



An
Bord
Pleanála

Inspector's Report ABP-304700-19

Development	74 apartments, two retail units and three retail/medical units in two 5 to 6-storey buildings over two basement levels with access off Glasnevin Hill
Location	Former Glasnevin Autos Site, 54 Glasnevin Hill, Glasnevin, Dublin 9
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3870/18
Applicant(s)	Sanderly Holdings Limited
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third-Party
Appellant(s)	1). Joe Norton & Pat Durkan 2). Sheila Barrow & Others
Observer(s)	1). David Gough & Geraldine Gough 2). Colette Casey & Others 3). James Bridgeman
Date of Site Inspection	18 th September 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.45ha and is located on the southwestern side of Glasnevin Hill, on the northside of Dublin city. It is irregular in shape and primarily comprises a former motor dealership premises, including a showroom building set back from Glasnevin Hill on the northern side of the site and an alternative recessed vehicular access to the south onto extensive external yard areas. A two-storey detached house on a triangular plot is situated on the southside of the site. The site also includes No.52 Glasnevin Hill, a two-storey red-brick end-of-terrace building, which is stated to have been most recently used as offices and would not form part of the proposed development.
- 1.2. The surrounding area is characterised by a mix of commercial, residential and institutional land uses. Bounding the site along Glasnevin Hill are two-storey buildings, including a newsagents (No.30) with first-floor apartment on the southern side of the site, a red-brick terrace of three houses (Nos.46, 48 & 50) and a hair salon (No.44) in the central section, and a restaurant ('The Washerwoman') on the northern side. A residents' car park to the River Gardens apartment complex and a burial ground are situated along the southern boundary. Bounding the site to the west and north are the grounds of the Holy Faith Convent, which includes a nursing home and post-primary school amongst other facilities. Ground levels rise steadily by approximately 7m from the southern boundary of the site to the northern corner of the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise the following elements:
- demolish and remove the former motor dealership structures and the detached two-storey house at No.52, as well as undertake site clearance works;
 - construct two residential five to six-storey apartment blocks (Nos.1 & 2), containing a total of 74 no. apartments, each served by balconies or terraces, over two basement levels containing ancillary parking, storage and service areas. The lower basement level to Block 1 on the southern side of the site

would also contain two retail/medical units alongside concierge and meeting room facilities, while the upper basement level would contain a gym, a media room and a function room and a third retail/medical unit. Two ground-floor retail units opening onto Glasnevin Hill are proposed in Block 2 on the northern side of the site;

- provision of a vehicular entrance to basement car parks, a fire tender / service access only and pedestrian entrances, all off Glasnevin Hill;
- landscaping works throughout, with centrally positioned communal open space, including a children’s play area. Revised boundary treatments, including increased boundary height along the southern boundary;
- attenuation tank below basement level, blue roofs to Blocks 1 & 2, green roofs to podium level and connections to all local services;
- ‘Part V’ social housing units in the form of seven one-bedroom apartments.

2.2. The following tables set out the key elements of the proposed development:

Table 1. Development Standards

Site Area	0.45ha
No. of apartments	74
Total Gross Floor Area (GFA)	8,718sq.m
Gross Residential Density	165 units per ha.
Plot Ratio	1.93
Communal Open Space	0.16ha

Table 2. Apartment Mix

	One-bedroom	Two-bedroom	Three-bedroom	Total
Block 1	6	17	2	25
Block 2	12	30	7	49
Total	18	47	9	74

Table 3. Building Heights

	Storeys	Height (OD)
Block 1	6	19.4
Block 2	5	17

Table 4. Basement-level parking

Car parking (residential)	74
Car parking (commercial)	7
Total car parking (including disabled spaces) (including electrical-charging spaces)	81 4 4
Bicycle parking	238
Motorcycle parking	6

2.3. In addition to the standard documentation and drawings, the planning application was accompanied by various technical reports and drawings, including the following:

- Architecture Design Statement;
- Building Mechanical & Electrical Services Report;
- Sustainability Report;
- Building Lifecycle Report;
- External Lighting;
- Screening Report for Appropriate Assessment (AA);
- Preliminary Construction and Demolition Waste Management Plan;
- Technical Note: Fire Safety Regulations;
- Preliminary Operational Waste Management Plan;
- Preliminary Construction Management Plan;
- Engineering Report;

- Photomontages;
- Archaeological Assessment;
- Planning and Environmental Report;
- Landscape Planning Report.

2.4. In response to a further information request from the Planning Authority, amendments were made to the proposed development, primarily comprising the omission of 2 no. two-bedroom apartments. The following additional documents and drawings were submitted with the applicant's further information response:

- Photomontages (from additional viewpoints);
- Assessment of Daylight Amenity (skylight to apartments and sunlight to apartments and recreation space);
- Social Infrastructure Audit and Schools Demand Assessment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission for the proposed development, subject to 22 no. conditions, which were generally of a standards nature, but also including the following:

- Condition No.3a. – unit 67 (4th-floor Block 2) shall be omitted;
- Condition No.3b. – provide a 3m-minimum setback along the southern end of Block 2 at third-floor level (resulting in amendments to units 57 and 58);
- Condition No.9 – prior to their occupation, the use of the permitted retail or medical units shall be submitted;
- Condition No.11 – vertical screens to be provided to the adjoining balconies and terraces.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (October 2018) concluded that further information was required, while noting the following:

- Block 1 would measure a height of over 20m from street level, which would be contrary to Development Plan policy;
- the transition in scale from the existing two-storey buildings, the apartment complex to the south (River Gardens) and the adjoining Convent grounds to the proposed apartment buildings would be abrupt;
- Block 2 would appear overbearing and over dominant when viewed from the site to the west, given its length of over 80m and unrelieved height of over 16m;
- the density of the proposed development would accord with national policy, while the materials, commercial uses, parking provision, plot ratio and site coverage are appropriate;
- a limited amount of overlooking and overshadowing is to be expected in developing a site in this context, however the development should respect the terrace of houses situated between the proposed apartment blocks;
- the mix, size and private amenity space for the apartments is acceptable, however, an assessment of daylight provision to the apartments is required;
- a social infrastructure audit is required when considering a development of this scale, as well as a 10% allocation of the site for public open space;
- improved visibility in a southern direction would be desirable at the proposed fire tender / service only access;
- alterations to the public road layout, including on-street parking and the recommendations of the Road Safety Audit (Stage 1) are noted with some matters requiring clarification;
- information is required regarding the proposed interventions to the boundary with the burial ground;
- there is a requirement for additional photomontages;

- the applicant should clarify whether or not a possible right of way serving the rear of property Nos.46, 48 and 50 Glasnevin Hill is being provided as part of the proposed development.

