



An
Bord
Pleanála

Inspector's Report ABP-305367-19

Development	88 apartments in 2 no. five to six-storey buildings over basement car park
Location	Former Chanel College Lands, Main Street, Coolock, Dublin 5
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	3301/19
Applicant(s)	Bloom Capital Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	1. John Crowley & Others; 2. Gerard Carragher; 3. Marian Harte; 4. Pádraig Kent & Others; 5. Dearbhaile O'Donnell; 6. Seamus O'Donnell; 7. Coolock Residents' Association
Observer(s)	1. Gerard Plunkett; 2. Seán Haughey; 3. Alan Pakenham; 4. Carmel Clarke; 5. Michael Gallagher; 6. Denise

Griffin; 7. Tara Duchaussoy & Didier Duchaussoy; 8. John Hill & Sharon Whyte; 9. Maeve Dwyer Kelly; 10. Thomas P. Broughan.

Date of Site Inspection

15th January 2020

Inspector

Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site has a stated area of 0.87ha and is located on the west side of Main Street in Coolock village, on the north side of Dublin city off the R107 regional road. It comprises former institutional lands, fronting the Chanel post-primary college, with two entrance roads from a shared recessed gateway onto Main Street leading westwards to the rear of the site. The site is enclosed by security hoarding to facilitate ongoing construction works, partially concealing the permanent boundaries of the site.
- 1.2.** The surrounding area is primarily characterised by a mix of commercial, residential, institutional and recreational land uses. Opposite the site to the east and set back from Main Street is a parade of two-storey commercial premises. Bounding the site to the west are the grounds of the Chanel post-primary college and the Marists' residence, known as Larkhill House. Semi-detached three-storey houses front onto Chanel Manor Close, which runs parallel with the southern boundary of the site and serves as an access to the post-primary college. The northern boundary adjoins an access road serving the grounds of Parnells GAA Club. An electricity substation is situated adjacent to the southeast corner of the site along Main Street. Surveyed ground levels in the area are relatively flat with a 1m drop from the rear to the front of the site.

2.0 Proposed Development

- 2.1.** The proposed development would comprise the following elements:
- construction of two residential five to six-storey apartment blocks (Nos.1 & 2), containing a total of 88 apartments, with each apartment served by balconies or terraces, over a basement level containing ancillary parking, storage and service areas;
 - provision of a vehicular entrance to a basement car park off the access road to Parnells GAA Club, fire tender accesses off Main Street and the access road serving Larkhill House, and a pedestrian entrance off Main Street;
 - two detached single-storey bin store compounds along the northern boundary;

- landscaping works throughout, with communal open space comprising a children’s play area positioned to the rear of the buildings, and public open space occupying the southern half of the site. Maintaining of boundary treatments and the removal of five trees to the rear of the site;
- extension to attenuation tank below basement level, green roofs to Blocks 1 & 2 and connections to all local services;
- ‘Part V’ social housing units (details of proposed provision not submitted).

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

Table 1. Stated Development Standards

Site Area	0.87ha
No. of apartments (maximum)	88
Total Gross Floor Area (GFA)	9,389sq.m
Gross Residential Density	101 units per ha.
Plot Ratio	1.08
Site Coverage	24.9%
Communal Open Space	990sq.m

Table 2. Apartment Mix

	One-bedroom	Two-bedroom	Three-bedroom	Total
Block 1	17	40	16	73
Block 2	5	10	0	15
Total	22	50	16	88

Table 3. Building Heights

	Storeys	Height (OD)
Block 1	6	19.4
Block 2	5	16.4

Table 4. Stated Basement-level Parking

Total car parking (including accessible spaces)	83 (3)
Bicycle parking	88

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

- Design Statement;
- Computer Generated Images (CGIs) & Photomontage booklet;
- Energy Report;
- Outdoor Lighting Report;
- Site Specific Flood Risk Assessment;
- Tree Survey Report with Protection Plan and Survey drawings;
- Drainage Design Report;
- Planning Report, including an appended Screening Report for Appropriate Assessment (AA);
- Landscape Design & Performance Standards Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to grant permission for the proposed development, subject to 24 conditions, which are generally of a standard nature, including the following:

Condition 6 – requires increased fourth-floor setbacks to Blocks 1 and 2 along Main Street, resulting in the omission of at least one apartment;

Condition 9 – additional treatments to balconies to address potential for overlooking and loss of privacy;

Condition 11 – detailed drainage requirements;

Condition 12 – archaeological assessments;

Condition 13 – relocation of bin stores away from the children’s play area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation within the Planning Officer's report (August 2019) reflects the decision of the planning authority and noted the following:

- proposals would provide for a 35% increase in accommodation when compared with the previous 2015 permission under Dublin City Council (DCC) Ref. 3245/15 and a 26% increase on the parent permission (ABP Ref. PL29N.235606 / DCC Ref. 3563/09);
- the revised proposals do not represent a significant departure from the previously permitted development;
- the level of articulation to the elevations and roof setbacks to Block 1 helps to break up the potential linear massing and bulk of the building, including the additional floors;
- a four-storey façade, as previously permitted along Main Street, would be more appropriate, and the buildings should be set back at fifth and sixth-floor levels to address this;
- additional use of brick finishes, replacing render and lighter panels, would be preferable for maintenance purposes and also in the event that the medical building and pharmacy permitted (under ABP Ref. PL29N.235606 / DCC Ref. 3563/09) along Main Street are not completed in the short term. This can be agreed at compliance stage;
- the apartment sizes comply with the relevant standards, including the additional 10% area exceedance requirement, but the applicant should clarify why none of the two-bedroom units would be for four-persons;
- the proposals would not provide build-to-rent apartments;
- the applicant states that they engaged with the Dublin City Childcare Committee regarding the necessity for a childcare facility as part of the proposed development and concluded that this would not be necessary considering the existing availability of childcare spaces, the lack of

neighbouring additional residential development and the marginal increase above the guideline standards;

- the proposed bin stores should be relocated further away from the proposed children's play area;
- the original masterplan development, which included the appeal site, provided for the provision of community and recreational facilities;
- additional privacy measures for private amenity spaces and apartments should be provided;
- proposals would provide for public open space on site, in line with Development Plan policy.

3.2.2. Other Technical Reports

- Roads & Traffic Planning Division – no objection, subject to conditions;
- Engineering Department (Drainage Division) – no objection, subject to conditions;
- City Archaeologist – attach a condition to include assessment and monitoring;
- Housing Department – there is an agreement in principle regarding Part V requirements.

