



An
Bord
Pleanála

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

Inspector's Report ABP-305312-19

Strategic Housing Development	245 no. apartments, childcare facility and all associated site works.
Location	Part of Former Premier Dairies Site, Finglas Road, Dublin 11.
Planning Authority	Dublin City Council
Applicant	Ruirside Developments Limited
Prescribed Bodies	Irish Water NTA
Observer(s)	See Appendix 1

Date of Site Inspection

23rd October 2019

Inspector

Erika Casey

1.0 Introduction

1.1 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. The application was received by the Board on the 30th August 2019 from Ruirside Developments Limited.

2.0 Site Location and Description

2.1 The subject site with an area of c. 1.23 ha is located approximately 5km north-west of Dublin City Centre on the Finglas Road and c. 800 metres south of Finglas Village. The site comprises vacant brownfield land and has an elongated configuration with a maximum depth of c. 70m. The site largely comprises of hardstanding and has been cleared with the exception of a small disused ESB structure. There are trees and hedgerows along the boundaries of the site. It has c. 270m of frontage onto the Finglas Road which is bound by a high brick wall. Finglas Road is a major artery from Finglas to the City Centre and accommodates a QBC. It is proposed to upgrade this route under the NTA BusConnects programme.

2.2 Development to the south of the site consists of an apartment scheme of between 4 and 7 storeys high called Premier Square. The lands opposite the site are occupied by retail warehouses that form part of the Clearwater Shopping Centre. The shopping centre has a single access from the Finglas Road at a junction at the northern end of the application site. There is also a large Care Choice nursing home opposite the site.

2.3 The lands to the north and east of the site are occupied by low density 20th century housing. The north-eastern site boundary adjoins the back gardens of such houses along Glenhill Road. Due to the topography of the site, these houses are on higher ground than the Finglas Road. Further south along the Finglas Road, there are a number of large, higher density apartment developments including the Prospect Hill development which typically range in height from 4 to 8 storeys.

3.0 Proposed Strategic Housing Development

3.1 The proposed development provides for the construction of a housing development comprising:

- 245 no. apartments accommodated in 3 no buildings ranging in height from 6 to 10 storeys (including set back levels).
- Block 1 ranges in height from 6 to 9 storeys and will accommodate 80 apartments with a childcare facility (c. 260 sq. metres) and associated outdoor play area, residential management and amenity area (c. 256 sq. m.), energy centre, plant room, meter room, bicycle and bin stores area at ground floor level.
- Block 2 ranges from 9 to 10 storeys and will accommodate 102 apartments with an undercroft level providing car, bicycle and motorcycle parking, meter room and bin stores.
- Block 3 ranges from 6 to 8 storeys and will accommodate 63 no. apartments with an undercroft level providing car, bicycle and motorcycle parking, bin stores, meter room and plant room.
- 131 car parking spaces in total provided at surface and undercroft levels including 4 GoCar/Car Sharing spaces, 8 eCar spaces, 7 no. disabled spaces, 3 crèche spaces and 9 visitor/drop off spaces.
- 295 bicycle spaces provided at surface and undercroft level and 5 motorcycle spaces.
- Vehicular access is provided from the existing signalised junction on the Finglas Road opposite the CARE Choice Nursing Home with the entrance carriageway at the existing access to be narrowed to 9 metres, together with ancillary adjustments to the pavement and the signal location at the entrance to the site.
- New boundary treatment on Finglas Road including the removal of the existing wall and its replacement with a low wall with fence. Controlled pedestrian entrance to Finglas Road.
- New gated entrance to the site from Glenhill Road to facilitate occasional ESB Maintenance access. Provision of 2 no. new ESB sub stations.
- Provision of communal open space with an area of c. 1,638 sq. metres to include formal landscaped areas, a recreation area and a grassed area.

3.2 The breakdown of accommodation proposed is as follows:

Apartment Type	Proposed	
Studio	49	20%
1 bed	73	30%
2 bed	123	50%
Total	245	100%

3.3 The development has a site coverage of 24% and the plot ratio is 1.65. The overall density is 199 units per hectare.

3.4 In addition to the architectural, landscape and engineering drawings, the application was accompanied by the following reports and documentation:

- Cover Letter
- Copy of Site Notice
- Copy of Newspaper Notice
- Completed Application Form
- Letters of Consent
- Confirmation of Feasibility Statement from Irish Water
- Statement of Design Acceptance from Irish Water
- Part V Proposals
- Correspondence from Irish Aviation Authority
- Planning Report including Statement of Consistency; Response to An Bord Pleanála Opinion on Pre Planning Submission; EIAR Screening
- Material Contravention Statement
- Community Infrastructure Audit
- Architectural Drawings
- Schedule of Accommodation
- Housing Quality Assessment

- Architectural Design Statement
- Statement of Consistency with Urban Design Manual
- Landscape Report
- Landscape Masterplan
- Engineering Infrastructure Drawings
- Engineers Services Report including Statement of Consistency with Ministerial Guidelines: The Planning System and Flood Risk Management
- Environmental Site Assessment
- Transport Assessment including Statement of Consistency with Ministerial Guidelines: Design Manual for Urban Roads and Streets
- Mobility Management Plan
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- Daylight/Sunlight Analysis
- Site Lighting Report and Lighting Layout Plan
- Energy Analysis Report
- Wind Analysis and Pedestrian Comfort Report
- Inward Noise Assessment
- Construction and Demolition Waste Management Plan
- Operational Waste Management Plan
- Archaeological Impact Assessment
- Construction Management Plan
- Landscape and Visual Impact Assessment including Photomontages
- Building Life Cycle Report
- Arboricultural Report and Drawings
- RF Impact Analysis

- Correspondence to Prescribed Bodies and Dublin City Council

4.0 Planning History

Planning Authority Reference 2035/99

- 4.1 Permission granted in December 1999 for a development comprising 307 apartment units over 8 blocks. The development also included: site development works for buildings (to be subject of future planning application) to accommodate science and technology based industries; closure of existing vehicular access point onto the subject lands and replacement with a new signal controlled vehicular access junction to be formed onto the N2 serving the site development works only; and a new left turn in/out only vehicular access/egress point onto the Finglas Road serving the residential component. The development was implemented and is known as the Premier Square development. A second vehicular access off the Finglas Road/N2 intended to serve the site development works was also constructed.

Planning Authority Reference 1039/04

- 4.2 Permission granted by Dublin City Council in September 2004 for the construction of a 5 storey residential block comprising 60 apartments and 90 basement car parking spaces.

Planning Authority Reference 1378/04/An Bord Pleanála Reference PL29N.206898

- 4.3 In August 2004, the Board refused permission for a discount foodstore of 1,283 sq. metres and 111 no. associated surface car parking spaces on the site. Vehicular access for the development was to be provided from the N2 Finglas Road via the previously approved access arrangement and signal controlled junction (reg. ref. 2035/99). The reason for refusal stated:

“Having regard to the prominent location of the site on the Finglas Road and the evolving pattern of development in the vicinity, it is considered that the single storey retail outlet and associated car parking and advertising would seriously injure the amenities of the area and would not make full use of the development potential of this important suburban site. The proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.”

Planning Authority Reference 4316/05

4.4 In October 2005 permission was refused by the Planning Authority for a mixed retail and residential scheme comprising 104 units. The application was refused for 4 no. reasons:

1. The application site is zoned Z1 in the Dublin City Development Plan 2005-2011, within which the only form of retail permitted are 'neighbourhood shops'. The proposed development, which includes as a substantial part of its layout, the provision of a retail unit that does not fall within the definition of a 'neighbourhood shop' set out in Appendix 13 of the Dublin City Development Plan 2005-2011, would contravene materially the development objective for the site, as indicated in the Dublin City Development Plan 2005-2011 and would thus be contrary to the proper planning and sustainable development of the area.

2. The proposed development, in particular Blocks 1 and 4, would seriously injure the residential amenities of other property in the vicinity, in particular the existing houses on Glenhill Road, contrary to the proper planning and sustainable development of the area.

3. Servicing of the proposed retail unit, by reason of the location of the service bay on the southern side of Block 1, would seriously injure the residential amenities of property in the vicinity, in particular the proposed apartments above in Block 1, contrary to the proper planning and sustainable development of the area.

4. The proposed development would endanger public safety by reason of traffic hazard as the existing vehicular access from Finglas Road North as proposed cannot accommodate HGV turning movements and the location of the pedestrian access would give rise to 'drop off' taking place in the bus lane.

Planning Authority Reference 2931/07/ An Bord Pleanála Reference PL29N. 227162

4.4 In July 2008 the Board refused permission for 160 apartments, 176 car parking spaces and a crèche on the site in buildings 6 to 7 storeys high. Vehicular access for the development was proposed via the previously approved access arrangements and signal controlled traffic junction from the N2 Finglas Road on the adjoining site. The reason for refusal stated:

“The proposed residential development would, by reason of its height, massing, linear layout and proximity to the heavily trafficked road, be overbearing and would have a detrimental visual impact on the residential amenities of the area. It would also result in overlooking of adjoining properties to the south and would be overbearing in relation to the residential properties to the east. The proposed development would, therefore, seriously injure the amenities of the area and or property in the vicinity and be contrary to the proper planning and sustainable development of the area.”

4.5 The Inspector’s Report stated:

“The surrounding developments, given the differences in level, should set the principles and parameters for the redevelopment of the appeal site. This would suggest, therefore, that the height of proposed development on the appeal site should be of a maximum 4 /5 storeys in height, depending upon the ground level adopted.”

Planning Authority Reference 2329/09

4.6 The Planning Authority refused permission in February 2009 for 90 apartments and a crèche on the site in a building 6 storeys high over basement. The development also included the provision of 141 car parking spaces at basement level. The reason for refusal stated that the requirements of the Drainage Division had not been met.

Planning Authority Reference 4033/09/An Bord Pleanála Reference PL29N.235697

4.7 Permission granted in September 2010 by An Bord Pleanála for a development comprising 72 no. apartments in a single apartment building comprising 5 to 6 storeys over basement. The development also included a crèche at ground floor level with a gross floor of 206 sq. metres and 141 basement car parking spaces. Vehicular access was from the N2 Finglas Road via previously approved arrangements on the adjoining site approved under application reference 2035/99.

4.8 In deciding not to accept the Inspector’s recommendation to refuse permission, the Board Direction noted:

“The Board considered that the scheme was generally of a higher quality than the proposal previously refused on site (PL 227162 refers). The Board considered that the amended proposal submitted to the Board - which repositioned the apartment

block and broke up its length in elevation - addressed the Inspector's concerns in relation to the visual impact and impact on residential amenities in an acceptable manner."

5.0 Section 5 Pre Application Consultation

Notice of Pre-Application Consultation Opinion – Ref. ABP-304260

- 5.1.1 A notice of pre-application consultation opinion was issued by the Board on 24.06.2019 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016 following the submission of the application request on the 23.04.2019.
- 5.1.2 The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the Planning Authority, is of the opinion that the documents submitted with the request to enter into consultations **require further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development. The matters included are as follows:
1. Further consideration and amendment of the submitted documentation as it relates to the access and parking serving the proposed development, the treatment of the open spaces within it and its relationship with the adjoining streets. The submitted documentation and proposals should be sufficient to demonstrate that the proposed development would provide an environment within the site that was safe, convenient and attractive for pedestrians and that constrained vehicular movements accordingly. This will require reconsideration of the layout, landscaping and surface treatment of the footpaths, carriageways and car parking spaces within the site and the links between the proposed apartments and open space. The relationship with the existing street should facilitate movements by pedestrians, cyclists and public transport along the Finglas Road and provide them with appropriate priority over private vehicles entering and leaving the site. This will require reconsideration of the proposed access to the development. This should occur in consultation with the city council and the NTA and take account of other demands on the Finglas Road and the junction from which access is proposed. The further consideration and

amendment of the documentation required in relation to this issue shall demonstrate compliance with the principles and the specific requirements of the applicable guidance set out in DMURS and the National Cycle Manual, and the emerging proposals under the BusConnects project. If departures from those guidelines are proposed then the documentation submitted with the application would need to provide justifications for them. References to documents that are not material considerations for planning applications or to the remnants on the site of works carried out to provide access to previously authorised developments that was not completed may not be sufficient to provide the justification for any proposed departures from the above guidance that would be required in the documentation submitted with an application.

2. Further consideration of the documentation relating to the architectural design of the proposed development. The documentation submitted with any application should be sufficient to demonstrate that that the proposed development would achieve the standard of design required for a very prominent site on a major thoroughfare to ensure that it would make a positive contribution to the character of the city, with particular reference to the durability of materials.

