Development Plan. The proposed height is desirable in my view, as it will ensure an active frontage of a suitable scale to the Long Mile Road. Furthermore, I would draw the Boards attention to the fact that the standards contained in the Development Plan in relation to building height are superseded by the Building Height Guidelines, issued by the Minister under Section 28 of the Planning and Development Act in 2018.

11.3.6. Having regard to the above assessment, it is considered that the development will be satisfactory in terms of visual impacts and that the height and design of the scheme is therefore acceptable.

#### 11.4. **Residential Amenity and Quality of Development**

The following assessment considers the quality of the proposed residential development with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated Urban Design Manual; and the Dublin City Development Plan 2016-2022.

##### 11.4.1. Housing Mix

The development provides the following housing mix:

<b>Unit Type</b>	<b>No.</b>	<b>%</b>
Studio	1	<1%
1-Bed	61	40%
2-Bed	84	55%
3-Bed	7	4.5%
<b>Total</b>	<b>153</b>	<b>100</b>

The proposed development includes a combination of own door apartments, duplex / maisonette units and standard apartment types. The proposed housing mix meets the standards set out in SPPRs 1 and 2 of the Apartment Guidelines and is acceptable in my view.

#### 11.4.2. Apartment Design and Layout

The submitted Schedule of Floor Areas and Housing Quality Assessment indicate that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three-person apartments. The submitted documentation includes the number of bed spaces per unit and indicates that only 4 no. apartments and less than 10% of the two bed units are three-person apartments, with the remainder catering for four persons.

Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). This requirement is complied with.

SPPR 4 requires a minimum of 33% of dual aspect units in more central and accessible urban locations and a minimum of 50% in suburban or intermediate

locations. A total of 69% of the proposed apartments are dual aspect, well in excess of this requirement.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is met.

Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The apartments are generally compliant with the requirements set out in Appendix 1 with no material deviations.

Appendix 1 also sets out minimum standards for private open space provision. Private open space is provided in the form of balconies or terraces. The submitted schedule of floor areas indicates that private open spaces meet or exceed the quantitative standards provided in Appendix I of the apartment guidelines.

#### 11.4.3. Communal Facilities and Services

Section 4.5 of the Apartment Guidelines encourage the provision of communal facilities in apartment schemes, particularly in larger developments. The proposed development includes a proposed concierge and a gym at ground level. I am of the view that the level of communal floorspace is adequate for a development of the scale proposed. I recommend that a condition is attached in the event of a grant of permission, to ensure that the gym is for the use of residents only and is not open to the public on a commercial basis. The provision of childcare facilities is discussed in Section 11.5 below. Waste storage is provided at the undercroft level. This is acceptable subject to agreement of an operational waste management plan.

#### 11.4.4. Public Realm

The housing blocks are arranged to form a perimeter block around a central courtyard, with undercroft parking at the ground level and a communal open space at podium level. The area between the perimeter block and the site boundaries is given over to an amenity route and a series of landscape open spaces. The route would facilitate emergency access and deliveries but is primarily a circulation and amenity route. A

landscaped plaza is proposed to the front of Block 1 along the roadside boundary. The front building line is set back from the Long Mile Road and a low wall and railings would be provided at the back of the existing public footpath. The frontage to the Long Mile Road incorporates 2 no. communal residential entrances and access to the gym, concierge and undercroft parking at ground level and windows and balconies at upper levels. Active frontage is also proposed to the internal street and to the podium level open space and all internal open spaces are well overlooked. The communal space at podium level contains a play area and a number of landscape zones.

The blocks are of contemporary design with Block 1 providing a harder urban edge to Long Mile Road and Block 2 and the duplex / maisonette blocks presenting a softer edge to the internal courtyard and the shared street. The proposed materials include a buff brick, off white stone, zinc / aluminium cladding and curtaining walling.

I am satisfied that the development achieves a high-quality public realm.