3.3. Prescribed Bodies

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

3.4. Third-Party Submissions

- 3.4.1. According to the planning authority, over two hundred third-party submissions were received during the consultation period for the application, the majority of which were from residents and local representatives of the Coolock area. The issues raised are similar to those raised in the grounds of appeal and they are summarised within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

4.1.1. There is an extensive planning history associated with the appeal site, including the following:

- DCC Ref. 2980/17 – permission was granted in August 2017 for temporary use of the Chanel College access road as a construction access to facilitate residential development permitted under DCC Ref. 3563/09/x1 (ABP Ref. PL29N.235606) and DCC Ref. 3245/15. Condition no.2 restricts the period of the permission to June 2020;
- DCC Ref. 3633/15 – retention permission was granted in May 2016 for temporary use of a widened access road to the Chanel college to facilitate the construction of residential development permitted under DCC Ref. 3563/09/x1 (ABP Ref. PL29N.235606). Condition no.2 restricted the period of the permission to May 2018;
- DCC Ref. 3245/15 – following the withdrawal of an appeal (ABP Ref. PL29N.245884), permission was granted by the planning authority in January 2016 for amendments to development permitted under DCC Ref. 3563/09, comprising replacement of a four-storey building containing 53 apartments with two four-storey buildings containing 65 apartments. This permission expires in June 2020;
- DCC Ref. 3313/15 – permission was granted in December 2015 for the replacement of an electricity substation with a brick-faced electricity substation adjoining the southeast corner of the appeal site;
- DCC Ref. 2737/11 – a temporary (five-year) permission was granted in August 2011 for the construction of an access road to serve the Chanel college, including 20 parking spaces and alterations to the entrance off Main Street;
- ABP Ref. PL29N.235606 (DCC Ref. 3563/09) – permission was granted by the Board in April 2010 for (a) GAA sports facilities including replacement clubhouse and three playing pitches; (b) a two-storey day-care centre for St. Michael's House, (c) a residential development to the front of Chanel College,

containing 53 apartments in an L-shaped four-storey block and 16 houses along the southern boundary, and (d) a medical centre and shop unit on the site of the former Parnell clubhouse on Main Street. This permission was subsequently extended for 5 years under DCC Ref. 3563/09x1 until June 2020.

4.2. Surrounding Area

4.2.1. Recent planning applications in the area are generally reflective of the urban character and the mix of uses within this area. Recent applications subject of decisions by An Bord Pleanála comprising large-scale apartment developments in the surrounding area, include the following:

- ABP-304346-19 – a strategic housing development was granted in August 2019 by An Bord Pleanála permitting the demolition of the Chivers Factory, Coolock, 550m to the north of the appeal site, and the construction of a build-to-rent residential development, including 471 apartments in four to ten-storey blocks;
- ABP-302155-18 (DCC Ref. 2921/18) – permission was refused by An Bord Pleanála in January 2019 for the demolition of the Crown Paints Facility, Coolock, 700m to the northeast of the appeal site, and the construction of a mixed-use development comprising 198 apartments, hotel, aparthotel, crèche, office/incubator units and retail units in three to five-storey blocks, due to the excessive provision of residential development relative to the Z6 employment-generating zoning for the site, the proximity to neighbouring properties and the poor outlook from some apartments.

5.0 Policy & Context

5.1. Development Plan

5.1.1. The appeal site is situated on lands with a zoning 'Z12 - Institutional Land (Future Development Potential)' within the Dublin City Development Plan 2016-2022, with a stated objective 'to ensure existing environmental amenities are protected in the predominantly residential future use of these lands'. A narrow section of the site along the north western boundary with the Marists' residence would appear to be on

lands with a zoning 'Z15 – Institutional and Community' with a stated objective 'to protect and provide for institutional and community uses.

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

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

5.1.3. Section 16.7.2 of the Development Plan sets out building height limits, including a 16m restriction in the subject outer city area. In the case of developments on Z12 zoned lands, there is a requirement for 20% accessible public open space or 25% in the case of Z15 zoned lands.

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

- Section 4.5.3 - Making a More Compact Sustainable City;
Section 4.5.9 – Urban Form & Architecture;
- Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);
- Section 11.1.5.13 - Preservation of Zones of Archaeological Interest and Industrial Heritage;
- Section 16.2 – Design, Principles & Standards;
- Section 16.10 - Standards for Residential Accommodation;

- Section 16.38 – Car Parking Standards (Zone 3 – maximum of 1.5 spaces per residential unit).

5.2. Planning Guidelines

5.2.1. The following planning guidance and strategy documents are relevant:

- National Planning Framework (NPF) – the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040;
- Eastern and Midland Region Spatial and Economic Strategy (June 2019);
- Urban Development and Building Heights Guidelines for Planning Authorities (2018);
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018);
- Part V of the Planning and Development Act 2000 - Guidelines issued by the Minister for Housing, Planning, Community and Local Government under section 28 of the Planning and Development Act 2000 (2017);
- Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009);
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (Office of Public Works, 2009);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0);
- Childcare Facilities Guidelines for Planning Authorities (2001).

5.3. Environmental Impact Assessment - Preliminary Examination

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

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A total of seven third-party appeals opposing the decision of the planning authority were received. In conjunction with the third-party submissions, the issues raised in relation to the proposed development can be collectively summarised as follows:

Principles & Design

- proposals are contrary to Development Plan objectives and provisions, lacking an integrated development approach with the village;
- the proposed development substantially exceeds the previous permission on site, allowing for 65 apartments (DCC Ref. 3245/15);
- proposals would result in overdevelopment of the site in the context of the historical village setting and should only be considered in conjunction with the wider Parnells GAA grounds and facility redevelopment;
- excessive scale, density and height of the development relative to Development Plan standards, the existing village and Larkhill house;
- an inappropriate design is proposed for the development and the village character and community of Coolock should be preserved;
- loss of existing open space and provision of an inadequate area of public open space (23%), on a site where 25% open space is required based on the 'Z12' zoning;
- the proposed development would result in restricted availability of play areas for children, given the restricted access to the Parnells GAA Club playing pitches and the poor provision of play areas on site;
- the proposed communal open space would receive minimal natural light;
- mounting of satellite dishes and the use of balconies for laundry would destroy the appearance of the buildings;

- the proposed development would set precedent for further similar development in the area;

Residential Amenities

- excessive loss of light and overlooking would occur to the Marists' residence, Larkhill House, and other neighbouring properties;
- excessive overshadowing would occur to the existing houses and playing pitches to the north, as well as to the proposed apartment buildings;
- there would be poor provision of natural light into the proposed apartments;
- an independent daylight assessment should be undertaken;

Access, Traffic & Parking

- increased traffic congestion would arise, particularly when taken in conjunction with the neighbouring Chivers and Tayto site redevelopments, the proximity to the Chanel post-primary college and other local services;
- increased pressure for parking in the immediate area would arise, particularly given the scale and nature of the development relative to the proposed parking provision;
- concerns are raised regarding the absence of visitor parking, electrical charging points and a suitable cycle network;
- an up-to-date comprehensive traffic survey and traffic and transport impact assessment is required to understand contemporary traffic flows;
- proposals would result in the restriction of movement for fire and emergency vehicles;
- concerns are raised regarding the impacts of the associated construction traffic;
- there would be increased potential for road accidents and the area is not suitable for additional housing given the existing traffic volumes;