Specified Information

5.1.3 The following specific information was requested:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. Any departures from the standard for bicycle storage at section 4.17 of the guidelines should demonstrate that the proposed facilities can meet all the demand for bicycle storage that is likely to arise in the development at convenient locations and with facilities to accommodate a range of bicycle sizes and types, including children's bicycles and those fitted with baskets, panniers, child seats etc. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

2. A report documenting any correspondence or consultation with the NTA and City Council in relation to the BusConnects project.
3. A report and analysis of the daylight and sunlight that would be available to the proposed apartments and existing houses in the vicinity, and the open spaces and gardens serving them.
4. Landscaping details for the proposed open spaces, including safety measures above the retaining wall between the proposed car park and the open space on the eastern side of the site.
5. A draft construction management plan.
6. A draft waste management plan.

5.2 Applicant's Statement

- 5.2.1 Article 297(3) of the Regulations provides that where, under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application shall be accompanied by a statement of the proposals included in the application to address the issues set out in the notice.
- 5.2.2 In report titled "*Planning Report and Statements of Consistency*" submitted with the application, the applicant's agent outlines a response to the matters specifically required by the Board which is summarised as follows:

Issue 1 – Access and Parking

- Further consultation took place with DCC Transport Division and forwarded to the NTA for review and comment. The NTA have confirmed that the proposed development, including the access junction, is consistent with the Core BusConnects Project. The design of the Core Bus Connects Project and the impact on the proposed development is outlined on drawings enclosed with the application.
- At the northern end of the site, if necessary, part of the communal allotment gardens can be removed and the low level boundary wall and railings adjusted to suit the final bus stop layout when the final BusConnects road design is agreed by the NTA.

- At the Merville Place site entrance, the width of the junction has been reduced from 11.6m to c. 9 m. in line with DMURS. The proposed kerb line to the site has the same radius as the proposed BusConnects kerb line. The proposed kerb layout external to the site can be modified based on the final road design and signalised junction layout by the NTA.
- The application contains significant changes to the original design with regard to access arrangements for vehicles and other transport modes, the internal parking areas and the internal circulation spaces. It is considered that these changes have enhanced the design and the site is now better integrated with the existing and proposed transport network.

Pedestrian Access

- Changes have been made to the internal design and to the interface with the external pedestrian network, in order to afford pedestrians a greater level of priority and comfort. Specific improvements include the creation of a new shared surface pedestrian link between Blocks 2 and 3, which in turn links to the controlled access onto Finglas Road. This will provide a high quality transition between the development and Finglas Road on an at grade pedestrian route which has priority over cars circulating internally.
- The previous design within the undercroft area had a shared internal pedestrian and vehicular route, in order to accommodate a second access point into the undercroft parking area for vehicles. It is now proposed to close off the second access for vehicular traffic and it will be a pedestrian access only. This provides significantly more dedicated circulation space.
- An enhanced pedestrian route to the crèche from the Finglas Road has been achieved and a continuous footpath is provided which will provide a dedicated at grade link to the crèche from the Finglas Road. Increased permeability between the apartment blocks and communal gardens has been achieved through increasing the extent of the shared surface area.
- At the vehicular access to the development the design has been altered to reduce the crossing width and upgrade the pedestrian crossing across the junction bellmouth, including the provision of new blistered paving which will further facilitate pedestrian use. The pedestrian and cycle movements across

the junction to the site will continue to be controlled by the traffic signals on the grounds of road safety.

Cycle Access

- Sheffield style cycle stands at the Finglas Road pedestrian entrance to the site are proposed to accommodate visitor cycle parking requirements.
- The overall cycle provision includes an additional 45 spaces and includes provision for Cargo Bikes and bikes with cycle seats.
- A 1 metre wide strip is delineated within the main aisle of the undercroft car parking so that cyclists can access the secure cycle parking areas internally.
- The updated design of the site access junction now includes for an at grade crossing for pedestrians and cyclists and a reduced crossing width for cyclists.

Car Parking and Internal Circulation

- The internal carriageway has been reduced from 6m to 5.5m in accordance with DMURS.
- To reduce the visual impact of car parking along the embankment at the rear of the apartments, the layout has been limited to 6 perpendicular spaces per block along with the provision of a landscaped buffer zone. Similarly, the parallel spaces have been limited to three before a break along the front of Blocks 01, 02 and 03.
- Car club spaces are now an integral part of the proposal.
- The crèche parking provision is now identified with the overall car parking provision and will sit outside the gated access point. There is also a dedicated car parking area for crèche staff adjacent to the ESB substation. The spaces closest to the crèche entrance have been allocated as shared between crèche drop-off/pick up and visitor parking spaces.

Issue 2 – Architectural Design

- Visual Impact Assessment and Design Statement submitted to further address this matter. The proposed development varies in materials, sizes and height, creating a sense of place, visual interest and variety. The heights of the blocks range from 6 to 10 storeys. The elevations also alternate along the blocks creating further variation in the development. Feature projecting units, vertical

set backs and balconies also provide individuality to the units and visual interest to the street.

- Proposed high quality material finishes have been selected in recognition of the sites prominent location while also ensuring that the materials will accord with the materials and finishes of existing developments in the surrounding area. Brick and metal cladding and the inclusion of coloured render will provide a quality feel to the area while requiring little maintenance. Robust detailing will ensure the areas of render weather well. Glass balconies are also proposed.
- The chosen materials also seek to introduce a further level of variety into the elevations. Render and 2 no. colours of brick and zinc have been positioned on the proposed façade facing Finglas Road to provide articulation and variety across all proposed blocks. This articulation is further pronounced by a stepped pattern of windows which has been introduced, creating more interest and diversity along the facades.
- The 3 no. blocks have been laid out with reference to the existing pattern of development at the adjoining Premier Square development, by mirroring the 3 no. blocks of Premier Square which are closest to Finglas Road in terms of their location, proportions and materials visible on the road fronting façade. There is also a gap of c. 11m between each block ensuring that the development will not read as a single, long uninterrupted wall of building form.

Specified Information

5.2.3 In response to the specified additional information requested by the Board the following is provided:

1. Housing Quality Assessment

- A Housing Quality Assessment and Building Life Cycle Report is submitted. In respect of the Apartment Guidelines 2018, the Statement of Consistency submitted addresses the specific planning policy requirements of the guidelines. Bicycle parking has been amended to provide for cargo bicycles and bicycles with child seats.

2. Correspondence or consultation with the NTA and city council in relation to the BusConnects project

- The submitted Transport Assessment provides a record of consultation and correspondence with the NTA and the Dublin City Council in relation to BusConnects.

3. **Analysis of the daylight and sunlight**

- A Daylight and Sunlight Analysis is submitted which provides an analysis of daylight and sunlight that would be available to the proposed development and to the existing dwellings in the vicinity of the proposed development including to open spaces and gardens serving them.

4. **Landscaping Details**

- Landscape Report and Masterplan submitted with the application which provides landscaping details for the proposed open space including proposed safety measures such as the provision of a 1.4m high railing and a soil nail retaining system with edge protection at the top of the slope between the proposed open space and car park, together with landscaping to soften that edge.

5. **A draft Construction Management Plan**

- Outline Construction Management Plan submitted. A fully comprehensive Construction Management Plan will be submitted to the Planning Authority for their approval in advance of any works commencing on site.

6. **A draft Waste Management Plan**

- Construction and Demolition Waste Management Plan and Operational Waste Management Plan submitted with the application.

6.0 **Relevant Planning Policy**

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

- 6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an

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

6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

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

6.3. Local Planning Policy

Dublin City Development Plan 2016-2022

6.3.1. The Dublin City Development Plan 2016-2022 is the operative development plan for the area. The site is zoned objective Z1: *To protect, provide and improve residential amenities*. Section 16.3.3 states that where sites cannot accommodate public open space a financial contribution in lieu will be required. Section 16.5 of the plan gives an indicative plot ratio standard of 0.5-2.0 in this zone. Section 16.7 of the plan establishes a building height limit of 16m in this location. Section 16.10.4 sets out guidance regarding Making Sustainable Neighbourhoods.

6.3.2 The Plan also includes a number of policies of relevance including:

QH7: *To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high*

standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

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

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

QH19: *To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable, mixed-income, mixed-use neighbourhoods supported by appropriate social and other infrastructure.*

QH20: *To ensure apartment developments on City Council sites are models of international best practice and deliver the highest quality energy efficient apartments with all the necessary infrastructure where a need is identified, to include community hubs, sports and recreational green open spaces and public parks and suitable shops contributing to the creation of attractive, sustainable, mixed-use and mixed-income neighbourhoods.*

6.4 Applicant's Statement of Consistency

6.4.1 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 the Section 28 guidelines and the City Development Plan. The following key points are noted:

- The proposed development is consistent with the NPF promotion of more mixed use urban regeneration that delivers increased residential density and employment activity of high quality urban design and architecture at an underutilised brownfield site, in a built up mixed use area, located within proximity to high frequency public transport connecting with Dublin City Centre.
- The proposed development is compliant with the Sustainable Urban Housing:

Design Standards for New Apartments – Guidelines for Planning Authorities with regard to unit mix, size dimensions, dual aspect ratio, floor to ceiling height, units per core, storage space, private and communal amenity open space, bicycle and car parking. The subject site can be considered as a central and/or accessible urban location for the purposes of car parking. The proposed scheme aims to provide a total of 131 no. car parking spaces which is in line with Guidelines in an effort to provide a reduced overall parking standard. The quantum of bike parking has been agreed with Dublin City Council as being appropriate for this development at this location.

- The Guidelines on Sustainable Residential Development in Urban Areas sets out that sites within 500m walking distance of a bus stop are expected to achieve a minimum residential density of 50 units per ha. The site is directly opposite both a northbound and southbound bus stop on the Finglas Road QBC. The development achieves a net density of 199 units per ha.
- The development is in accordance with the 12 criteria set out in the Urban Design Manual.
- The proposed development is consistent with Ministerial Guidelines including the Urban Development and Building Height Guidelines for Planning Authorities that promote increased residential density, for sustainable use of finite land resources and investment in strategic infrastructure, through various mechanisms including development location, unit mix (particularly addressing needs of smaller 1-4 person households), apartment design and building height. Architectural design studies demonstrate compliance with the relevant residential design standards for apartment development. Environmental and design studies demonstrate that residential, visual, built and natural amenity is suitably respected and protected.
- Specific assessment of the proposed building heights in the context of the criteria set out in the guidelines. Notes that the development has undergone a number of iterations to develop a height profile that both achieves a satisfactory density for the location adjacent to Finglas Village Centre and achieves a proper landmark/wayfinding function at this location. The development responds to the overall natural and built environment and makes a positive

contribution to the urban neighbourhood and streetscape. The height profile has been carefully modulated to respond to existing and adjacent developments. The taller blocks provide a sense of enclosure to the Finglas Road. A number of specific assessments for the taller buildings have been submitted with the application including an assessment of microclimatic effects.

- A childcare facility is provided in accordance with the Guidelines for Childcare Facilities 2001.
- The site lies within Flood Zone C and there is no record of historic flooding at this site. It is envisaged that the proposed development will not be vulnerable to flooding.
- Roads and streets contained within the proposed development have been designed in accordance with the principles set out in DMURS including promotion of high levels of permeability and legibility for all users and use of sustainable transport.
- The development is consistent with the core strategy, Z1 land use zoning and residential development policies of Dublin City Development Plan. The development forms an appropriate active urban edge to the Finglas Road. It provides a suitable urban transition, through the design and alignment of buildings and open spaces, between Glenview to the north and Premier Square to the south. Plot ratio and site coverage are in line with the standards set out in the Development Plan.

7.0 **Third Party Submissions**

7.1 29 third party submissions were received in respect of the application. A list of those who made submissions are detailed in Appendix 1. The issues raised overlap and can be summarised as follows:

Housing Mix

- The development provides for a disproportionate amount of studio and 1 bed apartments. Concern that development will not cater for families and will result in a transient resident population.
- Development contrary to the Development Plan which requires 15% three or more bedroom units.