#### 11.4.5. Open Space Provision

In terms of quantitative provision, the stated quantum of communal open space is 5,126 sq.m. This may be considered with regard to the standards set out in Appendix I of the Apartment Guidelines as follows:

Unit	No. of Apts	Space per Apt (sq.m.)*	Total Communal Open Space Requirement (sq.m.)
Studio	1	4	4
1 bed	61	5	305
2 bed	4	4 (3 person)	16
2 bed	80	7 (4 person)	560
3 bed	7	9	63
<b>Total</b>	<b>153</b>	N/A	<b>948 sq.m.</b>

The communal open space standards set out in the Dublin City Development Plan (section 16.10) match those of the Apartment Guidelines, save for 2 bed apartments, where a standard of 7 sq.m is required for all 2 bed units. This equates to a Development Plan requirement of 960sq.metres.

The submitted documents do not include a schedule of communal open space. Nonetheless, it is clear from the submitted drawings that the level of provision would significantly exceed the standards set out in the Apartment Guidelines and in the Development Plan. In addition, there is provision for children's play within the podium level open space and a high quality of landscaping is proposed within the scheme. I am satisfied that the provisions of the Apartment Guidelines and the Development Plan are met in this regard.

In terms of public open space, Section 16.10.3 of the Dublin City Development Plan states that in new residential developments 10% of the site area shall be reserved as public open space. In some instances, the Plan notes that it may be more appropriate to seek a financial contribution towards public open space provision, including in cases where it is not feasible to provide public open space within the site due to site constraints or other factors. The applicant proposes to pay a financial contribution in lieu of public open space provision. The PA agrees that in this instance the payment of a contribution towards the provision or enhancement of open space or landscape within the area would be acceptable. Given the constrained nature of the site and its urban context, I would concur with this approach. In the event of a grant of permission I recommend that a condition is included in relation to the payment of a financial contribution in lieu of public open space provision.

#### 11.4.6. Micro Climate Impacts – Daylight, Sunlight and Overshadowing

The quality of the scheme is considered in the context of daylight and sunlight access and overshadowing. The potential impacts on the receiving environment are addressed in Section 11.6 below.

I refer the Board to the Daylight, Sunlight and Overshadowing Study submitted with the application. The study references the quantitative performance standards outlined in the UK BRE guidance document 'Site Layout Planning for Daylight and Sunlight'. Section 6.6 of the Apartment Guidelines states that PA's should have regard to the performance standards in these guidelines. The analysis concludes that at least half of the podium level open space would receive at least 2 hours of sunlight on the 21<sup>st</sup> March, meeting the BRE Standards. Daylight impacts are considered based on a sample of ground and first floor units (worst case scenario).



The analysis concludes that the rooms would have an average daylight factor greater than the BRE recommended levels of 1.5% for living rooms and 1% for bedrooms. I accept the findings of the study.

#### 11.4.7. Separation Distances

The blocks within the scheme are laid out such that there are distances greater than 22 metres between facades, and there are therefore no concerns regarding overlooking between blocks.

#### 11.4.8. Inward Noise Assessment

The application is accompanied by an Assessment of Inward Noise Impact. Noise levels in the northern section of the site close to the Long Mile Road are above those of a standard suburban site and in the absence of mitigation would result in internal noise levels above the recommended residential standards for living rooms and bedrooms. Section 5.0 outlines noise mitigation measures (glazing, ventilation and wall construction) that can be implemented to reduce the internal noise levels in line with recommended residential standards. Subject to the mitigation measures being implemented, I consider that the forecast internal noise levels are acceptable. It is recommended that a condition is attached in the event of a grant of permission requiring the mitigation measures to be implemented.