Environment & Services

- impacts on environmental infrastructures, including sewage and water supplies, which are in poor supply and state (pressure and lead content);

- impact on local services, including medical services, public transport, schools and childcare facilities;
- additional population would result in significant strain on local services and the quality of life of the local population;
- increased air pollution and noise pollution;
- insufficient waste storage facilities;
- flooding has previously occurred in the village;
- Brent Geese use the site for landing/grazing;
- further consideration with respect to the Habitats Directive and EIA is required;

Residential Mix

- it is understood that the apartments would be solely provided for social housing;
- further social housing should not be provided given the existing provision along Chanel Manor Close and a more appropriate housing mix is required, consistent with the low-rise semi-detached character of local housing;
- the apartments would not be available to local people to purchase and there is a possibility that there would be an imbalance in the housing mix of the area;
- the development would lead to ghettoization and is not in the interests of proper planning or sustainable development;

Other Matters

- overlooking of commercial premises on Main Street;
- discrepancies and inaccuracies arose in the planning authority procedures;
- the CGIs submitted do not accurately portray the proposed development;
- increased anti-social behaviour would arise;
- an archaeological assessment would be necessary;
- non-compliance with conditions of the previous permissions;

- proposals would lead to the devaluation of property in the area.

6.2. Applicant's Response

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

Principle & Design

- in essence the proposed development is simply a modification of the permission granted under DCC Ref. 3245/15, comprising similar building footprints, but with two additional floors to block no.1 and one additional floor to block no.2, providing for 23 additional apartments;
- the planning authority's report reveals clear support for the project based on planning policy grounds, including zoning objectives and compliance with development standards;
- the proposals would bring 5,040sq.m of private open space into public use, they would increase housing stock and mix, and they would address previously recommended amendments as part of the wider development of the lands;
- the proposed development generally follows the layout and scale of the development previously approved and considered acceptable under ABP Ref. PL29N.235606 (DCC Ref. 3563/09);
- the height of the proposed development is justified via compliance with the Urban Development & Building Heights Guidelines, given the proximity to public transport, the city centre, local services and various infrastructures;
- the CGIs submitted illustrate that the proposed development would create an edge to the front street, appropriately addressing the public open space on site and with contemporary design and finishes that would positively contribute to the streetscape;
- the applicant is willing to accept the amendments required under Condition 6 of the permission, including the increased upper-floor setbacks;
- concerns regarding the potential proliferation of satellite dishes can be addressed via condition;

Residential Amenities

- the proposed development would not result in overlooking, due to the separation distances achieved;
- access to sunlight and daylight for the proposed apartments would be comparable with the previous permission, despite the additional floors proposed;
- when compared with the previously permitted development under DCC Ref. 3245/15, no additional loss of light, loss of privacy or overshadowing would arise;
- the extent and positioning of the communal open space to the rear of the proposed apartments blocks would ensure that this space is sufficiently served by sunlight and daylight;
- the location of the children's play area can be repositioned further from the bin stores, as per the requirements of the planning authority;

Access, Traffic & Parking

- impacts on traffic and parking were considered to be acceptable by An Bord Pleanála under the parent permission;
- the location of the site justifies the proposed parking provision and the access would follow that approved under the parent permission (ABP Ref. PL29N.235606 / DCC Ref. 3563/09) and the amendment permission (DCC Ref. 3245/15);
- the site was subject of previous Transport Impact Assessments for developments of similar scale and nature and the additional four car parking spaces now proposed would not significantly alter the impacts arising on traffic;
- the Roads and Transport Planning Division of the planning authority was satisfied with the proposed approach to access, traffic and parking;
- the applicant is willing to accept conditions requiring a Mobility Management Plan (Residential Travel Plan) and Parking Management Plan for the development;

Environment & Services

- the provision and capacity of services was considered to be acceptable by An Bord Pleanála under the parent permission;
- the site is not in an area sensitive to birds or bats;
- an appropriate assessment screening report was prepared and this concluded that significant effects are not likely to arise on the integrity of European sites;
- EIA was not required given the scale and nature of the proposed development;
- significant changes to the total impermeable area of the site would not result;
- pre-connection enquiry correspondence from Irish Water is appended to the response, and this confirms that the development can be facilitated in terms of foul drainage and water supply;
- the applicant is willing to accept the conditions of the planning authority relating to drainage;
- based on the small area census data, the number of children aged between 0 and 5 years residing in the immediate area in 2016 was 13 and with the omission of the one-bedroom units, as provided for under the 'New Apartment Guidelines 2018', the proposed development would only result in the need for three childcare places. This would not be significant and would not necessitate a childcare facility on site;
- the provision of waste storage areas is in line with the planning authority's requirements;
- the proposed development would lead to increased support for the provision of medical and similar services within the surrounding area;
- there was no previous mention of the site being used by Brent Geese;

Residential Mix

- an appropriate mix of housing is proposed, including one, two and three-bedroom apartments;

- it is unreasonable to assess the planning merits of the proposed development based on the potential occupants of the units;
- census data would suggest that the proposed development would not lead to an overconcentration of social housing in this area;

Other Matters

- the applicant has lodged commencement notices for the previous permissions, all relevant conditions have been discharged and the apartment block development has now commenced;
- further extension of the previous permission would be sought, as provided for under the 2017 legislation amending section 42 of the Planning and Development Act 2000, as amended;
- should the Board consider the proposed development to be akin to the modification of the previously permitted development, rather than a new standalone development, the applicant would be willing to revise the development description and to re-advertise the proposed development.

6.3. Observations

- 6.3.1. A total of ten observations from local residents and political representatives were submitted in response to the grounds of appeal. The observations largely reaffirm and expand on issues raised within the third-party submissions and also within the grounds of appeal, as summarised above.

6.4. Planning Authority Response

- 6.4.1. The planning authority did not respond to the grounds of appeal.

6.5. Further Submissions

- 6.5.1. Following consultation by An Bord Pleanála with An Taisce, the Department of Culture, Heritage and the Gaeltacht, The Heritage Council and Dublin City Childcare Committee, no submissions were received from these bodies.