Height and Impacts to Residential Amenity

- Concerns regarding the height of the development and potential impacts to residential amenity of adjacent properties from overshadowing, overlooking and loss of privacy. The development will be visually overbearing and is of an inappropriate scale and height. Development will have an adverse negative visual impact.
- The layout and orientation of the development significantly contributes to the overshadowing of adjoining properties, particularly those on Glenhill Road. The south east – north west orientation combines for a total length of c. 163 metres of built form. The sheer bulk and height of the apartment blocks, along with the set backs to the north east boundary, shadows the Glenhill Road properties for a significant part of the day. No winter sun analysis carried out.
- Consider 10 storeys out of character with the prevailing character of development in the vicinity. Density is considered excessive and represents serious overdevelopment of the site.
- States that Finglas falls outside the canal ring and in accordance with the guidance set out in the NPF, is not an appropriate location for buildings of this height and density. Finglas is not an employment hub as asserted by the applicants. Height and scale inappropriate for this location.
- Development will breach height thresholds set out in the Dublin City Development Plan. It is contrary to zoning objective to protect, provide and improve residential amenity.
- Previous applications on the site have been refused on the basis of excessive height.
- There is a lack of 3D modelling to demonstrate impacts of development on the Glenhill Estate. CGI's submitted are misleading.
- Development is considered contrary to the Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines 2009. It is overdevelopment of the site and has complete disregard for surrounding character, extent of built form and building heights.
- Development does not represent an appropriate infill development and is

contrary to guidance set out in Development Plan regarding such development.

- The development will have a particularly adverse impact on the corner units of Block 7. Concerns about proposed boundary treatment and loss of existing screening.
- The blocks are monolithic and provide a dull, sheer and uniform visage along the road.
- Development will devalue property in the vicinity.
- State that development may cause anti-social behaviour.
- Development may give rise to an increase in illegal dumping.
- Concerns regarding proximity of children's playground adjacent to boundary with the Glenhill Estate. Concerns also regarding impacts from open space associated with crèche.
- Consider that open space to be provided is inadequate and is unviable for recreational amenities. Insufficient children's play.
- Development has no south facing windows which is unacceptable. Excessive number of north east single aspect apartments. Aspect of some apartments is poor.
- Development would set an undesirable precedent.

Parking

- Consider that a disproportionately high number of bicycle parking spaces proposed.
- The development is not served by adequate car parking.
- Concern regarding overspill car parking to the Glenhill Estate and other roads in the vicinity. Proposed pedestrian gate will facilitate this and consider that this pedestrian connection should be omitted. Overspill parking will cause congestion and may impede emergency vehicle access.

Access and Traffic

- Consider that proposed entrance/exit to the development is a threat to safety. An additional entrance is a cause of concern.

- Concerns as to how traffic will access and exit the development. Development may impact negatively on entrance to Premier Square development.
- Development will exacerbate traffic congestion. Consider TIA to be inaccurate.
- Public transport in the area, particularly bus services, are inadequate and is at capacity. Applicant's statements regarding public transport accessibility are overstated. The site is not accessible to the Luas or DART.
- Concern that HGV and emergency vehicle access has not been considered.
- Cycle paths in the vicinity of the site are not fit for purpose.
- The development is reliant on BusConnects which may never be implemented. The Luas connection to Finglas is speculative and is insufficient justification for this large scale project.
- The development may conflict with the BusConnects project.
- Construction traffic management plan required.

Infrastructure and Services

- Concern that development will put undue pressure on existing services including water supply and sewage.
- Consider that the area is already undersupplied in terms of amenities and facilities. State that Community Infrastructure Audit is inaccurate with walking distances calculated as the crow flies, rather than actual walking times. The Audit does not report on the capacity of existing amenities. Development will have an adverse impact on local facilities and amenities which are already at capacity.
- Housing development needs to be well planned creating a sustainable environment in which people can live with sufficient living space, green space, recreational amenities and transport infrastructure. Proposed development does not achieve this.
- Insufficient school places to cater for increase in population.
- Crèche is only sufficient to serve development and not wider area.

Biodiversity

- Considers that the site is an area of nature and biodiversity which will be lost as a result of the development.

Procedural

- Concern that development is a material contravention of the City Development Plan. Consider that applicant's justification for material contravention is inadequate.
- No Environmental Impact Statement carried out.
- Application as submitted varies from that discussed at the pre application stage.

Other Issues

- Concerns regarding noise impacts during construction phase.
- Consider that inadequate information provided regarding use of renewable technologies.
- State that development may exacerbate subsidence to the back of the embankment adjacent to Glenhill Estate.
- Concerns regarding potential flood impacts.
- Concern regarding fire tender access to high buildings.
- Note that site contains asbestos and concern how this will be appropriately removed.
- Concerns regarding ELF radiation from ESB cables.
- Previous legal agreement between landowner and residents of the Glenhill Estate has not been honoured.

8.0 Planning Authority Submission

8.1 Overview

- 8.1.1 The Planning Authority, Dublin City Council has made a submission in accordance with the requirements of Section 8(5)(a) of the Act of 2016 which was received by the Board on the 24th October 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.

8.2 Planning Opinion

- Residential and childcare facility are permissible uses under the Z1 zoning objective.
- The Planning Authority (PA) notes that there have been a number of amendments to the 3 no. blocks in terms of heights and elevational treatment following the pre-application stage. The design has also been amended to incorporate a wider palette of materials and colours and provision of set backs at top floor level fronting onto Finglas Road. The applicant has responded to concerns expressed by DCC at pre planning consultation whereby it was considered that further consideration of the architectural design was required in terms of the application sites prominent location and the need to provide a high quality design and make a positive contribution to the character of the area.
- In general, the Planning Authority consider that the Finglas Road elevation to be of higher quality design than previous, which now incorporates more attractive and durable materials and provision of setbacks at top floor levels and the vertical bands of brick colour, all allow for greater levels of visual interest.
- However, the Planning Authority consider that further amendments to the Finglas Road and all other elevations is appropriate. It is recommended that the 6th and 7th floor level of Block 1 and the 6th floor level of Block 3 which consist of light grey brick on the Finglas Road elevation and white/grey render finish to the side and rear elevations be replaced with the red/brown brick proposed at lower levels, not including the vertical band of light grey brock which extends from ground floor level to 7th floor level on Block 1 and from 1st floor level to 6th floor level on Block 3. Where render finish is proposed, it is recommended that an alternative façade treatment be provided e.g. rainscreen cladding system. It is also recommend that the balconies on the rear elevations be revised from steel to glass balustrades as proposed on the Finglas Road elevation.
- The Planning Authority considers that the subject site's location may be appropriate for tall buildings, whereby the site is well serviced by public

transport with a high capacity and frequent service in accordance with the '*Urban Development and Building Heights*' criteria. However, the Planning Authority consider that the proposed development in its current form will not successfully enhance the character of the area and the design does not respond to the surrounding built environment or make a positive contribution to the urban neighbourhood and streetscape as required under the guidelines having regard to the excessive scale and height of the development.

- In terms of the built environment within close proximity to the application site, there are demonstrative examples of apartment schemes which have provided development of high density and height which have been cognisant of the scale of surrounding residential areas which predominantly comprises 2 storey dwellings. Notes that due to variances in ground levels dwellings adjacent to the Premier Square development are positioned significantly above the ground level of this site (c. 19.9m). The change in levels between dwellings on Glenhill Road, Glenhill Grove and Fairways Grove and the Premier Square Scheme allowed for the provision of blocks of 7 storeys which did not affect or extend significantly above these dwellings. The Prospect Hill development transitions to 3-5 storeys to the rear having cognisance of the 2 storey housing located off Tolka Valley Road.
- It is considered that the overall scale, height and massing of the development will have a negative impact on the character and visual and residential amenity of the area. Consider that the current form of the blocks has an obtrusive and monolithic appearance on the Finglas Road and does not make a positive contribution to the streetscape. It is considered that a scale of development more akin to the existing apartment development on Finglas Road would be more suitable having regard to the elevated nature of the site.
- The Planning Authority also has concerns that the development may have a negative impact on the residential amenity of these dwellings. The Site Shading analysis demonstrates that the dwellings on Glenhill Road will experience significant overshadowing in the later afternoon on the 21st of March.
- The proposed blocks are considered to represent a significant and incongruent transition from the scale of the surrounding neighbourhood and will have a

significant overbearing impact on the occupants of the dwellings on Glenhill Road. It is recommended that a development of a reduced scale and height would be more appropriate to ensure it integrates with the character of the surrounding area. Suggests a number of reductions in the height of the blocks.

- The Planning Authority notes that a Housing Quality Assessment has been submitted and largely confirms compliance with the Sustainable Urban Housing Design Standards for New Apartments. Note however, that for all dual aspect units, the PA would expect that the secondary aspect consists of a genuine aspect and not merely a pop out window/bay window aspect (as Type 2 projecting units represent). These are not considered to represent dual aspect units by the PA. The actual figure of 60% dual aspect units may in fact be lower. The PA would have significant concerns regarding the overall quality of the units should the figure be less than 50% dual aspect units.
- The principal public and communal open space is proposed to be located adjoining each other along the eastern boundary which will be separated from the proposed apartment blocks and car parking by a soil nail retention wall with a height difference of c. 5-8m from the car park below. Note the Parks Department have stated that public open space is not required under this application due to the proposed size and inappropriate location proposed under the scheme and the availability of accessible open space in the locality. The public open space proposed occupies a peripheral area of the site, not on a public route and elevated from the general ground level. The future management of this provision will lie with the future management company and will not be taken in charge.
- It is noted the area of the proposed communal open space is in excess of the required quantum and it is considered that the general design of the scheme includes attractive elements such as play space and communal allotments. There is concern that the area between the residential blocks and Finglas Road is more akin to a circulation route and does not provide a sufficient level of amenity for residents having regard to the close proximity to Finglas Road.
- The Planning Authority recommends that the communal space within the north east corner and the public open space which extends along the majority of the

linear strip adjoining the eastern boundary essentially swap places while retaining the current proposed boundary line between the two spaces. This will result in the public open space being positioned in the north east corner and having a smaller area in total, while the larger linear strip will provide quality communal open space suitable for multiple uses for residents of the scheme. It is considered appropriate to provide a smaller space which may be accessed off Glenhill Road providing a more accessible space for residents of the wider area and having regard to the current provision of public open space in the area.

- The PA is satisfied with a childcare facility for 37 no. children. Consider that the development has the potential to provide a cultural/artistic and community use.

8.3 Other Technical Reports

Drainage Division (15.10.2019)

- No objection subject to conditions.

Housing Department (06.09.2019)

- Note that the applicant has engaged with the Housing Department and are aware of the Part V obligations pertaining to the site if permission is granted.

Transportation Planning Division (03.10.2019)

- Have engaged extensively with the applicant and the NTA with particular reference to BusConnects. NTA confirmed that the finalised access arrangements were consistent with the BusConnects project. The NTA are satisfied that their proposal can be accommodated within the access arrangements as currently set out.
- It is proposed to upgrade the existing pedestrian crossing located at the entrance of the site. This would include the relocating of the position of the traffic lights as well as adjusting the kerb line. The junction has been reviewed with the Intelligent Transportation Systems (ITS) Team and there are elements of the proposed upgrade that would require revision/agreement (e.g. the reposition of the traffic lights would have to be considered in the context of the overall 4-arm junction and the scope of works agreed with ITS to DCC's requirements). Note that a condition that pertained to the original grant of

permission for the nursing home opposite the site regarding the upgrading of the signalised junction has not been implemented. State that ITS have recommended that the occupation of the proposed development cannot occur until such time as the issues regarding the signalised junction have been resolved.

- The applicant has set out a detailed rationale for the car parking for the proposed development which is considered acceptable to the division. No objection to the level, location and format of cycle parking proposed.

Parks and Landscape Service (27.09.2019)

- The local area is well serviced with public open space of community grade 2, with the main community grade 1 park – Johnstown Park located within walking distance to the east.
- Landscape masterplan should be assessed to retain appropriate vegetation. Public street trees adjacent to the site on Finglas Road and Glenhill Road shall be retained and protected during construction.
- Public open space is not required due to the proposed size and inappropriate location proposed under the scheme.
- The ground level layout is dominated by vehicular space with open space provided in peripheral secondary areas. The schemes layout would be substantially improved with a centrally located open space at ground level to improve access, communal interaction and a sense of place.

Waste Regulation and Enforcement Unit (24.09.2019)

- No objection subject to conditions.

Archaeology Section (21.10.2019)

- Concurs with the suggested mitigation of archaeological monitoring.

Environmental Health Officer (18.10.2019)

- No objection subject to condition.

