



An
Bord
Pleanála

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

Inspector's Report ABP-305538-19

Strategic Housing Development

129 no. apartments and associated site works.

Location

To the north of Poppintree Industrial Estate, bounded by St Margaret's Road to the north, and Balbutcher Lane to the south east, Dublin 11.

Planning Authority

Dublin City Council

Applicant

Dwyer Nolan Developments Limited

Prescribed Bodies

1. Irish Water (IW)
2. National Transport Authority
3. Transport Infrastructure Ireland (TII)
4. HSE
5. Irish Aviation Authority
6. Dublin Airport Authority

Observer(s)

1. Homeowner 25 Hampton Wood Crescent
2. Homeowner 59 Hampton Wood Road
3. Homeowner 69 St. Margaret's Road
4. Homeowner 80 St. Margaret's Road
5. Aideen Smith
6. Alan Donnelly
7. Celia McLoughlin
8. Christine Sherlock
9. Ciaran Murphy
10. Clare Troy
11. Cora Burke
12. Dublin Airport Authority
13. Elaine O'Reilly
14. Emily Cullen
15. Fiona O'Brien
16. Garrett Delaney
17. Gillian & Rory Richardson
18. Grzegorz Sawicki
19. Hugo Silva
20. Irish Water
21. John Byrne
22. Joyce Rooney
23. Julie-Anne Smith
24. Justin Nolan
25. Kathleen Quigley
26. Laurence Creevy & Other
27. Linda Maher
28. Lindsay Kavanagh
29. Liza Gieron

30. Marcin Cedro
31. Mardeliza Belosso
32. Mayeston Hall Management Company
33. Meakstown Community Council
34. Muireann Ni Riain
35. Nicola Roche
36. Patrick Clifford
37. Patrick Kiely
38. Paul O'Riordan
39. Pertrica Popa
40. Robert Wozenski
41. Roisin Shortall
42. Siju Jose
43. Siobhan & Eoin Dolan
44. Stephen O'Connor
45. Teresa Somers
46. Therase Boylan
47. Transport Infrastructure Ireland
48. Ubaldo Colmenan
49. Vincent Kavanagh
50. Violeta Hejduk

Date of Site Inspection

8th November 2019

Inspector

Fiona Fair

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of circa 0.753 hectares, is located in close proximity to Poppintree Industrial Estate, south of the M50 motorway in Ballymun, Dublin 11. The site is located immediately to the south of the administrative boundary with Fingal County Council. It is bounded by St. Margaret's Road to the north, which links Charlestown and Finglas with Poppintree and Ballymun. The roadway has wide carriageways with bus lanes, cycle paths and grass verges.
- 2.2. The site is cleared for the most part and slopes gently from north to south and has a hoarding bounding it. It originally formed part of development proposals for the larger Hampton Wood development located directly to the west of the site and which is substantially completed. At the centre of this development parcel, but not forming part of the current site, are two apartment blocks that are accessed from Hampton Wood Drive. To the west of the site on the western side of Hampton Wood Drive, there are 3 to 4 storey brick and render townhouses fronting onto that road.
- 2.3. The site does not abut Balbutcher Lane to the south of the site and Hampton Wood Drive does not connect down to Balbutcher Lane; it is presently just a cul-de-sac. An approximately 2 metre high decorative concrete wall fronts the site on the St. Margaret's Road side and along Hampton Wood Drive.

The subject site is located within 150 metres of a small neighbourhood centre type retail and commercial facilities which is anchored by a small supermarket (Centra Hampton Wood).