#### 11.4.9. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

### 11.5. **Childcare Facilities**

- 11.5.1. The 'Childcare Guidelines' (2001) recommend childcare provision at a minimum rate of 20 childcare places per 75 no. dwellings in new residential developments. The 'Apartment Guidelines' (2018) provide an update in relation to childcare provision and recommend that the threshold for provision in apartment schemes should be established having regard to the scale and mix of units proposed, the distribution of childcare facilities in the area and the emerging demographic profile of the area. The guidelines recommend that 1 bed and studio units should generally be excluded from

childcare requirements and, subject to location, that this may also apply in part or whole to units with 2 or more bedrooms. The guidance set out in Appendix 13 of the Dublin City Development Plan is generally consistent with that of the Childcare and Apartment Guidelines.

11.5.2. The application is accompanied by a Childcare Capacity Assessment. It is proposed to omit childcare provision. The assessment states that there is sufficient capacity in the area to cater for demand arising from the proposed development. The Dublin City Childcare Committee confirms that there are 13 no. facilities in the area with a combined vacancy rate of 72 no. childcare places (part-time, full-time and sessional places). On the basis of a demographic analysis the assessment states that the proposed development would have a childcare demand of 16 no. childcare spaces for 2 and 3 bed units (ex. one bed and studio units) and a demand for 1 no. childcare space for 3 bed units. The standards in the Childcare Guidelines would require a provision of 24 no. childcare spaces for the 2 and 3 bed units. When wider factors with regard to the distribution of existing facilities in the area and the demographic profile of the area are considered, I am satisfied on the basis of the submitted information, that there is adequate capacity within the area to cater for the demands arising from the proposed scheme. I am therefore satisfied that the proposal to omit childcare provision from the proposed development is consistent with the guidance set out in the Apartment Guidelines and that a refusal of permission is not warranted on this basis.

#### 11.6. **Impacts on Amenities**

11.6.1. Potential for impacts on amenities arises in relation to the existing two storey housing to the east and the adjoining community facilities.

11.6.2. The issue of visual impact is considered in Section 11.3 above. In terms of overlooking I am satisfied that adequate clearance is met between existing residential properties and windows in the proposed scheme (over 22 metres) and that undue overlooking would not arise. The maisonettes facing the school yard to the west have limited fenestration in the western elevation at 1<sup>st</sup> and 2<sup>nd</sup> floor levels and as such, undue overlooking would not arise.

11.6.3. The submitted Daylight, Sunlight and Overshadowing Study considers the potential impacts on the receiving environment. Potential sensitive receptors identified in the

report include the residential properties on Walkinstown Road, the school yard to the west, the social services centre to the south and commercial properties on the northern side of Long Mile Road. The occupants of the adjacent community building to the immediate east (WALK) have raised concerns in their submission in relation to the impact on light. Given the proximity of Block 1 to this building I would agree that the potential impact on this property needs to be considered.

11.6.4. The potential 'daylight' impacts on neighbouring buildings is measured using Vertical Sky Component to sample windows in the existing buildings. The assessment indicates that all residential windows and commercial properties tested have a Vertical Sky Component of greater than 27%, which exceeds the BRE Standard.

11.6.5. I have reviewed the submitted shadow diagrams. I consider that the proposed housing blocks are at a sufficient distance from existing dwellings and commercial properties to ensure that little or no overshadowing will take place. While some overshadowing of the observer's property to the immediate east may arise in evening periods in March and June, I consider that the level of overshadowing is to be expected in a built-up area. Cumulative impacts are not likely to arise as the proposed development is an infill development within an established area.

11.6.6. I accept the findings of the Sunlight, Daylight and Shadow Study. I consider that any impacts arising as a result of the proposed development would be negligible to minor in nature and that the proposed development would not seriously injure the amenities of property in the vicinity.

11.6.7. During the construction phase there is potential for short term nuisance arising from construction activities (e.g. noise and dust emissions). I am satisfied that impacts arising during the construction phase would be short-term in nature and can be addressed through good construction practice and by limiting the hours of site development and building works. These issues can be addressed by way of condition.