8.4 Recommended Conditions

8.4.1 The Planning Authority recommends the imposition of 24 no. conditions. The majority are standard in nature. Of note are the following:

Condition 1:

The development hereby approved shall incorporate the following amendments:

- a) The 9 storey element of Block 1 shall be reduced to a maximum of 7 storeys.
- b) The 10 storey element of Block 2 shall be reduced a maximum height of 8 storeys and the 9 storey element of Block 2 shall be reduced to a maximum of 7 storeys.
- c) The 8 storey element of Block 3 shall be reduced to a maximum of 6 storeys and 6 storey element of Block 3 shall be reduced to a maximum of 5 storeys
- d) The proposed render finish to the elevation of the development shall be replaced with an alternative durable material/finish.
- e) The horizontal bands of grey/white brick and grey/white render finish proposed at upper levels of the elevation shall be replaced with red/brown brick as proposed at lower level of the development, if relevant following the reductions in the number of storeys in the development.
- f) The balconies to the side and rear comprising steel balustrades shall be replaced with glass balustrades to match the Finglas Road elevation.
- g) The development shall not commence until revised plans, drawings and particulars showing the amendments have been submitted to and agreed in writing, by the Planning Authority.

Reason: To provide a development of appropriate scale and height and density for this location in accordance with the Development Plan and national policy in the interest of the residential amenities of both existing and future residents and the character and visual amenity of the area and the proper planning and sustainable development of the area.

Condition 2:

The development hereby approved shall incorporate the following amendments:

The public open space shall be relocated to the north eastern corner of the site and shall be contained within the boundary extents and area proposed for the communal open space (play area) within the north eastern corner. The scheme shall be revised

to provide a public entrance onto Glenhill Road.

The remainder of the open space along the eastern boundary shall be for the purposes of communal open space to serve the residents of the development.

The developer shall be responsible for maintenance and management of the proposed public open space and any other open spaces. The proposed public open space shall operate as a public park in perpetuity, with public access and use operated strictly in accordance with the management regime. Rules and regulations including any byelaws of the Planning Authority at all times. The development shall not commenced until revised plans, drawings and particulars showing the amendments have been submitted to and agreed by the Planning Authority.

Reason: In the interest of orderly development and the residential amenity of future occupiers of the development.

Condition 3:

The development hereby approved shall incorporate the following amendments:

- a) A community centre space/element of social infrastructure of at least 200 sq. shall be provided and permanently maintained with the scheme prior to the occupation of any residential units on site. This shall be provided at a location to be agreed at ground floor level in Block 1, 2 or 3 (but shall not be in place of the proposed crèche).
- b) The uses of the space shall be restricted to Class 8 and Class 12 use as set out in Part 4 of Schedule 2 of the Planning and Development Regulations, 2001.
- c) Prior to first occupation of the community space, details of a Special Purpose Vehicle which could take the form of a corporate, charitable or not for profit organisation that would hold the freehold/long leasehold interest in the community centre to ensure that its purpose is to provide for the greater benefit of the community shall be submitted to, and agree in writing with the Planning Authority.
- d) Opening hours of the space to be agreed in writing with the Planning Authority prior to the first occupation of the space.

Reason: To provide an adequate standard of residential amenity for future residents of the scheme and to comply with the development standards 16.10.4 'Making Sustainable Neighbourhoods.'

Condition 12: Archaeological monitoring.

Condition 22: Glazing system to have suitable sound insulation performance values.

8.5 Views of Elected Members

- Development contravenes the Dublin City Development Plan.
- Development of this derelict site is welcome. The developer should only build up to the height as set out in the plan.
- Height and density are unacceptable and represent overdevelopment of the site.
- Development is not in keeping with existing two storey residential housing in Glenhill Estate.
- Development will have negative impacts to existing residents in terms of overlooking, overshadowing and loss of sunlight.
- Development does not provide for sufficient levels of permeability between the application site and the existing residential development Premier Square.
- Concerns regarding proposed housing mix and that no 3 bed units provided for.
- Concern regarding provision of studio units and that they will result in a transient population.
- Car parking is considered insufficient for the scale of the development.
- Development will put a strain on water usage and drainage services in the area.
- There are ongoing problems in the locality with water and drainage and these will be exacerbated by the addition of 245 units and have a negative impact on the quality of life for existing residents.

9.0 Prescribed Bodies

9.1 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017 and in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the applicant was informed that the following authorities should be notified in the event of the making of an application:

1. National Transport Authority
2. Irish Water

9.2 Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

NTA (23.09.2019)

- Satisfied that concerns raised in pre-planning consultation in relation to the Finglas Phibsborough Core Bus Corridor have been addressed by the applicant. This relates to the provision of a set back to allow for the construction of an enhanced bus stop at the northern end of the site and the interim design of the entrance junction to facilitate future changes to provide for the Core Bus Corridor.
- The NTA support in principle the regeneration of the subject site as a means of consolidating development along a high quality, high capacity, public transport corridor close to Dublin City Centre.

Irish Water (9.10.2019)

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

10.0 Environmental Impact Assessment (EIS) Preliminary Assessment

10.1 The applicant has submitted an EIA Screening Assessment (Section 14 Planning Report and Statements of Consistency). The proposed development is below the thresholds of a mandatory EIAR. It is also considered that a sub threshold EIAR is not required in this instance. I refer the Board to the EIA Screening Determination on file.

10.2 The current proposal is an urban development project that would be in the built up area but not in a business district. It is, therefore, within the class of development

described at 10(b) of Part 2 of Schedule 5 of the Planning Regulations, and an Environmental Impact Assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 245 residential units on a site of 1.247ha. The site area is significantly below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units.

- 10.3 As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. 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. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is, therefore, not warranted.

11.0 **Appropriate Assessment**

- 11.1 An AA screening report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. The proposed development is located approximately 525m north of the Tolka River which discharges to Dublin Bay c. 4.9km downstream of the proposed development site. Surface waters from the proposed development will discharge into the Finglas Road culvert which outfalls into the remaining section of the Finglas stream before crossing under the Finglas Road and discharging into the Tolka River.
- 11.2 It is detailed however, that the proposed development will not have any measurable effects on water quality in Dublin Bay or the Irish Sea due to:
- The scale and location of the proposed development relative to the receiving surface water network;
 - The relatively low volume of any surface water run off or discharge events relative to the receiving surface water and marine environments and

- The level of mixing, dilution and dispersion of any surface water run off/discharges in the receiving watercourses, Dublin Bay and the Irish Sea.

It concludes that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of surface water run-off or discharges.

11.3 In terms of foul water discharge this will be treated at the Ringsend WWTP prior to discharge to Dublin Bay. It is detailed that having regard to the current unpolluted status of Dublin Bay, the proposed development will not impact on the overall water quality status of Dublin Bay. There is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of foul water discharges.

11.4 Having regard to the nature and scale of the proposed development comprising development on brownfield serviced lands, the nature of the receiving environment and proximity to the nearest European sites, 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 a European site in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is, therefore, not required.

12.0 **Assessment**

12.1. **Introduction**

12.1.2 The following are the principal issues to be considered in this case:

- **Principle of Development**
 - Zoning
 - Density
 - Housing Mix

- **Height and Impact on Residential Amenities**
 - Height and Visual Impact
 - Overshadowing
 - Overlooking
- **Material Contravention**
- **Development Strategy**
 - Architectural Approach and Elevational Treatment
 - Open Space, Landscaping and Recreational Amenity
 - Standard of Accommodation/Internal Standards
 - Impact on Residential Amenity – Future Occupants (sunlight daylight, wind, noise)
- **Site Services, Surface Water and Flooding**
 - Water Supply
 - Foul Drainage
 - Surface Water
 - Flooding
- **Transport, BusConnects, Pedestrian Environment, Parking and Cycle Facilities**
 - Traffic Impact
 - Interface with Bus Connects
 - Pedestrian Environment
 - Car and Bicycle Parking
- **Other Issues**
 - Archaeology
 - Construction Stage Impacts
 - Biodiversity Impacts

- RF Impacts
- Environmental Site Assessment
- Social Infrastructure
- Legal matters

12.2 Principle of Development

Zoning

12.2.1 The subject site is zoned Z1: *To protect, provide and improve residential amenities* under the Dublin City Development Plan 2016. The principle of residential use on the site is in accordance with this zoning objective. As the Board will note, the site has a long planning history yet has remained undeveloped. The principle of residential development has however, previously been accepted on the site. It has been identified as a vacant site on the City Council's vacant site register (VS0367). I consider the site to be an appropriate site for a higher density residential development having regard to its context, the availability of public transport in the vicinity and the proximity of the site to Finglas Village, Clearwater Shopping Centre and the City Centre. The development will bring into active use an existing underutilised brownfield site which is in accordance with the proper planning and sustainable development of the area.

Density

12.2.2 The proposed development has a density of 199 units per ha. Having regard to the guidance set out in the 'Sustainable Residential Development in Urban Areas Guidelines' that higher densities should be encouraged along public transport corridors, and the immediate proximity of the site to a QBC, this is considered appropriate. The development promotes a more compact urban form within the city area. The guidelines however, also note that such higher densities must be coupled with appropriate design with high qualitative standards of design and layout and that respects the amenities of adjacent dwellings. With regard to infill residential development, it is detailed that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The recent Urban Development and Building Height, Guidelines for Planning Authorities also identify that increasing prevailing building heights has a critical role to play in addressing the

delivery of more compact growth in urban areas but where it is proposed to have higher densities and height, due regard must be given to the locational context, availability of public transport services and other associated infrastructure required to underpin sustainable residential communities. The potential impacts of the development in this regard, are considered further below.

Housing Mix

12.2.3 The proposed development accommodates a mix of studio (20%), 1 bed (30%) and 2 bed (50%) apartments. No three bed units are proposed. However, having regard to the location of the site in a suburban area characterised by large concentrations of low density suburban housing, I consider the housing mix appropriate. The housing mix is also in accordance with the guidance set out in the National Planning Framework which notes *“that apartments will need to become a more prevalent form of housing, particularly in Ireland’s cities. This is underpinned by on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, greater mobility in the labour market and a higher proportion of households in the rented sector.”*

12.2.4 It is further detailed *“in Dublin City, one, two and three person households comprise 80 percent of all households. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms.”*

In this context, I am satisfied that the proposed housing mix will provide for greater diversity and choice in the Finglas area and reflects changing demographic requirements.

12.2.5 A number of the observers have stated that the proposed housing mix is contrary to the objectives of the Dublin City Development Plan. This is addressed further in section 12.4 below. I consider however, that the development is compliant with SPPR1 of the apartment guidelines which states that *“apartment development may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.”*

12.2.6 I note concerns raised by some of the observers that the proposed housing mix will result in a transient population with consequential anti-social behaviour such as increased litter, dumping and unauthorised parking. Such concerns are in my view

anecdotal. It is proposed to provide a concierge service in the apartment development which will ensure its appropriate management and reduce potential for any antisocial behaviour. I am satisfied that the development will provide an appropriately managed apartment block with a suitable range of unit types and mix.

12.3 Height and Impact on Residential Amenities

Height and Visual Impact

- 12.3.1 The proposed development comprises three linear blocks ranging from 6 to 10 storeys fronting onto the Finglas Road. It will be a significant development with a strong visual presence. A linear area of public open space is located to the rear of the site at an elevated level. Undercroft parking is provided below the blocks with additional parking provided at surface level. The lands lie in a depression and sit at a lower level (of c. 7metres) from the residential houses to the north in the Glenhill Estate. There is a steep embankment to the rear of the site separating the site from these dwellings.
- 12.3.2 It is detailed in the architectural statement that a number of options were considered in arriving at the optimal height and massing solution for the site. It was determined that the development of three linear blocks would have the least impact on the residential units to the rear and that the landscaped slope would provide a visual screen between the development site and the Glenhill Road houses. This arrangement also allows for a variety of block types and heights and sufficient space to provide for a set back along the Finglas Road for open space and landscaping. Undercroft parking minimises the extent of surface parking and the location of apartments over the undercroft level maximises sunlight and daylight access in units.
- 12.3.3 Further justification of the height of the proposed development is set out in the Material Contravention Statement. The applicant details that the site is well served by public transport with high capacity, frequent services and good links to other modes of public transport. It is stated that the site is well located in close proximity to the city centre and major employment hubs. The development has a height profile that achieves a satisfactory density for the location and provides a proper landmark/wayfinding function, marking the junction and entrance to the Clearwater Shopping Centre. The development provides variety of form and interest along the

Finglas Road streetscape. It is detailed that the apartment buildings have been designed to ensure minimal impacts to adjacent housing.