The final report of the Planning Officer (May 2019) reflects the decision of the Planning Authority, with the following comments of note:

- reductions in height, bulk and scale are acknowledged, as is the rationale for allowing building heights in excess of Development Plan standards for a limited section of the proposed building;
- provision of building setbacks would allow for an appropriate transition between the existing and proposed buildings, while the buildings have been amended to reduce the level of direct overlooking of neighbouring properties;
- the need for greater separation between Block 2 and the southern boundary should be addressed via omission of apartment no.67 and amending apartment nos.57 and 58 from two-bedroom to one-bedroom apartments;
- a contribution condition would be required in lieu of the public open space shortfall;
- based on the assessments provided, the level of natural lighting that would be available to both the proposed apartments and the communal open space would be acceptable;
- there is sufficient existing provision of social infrastructure in the vicinity to support the proposed development;
- the response relating to roads layouts and traffic safety is acceptable;
- unobstructed access by a right of way to the rear of Nos.46, 48 and 50 Glasnevin Hill would be maintained.

3.2.2. Other Technical Reports

- Roads & Traffic Planning Division – following submission of further information there was no objection, subject to conditions;
- Engineering Department (Drainage Division) – no objection, subject to conditions;

- City Archaeologist – no objection, subject to a condition;
- Parks Division – no response;
- Waste Management Services – no response;
- Arts Office – no response.

3.3. Prescribed Bodies

- The Department of Culture, Heritage and the Gaeltacht – no response;
- Irish Water – no response.

3.4. Third-Party Submissions

- 3.4.1. According to the Planning Authority a total of 75 no. third-party submissions were received during the consultation period for the application, the majority of which were submitted by residents and property owners of the immediate area, while also including submissions from elected representatives and the Office of Public Works (OPW). The issues raised are summarised within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. In May 2018, pre-planning consultation regarding a residential scheme for 62 apartments was undertaken between representatives of the applicant and the Planning Authority under Dublin City Council (DCC) Planning Ref. PAC0227/18. The Planning Authority advised the applicant's representatives regarding issues relating to building heights, the need for interaction at street level, open space requirements, social infrastructure provision and needs, site context and constraints, parking, sunlight and daylight assessment and residential development standards.
- 4.1.2. The end of terrace property on the appeal site, No.52 Glasnevin Hill, was subject of the following recent planning application:
- DCC Ref. 3359/12 – retention permission granted (March 2013) for a change of use from residential to office use.

4.2. Surrounding Area

4.2.1. Recent planning applications in the area are generally reflective of the urban character and the mix of uses within this area.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The appeal site has a zoning objective 'Z3 – Neighbourhood Centres' within the Dublin City Development Plan 2016-2022, with a stated objective 'to provide for and improve neighbourhood facilities'.

5.1.2. Under Policy QH1 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 5.2 below. Policy SC13 promotes sustainable densities with due consideration for surrounding residential amenities. The following policies are also considered relevant:

- Policy QH3 – 10% social housing allocation;
- Policy QH5 – addressing housing shortfall through active land management;
- Policy QH6 – sustainable neighbourhoods with a variety of housing;
- Policy QH7 – promotion of sustainable urban densities;
- Policy QH8 – promote the development of vacant and under-utilised sites;
- Policy QH11 – promotion of safety and security in new developments;
- Policy QH13 – new housing should be adaptable and flexible;
- Policy QH18 – support the provision of high-quality apartments;
- Policy QH19 – promote the optimum quality and supply of apartments.

5.1.3. Section 16.7.2 of the Development Plan sets out building height limits, including a 16m restriction in the subject outer city area.

5.1.4. Other relevant sections of the Development Plan include the following:

- Section 4.5.3 - Making a More Compact Sustainable City;
Section 4.5.9 – Urban Form & Architecture;
- Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);

- Section 11.1.5.13 - Preservation of Zones of Archaeological Interest and Industrial Heritage;
- Section 16.2 – Design, Principles & Standards;
- Section 16.10 - Standards for Residential Accommodation;
- Section 16.38 – Car Parking Standards (Zone 3 – maximum of 1.5 spaces per residential unit, two spaces per medical consulting room and one space per 75 sq.m GFA of retail).

5.2. Planning Guidelines

5.2.1. The following planning guidance documents are relevant:

- National Planning Framework (NPF) – the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040;
- Draft Eastern and Midland Region Spatial and Economic Strategy (November 2018);
- Urban Development and Building Heights Guidelines for Planning Authorities, (2018);
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018);
- Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009);
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009);
- Architectural Heritage Protection Guidelines for Planning Authorities (2004).

5.3. Environmental Impact Assessment - Preliminary Examination

5.3.1. Environmental Impact Assessment (EIA) is not mandatory for the proposed project. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of

significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Two third-party appeals opposing the decision of the Planning Authority were submitted, one of which was on behalf of an expansive body of local residents and the other was submitted on behalf of the owners of Nos.44 and 46 Glasnevin Hill. The issues raised in relation to the proposed development can be collectively summarised as follows:

Impact on the Character of the Area

- no objection to the principle of developing the site, however, reductions in the scale of the development at further information stage do not reasonably address concerns highlighted in the third-party submissions;
- the scale, height and layout would be inappropriate in the context of the site's proximity to conservation areas, such as the National Botanic Gardens and St. David's Terrace, and surrounding buildings, including Our Lady of Dolours Church and the Meteorological Office, as well as protected structures, such as No.49 Glasnevin Hill (RPS Ref. 3230) and the Convent of the Sisters of the Holy Faith (RPS Ref. 3231);
- rationale for permitting the development is not supported by NPF principles or objectives, as the development fails to adequately consider the requirements of local residents and also fails to integrate appropriately with the site context;
- the proposed building design would be monolithic and would not be reflective of the historical, architectural and tourism context, including the established urban fabric and the traditional village setting;
- proposals represent overdevelopment, over intensive and over dominant use of the site when considering the principles set out in the Sustainable Urban Housing Guidelines 2009;