6.5.2. Four parties made submissions with regard to the applicant's response to the grounds of appeal. These submissions largely reaffirm matters raised in the grounds of appeal and the additional matters raised can be summarised as follows:

- the proposed development should be assessed de novo;
- further consultation and new notices would be required with any new or amended application;
- the closest bus stop with services towards the city centre is 450m away and the site is not highly accessible;
- the height of the proposed development would not conform to the requirements set out within the Building Height Guidelines 2018, with an abrupt transition when compared with surrounding heights;
- the response does not address the absence of electrical charging points;
- given that the apartments would be occupied for social housing, there would be a greater than average necessity for childcare facilities;
- the list of local medical services provided is inaccurate and the existing provision would not address the increased demand for these services;
- adequate fire storage capacity is required within the development according to correspondence from Irish Water;
- the site is part of the Bull Island biosphere reserve;
- a 35% increase in apartments is significant;
- the 'Building Heights Guidelines' only allow for four storey buildings in suburban locations such as this;
- the proposed building height to street-width ratio would exceed DMURS standards;
- the extent of play areas proposed would be below the relevant standards when basing the area requirement on occupancy levels for the social housing along Chanel Manor Close;
- affordable housing, rather than social housing, should be provided and the development would not meet specific social housing requirements.

7.0 Assessment

7.1. Introduction

- 7.1.1. There is an extant permission for a residential development comprising 65 apartments on the appeal site under DCC Ref. 3245/15, which amended a permission providing for 53 apartments on the appeal site area, as granted by An Bord Pleanála in April 2010 under ABP Ref. PL29N.235606 (DCC Ref. 3563/09). The extant permission granted in January 2016 is due to expire in June 2020 and development in the form of extensive groundworks have commenced on site. Based on the development description within the notices for the subject application, the applicant is now proposing a new development requiring de novo assessment, as an amendment to the previously permitted development is not proposed.
- 7.1.2. Consequently, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:
- Zoning & Density;
 - Layout, Scale, Design & Amenities;
 - Impact on Residential Amenities;
 - Access, Parking & Traffic;
 - Site Services & Drainage;
 - Other Matters.

7.2. Zoning & Density

- 7.2.1. The decision to grant planning permission issued by the planning authority included a condition (no.6) requiring further amendments to increase the fourth-floor setbacks along the Main Street elevations of both the proposed apartment buildings, resulting in the omission of at least one apartment. The applicant has not contested these amendments, which would result in the proposed development amounting to a maximum of 87 apartments. Notwithstanding the alterations and the conditions of the planning authority decision, the grounds of appeal assert that the proposed development would result in overdevelopment of the site and that it would be

contrary to the objectives and provisions of the Dublin City Development Plan 2016-2022.

- 7.2.2. As noted above, the appeal site is primarily situated on lands with a zoning 'Z12 - Institutional Land (Future Development Potential)', where residential uses are 'permissible' according to the Development Plan. A narrow section of the site along the north western boundary adjoining the Marists' residence is zoned 'Z15 – Institutional and Community', where part of the vehicular access and a landscaped verge are proposed. Under the terms of the Development Plan residential uses are 'open for consideration' on 'Z15' lands. The proposed development of residential units would support the expansion and creation of additional services in the area. Accordingly, I am satisfied that the proposals would comply, in principle, with the zoning objectives for the site.
- 7.2.3. Given the existing pattern of development in the immediate vicinity and the current extent of development works ongoing on site associated with an extant planning permission, the appeal site is considered to constitute an urban infill brownfield site. The proposal providing for a maximum of 87 no. apartments on 0.87ha, would therefore equate to a maximum residential density of 100 units per hectare. The extent of public open space proposed on site would appear to be consequential to a masterplan agreed when initially intending to develop the subject lands as part of the wider institutional/recreational grounds (ABP Ref. PL29N.235606 / DCC Ref. 3563/09). Apartment developments of similar densities to that proposed, do not currently exist in the immediate area, with low-rise established housing areas and recreational grounds the pre-dominant land uses of the area.
- 7.2.4. There is no upper limit for densities set within the Development Plan and I am satisfied that the proposed density would be reasonable having regard to the site's location adjacent to an assigned neighbourhood facility and along a route served by high frequency public bus routes (Dublin Bus 15, 27, 27X, 42 & 43) all connecting with the city centre. Notwithstanding this, and as per the relevant Guidelines for Sustainable Residential Development and Policies QH7, QH8 and SC13 of the Development Plan, the acceptability or otherwise of the proposed development requires the proposals to respect and integrate with the surrounding character and to have due consideration for the protection of surrounding residents, households and communities. Assessment of the impact of the proposed development on residential

amenities is primarily addressed in Section 7.4 of this report. Proposals also need to provide an appropriate level of amenity for future occupants and these matters are addressed in Section 7.3 directly below.

7.3. Layout, Scale, Design & Amenities

- 7.3.1. Layouts proposed would appear to be largely guided by the layouts permitted for the previously permitted developments, which were shaped by the provision of a vehicular access leading to basement level off the entrance road to Parnells GAA Club and the need to maintain an extensive area of public open space, with a large proportion of the apartments afforded south-facing balconies and living areas overlooking this space.
- 7.3.2. The site layout comprises two apartment buildings, including block no.1 running centrally through the site fronting onto the public open space forming the southern half of the site, and block no.2 situated along the eastern boundary of the site fronting onto Main Street. Two bin stores and communal open space, including a children's playground, would be positioned along the northern boundary to the rear of proposed block nos. 1 and 2. Vehicular access to the basement level car park would be solely from the north via the access road serving the Parnells GAA Club. Two fire tender only accesses are also positioned centrally on the western and eastern boundaries and pedestrian accesses are proposed fronting block no.2 on Main Street. The Development Plan discourages gated developments and there would be a necessity to allow pedestrian access to the public open space. Based on the landscape plans and sections submitted (drawing nos. LP-01-PP & LS-01-PP), as well as the CGIs of the proposed development, there would be no physical boundary along Chanel Manor Close, thereby ensuring continual public access to the proposed green space.
- 7.3.3. Section 16.2.1 of the Development Plan, addressing 'Design Principles', seeks to ensure that development responds to the established character of an area, including building lines and the public realm. The building line along the immediate stretch of Main Street is staggered, and the proposed buildings would broadly follow the setbacks provided by the terrace to the north on Main Street and to the south on Brookville Place. Separation distances between the proposed blocks and the nearest houses, including No.3 Main Street, would be substantial at a minimum of

approximately 26m. I am satisfied that the proposed layout has successfully responded to the site context and represents a sufficiently high standard of urban design, in accordance with the principles set out in the Development Plan, the Urban Design Manual and the NPF. I am also satisfied that the proposed development would not undermine the future development potential of the undeveloped neighbouring plots adjoining the northeast and northwest corners of the site.

7.3.4. The grounds of appeal assert that the height of the proposed buildings would be contrary to planning policy and would be out of character with the surrounding low-rise village setting and the Marists' residence to the west. Block no.1 would primarily be five to six storeys and would be set back and stepped to four storeys along the eastern boundary with Main Street and the western boundary with the Marists' residence. This building would have a stated maximum height of 19.4m relative to the immediate ground level, excluding any lift overruns. Block no.2 would primarily comprise five storeys and would also be set back and stepped to four storeys along the eastern boundary with Main Street. Block no.2 would have a maximum height of approximately 16.4m, excluding all lift overruns. The surrounding area is dominated by buildings of two-storeys or lower. Contiguous elevation drawings submitted with the application illustrate the existing and proposed variations in building height along Main Street, Brookville Place and Chanel Manor Close (see drawing no. 0506). I am satisfied that the separation distances between the proposed blocks, the existing housing and other neighbouring buildings, would be sufficient to ensure that there would not be an abrupt transition in building heights.