3.0 Proposed Strategic Housing Development

3.1. The proposed development, as per the submitted public notices, will consist of:

The construction of a mixed-use development comprising:

1) A 300 sq. m. coffee shop on the ground floor of Block 03, fronting onto Hampton Wood Drive and St Margaret's Road;

2) 129 no. apartments

- 55 no. one bed,
- 65 no. two bed, and
- 9 no. three bed

In five 4 to 9 storey blocks comprising:

- **Block 1.** 4-5 storey comprising of 19 no. apartments (5 no. 1- bed, 9 no. 2- bed and 5 no. 3-bed)
- **Block 2.** 5 Storey comprising of 14 no. apartments (4 no. 1- bed, 9 no. 2-bed and 1 no. 3-bed)
- **Block 3.** 6-9 storey comprising of 40 no. apartments (10 no. 1- bed, 22 no. 2- bed and 3 no. 3 bed)
- **Block 4.** 6 storey comprising of 33 no. apartments (22 no. 1- bed and 11 no. 2- bed) and 126 no. residents' cycle parking spaces within the basement.
- **Block 5.** 5 storey comprising a total of 23 no. apartments (14 no. 1- bed and 9 no. 2- bed) in 5 storey Block 5.

3) A single level basement providing 89 no. car parking spaces including 4 no. disabled parking spaces, 96 no. resident bicycle parking spaces, service and plant areas, waste management areas and storage areas;

4) A new vehicular access to the basement car park from the internal access road of the adjoining Hampton Wood Drive development to the south;

5) The provision of a landscaped communal open space including children's play areas and 66 no. visitor bicycle parking spaces within the shared public open space.

6) All other associated works required to facilitate the proposed development

Including:

- Landscaping,
- A cycle path and footpaths along the Hampton Wood Drive and St Margaret's Road frontages,

- A lay-by loading area and 2 no. car parking spaces for the coffee shop on Hampton Wood Drive,
- 19 no. surface car parking spaces adjacent to the internal access road of the adjoining Hampton Wood Drive development to the south and
- All associated services.

- 3.1.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022.”
- 3.1.2. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- 3.1.3. Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location.
- 3.1.4. The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.
- 3.2. The following tables set out some of the key elements of the proposed scheme:

Table 1: Development Standards

Site Area	0.75 ha
No. of units	129
Total Gross Floor Area (including 9,297 sq. m residential and café 300 sq. m)	11,578 sq. m
Gross Density	171.3 units/ha
Plot Ratio	1.23
Site Coverage	26%
Public Open Space	755 sq. m of 1,498 sq. m of POS
Private Amenity Space Required	811 sq. m
Proposed communal amenity space and PAS	2,253 sq. m – 755 sq. m

Public Open Space	Required	10%
	Proposed	1,498 sq. m (20%)

Table 2: Unit Mix

Apartments	1 bed	2 bed	3 bed	Total
	55 (43%)	65 (50%)	9 (7%)	129 (100%)
Dual Aspect				57%
% of units that exceed the minimum size requirements by 10% or more				51.99%

Table 3: Building Height

Block	Storeys	Height m
01	4 - 5	14.5 – 17.4
02	5	17.4
03	6 – 9	20 – 29.8
04	6	20
05	5	17.6

Table 4: Car Parking

	Number of car parking spaces
Proposed for Apartments	110 No 89 basement 19 surface
Coffee Shop	2 lay-by car parking

Table 5: Bicycle Parking

Bicycle parking spaces	288 No. 96 basement 126 resident spaces within ground floor of Block 04 66 no. visitor spaces within central open space area
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Table 6: Part V

Proposed	13 units
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3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.

4.0 **Planning History**

4.1.1. There is quite a protracted site history on the lands in the vicinity, which include the subject site.

- Reg. Ref. 2414/16: Permission GRANTED for 106 residential units and associated site works on a larger site of approximately 2.1ha which included this application site
- Reg. Ref. 1742/07: Permission GRANTED for amendments to Reg. Ref. 4387/03 comprising the omission of 43 units and provision of 147 units and 164 additional car parking spaces on a larger site which included this current application site
- Reg. Ref. 6356/06 (PL29N.216801): Permission REFUSED on appeal for omission of units and provision of 61 additional units for reasons of increased overall density which would generate additional parking and open space requirements, together with setting of undesirable precedent
- Reg. Ref. 5778/05: Permission REFUSED for omission of units and provision of additional 40 residential units for reasons increased overall density which would generate additional parking and open space requirements, together with setting of undesirable precedent
- Reg. Ref. 4387/03: Application for 1040 residential units, 1344 car parking spaces and construction of single carriageway roadway on a larger site which included this current site. Permission GRANTED subject to conditions. An application for extension of duration was GRANTED under 4387/03/X1