- the density proposed is excessive and does not follow the surrounding pattern, and the development would lead to excessive additional population in the area;
- building height would not respond well to the steep slope of the topography and would not be reflective of the surrounding two-storey character with an inappropriate transition in scale from adjoining buildings, boundaries and the street;
- building heights exceed Development Plan limits and conflict with standards within the Building Height Guidelines, given the site location outside of the canal ring, the inadequate provision of public transport and the overall quality of the design;
- the proposed development would be premature pending a revised building height policy for the city;
- Block 2 should be setback into the site to follow the building line along the terrace to the southeast (Nos.46, 48, 50 & 52) and its height should be reduced;
- lack of green areas, trees, public open space and recreation areas;
- proposals on a prominent site would restrict views, including those towards the National Botanic Gardens, and a landscape or visual impact assessment of the development has not been provided;
- Computer-generated images (CGIs) submitted do not accurately present the proposed development and fail to include some important viewpoints, such as those from the National Botanic Gardens;
- proposals are unsympathetic towards the future development potential of the rear gardens to Nos.44 and 46 Glasnevin Hill, as well as the adjoining Convent grounds;
- potential to impact on a tree and a boundary within the River Gardens complex;

Traffic & Transportation

- lack of car parking provision, including visitor parking, in an area already experiencing significant demand for parking, particularly from the Bon Secours Hospital, and this would lead to additional overspill parking in the area;
- loss of existing on-street car parking spaces;
- potential for conflicting traffic movements and increased accidents to occur along Glasnevin Hill at the proposed entrance to the basement, in particular based on the immediate concentration of vehicular entrances along Glasnevin Hill;
- restricted visibility at the proposed entrances and currently along Glasnevin Hill;
- increased traffic congestion in an area that serves as a primary public transport route and endures heavy traffic as a result of a mix of commuter parking, neighbouring schools and crèches, Enterprise Ireland, the DCU Innovation Centre, Bon Secours hospital, the Meteorological Office and various commercial premises;
- lack of service provision for the commercial units with no scope for rear servicing and with double-yellow lines fronting the units;
- neighbouring public parking spaces would not be available for parking by construction workers;
- poor consideration for school children and the elderly;

Zoning

- mix of uses inappropriate in the context of the 'Z3' zoning with the proposed commercial uses simply a token gesture;
- there is not sufficient local demand for the medical uses based on the existing vacant units opposite the site;
- community uses should be provided;
- retail use would be inappropriate in this location;

Impact on Residential Amenities

- overbearing impacts would arise, as well as overlooking and overshadowing to the rear of the existing houses on Beechmount Court and Glasnevin Hill, including the residential unit over the newsagents at No.30;
- development would be inconvenient, insensitive and unsympathetic to existing residents;
- increased nuisance arising from increased noise, vibrations and dust emissions;
- loss of light to neighbouring houses, which would impact on energy ratings, energy costs and the future installation of solar panels;

Health and Safety

- potential for increased fire hazard and infrastructural deficiencies for neighbouring properties;
- subsidence concerns, including the need to address proposals for the removal of structures on the site supporting the building at No.44;
- the buildings would overshadow Glasnevin Hill, which would restrict scope to melt ice during cold periods, to the detriment of road users;
- increased security risks and the proposed uses would lead to anti-social behaviour;

Other Matters

- the AA Screening report fails to address the existence of Japanese Knotweed on site and how this would be managed without undue environmental impacts;
- No.52 Glasnevin Hill is used as a house and not as an office;
- flood risk requires due consideration of past flood events in the area, including those at the Tolka House pub approximately 100m to the south, and the underground drainage regime;
- the potential implications of the construction of the development in tandem with other projects, including the Metro North project requires due consideration;

- insufficient social infrastructure in the area, including school places;
- a public right of way exists to the rear of houses at Nos.46, 48 and 50 Glasnevin Hill, with a gate provided within the side of No.52;
- the viability of the commercial units is debatable without the necessary footfall;
- measures would be needed during the construction phase to cater for existing residents and commercial operators along Glasnevin Hill;
- potential for archaeological remains on site;
- query as to whether or not green roofs are being proposed;
- devaluation of property;
- lack of consultation with neighbouring property owners and residents, including any approach to the owners of Nos.44-50.

6.2. Observations

Two observations were received on behalf of local residents of Glasnevin Hill, Ballymun Road and the River Gardens apartments. The observations reaffirm concerns raised within third-party submissions and within the grounds of appeal, as summarised above.

6.3. Applicant's Response

The applicant's response to the grounds of appeal, can be summarised as follows:

- the proposed development of 71 apartments, as amended by the Planning Authority decision and the further information response, would go some way towards achieving Government housing targets;
- the existing buildings on site, including the detached house, do not contribute to the visual quality of the area;
- the proposed development would create an urban edge along the street and would provide additional facilities and housing typologies for the area;
- the nature and scale of uses proposed is consistent with the 'Z3' zoning objectives for the site;

- overlooking concerns have been addressed with revised apartment layouts and opaque glazing to the gable of Block 1. An existing degree of overlooking would already occur between the neighbouring houses at Nos.46, 48, and 50;
- the applicant has no objection to the revised boundary treatments along Nos. 44 and 52, albeit noting the extent of screening already proposed;
- based on the shadow study submitted, some overshadowing of residential properties would occur, but this would be at acceptable levels;
- accurate photomontages have been prepared and submitted and additional photomontages can be prepared if required;
- the proposed development would not have an adverse impact on the development potential of the rear gardens to Nos.44 and 46 and it is noted that an application for developing this adjoining land has not been submitted to date;
- the proposed development has been designed respective of various constraints, including the shape of the site, New Apartment Guidelines, density standards, the streetscape, the amenities of neighbouring properties, the need for fire and emergency access and surrounding building heights;
- materials chosen and the stepped nature of the building is respectful of the site context, including the streetscape and the two-storey adjacent or adjoining properties along Glasnevin Hill;
- the scale of the proposed development adheres to targeted growth principles set out in the Building Height Guidelines and the NPF;
- the proposals would provide for a compact well-designed sustainable form of residential development on an existing underutilised brownfield site, in close proximity to public transport services;
- where the building height exceeds the 16m limit set out in the Development Plan, this is noted to be localised, and there is greater flexibility within the relevant planning guidance documents to facilitate minor deviations in height limitations;

- the location results in the site being well-served by public transport, including bus (Nos.83 and 83a), rail (Drumcondra) and Luas (Cabra);
- the quantum of parking to be provided both for the apartments and the commercial uses would be adequate;
- interference with visibility splays would only be infrequent, as a result of the use of the loading bays, and the existing below average traffic speeds on the hillside approach to the site would alleviate traffic safety concerns;
- the proposed provision of commercial units is a response to the 'Z3' zoning objective for the site and is considerate of the additional population that would move into the area as a result of the proposed development;
- preliminary results have confirmed that Japanese Knotweed is present in a small area of the site and that this would be eradicated following completion of the survey. The applicant would be amenable to a planning condition in order to address same.