- 12.3.4 The applicant also sets out a detailed assessment of the development in the context of the Urban Development and Building Height Guidelines for Planning Authorities 2018 in their Statement of Consistency. It is detailed that the proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape and is consistent with the key policy requirements and criteria for additional height.
- 12.3.5 In considering the appropriateness of the proposed height, the Board will be aware of the previous planning history of the site. Permission was refused under application reference 4316/05 for a mixed use development with one of the reasons citing that the development would seriously injure the residential amenities of other property in the vicinity, in particular the existing houses on Glenhill Road. Under appeal reference PL29N. 227162, the Board previously refused permission on the subject site for an apartment development of 160 no. units within 3 no. road fronting blocks. It was stated in the reason for refusal that the development would have been overbearing in relation to the residential properties on Glenhill Road. The development in that instance was 6 and 7 storeys in height and located circa 40m from the rear elevation of nearest dwelling on Glenhill Road. In terms of building height, this development increased from approximately c.16.4m to c.19.4m at the lowest level of the site. The height at the middle level was to be c.22.4m. The upper level to the north-west was c.22.4m decreasing down to c.19.2m.
- 12.3.6 Under appeal reference PL29N.235967, the board granted permission for a development that was approximately c.16.4m at its lowest level to the south-east and increased to c. 20.6m above ground level at the north western section. The block was between c.33m and c.39m from nos. 68 to 86 Glenhill Road. Whilst the Inspector considered that this development would have an overbearing and detrimental visual impact to the residents of the Glenhill Estate, the Board considered that the disposition of the apartment blocks and elevational treatment reduced the visual impact and that the development would not impact on the residential amenities of adjoining houses.

- 12.3.7 The development as now proposed is a significantly higher proposal than that permitted previously on the site. Significant objections have been raised by a number of observers regarding the height and scale of the development with concerns that it is overbearing and would have a significant adverse impact on the residential amenities of adjoining properties in terms of overlooking, overshadowing and loss of privacy. Block 1 ranges from 6 to 9 storeys and varies in height from c.19.28 metres to c.28.28 metres. Block 2 ranges from 9 to 10 storeys with heights from c.29.55 to c.32.7m. Block 3 ranges from 6 to 8 storeys with heights from c.18.9m to c.24.9m.
- 12.3.8 In terms of separation distances, there is a distance of c. 22.5m between the southern façade of Block 1 and the nearest block in the Premier Square development. Between Block 1 and the properties on Glenhill Road, there is a minimum separation of between c.33 and c. 35 metres to the rear property boundary of the dwellings to the north and c. 50m to the rear elevations of these houses. Due to the level differences across the site however, the bottom three storeys of this block will not be visible to residents, so the visual perception will be a block of 3 to 6 storeys.
- 12.3.9 Block 2 is located a distance of at least c. 33m from the rear boundary wall of properties on Glenhill Road. This distance is c.50 metres between the development and the rear elevation no. 79 Glenhill Road. Again due to the level differences, the lowest 3 storeys would be screened from view and, therefore, 6 to 7 storeys of Block 2 would be visible to the residents of Glenhill Road. Block 3 is also a minimum of c. 33m from the rear boundary of the Glenhill Road residences. It is detailed that taking into account the topographical change, a range of 3 to 5 storeys of Block 3 will be visible to the residents of Glenhill Road.
- 12.3.10 In terms of the proximity of the development to no. 1 Glenhill Road which is located to the north of the development, there is a minimum separation distance of 28.5 metres. It is detailed in the application documentation that although this is a narrower separation distance than the other distances measured between the proposed development and the Glenhill Estate Houses, the potential for overlooking is mitigated against by the step down in height of Block 3 which is 6 storeys at its northern end. The elevated level of No. 1 Glenhill Road, together with the steep gradient between the site and Glenhill Road at this location, as well as the proposed

and existing screening provided between the site and Glenhill Road will mitigate against potential overlooking.

12.3.11 Notwithstanding the assertion of the applicant that the development will have no impact on the amenities of the dwellings on Glenhill Road, I have concerns regarding the scale and height of the development. I am particularly concerned about the potential overbearing impact of the development on the houses to the north. I note that significant concerns have also been raised by the City Council in this regard, with concerns that the development would be visually incongruent, have a detrimental overbearing impact on the properties on Glenhill Road adversely affecting their residential amenity and that amendments to the scheme are necessary to ensure the scheme would integrate and enhance the character and streetscape on Finglas Road.

12.3.12 I acknowledge that there has been a fundamental policy change since the previous decisions of the Board pertaining to the subject site in terms of the publication of the National Planning Framework and the Building Height Guidelines which clearly advocate effective consolidation of urban sites and increased building heights. I also note that the siting of the blocks has been set closer to the Finglas Road than the previous proposals, increasing the separation distance between the blocks and the houses to the north. However, the scale and height of the development must be balanced with consideration of the site's context and the preservation of amenities of adjacent dwellings.

12.3.13 Much emphasis has been placed by the applicant on the strategic location of the site, its proximity to public transport connections and major employment nodes. I note the site is located relatively proximate to the city centre and is immediately adjacent to a QBC and proposed BusConnects route. The site also has a significant presence to the Finglas Road and in this context, there is an opportunity for a development of scale to provide an appropriate sense of enclosure along this major arterial route. I also note that a number of other higher density residential developments have been constructed further south along the Finglas Road, and the development would accord with this emerging pattern of development. The planning history of the site has also permitted residential development ranging from 6 to 7 storeys.

12.3.14 However, cognisance must also be had to the relatively suburban location of the site and the presence of very low density 2 storey suburban housing to the north whose residential amenities must be considered. Notwithstanding the assertion of the applicants, the site is not located proximate to any major employment hub. Public transport at present is largely limited to public bus and the submissions from observers would suggest that capacity is poor. The site is not particularly accessible by rail. It is also questionable as to whether the entrance to a local shopping centre requires a landmark building in order to promote legibility and wayfinding. Developments such as the Premier Square development to the south are at a lower ground level to the subject site and, therefore, can absorb buildings of height without impacting negatively on the properties to the north. The Prospect Hill development also reduces in scale where it lies adjacent to lower density development.

12.3.15 Whilst I accept, that in accordance with the guidance set out in the NPF and the Building Height Guidelines, that increased height and density on this site is warranted, I consider the proposed heights of 9 to 10 storeys, particularly of Block 2 which is a building of considerable bulk and mass will have an overbearing impact and would be visually obtrusive when viewed from the dwellings along Glenhill Road. I note that there is a paucity of photomontages/CGI's submitted with the application to demonstrate the potential impact to Glenhill Road. The relationship between the development at the houses on Glenhill Road is however, clearly shown on section drawings submitted. Having regard to the sites locational context and also having regard to the planning history of the site, I consider that the scale of development is excessive and that it represents an overdevelopment of the site. In this regard, a reduction in the height of the development is necessary in this instance.

12.13.16 The Planning Authority have also recommended a reduction in the overall heights. They recommend that Block 1 is reduced from a 6 to 9 storey building to a 6 to 7 storey block; Block 2 from a 9 to 10 storey building to a 7 to 8 storey building; Block 3 from a 6 to 8 storey building to a 5 to 6 storey building. The PA comments are noted. However, I consider a lesser reduction would reduce the impact.

12.3.17 Block 2, which is the highest of blocks is separated from existing dwellings by approximately 33 metres. Notwithstanding this separation distance, the block will appear as a 6 to 7 storey development and in my view, will have an overbearing impact. I consider that this block should be reduced by 2 storeys. I also recommend

that the 7th floor from Block 1 should be omitted to reduce the height of this block to a 6 to 8 storey block.

12.3.18 With these proposed omissions, Block 1 will be a 6 to 8 storey block, Block 2 will be a 7 to 8 storey block and Block 3 will remain as 6 to 8 storey block. The reductions in height will result in the omission of approximately 31 no. of units. The revisions will result in 214 units on a site of 1.23 ha which equates to an overall density of 174 units per ha. These proposed reductions in height will, therefore, still ensure a development of sufficient height and scale on this infill site and an appropriate intensification of the lands. The variation in heights will allow for appropriate modulation and visual interest along the Finglas Road. The reduction in height however, will reduce the overbearing impact of the blocks when viewed from Glenhill Road and protect the residential amenities of these properties. The reduction in height will also help the development assimilate more comfortably with the similar higher density residential schemes constructed along the Finglas Road and is considered appropriate in urban design terms.

Overshadowing Impacts

12.3.19 I note that significant concerns have been raised by a number of parties regarding the potential negative impact of the development on the residential amenities of adjacent dwellings. With regard to overshadowing impacts, the applicant has submitted a detailed shadow study. This includes an assessment of the impact of the development on adjoining garden spaces. The report details that for the equinox, the existing garden amenity spaces all receive in excess of 2 hours daylight for more than 50% of the space and, therefore, should be considered good quality amenity spaces. With the development, the gardens still achieve in excess of the 2 hours of daylight for more than 50% of the spaces.

12.3.20 The site shading analysis does indicate that the development will cast additional shadow on the rear gardens of dwellings along the Glenhill Road in the later afternoon of March Equinox. Shading however, is less during the Summer Solstice with minimal overshadowing occurring. Most usage of the rear garden amenity areas would be in the Summer months.

12.3.21 The sunlight and daylight impact on neighbouring buildings is also considered. In particular no.s 1, 2, 70 and 85A Glenhill Road are assessed as representative

examples. The Premier Square Apartments are also considered. The analysis demonstrates that all existing residences at Glenhill Road and Premier Square assessed for daylight and sunlight impact were found to achieve full compliance with the BRE recommendations.

12.3.22 I am satisfied that the development is unlikely to have a material adverse impact on existing dwellings in terms of overshadowing or sunlight and daylight impacts. The proposed modifications to reduce the height of the blocks will further reduce any potential impacts.

Overlooking Impacts

12.3.23 A number of parties are also concerned regarding potential overlooking and loss of privacy arising as a result of the development. In relation to the relationship between Block 1 and the Premier Square development, there are no balconies on the southern façade of block 1, reducing the potential for overlooking. Block 1 is set back c. 22.8 m from the closest Premier Square Block. The northwest corner of block 3 is set back 28.5 metres from no.1 Glenhill Road, the closest residential dwelling. Generally blocks 1, 2 and 3 are set back a distance of c.33 from the residential dwellings along Glenhill Road. Whilst I appreciate the concerns of the observers, I am satisfied that any potential overlooking will be perceived rather than reality given the separation distances involved. The proposed reductions in height will reduce potential for overlooking further. I consider that having regard to the planning history of the site, the set backs of the blocks are acceptable and the development will not have any material adverse impact to the residential amenities of adjacent dwellings in terms of overlooking.

Conclusion

12.3.24 In conclusion, I am satisfied that in accordance with the NPF and the Building Height Guidelines, that the subject site is an appropriate site for a higher density development. I am satisfied that the development given its orientation and separation distances would not have a material adverse impact to the amenities of adjoining dwellings in terms of overlooking or overshadowing. Whilst it is acknowledged that national policy promotes compact growth and effective utilisation

of infill brownfield sites, the context of the site and the need to protect the amenities of adjacent residential communities must also be considered. In this context, I consider that due to the scale and massing of the development, particularly Block 2, that it would be visually obtrusive and overbearing when viewed from the rear gardens of the properties on Glenhill Road. I recommend a reduction in the height of the development to mitigate this impact. This is addressed by condition. I also consider that the reduction in height would improve the modulation of blocks along the Finglas Road.

12.4 Material Contravention

12.4.1 The applicant has set out that the proposed development contravenes the Dublin City Development Plan 2016-2022 with respect to building height and dwelling mix. The applicants have submitted a statement of Material Contravention in accordance with Section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

12.4.2 Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

- 12.4.3 Section 16.7 of the current development plan 'Building Height in a Sustainable City' allows for a maximum height of up to 16m in the outer city. The heights proposed exceed this limitation. The applicant notes that the 'Urban Development and Building Heights – Guidelines for Planning Authorities' adopted in 2018 establishes the principle for the re-examination of height limits and is to be considered over the Development Plan height limits on a site specific contextual basis. The guidelines provide the ability through SPPR 3 for the Board to grant permission for a building height (notwithstanding where this breaches a cap set by a Development Plan) where this is justified.
- 12.4.4 It is stated that an increase in height is justified at this location having regard to the sites substantial frontage to the Finglas Road, existing and planned public transport accessibility and that the development provides the opportunity to deliver a sustainable, high density residential development on vacant brownfield land in a well serviced location. The applicants provide a detailed assessment of how the development complies with the criteria for assessing building height at the scale of the city/town; district/neighbourhood/street; and scale of the site/building.
- 12.4.5 In relation to dwelling mix, the Development Plan under section 16.10.1 sets out specific requirements regarding dwelling mix including that a minimum of 15% of units should be 3 bed. It is outlined that the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) contain SPPR 1 relating to dwelling mix requirements which takes precedence over the policies and objectives of the City Development Plan. SPPR1 specifically states that there shall be no minimum requirement for apartments with three or more bedrooms. It is stated that the development is compliant with SPPR 1 as no more than 50% of the proposed apartment units are 1 bedroom/studio units and that the studio units represent 20% of the total which is below the 25% maximum standard.
- 12.4.6 I note the Material Contravention statement and the arguments put forward by the applicant in favour of the development. I conclude that the Board can grant permission for the development having regard to both the 2018 Urban Development and Building Heights Guidelines for Planning Authorities Sustainable Urban Housing: Design Standards for New Apartments and the Guidelines for Planning Authorities (2018). I am satisfied that the Board

is not precluded from granting permission in this instance with regard to the provisions of section 37(2)(b) (iii).