## 11.7. **Traffic and Transport**

### 11.7.1. Existing Roads and Traffic Conditions and Public Transport Services

The site fronts onto the Long Mile Road at a point within the 50 kph speed zone. The road is a regional road (R110 Stephens Green to Red Cow) that connects

Dublin City Centre to the M50. It is a dual carriageway with dedicated cycle lanes, QBC, single traffic lane and footpaths on both sides. The road layout in the area is complex. There is a controlled pedestrian crossing to the west of the site. There is a T-junction on the southern side of the Long Mile Road to the west of the site and a T-junction on the northern side of Long Mile Road to the east of the site. The signalised junction of the Long Mile Road and Walkinstown Road is c. 200 metres to the east. Permission is sought for a proposed left in and left out priority junction with the Long Mile Road. This vehicular access would serve 129 car parking spaces and 198 cycle parking spaces. I would note that the Board granted permission for a residential development on the application site in 2015 (ABP Ref. PL29S.245075) that included a similar access arrangement.

The site is well served by public transport with bus services on the Long Mile Road and on Walkinstown Road and is within 850 metres and 1100 metres of Luas stops at Bluebell and Kylemore (Red Line).

#### 11.7.2. Proposed Vehicular Access

The PA Opinion notes that the proposed left in and left out junction onto the Long Mile Road has been accepted by the PA and the Board under the previous application. There is no objection in principle to the provision of a left in left out junction at this location. The opinion notes that the auto-track shown on Drawing No. PP17 shows emergency vehicles needing to encroach onto the outbound lane from the site when entering. Given the fact that emergency access would not be frequent the PA consider this arrangement to be acceptable. It is suggested that a gate should be provided at the entrance to the car park. I consider the proposed vehicular access to be acceptable, subject to agreement in relation to detailed design matters. While the road layout is complex in the vicinity of the site, I am satisfied that the proposed left in and left out junction would not impact on the safety or legibility of the road network at this location. I recommend that the detailed design of the junction is agreed with the PA prior to the commencement of the development. This can be addressed by way of condition.

#### 11.7.3. Car and Bicycle Parking

A total of 129 no. car parking spaces are proposed with 123 no. undercroft spaces and 6 no. at grade spaces along the northern boundary (2 no. disabled spaces, 2 no.

car club spaces and 2 no. visitor spaces). The car parking provision equates to a rate of 0.81 spaces per unit. Section 16.38.9 of the CDP states, in relation to apartment developments, that it is desirable that one car parking space per unit be provided off – street within the curtilage of apartment developments. The TIA sets out a rationale for the level of car parking proposed on the basis of accessibility to public transport and proposed mobility management initiatives (inc. car club). The TIA also refers to the guidance contained in the Apartment Guidelines 2018 (Section 4.19) which promotes reduced car parking provision in highly accessible locations. The PA opinion states that given the nature of the proposed development, proximity to public transport links and the provision of 2 no. car club spaces and the rationale provided for the quantum of car parking, that the rate of provision is acceptable. The opinion notes that the applicant has not submitted details in relation to the management of car parking. I consider the level of car parking provision to be acceptable having regard to the provisions of the Development Plan and national policy. Details of management can be addressed by way of condition.

11.7.4. A total of 198 no. cycle parking spaces are proposed, 134 no. undercroft spaces and 64 no. surface level spaces. The submitted drawings appear to detail a provision of 178 no. spaces. Section 4.17 of the apartment guidelines states that a general minimum cycle parking standard of 1 cycle storage space per bedroom and visitor parking at a rate of 1 space per 2 residential units should be provided. The Guidelines state that any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc. The standard in Table 16.2 of the Development Plan is 1 space per unit with visitor cycle parking to be decided on a case by case basis. The PA note a discrepancy between the stated provision and the provision detailed on drawings, and express concern in relation to the distribution of spaces across the site and the inaccessibility of some spaces. I am of the view that there is adequate scope within the site to accommodate the stated provision of 198 no. spaces and that this would represent an appropriate level of provision given the wider accessibility to public transport, services and facilities. The issues raised in relation to the distribution of provision within the site and the accessibility of spaces can be addressed by way of condition.