6.4. Planning Authority Response

The Planning Authority did not respond to the grounds of appeal.

6.5. Further Submissions

Following consultation, Fáilte Ireland, the Heritage Council, the Department of Culture, Heritage and the Gaeltacht, An Taisce and the Arts Council did not respond to the grounds of appeal.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Zoning & Density;
- Layout, Scale, Design & Amenities;
- Impact on Residential Amenities;

- Access, Parking & Traffic;
- Other Matters.

7.2. Zoning & Density

- 7.2.1. The subject proposed development initially comprised a total of 74 apartments, as well as three retail/medical units and two ground-floor retail units, all contained in two buildings over a basement encompassing the majority of the site. In response to a request for further information from the Planning Authority, the applicant clarified certain matters relating to the development, while amending the proposed development. These amendments resulted in the omission of 2 no. two-bedroom apartments and a slight reduction of 14sq.m in the retail floorspace. The decision to grant planning permission issued by the Planning Authority included a condition (no.3) requiring further amendments to block 2 of the development, including the omission of a three-bedroom apartment and a reduction in the size of 2 no. two-bedroom apartments to one-bedroom apartments. The applicant has not contested these amendments, which would result in the proposed development amounting to 71 apartments. Notwithstanding the alterations and the conditions of the Planning Authority decision, the grounds of appeal assert that the proposed development would result in overdevelopment of the site.
- 7.2.2. The entire site has a zoning objective 'Z3 – Neighbourhood Centres' within the Dublin City Development Plan 2016-2022, with a stated objective 'to provide for and improve neighbourhood facilities'. The Plan states that these are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood, and could range from a traditional parade of shops to a neighbourhood centre. Neighbourhood centres may include an element of housing, particularly at higher densities, above ground-floor level. The proposed development would include two retail shops and either three retail shops or three medical and related consultants' units at street level opening onto Glasnevin Hill. The proposed apartments would sit above and to the rear of these commercial uses. All uses proposed are permissible uses in this area and broadly supportive of the land use objectives, and accordingly, I am satisfied that the proposals would comply, in principle, with the zoning for the site.

7.2.3. Given the existing pattern of development in the immediate vicinity and the previous use of the site, the appeal site is considered to constitute an infill brownfield site. The proposal providing for 71 no. apartments on this site, with a stated area of 0.45ha, would therefore equate to a residential density of 158 units per hectare. Apartment developments of similar densities to that proposed, do not exist in the immediate area, with the immediate area to the appeal site dominated by low-rise mature housing, particularly to the north adjacent to the Bon Secours Hospital complex, and open lands flanking the River Tolka valley to the south, including the grounds of the Holy Faith Convent and the National Botanic Gardens. There is no upper limit for densities set within the Development Plan and I consider that the proposed density would be reasonable having regard to the site's location within an assigned village centre and along a route frequently served by public buses (Dublin Bus routes 83 & 83a) connecting with the city centre. Notwithstanding this, and as per the relevant Guidelines for Sustainable Residential Development and Policies QH7, QH8 and SC13 of the Development Plan, the acceptability or otherwise of the proposed development requires the proposals to respect and integrate with the surrounding character and to have due consideration for the protection of surrounding residents, households and communities in providing for additional residential development, which I will address in Section 7.4 below. Proposals also need to provide an appropriate level of amenity for future occupants and I propose to address such matters in Section 7.3 below.

7.3. Layout, Scale, Design & Amenities

- 7.3.1. Layouts proposed would appear to be largely dictated by the configuration and orientation of the site, residential amenities and densities, site topography and the need to create a defined urban edge along Glasnevin Hill. All of the former motor dealership buildings on site would be removed to facilitate the development and a right of way to the rear of the houses at Nos.46, 48 and 50 Glasnevin Hill would be maintained.
- 7.3.2. The site layout comprises two apartment buildings, including a five to six-storey block (no.1) fronting onto Glasnevin Hill and a five-storey block (No.2) situated along the western boundary of the site with the grounds of the Holy Faith Convent and a restaurant. The proposed commercial uses in both blocks would be recessed at

street level onto Glasnevin Hill. Communal open space would be positioned centrally between proposed Blocks 1 and 2 and to the rear of existing gardens and yards serving a terrace of properties along Glasnevin Hill. Access to the complex would be gated and would be solely off Glasnevin Hill, with a vehicular access to the basement level car parks from the south side, a fire tender / service access on the north side, two pedestrian entrances to the apartment cores and two-gated pedestrian entrances leading to the rear external areas at podium level. While the Development Plan discourages gated developments, there would be no public amenities within the site off Glasnevin Hill, nor would there be a necessity to create linkages across the site to adjoining areas.

- 7.3.3. Section 16.2.1 of the Development Plan relating to 'Design Principles' seeks to ensure that development responds to the established character of an area, including building lines, and the public realm. While there is a terrace of buildings sitting between the proposed apartment blocks, the building line along the immediate stretch of Glasnevin Hill is staggered. I also note that the layout facilitates the provision of a service bay along the northern frontage of the site. Separation distances between the proposed apartment blocks would be substantial (c.35m). I am satisfied that the proposed layout has successfully responded to the subject site and represents a high standard of urban design, in accordance with the principles set out in the Development Plan, the Urban Design Manual and the NPF. I am also satisfied that it would be unreasonable for the proposed development to facilitate and respond in detail to the future development potential of the rear garden areas to Nos.44 and 46.
- 7.3.4. Photomontages from a variety of neighbouring locations were submitted with the planning application. Notwithstanding the landscape planting details submitted with the planning application, scope for planting to thrive on site, particularly at the levels portrayed in the photomontages submitted, would be quite limited, given the location of the open space areas over basement. Furthermore, the future arrangements along the public realm to Glasnevin Hill do not replicate details suggested in the drawings submitted (see Drawing No. A10-100 Revision C). Nevertheless, I am satisfied that the photomontages allow for a fair and reasonably precise portrayal of the potential visual impact of the development from the most sensitive locations and with respect to the surrounding environment.