5.0 National and Local Planning Policy

5.1 Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Urban Development and Building Heights Guidelines for Planning Authorities' - 2018
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' - 2018

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009
- ‘Design Manual for Urban Roads and Streets’ 2013
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’ 2001
- ‘Architectural Heritage Protection - Guidelines for Planning Authorities’ 2011

5.2 Statutory Plan for the area

The Dublin City Development Plan 2016-2022 is the operative County Development Plan. The site is zoned Objective Z1 which seeks ‘to protect, provide and improve residential amenity’.

Residential, medical and related consultants and retail (shop local) are permissible under this zoning objective. Restaurant (cafes included) is Open for Consideration under this zoning.

Subject site is located within ‘SDRA2-Ballymun’ (Strategic Development and Regeneration Area) of the operative City Development Plan- areas identified as being ‘capable of delivering significant quanta of homes and employment for the city’- Indicative Key Development Principles Map indicates that subject site is designated as ‘proposed residential’

The Ballymun Local Area Plan 2017 applies
‘Strategic Development and Regeneration Area’

The application site is located within one of the 18 ‘Strategic Development and Regeneration Areas’ designated in the Plan – ‘SDRA12’ – Ballymun. These are areas identified as being ‘capable of delivering significant quanta of homes and employment for the city’.

The Plan sets out Guiding Principles for the area, and is accompanied by an

indicative diagram (See Figure 7 overleaf).

The main overall Guiding Principles for the area are:

To maximise the employment and economic potential of Ballymun along its Main Street in accordance with its strategic location and its designation as a key district Centre (KDC)

- To promote the delivery of a high-quality public transport system linking the airport and the city, via Ballymun
- To enhance existing and establish new and appropriate land-uses that support a growing mixed-use community, and seek innovative planning responses for the key sites in the area, that respond to the environmental, social, cultural and economic issues and demands facing the area
- To improve permeability both within Ballymun and to the surrounding areas
- To provide a choice of tenure options and house types, promoting social inclusion and integration
- To promote and enhance Ballymun and the wider area's reputation as a sustainable urban environment
- To promote Ballymun as a leading arts and cultural hub serving the city and wider region.
- To provide an appropriate urban main street context with buildings of 4-6 storeys in height along the main street, with potential for limited increases in the vicinity of a public rail station. Key gateway landmark buildings already exist framing the 1km long main street.

For the purposes of defining maximum building heights, the city as a whole is defined as 'low-rise' except for those areas specifically designated as 'mid-rise' or high-rise'. The subject site is not in one of these designated areas, so it is considered to fall within the 'low-rise' area. The 'low-rise' category is further differentiated between 'Inner City', 'Rail Hubs' and 'Outer City'. However, importantly, the Plan states that:

"All areas are considered to be in the 'low-rise' category unless the provisions of a

LAP/SDZ/SDRA indicate otherwise”.

Even though the subject site is located in the Ballymun LAP, there is not a maximum height stipulated on the application site; therefore the building height policy for this area of the city in the Development Plan is up to a maximum of 16 metres.

6.0 Section 5 Pre Application Consultation

- 6.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 17th January 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted which states that the Board is of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.
- 6.2. The Board requested that three items were to be addressed:
- The height, scale and density of the proposed development
 - The design and layout of the proposed development
 - The proposed car parking strategy for the proposed development
- 6.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:
1. A report that specifically addresses the proposed materials and finishes of the proposed structures
 2. Detailed schedule of apartments
 3. A report that addresses issues of residential amenity
 4. Additional CGIs/3D modelling showing the proposed development relative to existing development in the vicinity
 5. A building lifecycle report

6. Drainage information identified by Dublin City Council and Irish Water

7. A report addressing potential micro-climate issues

- 6.4. The overall number of apartments proposed has been reduced from 175 no. to 129 no. The 25 no. studio units proposed have been eliminated. The mix of apartments has been altered - 55 no. one bedroom (62 no. previously), 65 no. two bedroom (62 no. previously); and 9 no. three bedroom (26 no. previously)

7.0 Applicant's Statement of Consistency

- 7.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the **three** issues raised in the Opinion.