12.5 Development Strategy

Architectural Approach and Elevational Treatment

- 12.5.1 It is stated in the Architectural Design Statement that a palette of materials and colours have been chosen to provide a robust, quality finish to the scheme while integrating with existing development in the area. It is stated that the majority of the facades will comprise red brick, grey brick and metal cladding which will not weather or age. It is also stated that the proposed render will be of the colour low maintenance variety and that robust detailing will ensure that unsightly water staining does not become an issue. Glass balconies are proposed to the Finglas Road. The quality of the design of the elevational treatment, particularly along the Finglas Road has improved from that submitted at opinion stage.
- 12.5.2 Notwithstanding the assertion of the applicant regarding the appropriateness of render, I note that the development will have a significant visual presence along the Finglas Road. I consider that it is essential that the building presents a high quality architectural finish given its prominence and visibility. In this context, I do not consider the use of render on the elevations an appropriate material. I note that Planning Authority also consider that render should be omitted. I recommend that the render material replaced with stone or some other suitable material to be agreed with the Planning Authority. This can be addressed by way of condition. I also note that the Planning Authority have recommend the omission of the light grey brick on the 6th and 7th floor of Block 1 and the 6th floor level of Block 3 and its replacement with red/brown brock as proposed at the lower levels. I would not concur with this recommendation as I am of the view that the lighter material at the top floors of Block 1 and 3 provides visual interest and helps break up the massing of the blocks. I concur however, that the balconies on the rear elevation should be revised from steel to glass balustrades as proposed on the Finglas Road elevation.
- 12.5.3 In terms of the elevational treatment and design, I consider that the variation in materials and finishes, coupled with the changes of height and massing across the site and stepped pattern of fenestration, ensure that sufficient visual interest is created. I am generally satisfied with the design approach and that the elevational treatment. The reduction in height will ensure that there is sufficient variation in the modulation of the blocks. I also note as highlighted in the application documentation, that the use of feature projecting units, vertical set backs and

balconies provide further variety. The separation distance of c. 11 metres between the blocks will ensure that the development does not read as a monolithic block. I am satisfied that the development, subject to the reductions in height proposed, will provide a high quality development that will make a positive contribution to the streetscape.

Open Space, Landscaping and Recreational Amenity

- 12.5.4 The primary open space serving the development is located to the rear of the site. It comprises a long linear area that is located at an elevated level with a steep embankment separating it from the access road and surface car parking below. The open space will be enclosed with a metal fence (1.475m high) to ensure the safety of users. Access to the amenity space is provided via a stepped walkway to the south, as well as by a lift to ensure universal access. A variety of playgrounds and a kick about space is proposed in the open space area. The open space will be overlooked by the apartments, ensuring appropriate passive surveillance. Its elevated nature will ensure good sunlight and daylight access.
- 12.5.5 It is detailed in the application that the proposed landscaped area will be shared between public open space and communal open space. It is stated that the public open space is 13% of the site (1,638 sq. m.) and is located in two areas – to the front of the site close to the main entrance of the crèche with the remainder being provided as part of the linear elevated park to be accessed by lift and stairs to the rear of the site. Communal open space is located to the front of blocks 2 and 3 and to the rear of the site as part of the linear park. The communal open space has an area of 2,015 sq. metres. It is stated that low railings and gates will separate the public and communal open space.
- 12.5.6 There appears to be a somewhat conflicting view from the Planning Authority regarding the appropriateness of this arrangement. The Parks Department states that public open space is not required due to the proposed size and inappropriate location proposed under the scheme and the availability of accessible public open space in the locality. It is stated that the public open space proposed occupies a peripheral area of the site, not on a public route and elevated from the general ground level and that the future management of this provision will lie with the future management company and will not be taken in charge. The Planning Department however, recommend a reordering of the public and communal open space and that

these should essentially be swapped around which would result in the public open space being positioned in the north east corner and having a smaller area in total, while the linear strip would provide quality communal open space suitable for multiple uses for residents of the scheme.

12.5.7 The separation of the open space into public and communal open space is in my view somewhat nonsensical. Given the nature and location of the proposed open spaces, they are unlikely to be suitable or appropriate for wider public use. They are peripherally located within an apartment scheme and not easily accessible to the wider community. There is sufficient public open space in the vicinity including the Johnstown Park located a short distance from the site. In this regard, in my view, all of the open space should be designated as communal open space to be used for the benefit of residents of the scheme. This space will not be taken in charge and its future maintenance will be the charge of the Management Company. I recommend that the proposed railings and gates separating the communal from public open space is omitted by way of condition.

12.5.8 I am generally satisfied with the landscaping proposals, and consider that the elevated linear park will provide a sufficient degree of amenity to the residents. The Daylight and Sunlight Analysis submitted demonstrates that this amenity space will be adequately sunlit. A secondary space is also proposed at the entrance to the site. I consider this however, to be ancillary in function. The Board will note however, my concerns further detailed in section 12.7 below regarding the overall quality of the public realm within the development. I consider that the internal layout is excessively dominated by car parking and an opportunity exists at the northern end of the development to omit some parking spaces and create a more appropriate landscaped courtyard area that would link in effectively with the trim trail and allotments to the west of the site. This additional space within the development will afford future occupants an enhanced level of amenity and recreational provision. This concern has also been noted by the Parks Department who note that ground level layout is dominated by vehicular space.

Standard of Accommodation/Internal Standards

12.5.9 The development will generally provide a high standard of accommodation for future occupants. 60% of the units are dual aspect, in excess of the minimum of 50%

required. I note concerns raised by the Planning Authority regarding the prevalence of projecting window units. However, having regard to the sunlight and daylight analysis, I am satisfied that the majority of the units will enjoy a good standard of sunlight and daylight access and have sufficient level of amenity. All of the apartments proposed in the development meet the minimum floor area requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2018. 58% of the units are greater than the minimum size required. The minimum aggregate floor areas for living/dining/kitchen rooms and minimum widths for the main living/dining rooms are met as are the standards required for bedrooms. In line with SPPR 5, all of the ground floor apartments have a floor to ceiling height of 2.7 metres. The apartment blocks are arranged with 12 units per core. All units are provided with storage. Private amenity space in the form of a balcony serves each unit in compliance with the relevant size threshold.

Impact on Residential Amenity – Future Occupants (sunlight daylight, wind, noise)

Sunlight/Daylight

12.5.10 An internal sunlight and daylight analysis has been undertaken with regard to the proposed development. Internal daylighting for all internal apartments were assessed by undertaking lighting simulations, enabling both quantification and visualisation of predicted illumination levels (lux) and uniformity. Block 2 level 01 was assessed as being the worst case area. An assessment of Level 01 of Block 2 and 3 was also undertaken. This is considered reasonable. The study demonstrates that all units tested are fully compliant with the BRE Guidelines which recommend an Average Daylight Factor of 1.5% for living areas and 1% for bedrooms. Indeed the majority of the living areas well exceeded the 1.5% minimum. I am satisfied that the development will achieve adequate levels of internal sunlight and daylight.

Noise Impact

12.5.11 An inward noise assessment has been carried out with respect of the development. It notes that some habitable rooms will achieve a good internal noise environment while allowing for natural ventilation via an open window. However, for those rooms overlooking the local road network, it will be necessary to provide enhanced acoustic

glazing to ensure that when windows are closed, that the internal noise environment is good. In these rooms, the noise level internally with the windows open will be higher than ideal. The report notes that in this context, it is important that residents have access to high quality amenity space elsewhere in the development and that the elevated noise levels likely to be experienced on balconies are compensated for by the provision of a dedicated sheltered community amenity space.

12.5.12 The analysis shows that the proposed landscaped elevated open space to the rear will be screened by the development itself and will not be negatively impacted upon by noise. The omission of surface car parking spaces and the replacement with a landscaped courtyard area will also provide an additional amenity area for residents. This is considered particularly important having regard to the urban setting of the development and the likelihood of elevated noise levels on the proposed balconies.

Wind Impact

12.5.13 A wind analysis of the development was carried out. In terms of ground conditions, there is predicted to be little or no pedestrian discomfort at ground level, except for a localised area to the north of Block 3 which was identified as suitable for business walking. The remainder of the site is determined as suitable for long term sitting and suitable for standing or short term sitting. All balconies were predicted to have wind effects that would not be excessive to the extent which would preclude their usage as amenity space.

Conclusion

12.5.14 In conclusion, I am generally satisfied that subject to the reduction in height, omission of some of the surface car parking and amendments to the materiality that the development provides a satisfactory design response to this constrained infill site.

12.6 Site Services, Surface Water and Flooding

Water Supply

12.6.1 The water supply for the proposed site will comprise of a 150mm dia watermain serving the residential units fed from the 150mmdia watermain spur connection located at the south side of Block 03. No objections have been raised by Irish Water with regard to the proposed water supply arrangements.

Foul Drainage

12.6.2 The foul sewerage will discharge from each apartment block to the proposed foul sewer network within the site and then discharge to an existing 225mm dia foul sewer pipeline in Premier Square. It is detailed that there is an existing legal agreement allowing the proposed development to connect into the Premier Square foul sewer network which is connected to the public foul sewer in the Finglas Road. The capacity of the foul sewer pipeline on the Premier Square and in Finglas Road has been assessed and can accommodate the flows generated by the proposed development along with the existing flows. Irish Water have raised no objections to the proposed foul drainage proposals.

Surface Water

12.6.3 The surface water drainage system has been designed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 and the CIRIA SuDS Manual. A number of sustainable drainage measures are incorporated into the design including the use of permeable paving, infiltration planters and swales alongside the west elevation of buildings to manage surface water runoff from the remaining roof areas. Attenuation storage is also provided and the discharge rate will be limited to 2l/s/ha. The combination of permeable paving to roadways and recreational paved areas, stormwater planters and swale SUDS features will ensure that the surface runoff from the site will receive filtration and settlement in addition to attenuation. No objection to the proposed surface water proposals have been raised by the Drainage Department of Dublin City Council.

Flooding

12.6.4 A Preliminary Flood Risk Assessment has been carried out with respect to the subject site. There is no record of flooding on the site or in the immediate vicinity of the site. The Finglas Stream was diverted away from the development site in the past and was relocated to the opposite (west) side of Finglas Road where it is contained in a 1500x1350 dia concrete culvert. There is no record of flooding from the culvert in the vicinity of the site. It is detailed that the site has been identified at risk of pluvial flooding in the Strategic Flood Risk Assessment in the Dublin City Development Plan. It is stated however, that this risk would appear to be associated

with inaccurate terrain information related to the culverts associated with the Finglas Stream. The western side of the development site is level with the adjacent Finglas Road where the culvert is located. However, the proposed finished floor levels for the three apartment blocks will be higher than the road level. The entrances and accesses to these blocks will be from the eastern part of the site which has a higher ground level. This will reduce the risk from fluvial flooding. The site is considered to be located within Flood Zone C and at minimal risk of flooding.

Conclusion

12.6.5 Concerns have been raised by a number of the observers that capacity in the existing networks is constrained and that the development will have an adverse impact on existing infrastructure. I note that no objection to the proposals have been raised by Dublin City Council. The report from Drainage Planning states that there are no objections to the development subject to conditions. The submission by Irish Water also raised no objection to the water supply and foul drainage proposals. I consider the proposed site services and surface water proposals satisfactory in this regard and I am satisfied that the site can be adequately serviced. With regard to Flood Risk, I am also satisfied that this is satisfactorily addressed in the application and no adverse flood impacts are likely to arise.