7.3.5. The grounds of appeal assert that the height of the proposed buildings would be contrary to planning policy, would be out of character with the surrounding low rise and historic village setting and would be excessive where visible from locations such as the National Botanic Gardens. There is almost a 7m drop in ground level from the northern corner to the southern boundary of the site. The surrounding area is dominated by buildings of two-storeys or lower, although there are buildings in the four to six storey range within the immediate vicinity, including the Meteorological Office, Our Lady of Dolours church and within the St. Mary's post-primary school and the DCU Innovation campuses. Contiguous elevation drawings submitted with the application illustrate the variations in building height along Glasnevin Hill relative to the adjoining two-storey buildings (see drawing no.A12-100 Revision A). Block 1 would primarily be five to six storeys and would be stepped to four storeys at the southern boundary with No.30 Glasnevin Hill. This building would have a stated maximum height of 19.4m for a limited stretch relative to the immediate ground level. Block 2 would be five storeys with a maximum height of approximately 17m. While Block 2 is lower in height and would not include a fifth-floor level, because of its location on more elevated ground, this building would be the higher of the two by approximately 1m. Based on surveyed spot levels for the site (see drawing no.A10-300 – Site Demolition Layout Plan), Block 2 would measure a maximum height of approximately 15m above existing ground level.

7.3.6. The Development Plan sets out that the maximum building height allowable would be 16m in this area. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) provide guidance relating to building heights for apartment buildings. According to the Guidelines, reusing brownfield land and building-up urban infill sites is required to meet the needs of a growing population and 'increased building height is a significant component in making optimal use of the capacity of sites in urban areas'. Section 3.1 of the Guidelines outlines that it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of increased heights in urban locations with good public transport accessibility. Notwithstanding Development Plan standards, I am satisfied that there is sufficient rationale to allow for the proposed building heights, particularly considering the principles set out in the

Ministerial Guidelines and the proportion of overall proposed building heights exceeding the 16m limitation.

- 7.3.7. The grounds of appeal assert that the scale of the proposed development would not follow the pattern of development in the immediate area and would result in an abrupt transition in height with the adjoining buildings. When initially assessing the application, the Planning Authority had held similar concerns, while also considering Block 2 to be overbearing and over dominant given its unrelieved length of over 80m and its unrelieved height. In response the applicant submitted revised proposals tapering the building heights along the site boundaries, including along the boundaries to the adjoining two-storey buildings on Glasnevin Hill. The depth of Block 2 was reduced by 1m and the applicant outlined that the building elevations would be visually articulated into four distinct bays using various materials and that this would effectively reduce the scale and mass of the building. Further stepping in of the third and fourth-floor of Block 2 along the southern boundary would be required under condition no.3 of the permission. I am satisfied that the reductions in the scale of the development are sufficiently considerate of the scale of development adjoining the site and the neighbouring context.
- 7.3.8. Both apartment blocks feature modulated elevations treated with solids and voids, with substantial use of glazing and recessed balconies. External finishes to the buildings would generally comprise reconstituted stone-faced entablatures and colonnades at street level and brick to the upper levels, with cladding and glass finishes to penthouse level and bris soleil in various locations on the building façades and roofs. The design of the proposed scheme is contemporary in style with quality durable and low maintenance materials and finishes proposed. The design of all blocks exhibits a consistency in design and external finish with the most expansive elevations primarily broken up by stepping the building line and vertical alterations in the building finishes. The roofs would be topped with sedum planted trays, as part of their blue-roof function. I am satisfied that the apartment buildings avoid undue monotony and are acceptable in terms of design. The proposed development would not interfere with the character and setting of neighbouring protected structures, including No.49 Glasnevin Hill and the Convent of the Sisters of the Holy Faith.
- 7.3.9. Concerns regarding the provision of adequate daylight levels for apartments in the proposed development were initially cited by the Planning Authority. The applicants

addressed this by undertaking an assessment of the levels of sunlight and skylight amenity predicted to be achievable based on methods and standards employed in 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' (Building Research Establishment [BRE] Report 2nd Edition, 2011). Revised elevational positions for the balconies to the one-bedroom units in Block 2 were proposed and it was noted that predictions revealed minimum targets could not be achieved for all apartments based on a sample assessment. A total of 53 of the 71 apartments (76%) in the development would have dual aspect. Single aspect units would be one-bedroom units facing west. The New Apartment Guidelines require at least 33% of units in this context to be dual aspect. While lighting levels to all apartments would not be strictly in line with the BRE standards, given the substantial compliance achieved, the inner urban infill site context and the extensive provision of dual aspect units, I am satisfied that the proposed apartments would be served by an appropriate and reasonable level of natural lighting.

7.3.10. Consequent to condition no.3 of the decision, proposals would provide for 20 no. one-bedroom apartments (28%), 43 no. two-bedroom apartments (61%) and 8 no. three-bedroom apartments (11%), and I consider that this would contribute to the overall dwelling mix in the locality and accords with the apartment mix provisions set out in the Development Plan and the New Apartment Guidelines. The minimum size of apartments proposed, exceeds 51sq.m for a one-bedroom unit, 83sq.m for a two-bedroom unit and 103sq.m for a three-bedroom unit, and in addition to the 10% additional floorspace required for residential schemes of between 10 and 99 units, all apartment sizes exceed the minimum space requirements of both the New Apartment Guidelines and the Development Plan (Section 16.10.1). The internal design, layout, configuration and room sizes, including storage requirements, for each of the apartments would accord with or exceed the relevant standards. Private amenity space for each of the apartments would meet or exceed the minimum requirements. Floor to ceiling heights (2.6m) would largely comply with the Guidelines. The policy requirement that ground-level apartment floor to ceiling heights shall be a minimum of 2.7m would not be complied with. Given the absence of discretion in this case and the slight change required, a condition to address same should be attached in the event of permission being granted. The number of apartments per core would be well within the minimum requirements.