7.2. **Item No. 1: Justification of the height, scale and density of the proposed**

The Board's request required further detailed design work that has resulted in amendments to the proposed heights of the development for which permission is now sought. The heights of the proposed blocks have been amended

The proposed development has been assessed against the criteria set out in Section 3.2 of the Guidelines against which proposals for taller buildings will be assessed in the development management process. The number of apartments has decreased from 175 to 129, the number of Blocks has increased from 4 to 5. The number of floors proposed has been decreased from 14 floors (with a max height of 45.5m) to 9 floors (max height 29.8m)

The approach to height on this scheme has been to both step down and integrate with existing context. The block facing onto St. Margaret's Road is 5 storeys stepping down to 4 storeys to meet the existing 3 storeys to the east. The block facing onto Hampton Wood Drive is 6 storeys stepping down to 5 storeys to meet the existing 6 storeys to the south. The landmark 9 storey building acts as a marker to the wider Hampton Wood area and as a transition from the open lands it faces to the north as suggested by An Bord Pleanála. A Townscape and Visual Impact Assessment accompanies the application.

It is submitted that the site is in an accessible location, within 300 metres of routes 13 and 140; within 500 metres of route 155 and 1,500 metres of the proposed Northwood Metro stop. The detail of the public transport provision is set out in the Transportation Assessment Report prepared by NRB Consulting Engineers submitted with the application.

The proposed development, as set out in this application, seeks to achieve greater height and density. It is submitted that, the subject site, is a prime example of the type of site anticipated in the Guidelines that can achieve increased building height and resulting increased density, while critically not being a singular use on the site but rather a wholly integrated mixed use environment where people will live and work.

Item No. 2: Justification of the design and layout of the proposed development

The approach to the design of the development as submitted is set out in the Architectural Design Statement prepared by SBA Architects submitted with the application. It is submitted that unlike the approved development on the site, the proposed development provides significant planning and urban design advantages for the site and the surrounding area in that it will consolidate the emerging street structure and pattern of development in the Hampton Wood area; provide identity for emerging district by the inclusion of a landmark building at a pivotal location; and incorporate open space and new pedestrian routes. Further, the site orientation is optimal for a taller element as there is minimal overshadowing of surrounding residential properties.

The proposed development has regard to recent and on-going changes in the urban environment in the area and to the changes in planning and development policy that seeks to ensure that brownfield land within urban areas, particularly that well served by public transport, is developed at sustainable densities and heights. These

provide a context for the site to be developed in a logical and coherent manner to foster the creation of a vibrant and sustainable community.

Item No. 3: Justification of the car parking strategy for the proposed development

A Transportation Assessment Report (including a Preliminary Mobility Management Plan) prepared by NRB Consulting Engineers is submitted with the application. The proposed parking ratio for the development is 0.84 spaces per apartment, or 56% of the maximum City Council requirement as set out in the Development Plan.

In support of this level of car parking, a car parking occupancy survey of the basement serving adjacent apartment blocks (Cells 3 and 17 adjacent to the application site) within Hampton Wood was undertaken, that showed a maximum occupancy percentage of 38% and a maximum ratio of usage of 0.48 per apartment in Cell 3 and a maximum occupancy percentage of 57% and a maximum ratio of usage of 0.44 per apartment in Cell 17. This demonstrates that the proposed parking ratio is more than adequate for the proposed development given the sustainable location of the development and taking account of the existing demand at the adjacent apartment developments.