12.7 Transport, BusConnects, Pedestrian Environment, Parking and Cycle Facilities

Traffic Impact

12.7.1 The subject site currently accommodates an existing signalised vehicular and pedestrian access point off the Finglas Road that was permitted under a previous permission pertaining to the site. The site is generally well served by public transport including a number of city bound bus services that travel along the Finglas Road. It is detailed in the Transport Assessment submitted with the application that during the week there are approximately 18 bus services operating per hour. The Finglas Road is also a potential core BusConnects route which when implemented, will

significantly reduce travel times. The site is also within cycling distance of Boombridge station.

12.7.2 The Traffic Impact Assessment submitted with the application details that based on TRICS, the residential units are anticipated to generate in the region of 130 two way total people trips (24 arrivals and 107 departures) in the AM Peak and 171 two way total people trips (114 arrivals and 57 departures) in the PM peak. It is anticipated that the crèche will generate 20 arrivals and 8 departures in the AM and 8 arrivals and 16 departures in the PM peak. Table 5 sets out the modal split which details that c. half of the residents are likely to travel by vehicle, 29% will use public transport and 15% will travel by foot or bicycle. The final vehicle trip assessment details that the development will generate in the region of 78 two way vehicle trips in the AM peak and 99 two way vehicle trips in the PM peak. The assumptions used to underpin the analysis are in my view reasonable.

12.7.3 The impact of the development on 3 junctions in the vicinity of the site is considered including:

- Finglas Road/The Griffith/Development Access – Signalised Junction
- Finglas Road/Glenhill Road/Clearwater Shopping Centre Access – Signalised Junction
- Finglas Road/Craigie Court Access/Tolka Valley Road – Signalised Junction

12.7.4 It is detailed that the development has a negligible impact at the junctions to the north and south of the access junction and that the level of vehicle trips generated by the proposed development on the local road network can be accommodated without causing a detriment to the existing users.

12.7.5 I note that concerns have been raised by a number of observers regarding the potential traffic impact of the development. Whilst the local road network in the vicinity of the site is congested at peak times, I am satisfied that the level of traffic likely to be generated by the development would not be to such a magnitude to have a material adverse impact on the operational capacity of the local road network. I also note the suite of mobility management measures set out by the applicant in the submitted Mobility Management Plan which will promote use of more sustainable modes of transport. No objections have been raised by the Transportation Planning

Division of Dublin City Council regarding potential traffic impacts. I note that the junction arrangement has been reviewed by the Intelligent Transportation Systems Team.

- 12.7.6 Concerns have also been raised by a number of observers regarding the adequacy of public transport in the vicinity of the site. It is stated by a number of parties that the site is not within a meaningful walking distance of a Luas or DART Station and that the existing bus service is oversubscribed and deficient. Concerns are also raised regarding the quality of cycle paths in the vicinity of the site.
- 12.7.7 Whilst the concerns of the observers are noted, I consider the site to be a brownfield urban site that in relative terms is well served by existing social and physical infrastructure and public transport connections. The site is within walking distance of local facilities and amenities including schools, shops, sports facilities etc. The further densification of lands such as these will ensure that there is a critical mass of population to support such facilities and will help ensure the viability of future enhancements and improvements to such physical and social infrastructure including public transport and the BusConnects project.

Interface with BusConnects

- 12.7.8 The Pre-application Consultation specifically requested that the applicant give further consideration to the emerging proposals under the BusConnects project. The application includes a series of plans to demonstrate how the development will potentially interface with this project. It is detailed that the proposed entrance to the development will be reduced to 9 metres with a kerb radius to align with the existing road kerbs on the Finglas Road. The existing pedestrian crossing at the entrance will be upgraded and a new concrete footpath and blistered paving will be provided to facilitate pedestrian use of the crossing. The proposed kerb layout external to the site will be modified based on the final road design and signalised junction layout by the NTA.
- 12.7.9 It is further detailed that the proposed bus stop at the north western corner of the site can be accommodated by removing the communal allotment gardens and realigning the low boundary wall and railings to suit the proposed bus stop when the final Bus Connects road design is agreed by the NTA. The extent of land take likely to be required is demonstrated on the application drawings and it is shown that it will not

interfere with the layout of the buildings on site, the access arrangements or any of the servicing arrangements of the proposed development.

12.7.10 The submission by the NTA states that they are satisfied with the design proposals, that the proposed set back allows for the construction of an enhanced bus stop and that the interim design at the entrance junction will facilitate future changes that may occur in order to provide the Core Bus Corridor. The submission from Dublin City Council Transportation Planning Division also raised no objections. In this regard, I am satisfied that the development will have no material impact on the BusConnects proposals. I am also satisfied that the revisions to the proposed entrance arrangements, including the narrowing of the bellmouth and installation of blistered surfaces and a clear pedestrian crossing will facilitate movements by pedestrians and cyclists along the Finglas Road.

Pedestrian Environment

12.7.11 Concerns were raised during the pre-application consultation regarding the internal layout of the development in terms of pedestrian priority. It was detailed that further consideration was required regarding the access and parking serving the proposed development, the treatment of the open spaces within it and its relationship with the adjoining streets. It was also stated that the proposed development should provide an environment within the site that was safe, convenient and attractive for pedestrians and that constrained vehicular movements accordingly and that this would require reconsideration of the layout, landscaping and surface treatment of the footpaths, carriageways and car parking spaces within the site and the links between the proposed apartments and open space.

12.7.12 The applicant in their submission details that a number of amendments have been made to the internal design in order to afford pedestrians a greater level of priority and comfort. Specific improvements include:

- The creation of a new shared surface pedestrian link between Blocks 2 and 3, which in turn links to a controlled access onto Finglas Road. This will provide a high quality transition between the development and Finglas Road on an at grade pedestrian route which has priority over cars circulating internally.
- Provision of only one access point into the undercroft parking area for vehicles.

- An enhanced pedestrian route to the crèche from the Finglas Road has been achieved and a continuous footpath is provided which will provide a dedicated at grade link to the crèche from the Finglas Road. Increased permeability between the apartment blocks and communal gardens has been achieved through increasing the extent of the shared surface area.
- A reduction in the extent of surface parking. The layout has been limited to 6 perpendicular spaces per block along with the provision of a landscaped buffer zone. Similarly, the parallel spaces have been limited to three before a break along the front of Blocks 01, 02 and 03.

12.7.13 Whilst the amendments proposed are welcomed and improve the pedestrian environment within the development and provide for enhanced connections to the Finglas Road, I am not satisfied that the layout provides the optimal solution in terms of an appropriate pedestrian public realm and environment. The site has a long narrow configuration and is constrained due to the presence of the steep embankment to the rear. The layout as currently proposed has an excessive level of surface parking which in my view, dominates the public realm and significantly detracts from the pedestrian environment. To resolve this issue, I consider that the parallel parking spaces located to the rear of Blocks 1, 2 and 3 should be omitted to ensure that these areas, which are immediately adjacent to the entrance cores to the blocks, remain free from parking. The omission of these spaces would in my view, significantly improve the amenity, outlook and pedestrian environment. This amendment to the layout total would result in a reduction of 13 spaces. I note that the Parks and Landscape Services section of Dublin City Council recommends the provision of a centrally located open space at ground level. The central location of such a space would however, impede movement of traffic at the undercroft parking level.

12.7.14 To further enhance the public realm, I also recommend that all of the perpendicular spaces to the immediate north of Block 3 and to the second shared entrance leading to the pedestrian gate on the Finglas Road are omitted. This would result in a reduction of a further 14 spaces. The omission of these spaces would provide the opportunity to provide a more appropriate landscaped communal open space at this location which would enhance the overall level of amenity and reduce the car dominant layout.

12.7.15 With regard to DMURS, the applicant has submitted a statement outlining how the development has been designed in accordance with the key principles of this guidance. I note the amendments made to the layout including improvements to the overall permeability and legibility and the introduction of shared surfaces. The internal carriageway has been reduced to 5.5 metres. Bicycle parking is appropriate and provides for a range of users. A delineated 1 metre wide path is provided in the main aisle of the undercroft car park so that cyclists can safely access the secure parking areas internally. I am satisfied that the proposed development coupled with the amendments proposed above to the parking layout will provide an appropriate and safe pedestrian and cyclist environment that will balance the needs of all users.

Car and Bicycle Parking

Car Parking

12.7.16 The proposed development provides for car parking 131 spaces. The amendments to the layout as proposed above will result in the omission of 27 surface car parking spaces. This will result in 104 spaces to serve the development. This includes 3 spaces designated for crèche staff and 9 visitor/crèche drop off spaces. The total number of spaces serving the residential element will, therefore, be 92 spaces.

12.7.17 The Sustainable Urban Housing: Design Standards for New Apartments specifically state under SPPR8 that for developments that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated. As noted above, the site is well served by public transport and is on a proposed BusConnects route. In this regard, I am satisfied that the proposed level of reduced parking is sufficient to serve the subject development. The reduction proposed in the overall number of units will also reduce demand for parking. Furthermore, I note that it is proposed to provide 4 car club spaces in the development which will further reduce demand for parking. The submission by YUKO enclosed with the Transport Assessment notes that each YUKO self-charging hybrid has the potential to replace the journeys of up to 15 private cars. The mobility management measures set out in the Mobility Management Plan will also further reduce demand for parking and encourage use of more sustainable modes of transport.

12.7.18 I also note that it is detailed in the Transport Assessment that the residential car parking spaces will not be allocated to individual apartments, but will be allocated to support the requirements/needs of individual residents via a management company on a first come first serve basis. It will not be possible to purchase a car parking space on a permanent basis. This arrangement will ensure that prospective tenants of the scheme are fully aware of the parking regime on the site and in this context, a further reduction in provision can be justified.

12.7.19 Concerns have been raised by some observers regarding potential overspill car parking to the adjacent Glenhill Estate and this will be exacerbated by the pedestrian gateway to the north of the site. It is detailed however, that this gateway is only to provide occasional access for ESB maintenance personnel. In this regard, I am satisfied that overspill parking is unlikely to arise. Control of this entrance can be addressed by way of condition.

Cycle Parking

12.7.20 The proposed development will provide 250 secure cycle spaces. This is in accordance with the standards set out in the Dublin City Development Plan and will ensure 1 space per unit. In addition, the development provides for 30 visitor spaces. Provision is also made for specialist bicycles including 3 no. cargo bike spaces and 12 Sheffield racks for bikes with baskets /baby seats. I am satisfied that the quantum and type of parking provision is appropriate.

Conclusion

12.7.21 I note that the Transportation Department of the Dublin City Council raise no objections to the principle of the development and potential traffic impacts associated with it. I consider that that the scale of the traffic generated by development will have a negligible impact on the operating performance of the local road network. I am satisfied that the assessment undertaken is robust and that the development will not result in any significant adverse traffic impacts. I consider that the layout of the development could be further optimised by a reduction in the extent of surface parking. This would provide for an enhanced public realm and pedestrian friendly environment and would provide additional communal open space. This can be

addressed by way of condition. I am satisfied that the quantum of car and bicycle parking proposed is sufficient to serve the proposed development.

12.8 Other Issues

Archaeology

12.8.1 An Archaeological Impact Assessment Report is submitted with the application. This notes that the subject site is located c. 470 metres southeast of the zone of Archaeological Potential of Finglas (RMP Ref: DU14-066). There are no recorded archaeological sites within the proposed development area. The closest monument to the site is an enclosure site, located c. 200 m. to the southeast which was removed through quarrying in the 1970's. It is detailed that the lands were heavily disturbed by quarrying in the mid 19th century and that archaeological monitoring of the development of the Premier Square Apartments to the immediate south of the site did not reveal or identify any features of archaeological potential.

12.8.2 The report concludes that the archaeological record to date, cartographic sources and field inspection indicate that the site is of low-negligible archaeological potential. It is recommended that a monitoring condition is attached. I am satisfied that the site has experienced significant disturbance through quarrying and on the basis of the information submitted, that the archaeological potential of the site is low. I recommend that imposition of a standard condition requiring monitoring during the construction phase.

Construction Stage Impacts

12.8.3 I note the concerns raised by some parties regarding construction stage impacts, particularly noise. An outline construction management plan has been submitted by the applicant. This includes a number of proposed mitigation measures regarding the control of noise including restrictions on working hours, use of noise equipment monitoring etc. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction management and practice.