11.7.5. Traffic and Transport Impact Assessment

The TIA includes an assessment of traffic impacts arising from the proposed development. The volume of trips arising from the proposed development is forecast using the NRA approved TRICS Trip Database. It is forecast that there would be 8 arrivals and 24 departures in the am peak and 21 arrivals and 10 departures in the pm peak, and that the level of car ownership within the development would not fluctuate significantly over time. To determine the capacity of the proposed access arrangements serving the site traffic growth to the surrounding road network has been applied, for an opening year of 2022, and the future years of 2027 and 2037. The computer modelling programme PICADY9 has been applied to the proposed access junction. The model shows that the site access at its junction with the Long Mile Road can accommodate the forecast traffic growth and that free flow conditions are expected with no material queuing projected and a reserve capacity of over 85% during the peak traffic period in the future year of 2037 (opening + 15 years). Proposed traffic mitigation measures include the adoption of a Travel Plan to promote alternatives to private car, lower car parking rates and high cycle parking provision.

I am satisfied that the traffic impacts arising from the proposed development would not have a material impact on established traffic conditions in this area, by reference to the guidance set out in the NRA Traffic and Transport Assessment Guidelines 2014.

#### 11.7.6. Construction Traffic

Details of traffic management during the construction stage have not been submitted. However, having regard to the nature and extent of development proposed, I consider that a Construction Management Plan addressing traffic management can be submitted to and agreed with the PA prior to the commencement of works.

#### 11.7.7. Traffic and Transportation Impacts Conclusion

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts and that any outstanding issues may be dealt with by condition.

## 11.8. Drainage, Flood Risk and Site Services

### 11.8.1. Surface Water Drainage

It is proposed to connect to a 600mm diameter surface water sewer that runs along the northern site boundary. Surface water within the site will be collected and stored in attenuation tanks that are located along the south eastern boundary before discharging to the public sewer. The submitted documents state that surface water will outfall at a rate of 2.0 l/s in line with DCC standards. SuDS features proposed within the site to reduce and control the rate of discharge include green roofs, bio-diversity landscaping features, permeable paving, roadside swales and rainwater butts. The Drainage Division of DCC indicate no objection subject to conditions. A minimum clearance of 4 metres is sought from the public surface water sewer. I am satisfied that this requirement can be addressed by way of condition.

### 11.8.2. Flood Risk Assessment

The application is accompanied by a Site-Specific Flood Risk Assessment. The potential for tidal, fluvial, pluvial, groundwater and human / mechanical flood risk is considered. The site is within CFRAMS Flood Zone C with a low probability of flooding tidal, fluvial and pluvial flooding. The SFRA concludes that the proposed development is at low risk of flooding.

#### Foul Drainage

It is proposed to discharge foul effluent from the proposed development to an existing 375 mm diameter foul sewer on Long Mile Road to the north of the site. Details of foul water discharge volumes are provided. I note that the submission of Irish Water states no objection.

### 11.8.3. Water Supply

Water supply would be from an existing 350 mm diameter water main on the Long Mile Road to the north of the site. The Irish Water response to the pre-connection enquiry indicated that the development can be accommodated without any upgrade to existing infrastructure. These proposals are satisfactory.

### 11.8.4. Drainage, Flood Risk and Site Services Conclusion

I am satisfied with the proposed foul and surface water drainage and water supply arrangements, subject to conditions.

## 11.9. Part V

The applicant has submitted Part V proposals comprising the transfer of 15 units or 10% of the proposed units to the planning authority. The report of DCC Housing Dept., raises no objection to the proposed provision. It is recommended that a condition be attached in the event of a grant of permission.

## 12.0 Appropriate Assessment

### 12.1. AA Screening

12.1.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) requires that any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site. Stage II Appropriate Assessment is required if likely significant effects on European sites arising from the proposed development, either alone or in combination with other plans or projects, cannot be ruled out at the screening stage.