7.3.11. Consequent to the site constraints and the scale of development, scope for providing extensive communal and public open space on site is limited. With regard to the absence of public open space in the proposed development, the Planning Authority and the applicant accept that payment of a contribution in lieu of the shortfall would be necessary. I would consider this a reasonable solution given the site constraints and the immediate context featuring Griffith Park and the National Botanic Gardens. Standards contained in the Development Plan would require the provision of 473sq.m communal open space to serve the development, while the applicant states that 36% of the site area (1,619sq.m) would be allocated for communal open space, part of which would include a children's play area. Communal facilities for future residents, comprising a gym, a media room, a function room, a concierge and meeting rooms, are also proposed at basement levels to Block 1. An audit of social infrastructure in the area provided by the applicant at further information stage, highlighted that there is sufficient existing provision of social infrastructure in the vicinity to support the proposed development.

7.3.12. In conclusion, subject to conditions, I am satisfied that the proposed development has the potential to provide an attractive mix of apartments, the scale and height of the development would be appropriate for the area and the proposed design and layout would provide an appropriate level of amenity for future occupants of the apartments, meeting the relevant standards outlined in the Development Plan and the New Apartments Guidelines.

7.4. Impact on Residential Amenities

7.4.1. Policy SC13 of the Development Plan promotes sustainable densities within developments with due consideration for surrounding residential amenities. The grounds of appeal raise concerns with respect to the potential impact of the development on the residential amenity of adjacent properties, generally as a result of overlooking, shadowing and overbearing impacts. In response the applicant asserts that a limited amount of overlooking and overshadowing would already arise and would be expected when developing in an urban area such as this. The closest residential buildings to the appeal site are those located along Glasnevin Hill, including a terrace of houses at Nos.46, 48 and 50, a first-floor apartment to No.30 and terraced housing opposite the site to the east. Other residential areas in the

immediate area include the River Gardens apartments to the south and Beechmount Court to the east. As stated in a third-party submission, No.44 Glasnevin Hill is a two-storey commercial premises.

7.4.2. The grounds of appeal assert that the proposed development would result in overlooking into the apartment at No.30 and the rear of houses at 46, 48 and 50 Glasnevin Hill. The proposed elevation to the apartment blocks would be angled in order to avoid direct overlooking from the apartments into the rear living areas of these houses. The closest balconies or windows in Block 1 would be approximately 8m to 24m from the side boundary to the nearest house at No.46, while the closest balconies or windows in proposed Block 2 would be approximately 8.5m from the side boundary to the nearest house at No.50. While I would accept that a degree of overlooking would arise from proposed Blocks 1 and 2 into the rear gardens of Nos.46, 48 and 50 and the potential for substantial screening via planting would be limited, I consider that in an inner-urban context such as this, the relationship between the proposed apartments and the rear gardens would be quite typical and would not be excessive. Condition no.11 of the Planning Authority's decision requires vertical screens to be provided between the adjoining balconies and terraces and I would consider that provision of vertical screens on the northside of the balconies serving units 10, 13, 16, 19, 22 and 23 of Block 1 would further reduce the extent of overlooking from these amenity areas towards the rear of Nos. 46, 48 and 50. The difference in levels between the first-floor apartment to No.30 and podium level in Block 1 (as illustrated in drawing no.A12-100 Revision A) would ensure that the development would not result in undue direct overlooking of living areas to this neighbouring apartment. Furthermore, the southern boundary would be increased to a minimum height of 2m at podium level to prevent overlooking towards the rear of No.30.

7.4.3. Given the orientation and positioning of Block 1 to the north of the first-floor apartment over the newsagents at No.30, I am satisfied that the proposed development would not result in excessive overshadowing or loss of light to this adjacent property. Block 1 would be a minimum of approximately 9m and to the southeast from the nearest window in No.46, while Block 2 would be a minimum of approximately 12m and to the west of the nearest window to No.50. A shadow study was submitted with the application as part of the Architect's Design Statement and

this suggests that the positioning and the separation distances between the proposed blocks and the rear of houses on Glasnevin Hill would not lead to undue loss of light to the living areas of these houses. The extent of projections to the rear would invariably obstruct the level of light entering these houses at present and the loss of light arising from the proposed development would not be so substantial to warrant refusal of planning permission or a reduced height to either of the two apartment blocks. Furthermore, conclusions reached in the applicant's 'Assessment of Daylight Amenity' regarding the impact of the proposals on lighting to the communal space, suggest that the proposed development would not be likely to unduly overshadow the rear amenity areas to Nos.46, 48 and 50.

7.4.4. Similar to the situation with regard to overlooking and overshadowing, properties with the greatest potential to be effected as a result of overbearing impacts arising from the proposed development would be the houses located at Nos.46, 48 and 50. I am satisfied that the distance (c.9m) between the nearest window to No.46 and Block 1, the difference in ground levels (c.2m) and the position of Block 1 to the side and splayed away from the terrace, would be sufficient to ensure that Block 1 would not be excessively overbearing where visible from the nearest houses to the development. The rear elevations to Nos.46, 48 and 50 would not face directly onto the proposed apartment blocks and as a result the buildings would not dominate the rear aspect from these houses. I am further satisfied that given the distance (c.12m) between the nearest window to No.50 and Block 2, the position of Block 2 to the side of the terrace and the articulation of the façade to Block 2, would also be sufficient to ensure that Block 2 would not be excessively overbearing where visible from the nearest houses to the development.

7.4.5. In conclusion, the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have an overbearing impact when viewed from properties along Glasnevin Hill. Accordingly, the proposed development would comply with Policy SC13 of the Development Plan and the proposed development should not be refused for reasons relating to impacts on neighbouring residential amenities.