7.3.5. The Development Plan sets out that the maximum building height allowable would be 16m in this area, excluding plant, flues and lift overruns. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) provide guidance relating to building heights for apartment buildings. According to these Guidelines, building-up urban infill sites is required to meet the needs of a growing population and 'increased building height is a significant component in making optimal use of the capacity of sites in urban areas'. Section 3.1 of the Guidelines outlines that it is Government policy that building heights must be generally increased in appropriate urban locations. There is a presumption in favour of increased heights in urban locations, such as this, with good public transport accessibility. However, the

Guidelines also note that development should be of very high quality in terms of the architectural, urban design and public realm outcomes.

7.3.6. As part of the application a design statement and CGIs of the proposed development has been provided by the applicant and I am satisfied that the images provide a reasonably accurate portrayal of the proposed scheme. External finishes to the elevations of the proposed buildings would comprise buff brickwork or similar, contrasting with a render finish to the inset walls. The upper floors would be finished in a light-coloured metal cladding or similar. Substantial use of glazing and recessed balconies is proposed along the southern elevation of block no.1 overlooking the open space. A glass balustrade is proposed for the projecting and recessed balconies and to screen these areas, opaque glazing should only be installed to the balconies and a condition to this effect should be attached. Render finish is proposed for the blank gable wall on the north side of block no.2 and the planning authority has requested that this gable be finished in brick based on concerns that the adjacent site may not be developed in the short term. I am also satisfied that there would be merit in attaching such a condition from a visual amenity perspective. The proposed scheme is of contemporary design with quality, durable and low maintenance materials and finishes proposed. Block no.1 exhibits a consistency in design and external finish, with the most expansive elevation onto the open space primarily broken up by stepping the building line with brick-faced vertical elements marking the circulation cores and vertical differentiation in the building finishes. The roofs to the buildings would feature a sedum (green roof) finish. I am satisfied that with the attachment of conditions, sufficient care has been undertaken in the design and external appearance of the proposed apartment buildings.

7.3.7. Consequent to the zoning objectives within the Development Plan, there is a requirement for at least 20% of the site area to be developed as accessible public open space, incorporating landscape features and soft landscape suitable for relaxation and children's play. The applicant states that 5,040sq.m of the 8,700sq.m site would be developed as accessible, multi-functional and landscaped public open space, which at 58% of the site area would significantly exceed the minimum area required. Standards contained in the Development Plan would require the provision of a minimum of 599sq.m communal open space on site to serve the development, while the applicant states that 990sq.m would be allocated in this regard, part of

which would include a children's play area. Condition 13 of the planning authority's decision requested that the bin stores be relocated further away from the children's play area and the applicant does not contest this requirement, which I am satisfied would be reasonable and appropriate.

- 7.3.8. Considering the site location adjacent to an existing frequent-service public transport corridor with close connectivity to the city centre, the quality of architectural finishes and the overall design, including the extensive provision of accessible, landscaped public open space on site, and notwithstanding the relatively minor exceedance of the Development Plan building height limitations, I am satisfied that there is sufficient rationale to allow for the proposed building heights based on the principles set out in the Ministerial Guidelines and the immediate urban context, including separation distances.
- 7.3.9. A total of 70 of the 88 proposed apartments (80%) would feature dual aspect. Single aspect units would be one-bedroom units facing southwest or south. The New Apartment Guidelines require at least 33% of units in this context to be dual aspect. An assessment of the levels of sunlight and skylight amenity predicted to be achievable for the proposed apartments was not provided with the planning application. Given the orientation of the buildings, the extent of east, west and south aspect available for the apartments, the urban context, separation distances to neighbouring buildings and between the proposed buildings, and the proposed elevation treatments, including only secondary windows on the south elevation to block no.2, I am satisfied that the proposed apartments would be served by an appropriate and reasonable level of natural lighting.
- 7.3.10. Proposals would provide for 22 one-bedroom apartments (25%), 50 two-bedroom (3/4-person) apartments (57%) and 16 three-bedroom apartments (18%). This would slightly alter as a result of the condition to address the proposed building setbacks along Main Street and I am satisfied that this mix would contribute to the overall residential mix in the locality and accords with the apartment mix provisions set out in both the Development Plan and the New Apartment Guidelines. A quantitative assessment against the relevant design standards has been provided by the applicant for each of the proposed apartments. The minimum size of the apartments proposed exceeds 50sq.m for a one-bedroom unit, 73sq.m for a two-bedroom unit and 100sq.m for a three-bedroom unit. With the alteration of

apartments 86 and 88 via the condition to setback the fourth-floor to the blocks, the minimum size of the proposed two-bedroom apartments would increase to 84sq.m. In addition to the 10% additional floor space required for residential schemes of between 10 and 99 units, all apartment sizes exceed the minimum space requirements outlined in the New Apartment Guidelines and the Development Plan (Section 16.10.1).

7.3.11. The internal design, layout, configuration and room sizes, including storage areas, for each of the apartments would accord with or exceed the relevant standards. Private amenity space, including balcony sizes, for each of the apartments would meet or exceed the minimum requirements. The Guidelines advise that when designing ground-level apartments in multi-storey buildings, designers should consider 3m floor to ceiling heights on the ground floor of multi-storey buildings and a minimum of 2.7m floor to ceiling heights should be provided. Floor to ceiling heights of 2.7m would be provided in the ground-floor apartments, although I note that the applicant's section drawing (no.0520) also indicates floor to ceiling heights of 2.55m for ground-floor apartments, possibly to facilitate services, despite their being clear scope to achieve the 2.7m minimum height throughout the ground-floor apartments. Given the absence of discretion with regards to minimum ground-floor to ceiling heights and the minor internal change that would only be required, a condition to address same should be attached in the event of permission being granted. The number of apartments per core would be well within the minimum requirements.

7.3.12. In conclusion, subject to conditions, I am satisfied that the proposed development would provide an attractive mix of apartments meeting the relevant design standards, and the scale, height, appearance, design and layout of the proposed development, including the provision of public open space, would be appropriate for the area and the appeal site.