12.1.2. The application is accompanied by an AA Screening Report. The Report concludes that in view of best scientific knowledge and on the basis of objective information, it can be concluded that the proposed development, whether individually or in combination with other plans and projects, will have no impacts upon Natura 2000 sites and that the application does not need to proceed to Stage II Appropriate Assessment.

#### Description of the Development and the Site

12.1.3. Permission is sought for a residential development comprising 153 no. units on a site of 0.938 hectares. The site is located in an established urban area. The site is characterised primarily by former amenity grassland and is of low biodiversity value. There are no drains or streams within or adjacent to the site. The site is within the Liffey and Dublin Bay surface water catchment and the Camac sub-basin. The



closest mapped water feature is the Drimnagh Castle Stream which is c. 20 metres north east of the site and a tributary of the Camac River.

### Zone of Influence

12.1.4. In considering the likely zone of impact of the project, I have had regard to the potential for likely significant effects on European sites in the context of qualifying interests and conservation objectives. There are no European sites located within or in close proximity to the application site. The Screening Report identifies 9 no. European sites within 15km of the site, (Table 1 and Figure 5). They are as follows:

- South Dublin Bay and River Tolka Estuary SPA (04024)–7.8km east;
- South Dublin Bay SAC (000210)-7.8km east;
- North Bull Island SPA (04006)-10.7km north-east;
- North Dublin Bay SAC (000206)-10.7km north-east;
- Glenasmole Valley SAC (001209)-7.8km south;
- Wicklow Mountains SPA (004040)-9.6km south;
- Wicklow Mountains SAC (002122)-9.7km south;
- Rye Water Valley / Carton SAC (001398)-11.4km north-west;
- Knocksink Woods SAC (000725)-14.5km south east.

12.1.5. I would note that the screening report outlines the qualifying interests for each site, the generic conservation objectives and the separation distance. I consider this approach to be reasonable.

12.1.6. I would suggest that in terms of potential impacts the loss of land/habitat during the construction phase, impacts arising from surface water discharges during the construction and operational phases and impacts arising from wastewater discharge during the operational phase are relevant considerations.

12.1.7. The site is of low ecological value and there are no species or habitats of conservation significance within or close to the site. Impacts arising from the loss of land or habitat can be excluded given the nature and scale of the proposed development, the nature of the receiving environment and the separation distance from the nearest European site. The potential for a hydrological connection to

European sites in Dublin Bay is considered, as the proposed development connects to the public surface water and foul water networks that ultimately discharge to Dublin Bay. Surface water impacts are not likely to arise during the construction stage, as the site is not directly linked to any water course and has limited infiltration to ground. During the operational stage, surface water will be attenuated, and part treated within the site during the operational phase and there will be no significant increase in surface water run-off.

- 12.1.8. Foul waters will discharge to the existing foul water network and will travel to Ringsend WWTP for treatment prior to discharge to Dublin Bay. Foul water impacts are not likely to arise as the Ringsend WWTP is required to operate under EPA licence and meet environmental standards, further upgrade is planned and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus would not impact on the overall water quality within Dublin Bay. Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on the qualifying interests of any European site and that Stage 2 Appropriate Assessment is not therefore required.

#### AA Screening Conclusion

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 000210 (South Dublin Bay SAC), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC), European Site No. 001209 (Glenasmole Valley SAC), European Site No. 004040 (Wicklow Mountains SPA), European Site No. 002122 (Wicklow Mountains SAC), European Site No. 001398 (Rye Water Valley / Carton SAC), European Site No. 000725 (Knocksink Woods SAC), or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 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 the following:

1. The site's location in an established urban area that is proximate to Dublin City Core;
2. The policies and objectives in the Dublin City Development Plan 2016-2022;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018;
6. The Design Manual for Urban Roads and Streets (DMURS);
7. The nature, scale and design of the proposed development and the availability in the area of a wide range of transport infrastructure and social infrastructure;
8. The pattern of existing and permitted development in the area;
9. The planning history within the area,
10. The submissions and observations received and
11. The Inspector's report.