Biodiversity Impacts

- 12.8.4 Concerns have been raised by some of the observers regarding the potential impacts of the development on the biodiversity of the site. The applicant has submitted a detailed Ecological Impact Assessment with the application. This includes a detailed habitats and flora survey as well as two bat activity surveys. No record of plant species protected through their inclusion within the Flora (Protection) Order 2015 were recorded during the field surveys. There were no habitats of any particular importance.
- 12.8.5 In terms of fauna, during the surveys no trees within the site were considered to have potential roost features that could support bats. One bat species was recorded several times within the proposed development site – Leisler’s bat. However, no bats were observed foraging on the site and those bats surveyed were most likely commuting over the development from their roost to suitable foraging habitat. No red list or amber listed bird of conservation concern in Ireland were recorded during the surveys. The lands contain a range of typical garden and woodland species common in an urban setting. There was no evidence of badger or other protected mammals on the site. Foxes were noted on the site during the surveys.
- 12.8.6 The report includes some general mitigation measures to protect breeding birds including restrictions on the removal of hedgerows during breeding season and the planting of semi mature trees. There may be some temporary impacts to bats from the loss of foraging and commuting habitat when the site is cleared to facilitate the development. However, it is noted that the proposed landscape plan involves extensive native tree and shrub planting which will provide some suitable commuting and forwarding habitat. Mitigation is recommended in terms of the lighting scheme.
- 12.8.7 An Arboricultural Report is also submitted. This concludes that the tree survey has found nothing of interest on the subject site, other than a high degree of natural regeneration arising naturally since the demise and demolition of the original dairy plant. It is detailed that there is little tree based material on the site that should be retained from a qualitative aspect.
- 12.8.8 In conclusion, the subject site is a brownfield former industrial site. It is zoned for development and permission has previously been granted on the site for its redevelopment. From the detailed surveys undertaken in support of the application coupled with observations on site, I am satisfied that the site is of low ecological

value. With the implementation of the mitigation measures set out in the Ecological Impact Assessment, I am satisfied that there will be no long term negative impacts to the biodiversity of the site. The proposed landscaping which includes the use of extensive native trees and shrubs will minimise any potential negative impacts.

RF Impacts

- 12.8.9 The applicant has submitted an RF Impact Analysis in relation to the anticipated potential for impacts on telecommunications channels arising from the development. It is detailed that telecoms in the vicinity may be affected by the proposed buildings. It is further stated that the applicant is applying for permission for the construction of antennae/telecoms equipment as part of the application and that drawings, including the roof plans, elevation and sectional drawings show proposed indicative locations of the telecoms antennae. The drawings note that the location and size of the structures will be subject to detailed design from the supplier as required and the applicant invites the Board to attach a condition to any grant of permission in respect of the proposed development, requiring the Applicant to agree with the Planning Authority the detailed and specific locations of telecoms antennae as necessary.
- 12.8.10 I do not concur that it would be appropriate for the Board to attach a condition requiring the details of the size and location of such telecoms antennae to be addressed by way of compliance. Should permission be required for such structures, separate permission should be sought from the Planning Authority where the detailed design and potential visual impact of such structures and antennae can be fully assessed in accordance with the proper planning and sustainable development of the area.

Environmental Site Assessment

- 12.8.11 In support of the application an Environmental Site Assessment was carried out. A number of trial pits were excavated across the site. Fly tipped domestic waste, syringes, needles and some construction demolition waste including broken asbestos sheeting was observed in several locations on the ground surface. Buried waste was found in two locations and is estimated to contain c. 507 tonnes of waste. Soil samples from the site were analysed for contamination and waste classification suite of parameters. This parameter range facilitates an assessment of the hazardous properties of the waste and also allows a determination of appropriate off

site management options based on the Waste Acceptance Criteria applied by landfill operators. With the exception of materials at two trial pit locations, it was concluded that the subsoils do not present a risk to either construction workers or future site users.

- 12.8.12 The buried waste material however, is classified as hazardous due to the presence of asbestos and petroleum hydrocarbons. This material must be sent to a licenced hazardous waste management facility for treatment/disposal. Needles and syringes will also require careful collection and specialist disposal to eliminate risk to construction workers. It is detailed in the Construction and Demolition Waste Management Plan that it is proposed to remove the contaminated material as part of the site redevelopment works which will eliminate the environmental risk to future site users. It is further stated that in the event that hazardous soil or historically deposited waste is encountered during the construction phase, the contractor will notify DCC and provide a Hazardous/Contaminated Soil Management Plan, to include estimated tonnages, description of location, any relevant mitigation, destination for disposal/treatment, in addition to information on the authorised waste collectors. I recommend the attachment of a suitable condition to address the issue of the removal of contaminated waste from the site.

Social Infrastructure

- 12.8.13 I note the concerns of a number of parties regarding the adequacy of existing social infrastructure in the area and that the development will have an adverse impact in this regard. The applicant has submitted a Community Infrastructure Audit in support of the application which provides details of education, training and health facilities, sports and recreation amenities, social and community services, arts and culture, and faith facilities. Whilst I note the assessment does not provide any detail on the capacity of these existing facilities, I consider that Finglas is a well established urban area with a wide range of existing community and social infrastructure.
- 12.8.14 The report from the City Council recommends the imposition of a condition requiring the provision of an additional 200 sq. metre community space. However, I consider that the proposed development will have a relatively modest increase in population. I also note that the development will provide a crèche which will be available to the wider area and will also accommodate resident's amenity area. Having regard to the

location of the site and scale of development proposed, I do not consider it necessary to require the provision of an additional community facility.

Legal Matters

- 12.8.15 Reference is made by a number of parties regarding a legal agreement between a previous owner of the site and local residents. I consider such a matter to be a separate legal issue and outside the scope of this planning assessment.

13.0 Recommendation

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

14.0 Reasons and Considerations

- 14.1 Having regard to the:

- a) The site's location within the built up area of Dublin in proximity to a range of services and facilities including the bus corridor along the Finglas Road;
- b) The policies and objectives in the Dublin City Development Plan 2016 to 2022, including the zoning of the site for residential use under objective Z1;
- c) The planning history of the site;
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing and permitted development on the site and in the area;
- e) The objectives of the National Planning Framework;
- f) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- g) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;

j) the provisions of the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the Department of Housing, Planning and Local Government in December 2018

k) Submissions and observations received.

l) The report of the Inspector

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

14.0 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 Board Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) The height of Block 2 shall be reduced by the omission of two intermediate floors to a maximum height of 7 to 8 storeys.
 - (b) The height of Block 1 shall be reduced by the omission of the 7th floor to a maximum height of 6 to 8 storeys.

(c) The 13 parallel parking spaces to the rear of Blocks 1, 2 and 3 to be omitted and replaced with suitable hard and soft landscaping.

(d) The 14 perpendicular spaces to the immediate north of Block 3 to be omitted and replaced with a suitably landscaped area.

Revised plans and particulars shall be submitted to and agreed in writing with the planning authority prior to commencement of works.

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

3. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Render to be omitted and replaced with a stone finish or other suitable durable material/finish. The balconies to the side and rear comprising steel balustrades shall be replaced with glass balustrades to match the Finglas Road elevation.

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

4. 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, and to allow the planning authority to assess the impact of any such development through the planning process.

5. Details of proposed signage to the crèche to be submitted prior to occupation for the written agreement of the planning authority.

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

6. The proposed childcare facility shall be provided and retained as part of the development with access provided to both residents of the development and the wider community on a first come first served basis. The crèche facility shall be full day care, shall operate between 0800 to 1800 hours Monday to Friday

inclusive, between 0800 to 1300 hours on Saturdays and be closed on Sundays and Bank Holidays.

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

7. Proposals for a name and numbering scheme for the development and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs numbers shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

8. 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.

Reason: In the interest of public health.

9. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

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

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

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

11. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. Prior to the commencement of development, the developer shall submit a Construction and Demolition Waste Management plan to the Planning Authority for agreement 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. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material. The plan should also set out a detailed strategy and management plan for the removal of hazardous/contaminated soil and waste from the site including detail of estimated tonnages, relevant mitigation measures, destination for disposal/treatment and information on the authorized waste collector(s).

Reason: In the interest of orderly development and sustainable waste management.

13. 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 and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction/demolition waste.

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

14. A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

15. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, a Mobility Management Strategy which shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Access to bicycle storage shall be provided for all residents of the permitted apartments. The authorised car parking shall be used only by residents of the authorised apartments or by those providing services to them.

Reason: In the interest of encouraging the use of sustainable modes of transport.

16. All of the communal parking areas serving the apartments shall be provided with electric vehicle charging points, to allow for the provision of future 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 interest of sustainable transportation.

17. The following requirements in terms of traffic and transportation 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:

(a) The existing access/egress serving the development onto the public road shall be incorporated onto the existing traffic signals on the Finglas Road. This will require new signals, ducting poles, alterations to the existing footpath and upgrade of existing signals and PROM. Prior to commencement of any development the above works shall be agreed in writing with the Planning

Authority. All works shall be carried out at the applicant's expense at no cost to the Local Authority. The carrying out of these works shall be completed in full prior to the occupation of the proposed development.

(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 including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the Planning Authority for such road works.

(d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.

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

18. No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision. All the proposed car parking spaces shall be for occupants of the residential units and shall be sold off with the units and not sold separately or let independently from the residential development.

Reason: In the interest of orderly development.

19. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

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

facilitate the provision of broadband infrastructure within the proposed development.

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

21. The landscaping scheme shown on drawing number No. MER-BSL-00-XX-DR-L 0002 Landscape General Arrangement Plan, as submitted to the An Bord Pleanála on the 30th of August, 2019 shall be carried out within the first planting season following substantial completion of external construction works.

The gated fence located between the identified public and private open space shall be omitted.

The pedestrian entrance to Glenhill Road shall be for occasional ESB maintenance access only.

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

Reason: In the interest of residential and visual amenity.

22. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

23. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

24. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

25. The glazing system of the building shall have suitable sound insulation performance values. Prior to any development taking place on the site, the developer shall submit to and agree in writing with the planning authority details of the glazing system to be installed supported by laboratory tests confirming the sound insulation performance of the glazing system to currently recognised EU standards.

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

26. The mitigation measures contained in Ecological Impact Assessment shall be implemented in full.

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

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

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

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the Planning Authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning

authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

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

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

Erika Casey

Senior Planning Inspector

1st November 2019

Appendix 1

1. Glynn Anderson, 49, Premier Square, Dublin 11
2. Justin Vogelsang and Ciara McCaffrey, 34, Glenhill Avenue, Finglas, Dublin 11
3. Kathryn Fenlon, 69, Glenhill Road, Finglas, Dublin 11
4. Leslie Shoemaker, 24, Premier Square, Finglas Road, Dublin 11
5. Linda Sheridan, 25, Glenhill Court, Finglas Road, Dublin 11
6. Lucy Leiriao, 49, Premier Square, Dublin 11
7. Morvan and Debbie Connolly, 67, Glenhill Road, Dublin 11
8. Niamh Delaney, 81, Premier Square, Finglas Road, Dublin 11
9. Noel Masterson, 30, Glenhill Avenue, Finglas, Dublin 11
10. Pat and Marian McCaffrey, 9, Glenhill Grove, Finglas, Dublin 11
11. Rita and Terrence O' Neill, 73, Glenhill Road, Finglas Road, Dublin 11
12. Sarah Masterson, 60, Glenhill Avenue, Finglas, Dublin 11
13. Sinead McConville, 86, Premier Square, Finglas Road, Finglas, Dublin 11
14. Andy Canning, 70, Premier Square, Finglas Road, Dublin 11
15. Avril and Brian Murray, 25, Glenhill Avenue, Finglas Road, Dublin 11
16. Barbara O' Reilly, 92, Premier Square, Finglas Road, Dublin 11
17. Barry Gallagher, 58, Glenhill Road, Finglas, Dublin 11
18. Caroline Greene, 52, Glenhill Avenue, Finglas, Dublin 11
19. Derek Reynolds, 72, Glenhill Road, Finglas, Dublin 11
20. Dessie Ellis TD, Leinster House, Kildare Street, Dublin 2
21. Edel Morrow, 147 Premier Square, Block 7, Finglas Road, Glasnevin, Dublin 11
22. Glenhill Residents Committee, 72, Glenhill Road, Finglas, Dublin 11
23. Mark Flanagan, 140 Premier Square, Finglas Road, Dublin 11
24. Mary Hogan, Apartment 141, Block 7, Premier Square, Finglas Road, Dublin 11
25. Nicola Kelly, 49, Glenhill Road, Finglas, Dublin 11
26. Noel Rock TD, Leinster House, Kildare Street, Dublin 2
27. Paul Cunningham and Jane Travers, 7, Glenhill Road, Finglas, Dublin 11
28. Seamus Rice and Others, 76, Glenhill Road, Finglas Road, Dublin 11
29. Una Duff, 94 Premier Square, Finglas, Dublin 11

30. Roisin Shorthall TD, Leinster House, Kildare Street, Dublin 2