The 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' address car parking and include an objective to remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs. In section 4.18, the guidelines acknowledge that the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns which may be suitable for apartment development, broadly based on proximity and accessibility criteria. Section 4.19 notes that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are

well served by public transport, the default policy is for car parking provision to be wholly eliminated or substantially reduced. This may apply in very accessible areas such as in or adjoining city cores or at a confluence of public transport systems. Section 4.20 describes these suitable locations including where within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services. As the application site is within 5 minutes walk of high frequency bus services, the guidelines support the case for reduced parking provision as part of this development.

Given the lower number of car parking spaces provided, the scheme will be actively marketed and promoted as a "Reduced-Car-Dependency" scheme and this will be communicated from the outset as part of sales and marketing. The development will also be managed on an on-going basis to ensure that the reduced dependency nature of the development is continually promoted and enhanced.

Car parking will not be an automatic entitlement with the apartments and will be allocated on a first come first serve basis by the Management Company and will be continually managed by the Management. Four surface level parking spaces will be allocated to car club parking spaces (e.g. Go Car spaces) and these will be located near the access for ease for use for residents.

8.0 Third Party Submissions

8.1. Forty-nine number third party submission received, the list of names for submissions is attached as appendix to this report, they are collectively summarised under the following headings:

Visual Amenity

- The 9 storey tower block represents a very stark divergence in style compared to the rest of the Hampton Wood development
- The proposal will detract from the aesthetic of the area.
- The regeneration of Ballymun and lessons learned are pertinent to the continuing development of this area.

Residential Amenity

- The form of housing must meet residents needs and be favourable to sustainable neighbourhood making.
- Inclusion of a tower block has implications for upkeep and maintenance, higher turn over rates, destabilising communities, reinforcing social separation and exclusion consequences.
- Overshadowing
- The continuous change in design, massing, scale and density is unfair to residents who bought into the earlier phases.
- Construction environmental impact
- Concerns of noise, busy roads
- Lack of infrastructure and lack of respect to the amount of people who already bought into and reside in the area.
- The last thing being put in is a play ground which should have been the first.
- Anti social behaviour and speeding on the roads needs to be addressed.
- Unauthorised car parking along roads, impacts visibility, and is an accident waiting to happen.
- This development constitutes profit before people.

Public Amenities

- The nearest primary schools and secondary schools are c. 30 minute walk away.
- The nearest creche is c. 20 minutes walk away in Meakstown
- The nearest park is c. 20 minute walk away through a number of different residential areas and crossing many busy roads
- The only retail offering in Hampton Wood is a Centra supermarket that has taken over smaller retail units that were intended for community focused local shops.
- Other commercial facilities include a tanning shop and a part time doctors / dental practice.
- There are no dedicated community facilities for Hampton Wood, Meakstown, Lanesborough or Mayeston

Health and Safety

- The ongoing works and continuing phases of development give rise to environmental pollution.
- Dust has implications for health, in particular, to children.
- Construction traffic is a danger with no proper traffic signals or traffic control measures.

Car Parking

- There is insufficient car parking to serve existing phases of development.
- There are 800 residential units and each unit has one designated parking space. Visitor parking in Hampton Wood is communal, however there is not enough visitor spaces for the current residents in Hampton Wood.
- There is no allocation for visitor parking in the current scheme.
- Hampton Wood Phase 3, after 15 years, has not been handed over to the management company, implications for car parking.
- There has been a number of fires in the Hampton Wood No. 1 CLG underground car park
- Problems with accessibility to existing Hampton Wood No. 1 CLG underground car park, which is not accessible to other residents in the area.

Public Open Space

- There is insufficient public open space in the area.
- There is a need for a children's playground

Social Issues and Anti-Social Behaviour

- Concern with respect to height of the tower building proposed and implications for social network of the area.
- Bullying and crime is ongoing in the area
- Further increase in social housing in the area is of concern.
- Tenure mix is important and the MUD Act
- Accommodation type is key in ensuring that developments such as Hampton Wood can have successful longevity with little instances of social problems
- Most concerning is the number of one bedroom apartments in the proposed scheme.