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable residential density in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic

safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 15.0 Conditions

1. The 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, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

2. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

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

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings.

4. All mitigation measures identified in the Inward Noise Impact Assessment and in the Site-Specific Flood Risk Assessment shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and to protect the environment during the construction and operational phases of the development.

5. The applicant shall submit the following to the Planning Authority for agreement prior to the commencement of development:
  - (a) Details of the materials, colours and textures of all the external finishes to the proposed residential blocks and public / communal areas.
  - (b) Details of all signage associated with the development.
  - (c) Full details of wayfinding through the site including details of access to residential lifts, stair cores, car and bicycle parking and communal spaces, which should include hours of operation.

**Reason:** In the interests of visual amenities, permeability, connectivity and good urban design.

6. The gym at ground level shall be for the use of residents of the proposed development only and shall not be open to the public on a commercial basis, unless otherwise authorised by a prior grant of permission. The gym shall be maintained and managed by the Owner's Management Company.

**Reason:** To ensure the appropriate provision of communal facilities to serve the needs of the residents of the proposed development.

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

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

8. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (i) Final details of roads and traffic arrangements serving the site (including signage).

- (ii) Full details of works at the interface with the Long Mile Road including design details for the vehicular access / exit point to the development. All works to public roads / footpaths shall be agreed in advance with the Planning Authority and shall be completed to taking in charge standards of the Planning Authority.
- (iii) Full details for the provision of one hundred and eighty eight no. cycle parking spaces within the site. The spaces shall be distributed throughout the site and shall be fully accessible and free of obstruction.
- (iv) Full details for the management of car parking spaces within the development, indicating how spaces will be assigned and segregated. The car parking spaces shall be reserved for use by residents and visitors to the development and shall not be sold, let or otherwise transferred or conveyed to other parties.
- (v) Full details for an electronically controlled gate at the entrance to the undercroft car park.
- (vi) A Stage 2 Road Safety Audit shall be submitted to the Planning Authority prior to the occupation of the development.
- (vii) One car parking space per ten residential units shall have a functional electric vehicle charging point.
- (viii) Two clearly designated spaces for car share use shall be provided.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and sustainable transportation.

9. A Mobility Management Plan for the development, shall submitted for the written agreement of the planning authority prior to the commencement of development and the commitments contained therein, shall be complied with during the operational phase of the development.

**Reason:** In the interests of sustainable travel.

10. (a) 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.
- (b) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (c) The development shall maintain a minimum clearance distance of four metres from the existing public surface water sewer on the site. No additional loading shall be placed on the sewer.
- (d) Pre-construction CCTV surveys of the public surface water sewer affected by this development shall be submitted to the Planning Authority prior to the commencement of the development. Post construction surveys shall be submitted for the written approval of the Planning Authority within 6 months of occupation of the development. Any damage caused to the public surface sewer shall be rectified at the developer's expense.
- (e) Details of the proposed green roof types, a construction plan and a post construction maintenance and management plan shall be submitted to the planning authority for its written agreement prior to the commencement of development. Surface water drainage works shall be carried out in accordance with the agreed details and the green roofs shall be managed and maintained in accordance with the agreed post-construction maintenance plan.

**Reason:** In the interest of public health and surface water management.

11. All foul sewage and soiled water shall be discharged to the public foul sewer. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

12. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners'

Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

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

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. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located 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.

15. Proposals for an estate/street name, house 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 house 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 place names for new residential areas.

16. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the proposed development or each phase of development and any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

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

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

18. (a) 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.

- (b) The submitted details shall include details for refuse collection arrangements within the site to include provisions for refuse vehicles to enter and manoeuvre within the site and to exist the site in the forward direction.

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

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1700 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.

20. 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 a traffic management plan, hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

21. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

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

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

23. 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.

24. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in lieu of the provision of public open space within the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the \*\*\*Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

25. 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.

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Karen Kenny

Senior Planning Inspector

4<sup>th</sup> September 2019