7.4. Impact on Residential Amenities

7.4.1. Policy SC13 of the Development Plan promotes sustainable densities within developments with due consideration for surrounding residential amenities. The grounds of appeal raise concerns with respect to the potential impact of the development on the residential amenity of neighbouring properties, generally arising

from loss of light and overlooking. In response the applicant asserts that despite the proposed additional floors, there would be limited change in impacts when compared with the previously permitted development and any impacts arising would also be limited by virtue of the separation distances to neighbouring residences. The closest residential buildings to the appeal site include the Marists' two-storey detached residence adjacent to the western boundary, the two-storey end-of terrace house to the north of the appeal site at No.3 Main Street, the two-storey semi-detached house to the south at No.36 Brookville Place and the recently constructed three-storey semi-detached housing along Chanel Manor Close, also to the south.

- 7.4.2. Block no.1 would be positioned over 50m from properties along Brookville Place and Chanel Manor Close, and I am satisfied that undue impacts on the residential amenities enjoyed by residents of these properties would not arise given the separation distances involved, including the proposed intervening landscaped open space and the existing public road.
- 7.4.3. The northwest-facing side elevation to block no.1 would feature windows and balconies to the proposed apartments on all levels. However, the potential for direct and excessive overlooking to arise from the proposed six-storey block to the Marists' residence would be alleviated by the 22m minimum separation distance between the existing and proposed buildings and as the elevations to block no.1 would not directly face onto the Marists' residence.
- 7.4.4. I note that the north-facing gable to the proposed five-storey block (no.2) along Main Street would not feature windows, which the applicant states would be to address the development potential of the adjoining site. However, block no.2 would feature projecting balconies with scope to overlook properties to the north. These balconies would be over 22m from No.3 Main Street and would not directly overlook internal areas to this house. Consequently, given the separation distances and the building orientations, I am satisfied that excessive direct overlooking would not arise from the balconies of block no.2 to this neighbouring residential property.
- 7.4.5. The most significant potential for direct and excessive overlooking to arise would be between the proposed apartment blocks. The proposed buildings would be separated by a 9.3m to 12.5m gap, which would facilitate a walkway leading to the rear area accommodating communal space. The north-facing elevation to block no.1

would feature apartment windows and balconies directly overlooking the south-facing gable end to block no.2, which would also feature apartment balconies and windows. However, the windows on the southern elevation to block no.2 are not the primary windows serving the apartments and the balconies primarily overlook the front street area along Main Street and the communal space to the rear. The separation distance and relationship would be similar to that previously approved under the extant permission (DCC Ref. 3245/15). Condition no.9 of the planning authority decision sought additional details for the treatment of balconies, including those between block nos.1 and 2, and attachment of a similar condition in the event of a permission, would further address potential for overlooking between the blocks. Consequently, potential for direct overlooking would not be excessive and would not worsen in the proposed arrangement.

7.4.6. A shadow study was not submitted with the application but, as a guide, the applicant refers to previous studies undertaken for the four-storey development permitted under DCC Ref. 3245/15. Given the orientation, separation distances and positioning of the proposed building to the north of Chanel Manor Close and Brookville Place and directly to the east of the Marists' residence, I am satisfied that the proposed development would not result in excessive overshadowing or loss of natural light to these residences. Block no.2 would feature one additional floor when compared with the block previously permitted under DCC Ref. 3245/15 and I am satisfied that given the separation distance and the position of block no.2 directly to the south, the proposed development would not lead to excessive loss of light or overshadowing of No.3 Main Street based on the relevant standards. Furthermore, the layout of the proposed development, including the massing of the buildings and the layout of the communal space, would address the need to ensure adequate levels of natural lighting to the playground area.

7.4.7. Similar to the situation with regard to overlooking and overshadowing, residential properties with the greatest potential to be effected as a result of overbearing impacts arising from the proposed development, would be the Marists' residence and No.3 Main Street. I am satisfied that the separation distances between the nearest windows of these residential properties and the proposed development, would be sufficient to ensure that the proposed six and five-storey blocks would not be excessively overbearing where visible from these properties. Furthermore, I note the

fourth-floor setback proposed along the western end of block no.1 with the Marists' residence.

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

7.5. Access, Parking & Traffic

- 7.5.1. The grounds of appeal assert that insufficient provision for car parking would be provided within the development, which would result in additional overspill parking in the surrounding area, while the development would also lead to increased traffic congestion in the area. The proposed development would be solely served by a vehicular access off the entrance road to the Parnells GAA Club, which connects with Main Street to the north of the site.
- 7.5.2. The Roads & Traffic Planning Division of the planning authority noted that the access arrangements follow those previously permitted for the site and they did not object to the access arrangements for the proposed development. The proposed access arrangements require minimal intervention along the public roadside and I am satisfied that the proposed development would not detrimentally impact on traffic or pedestrian safety.
- 7.5.3. The applicant states that a total of 83 car parking spaces are proposed to serve the apartments. A maximum of 22 additional apartments are proposed with a stated four additional car parking spaces proposed when compared with the previous permission (DCC Ref. 3245/15), which provided for 79 car parking spaces serving 65 apartments. Three spaces are to be allocated as accessible spaces and provision for electrical charging points has not been outlined. Use of 12 of the spaces would also be reliant on the adjoining perpendicular car parking spaces along the basement access road being unoccupied. A total of 66 bicycle spaces are proposed at basement level. I am satisfied that subject to a condition addressing parking management, similar to that requested by the Roads & Traffic Planning Division of

the planning authority, the quantum of parking proposed would be appropriate relative to the accessible urban location of the site, served by high frequency public bus routes, and the applicable standards in the Development Plan, as referenced in Section 5.1.4 above.

- 7.5.4. The Roads & Traffic Planning Division of the planning authority has also requested the submission and operation of a mobility management plan (Residential Travel Plan) for the development, as a condition of the permission. As previously stated, a total of four additional parking spaces are proposed when compared with the previous permission. Having regard to the existing permission, the location and nature of the proposed development, the proposed provision of car parking and a condition requesting submission and implementation of a Residential Travel Plan, I am satisfied that the proposed development would not result in significant additional traffic congestion in the area or inconvenience to road users.
- 7.5.5. In conclusion, subject to conditions, the proposed development would feature an appropriate provision of parking, and would not result in traffic hazard or inconvenience.

7.6. Site Services & Drainage

- 7.6.1. The application was accompanied by a Drainage Design Report that addresses site services, including surface water drainage, foul drainage and water supply. With regard to surface water drainage, a piped gravity network is proposed, with a 225mm diameter surface water sewer, replacing an existing connection from the attenuation tank, connecting to an existing 225mm diameter sewer along the Chanel Manor Close, and subsequently connecting into existing services along Malahide Road (R107). The site would feature an infiltration trench and green roofs covering almost 75% of the apartment buildings. According to the applicant, an attenuation tank with a capacity of 613 cubic metres has been constructed on site and it is proposed to increase this by 103 cubic metres under the subject proposals. In conjunction with the green roofs, infiltration trench and grassed areas, it is stated that this would restrict outflow from the site to 3.2 l/s, which would be acceptable to the Engineering Department of the planning authority. The Engineering Department state that SUDS measures outlined in the applicant's Drainage Design Report should be implemented in full as part of the proposed development, while also accounting for a 20% climate

change factor, as provided for in the Development Plan. A new fuel interceptor and a flow control device, replacing previously permitted fuel separators would be installed prior to discharge of surface waters to the public network. With regard to foul drainage, a 225mm diameter piped gravity system is proposed, connecting to the existing 300mm diameter foul sewer running along Main Street. The proposed water supply would involve a connection into the existing watermain along Chanel Manor Close, which connects into a 6-inch water supply main on Main Street. In response to the grounds of appeal the applicant forwarded correspondence from Irish Water addressing the applicant's pre-connection enquiry, including the increased demand associated with the additional apartments, and this confirms that the connection can be facilitated subject to a connection agreement.