7.5. Access, Parking & Traffic

- 7.5.1. The grounds of appeal assert that sufficient provision for car parking and commercial servicing would not be provided with the development, which would result in additional overspill parking in the surrounding area, while the development would also lead to increased traffic congestion in the area with conflicting traffic movements along Glasnevin Hill. The existing site can be accessed from two locations off Glasnevin Hill and the proposed development would be served by a vehicular access off Glasnevin Hill to basement car parks cut into the side of the hill face. A separate fire tender / service-only access is also proposed along the northern side of the site to podium level.
- 7.5.2. A Stage 1 Road Safety Audit accompanied the application and this highlighted a total of four minor items that required addressing. Following submission of details with respect to fire tender / service-only exit sightlines, commercial servicing provisions and the roadside layout, the Roads & Traffic Planning Division of the Planning Authority did not object to the proposed development. The drawings submitted at further information stage (see Drawing Nos. A10-100 Revision C and D1854-C-12 Revision C) indicate that existing on-street parking along Glasnevin Hill would not be in place following the development and the cycle-lane would be extended along the immediate stretch of Glasnevin Hill. The Roads & Traffic Planning Division of the Planning Authority state that they are satisfied that visibility at the proposed entrances can be achieved with some on-street parking remaining. The proposed access arrangements require minimal intervention along the public roadside and I am satisfied that the proposed development would not detrimentally impact on traffic safety or convenience. Proposals would also provide scope for loading areas and improvements to the public realm fronting the site.
- 7.5.3. A total of 74 car parking spaces are proposed at upper basement level to serve the 71 apartments (one per apartment) with three spaces to be allocated for visitors, four accessible spaces and four spaces served by electrical charging points. The commercial uses would be served by seven car parking spaces at upper basement level, one of which would be an accessible space. A total of 238 bicycle spaces and six motorcycle spaces are proposed at lower and upper basement levels. I am satisfied that the quantum of parking proposed would be appropriate relative to the

location of the site along a frequent public bus corridor and the applicable standards in the Development Plan, as referenced in Section 5.1.4 above.

- 7.5.4. A Traffic and Transportation Assessment was submitted as part of the Engineering Report with the planning application, highlighting the existing public transport services in the area and the estimated vehicular trips arising from the development. Having regard to the location and nature of the proposed development in an area well-served by public transport and the proposed car parking provision, I am satisfied that the proposed development would not result in any significant additional traffic congestion in the area.
- 7.5.5. In conclusion, the proposed development would feature an appropriate provision of parking and servicing, and would not lead to concerns regarding traffic safety or convenience.

7.6. Other Matters

Social Housing

- 7.6.1. The applicant's proposal for complying with the social housing requirements of Part V of the Planning and Development Act 2000, as amended, is to allow the acquisition of seven one-bedroom apartments distributed in Blocks 1 and 2 on site. A letter from the Housing Development section of the Planning Authority to the applicant's representatives, dated 29th August 2018, confirms an agreement in principle to allow for same. I am satisfied that the social housing proposals are acceptable from a planning perspective, and recommend that a standard condition requiring a Part V agreement be attached, in the event of permission being granted.

Site Services

- 7.6.2. The application was accompanied by an Engineering Report that addresses site services, including surface water drainage, foul drainage and water supply. With regard to surface water drainage, a piped gravity network is proposed, with a proposed 225mm diameter surface water sewer connecting to an existing 300mm diameter surface water sewer along Glasnevin Hill. The site would feature blue roofs to the two apartment blocks and green roofs to the podium level, generally comprising a filter medium. An attenuation tank with a capacity of 165m³ is also proposed within the site, and in conjunction with the blue and green roofs, it is stated

that this would limit outflow from the site to 2.0 l/s, which would be acceptable to the Engineering Department of the Planning Authority, who state that this would be in line with standards in the Greater Dublin Strategic Drainage Study. With regard to foul drainage, a 225mm diameter system is proposed, connecting to an existing 300mm vitrified clay pipe sewer running along Glasnevin Hill.

- 7.6.3. It is proposed to connect a 150mm-diameter watermain to the existing 6-inch water supply main located on Glasnevin Hill. The applicant states that a pre-connection enquiry was made to Irish Water, who responded to state that the connection can be facilitated. Confirmation of feasibility from Irish Water was not submitted with the application.
- 7.6.4. Objections to drainage and water supply proposals have not been raised by the Planning Authority or Irish Water. The Planning Authority's Engineering Department consider the applicant's proposals to be generally acceptable, subject to certain conditions regarding clarifications and agreements on matters of surface water management. In conclusion, I consider the proposed site services, including surface water proposals to be satisfactory, subject to appropriate conditions.

Flood Risk

- 7.6.5. A Flood Risk Assessment (FRA) for the site has been carried out and is included in Section 6.2 of the Engineering Report. The FRA states that the OPW mapping reveals no flooding incidents have been recorded on the site or in the adjacent area. The OPW Preliminary Flood Risk Assessment mapping also indicates that the site is outside of flood risk areas. The site is considered to be located in Flood Zone C, where the probability of pluvial and fluvial flooding from stormwater and rivers is low (i.e. less than 0.1% or 1 in 1,000). While residential development is classified as a 'highly-vulnerable development', it is considered 'appropriate' in Flood Zone C under the matrix set out in 'The Planning System and Flood Risk Management Guidelines for Planning Authorities'. The risk of flooding from on-site sources and from groundwater flooding is deemed to be sufficiently low for the development to be acceptable according to the FRA submitted. I do not consider that the proposed development would be likely to be at significant risk from flooding, nor would it increase the likelihood of flooding to other lands in the area.

Ecology

- 7.6.6. The applicant submitted both a Preliminary Construction and Demolition Management Plan and a Preliminary Construction Management Plan with the application. Japanese Knotweed has been identified on the site and the applicant states that this is to be appropriately treated and eradicated. A revised Construction and Demolition Management Plan providing details of the method of treatment and eradication of Japanese Knotweed during the construction and demolition phase should be provided as a condition of the permission.

Archaeology

- 7.6.7. The site is both within a 'Zone of Archaeological Interest', as identified in the Development Plan, and a zone of notification for a recorded monument and place (RMP). This RMP (Ref. DU018-005010) is identified as an 'ecclesiastical settlement'. An Archaeological Assessment was undertaken for the site, generally comprising a desktop study and a visual inspection. This concluded that previous investigations in the area indicated significant depths of post-medieval material. The Department of Culture, Heritage and the Gaeltacht did not respond during consultation, while the City Archaeologist recommends that an archaeological monitoring condition be included, including post-demolition test-trenching, in order to mitigate impacts on any previously unidentified archaeological remains. I consider this approach to be reasonable, given the context and the extent of excavation that would be required for foundations, services and the eradication of Japanese Knotweed. Should the Board be minded to grant permission, I therefore recommend that an archaeological monitoring condition be attached.