- 7.6.2. The grounds of appeal raise concerns regarding existing sewage and water services, which are asserted to be in poor supply and state. Objections to drainage and water supply proposals have not been raised by the planning authority or Irish Water. The planning authority's Engineering Department consider the applicant's proposals to be generally acceptable, subject to certain conditions regarding clarifications and agreements on matters of surface water management. In conclusion, I consider the proposed site services, including surface water proposals to be satisfactory, subject to appropriate conditions.
- 7.6.3. Reference to flooding having previously occurred in the village is raised in the grounds of appeal. The applicant submitted a site specific flood risk assessment report as part of the planning application and this identified that the site was not at risk of fluvial flooding following the approach within The Planning System and Flood Risk Management – Guidelines for Planning Authorities. The assessment highlighted potential for pluvial flooding encroaching the eastern boundary of the site, but noted that based on the surveyed levels, the proposed development would not be impacted by extreme pluvial flood events. With the intended implementation of the stormwater run-off to greenfield run-off rates, I am satisfied that the development would not increase the risk of flooding to other lands.

7.7. Other Matters

Waste Management

- 7.7.1. The grounds of appeal assert that insufficient waste storage facilities would be provided to serve the apartments. Two bin stores are proposed within the rear courtyard space to serve the future residents of the proposed apartments. The New Apartment Guidelines set out requirements with respect to refuse storage in developments of this nature and scale and I am satisfied that adequate and accessible provision of refuse storage areas to serve residents of the proposed development has been provided for. Further specific details relating to waste management, in particular recyclable materials, should be provided as a condition of the permission.

Property Devaluation

- 7.7.2. The grounds of appeal assert that the proposed development would lead to a depreciation in the value of property in the vicinity. Arising from the assessment above, in particular with regard to the impact of the proposed development on neighbouring residential amenities, and cognisant of the planning history for the site, including the initiated permissions, I am satisfied that clear and convincing evidence has not been provided to support claims that the proposed development would be likely to result in the depreciation of property values in the vicinity.

Social Housing

- 7.7.3. The grounds of appeal assert that the proposed apartments would be solely provided for social housing, and alongside Chanel Manor Close this would lead to an overconcentration of this housing typology in the area. The Section 28 Part V Guidelines require planning applications to be accompanied by the developer's proposals in complying with Part V housing requirements, including details of units or land to be provided. The applicant is not an approved housing body for the purposes of Part V of the Planning and Development Act 2000, as amended. In addressing the proposed provision of social housing the applicant initially stated that 'the scheme will provide Part V social housing' and a copy of a letter from the Housing Development section of the planning authority stated that an agreement in principle to comply with Part V requirements had been reached. While falling short of stating the units to be provided for the purposes of Part V, in response to the grounds of

appeal the applicant does not deny the appellants' assertion that all of the apartments would be for social housing. I am satisfied that based on the Central Statistics Office (CSO) mapped census data dating from 2016, illustrating relatively low levels of social housing in the immediate and surrounding areas, the proposed development would not result in an overconcentration of social housing in this area. The Board has the opportunity to request information to clarify this matter further, but as noted above, I am satisfied that the proposed mix of residential units would add to the overall residential mix in the locality and would accord with the apartment mix provisions set out in both the Development Plan and the New Apartment Guidelines. Furthermore, a condition should be attached in the event of a permission requiring an agreement to be entered into in relation to Part V of the Planning and Development Act 2000, as amended.

Archaeology

- 7.7.4. The site is just outside of a 'Zone of Archaeological Interest', as identified in the Development Plan, and a zone of notification for a recorded monument and place (RMP). This RMP (Ref. DU015-084) is identified as a chapel situated to the northeast along Main Street. The Department of Culture, Heritage and the Gaeltacht did not respond during consultation, while the City Archaeologist recommends that an archaeological condition be attached, including monitoring, in the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development. Significant groundworks have already commenced on site, which the applicant states relate to the commencement of development permitted under the amendment application (DCC Ref. 3245/15) and the extended parent permission (ABP Ref. PL29N.235606). Condition 24 of the parent permission required assessment, monitoring and preservation of archaeology. Given the extensive excavation that has already been undertaken on site and condition 24 of the initiated permission (ABP Ref. PL29N.235606), I am satisfied that a condition requiring preservation, recording and protection of archaeological materials would not be necessary.

Childcare Facilities

- 7.7.5. The Childcare Facilities Guidelines for Planning Authorities recommend the provision of one child-care facility for every 75 dwelling units. When taken in conjunction with

the 16 houses along Chanel Manor Close, as permitted under ABP Ref. PL29N.235606, the proposed development would result in a maximum of 103 residential units of which 22 would be one-bedroom apartments that would not be suitable for family accommodation. The Dublin City Childcare Committee did not respond to consultation regarding the proposed development. The New Apartment Guidelines require the threshold for the provision of childcare facilities in apartment schemes to be established having regard to the scale and unit mix of the proposed development, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. In their planning report, the applicant provided an indicative list of childcare and other services in the area. Maps available from Pobal illustrating childcare facilities in the area, both private and community-run, do not identify facilities in the area immediate to the appeal site, however, a large number are identifiable in the surrounding area within walking distance of the appeal site. The Central Statistics Office (CSO) mapped census data does not illustrate a high percentage of persons in the immediate area in 2016 within the 25-44 years age cohort, which are the family-formative years. Given the demographic profile of the area, the distribution of childcare facilities and the mix and number of residential units, marginally exceeding the Childcare Guidelines threshold, I am satisfied that there would not be a need to provide a childcare facility as part of the proposed development.

Compliance with Permissions

- 7.7.6. The grounds of appeal raise concerns regarding the discharge of conditions relating to the development under construction on site. Breach of planning conditions and/or unauthorised development would be an enforcement matter for the planning authority.

8.0 Appropriate Assessment

8.1. Stage 1 – Screening

- 8.1.1. A report screening for Appropriate Assessment was submitted as part of the planning application.