8.0 Appropriate Assessment

- 8.1. A report Screening for Appropriate Assessment was submitted as part of the planning application.
- 8.2. The closest Natura 2000 sites to the appeal site are the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) (Site Code: 004024) located approximately 3.4km to the east at Clontarf, and the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay Special Area of Conservation (SAC) (Site Code: 000206), which are both located approximately 6km to the east at Dollymount strand. Other Natura 2000 sites within 15km of the appeal site include; Baldoyle Bay

SAC (Site Code: 000199), Baldoyle Bay SPA (Site Code: 004016) Malahide Estuary SAC (Site Code: 000205), Malahide Estuary SPA (Site Code: 004025), Ireland's Eye SAC (Site Code: 002193), Ireland's Eye SPA (Site Code: 004117), Rockabill to Dalkey Islands SAC (Site Code: 003000), Glenasmole Valley SAC (Site Code: 001209), South Dublin Bay SAC (Site Code: 000210), Rogerstown Estuary SAC (Site Code: 000208), Rogerstown Estuary SPA (Site Code: 004015), Rye Valley / Carton SAC (Site Code: 001398), Howth Head SAC (Site Code: 000202), Howth Head Coast SPA (Site Code: 004113), Lambay Island SAC (Site Code: 000204) and Lambay Island SPA (Site Code: 004069). Qualifying interests and conservation objectives for each of the above sites are listed on the National Parks and Wildlife Services (NPWS) website.

- 8.3.** The nearest pathway to the aforementioned designated sites from the appeal site is the Tolka River, which is 85m to the south of the appeal site, flowing in an easterly direction towards Dublin Bay. With the exception of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the North Bull Island SPA (Site Code: 004006) and the North Dublin SAC (Site Code: 000206), I am satisfied that the other sites within 15km of the appeal site can be 'screened out' on the basis that significant impacts on these European sites could be ruled out, as a result of the separation distance from the appeal site, the extent of marine waters and given the absence of any direct hydrological or other pathway to the appeal site.
- 8.4.** All foul water from the proposed development would be discharged via the public system to the Ringsend Waste Water Treatment Plant (WWTP). Permission has recently been granted (ABP-301798-18) for works which will increase the capacity of the plant from 1.9m PE to 2.4m PE. Surface water from the site would be discharged to the public surface water drainage system after passing through a fuel interceptor.
- 8.5.** Having regard to the above, the urban nature of the surrounding area and the residential and commercial nature of the proposed development, I consider that the only potential pathways between the appeal site (source) and the Natura 2000 sites (receptors) would relate to drainage during construction and operation. Due to the nature of the application site and the proposed development there is no direct pathway to a Natura 2000 site, however there is a potential indirect pathway to

coastal SACs and SPAs via the surface and foul drainage network and Ringsend WWTP.

8.6. With regard to the coastal sites, South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the North Bull Island SPA (Site Code: 004006) and the North Dublin SAC (Site Code: 000206); while there is theoretically an indirect hydrological pathway between the application site and these sites via the public drainage system and the Ringsend WWTP, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation that could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.

8.6.1. The proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects on the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the North Bull Island SPA (Site Code: 004006) and the North Dublin SAC (Site Code: 000206) in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not therefore required.

9.0 Recommendation

9.1. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the land use zoning objectives for the site, as set out in the Dublin City Development Plan 2016-2022, to the nature, scale and design of the proposed development, the existing pattern of development and availability of services in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this urban location, would be acceptable in terms of design, height and scale of development,

would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would comply with the provisions of the Development Plan, the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018 and Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 on the 29th day of April 2019, 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.

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (i) apartment No.67 at fourth-floor level to Block 2 shall be omitted;
 - (ii) a set back of a minimum of 3 metres shall be incorporated at the southern end of Block 2 at third-floor level, resulting in apartment Nos.57 and 58 permitted as one-bedroom apartments.
 - (iii) ground-level (podium-level) apartment floor to ceiling heights shall be a minimum of 2.7m in Blocks 1 and 2.

- (iv) vertical screens shall be provided between the adjoining balconies and terraces and on the northside of the balconies serving apartments 10, 13, 16, 19, 22 and 23 of Block 1. All balcony floors shall be solid and self-draining.

The above amendments shall be submitted to the planning authority for written agreement prior to the commencement of any development on site.

Reason: To protect residential amenities and in the interests of the proper planning and sustainable development.

3. Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

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

4. Prior to the occupation of the retail/medical units, details of the final use, occupier(s) and signage shall be submitted for the written agreement of the planning authority. Retail shall be maintained as the predominant use.

Reason: To ensure an active street frontage along Glasnevin Hill and to contribute towards the retail provision and improved amenities of the area

5. The hours of operation of the retail and medical suites, hereby permitted, shall be between 0800 hours and 2100 hours only, Monday to Sunday inclusive.

Reason: In the interest of the residential amenity.

6. The glazing to the retail/medical suites unit shall be kept free of all stickers, posters and advertisements and any roller shutter and its casing (if required) shall be recessed behind the glazing and shall be factory finished in a single colour to match the colour scheme of the building prior to their erection. The roller shutters shall be of the open lattice type, and shall not be painted on site or left unpainted or used for any form of advertising.

Reason: In the interests of visual amenity.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
- (a) all car parking spaces, with the exception of visitor and commercial parking, shall be sold off with the residential units and shall not be sold separately or let independently.
 - (b) the roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense;
 - (c) the roads layout at the vehicular entrances, parking areas, footpaths, cyclepaths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the Planning Authority for such road works;
 - (d) the materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works;
 - (e) each of the parking spaces serving the apartments shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and in the interest of sustainable transportation.

9. 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 include detailed boundary treatments and shall be implemented fully in the first planting season following completion of the development or

each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

- 10.** 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 amenity of property in the vicinity and the visual amenity of the area.

- 11.a)** The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

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

- 13.** The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management

company. A management scheme providing adequate measures for the future maintenance of roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, following demolition, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site.

15. 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. The plan shall include details of waste to be generated during site clearance and

construction phases, including the measures for the control and eradication of Japanese Knotweed, which shall be carried out in full, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of the environment and sustainable waste management.

- 16.** 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, inter alia, details of proposals to address the removal of structures adjoining the building at No.44 Glasnevin Hill, details and location of the proposed construction compound(s), details of intended construction practice for the development, including hours of working, noise and dust management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

- 17.** Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

- 18.** 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 interest of protecting the environment.

19. 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.

20. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

21. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by

or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Colm McLoughlin
Planning Inspector

23rd September 2019