8.2. Relevant European Sites

8.2.1. The nearest European sites, comprising Special Areas of Conservation (SAC) and Special Protection Areas (SPA), which could potentially be affected by the proposed development, comprise the following:

Site Code	Site Name	Distance	Direction
000206	North Dublin Bay SAC	2.9km	east
004006	North Bull Island SPA	2.9km	east
004024	South Dublin Bay and River Tolka Estuary SPA	3.0km	east
000199	Baldoyle Bay SAC	4.5km	northeast
004016	Baldoyle Bay SPA	4.9km	northeast
000210	South Dublin Bay SAC	5.4km	southeast
000202	Howth Head SAC	7.1km	east
000205	Malahide Estuary SAC	7.3km	northeast
004025	Malahide Estuary SPA	7.5km	northeast
003000	Rockabill to Dalkey Islands SAC	7.9km	east
004117	Ireland's Eye SPA	8.8km	northeast
002193	Ireland's Eye SAC	9.1km	northeast
004113	Howth Head Coast SPA	9.7km	east
000208	Rogerstown Estuary SAC	12.2km	northeast
004015	Rogerstown Estuary SPA	12.3km	northeast
004172	Dalkey Islands SPA	14.0km	southeast

8.2.2. Qualifying interests and conservation objectives for each of the above sites are listed on the National Parks and Wildlife Services (NPWS) website (www.npws.ie).

8.3. Is the Project necessary to the Management of European sites?

8.3.1. The project is not necessary to the management of a European site.

8.4. Direct, Indirect or Secondary Impacts

8.4.1. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- impacts on water quality, for example via the release of suspended solids, accidental spills or the release of contaminants from made ground during construction;
- loss or disturbance of habitat, for example, use of the appeal site by species identified in the conservation objectives of connected European sites.

8.5. Potential Effects

8.5.1. Based on the source-pathway-receptor model, the nearest pathway to the nearest designated sites from the appeal site is the Santry River, which is 560m to the northeast of the appeal site, flowing in a south-easterly direction into Dublin Bay. The site is currently undergoing construction activity associated with previously permitted development and is not a conducive environment for roosting, foraging, nesting or breeding birds, including Brent Geese.

8.5.2. Surface water from the site would be discharged at greenfield run-off rates to the public surface water drainage system after passing through a replacement fuel interceptor and a flow control device. All foul water from the proposed development would be discharged via the public system to the Ringsend Waste Water Treatment Plant (WWTP). Permission has recently been granted (ABP-301798-18) for works that would increase the capacity of the plant from a population equivalent of 1.9 million to 2.4 million.

8.5.3. Having regard to the above, the urban context and the residential nature of the proposed development, I consider that the only potential pathways between the appeal site (source) and the European sites (receptors) would relate to drainage during construction and operation. Due to the nature of the application site and the proposed development there is no direct pathway to a European site, however there is a potential indirect pathway to coastal SACs and SPAs via the surface and foul drainage network and Ringsend WWTP.

- 8.5.4. Accordingly, with the exception of the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206), I am satisfied that the other European sites proximate to the appeal site can be 'screened out' on the basis that significant impacts on these European sites could be ruled out, either as a result of the separation distance from the appeal site, the extent of marine waters or given the absence of any direct hydrological or other pathway to the appeal site. The conservation objectives for the four above named coastal sites are appended to this report.
- 8.5.5. While there is theoretically an indirect hydrological pathway between the application site and the four named coastal sites via the public drainage system and the Ringsend WWTP, I am satisfied that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend WWTP and there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on the designated sites in view of their qualifying interests and conservation objectives.

8.6. In-combination Impacts

- 8.6.1. I am satisfied that likely significant in-combination impacts would not arise.

8.7. Stage 1 – Screening Conclusion

- 8.7.1. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206), or any other European sites, in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not therefore required.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. Having regard to the land use zoning objectives for the site, as set out in the Dublin City Development Plan 2016-2022, to the nature, scale and design of the proposed development, the existing pattern of development in the vicinity and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this urban location, would be acceptable in terms of design, height and scale of development, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would comply with the provisions of the Dublin City Development Plan 2016-2022, the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018 and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.0 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.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

- (i) the fourth floor to block no.1 shall be set back 4.5m from the eastern elevation to align with the east side of Core 5's lift/stair well, which shall result in the omission of apartment 71 and the alteration of apartment 72 to form either a one-bedroom apartment with south-east terrace or a three-bedroom apartment amalgamated with apartment 73 and with south-east terrace;
- (ii) the fourth floor to block no.2 shall be set back 4.5m from the eastern elevation, providing for a revised layout and position for core 6 circulation and service space, and a revised layout for the fourth-floor level providing for no more than three apartments with east or west-facing private amenity areas;
- (iii) ground-level apartment floor to ceiling heights shall be a minimum of 2.7m in block nos. 1 and 2;
- (iv) the two proposed external bin stores shall be relocated away from the children's playground, towards the vehicular entrance serving the basement ramp and with suitable screening.

The above amendments shall be submitted to the planning authority for written agreement prior to the commencement of any development on site. All revised apartments shall comply with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).

Reason: In the interests of residential and visual amenity.

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

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

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

The render finish proposed for the gable wall on the north side of block no.2 shall be omitted and replaced with a brick finish to match the primary brick proposed in the block. Limited use of render finishes should be used for the buildings finishes.

Reason: In the interest of visual amenity.

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

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

6. Prior to the commencement of the development the applicant shall submit details for agreement of treatments to balconies and terraces to ensure the privacy and screening of private amenity space and windows, situated between the adjoining projecting balconies and terraces, where block no.2 addresses block no.1, and where ground floor apartments adjoin circulation areas, entrance areas and open space areas. Opaque forms of screening or glazing shall only be installed to the proposed balconies and terraces.

Reason: In the interest of residential and visual amenity.

7. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

8. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) all car parking spaces shall not be sold separately or let independently 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 at the vehicular entrance, parking areas, footpaths, kerbs, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the planning authority for such road works;
- (d) the materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works;
- (e) each of the proposed parking spaces shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. (a) Prior to the occupation of the proposed development, a Mobility Management Strategy shall be submitted to the planning authority for written agreement. The strategy shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking and the use of car club spaces. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the strategy.
- (b) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development which shall address the management and assignment of car spaces to residents over time.

Reason: In the interest of sustainable transportation.

10. The landscaping scheme shown on drg no. LP-01-PP, as submitted to the planning authority on the 19th day of June, 2019 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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.

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

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

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

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

Reason: In the interest of public health.

13. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No

advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

- 14.** Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, which shall be carried out in full, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

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

- 15.** The construction of the development shall be managed in accordance with a Construction & Environmental 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 the proposed construction compound(s), details of intended construction practice for the development, including hours of working, noise and dust management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

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

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

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

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

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

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

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

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other

security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

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

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

Colm McLoughlin
Planning Inspector

24th February 2020