- The overall programme for regeneration in Ballymun is estimated to have cost approx. €972 million.
- The basis for Ballymun regeneration was to ensure that the problems posed by confining one socio-economic demographic to a large suburban area with little regard for tenure mix or unit type were fixed.
- Problems arise by confining one socio-economic demographic to a large suburban area with little regard for tenure mix or unit type.
- There is a need to ensure that the problems of the past are not re-visited in a well intentioned but ultimately disastrous way.
- Argue that the original planning to provide a better mix of apartments and houses is far more likely to benefit the community than this new plan.
- Residents are surprised that the purchase of Reit and DCC in the area have been allowed given the very costly and public regeneration of Ballymun.

Mix of Units

- One bed apartment's do not allow for the growth of families
- Tenure mix and type proposed not suitable to accommodate older residents.

Non-Compliance with the Original Planning Permission

- The developer has a history of non-compliance
- A number of conditions attached to the original permission have not been complied with.
- The playground has not been built
- Visitor car parking is adhoc
- There are no bicycle parking facilities
- There is no water in the bin sheds
- Drainage is non-compliant
- Building regulations are not adhered to in common areas of existing apartments
- An undertaking was given by the developer of earlier phases that further changes to the scheme would not be carried out.

9.0 Planning Authority Submission

9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 26th November 2019. The report may be summarised as follows:

9.2. Appendix A

Summary of the chief Executive and Departmental Reports

The report concludes that whilst the proposed development is acceptable in principle under Z1 zoning, the planning authority has concerns in relation to the height and design of the proposed development. In its current form, the proposed development does not provide an appropriate transition from the scale of the surrounding residential neighbourhood, in particular the 3 storey residential development on Hampton Wood Drive to the west of the application site and would be an incongruent development in the area having regard to the height and façade treatment of the existing apartment developments within close proximity.

The height and elevational treatment of the proposal in its current form would also likely have an impact on the character of the surrounding area. Amendments to the scheme would allow the development to integrate and enhance the character of the streetscape.

The planning authority also has concerns in relation to a number of other aspects of the development, incl. the quality, location and practical usability of the proposed public and communal open spaces. In this regard the p.a. consider that clear demarcation and segregation of the public and communal open space would be appropriate.

In the event that the Board grant planning permission, the planning authority recommend the development be amended, notably a reduction in height and number of storeys across the scheme, amendments to the elevations and façade treatment of the proposed blocks, revisions to the distribution of the public and communal open space, the incorporation of a childcare facility and a community facility into this high density scheme in an expanding urban area currently underserved in terms of social

infrastructure would result in an acceptable residential development that is in compliance with local and national planning policy

In summary, the resultant scheme would contain 115 no. apartments, have a maximum height of 6 storeys (20 meters) density of 155 units per hectare and contain a coffee shop, a childcare facility, communal open space and public open space with a playground within.

9.3. Appendix B

Summary of the North West Area Committee Meeting Internal Reports

9.4. **Summary of Inter-Departmental Reports**

Transportation Section: Report received it recommends a grant of permission subject to 10 no. conditions.

Drainage: No objections subject to conditions.

Parks and Landscape Services: No objections subject to conditions.

Environment, Waste Management and Control: No objection subject to condition.

Housing Section: Report received dated 03.10.2019 and indicates no objection to a grant of permission subject to a standard condition requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act 2000 (as amended) prior to commencement.

9.5. **Summary of Planning Assessment:**

- The Dublin City Development Plan, local area plan and national planning guidance supports the provision of appropriately-located residential development. The site is Zoned Z1 with the stated objective 'To protect, provide and improve residential amenities.'
- Residential is a 'permissible Use' and 'Coffee shop' (included in the definition of restaurant and Café as set out in Appendix 21) under the Zoning objective Z1.

- The principle of residential development has been established on this site with permission granted under 4387/03 and 1742/06 to provide 106 units on this site and adjoining site.
- Applying the assessment criteria for height to the proposal the p.a. has serious concerns regarding the height, particularly of Block 3 at 6 – 9 storeys in height. While there is no objection in principle to the 6 storey height over other blocks, having regard to the separation distances between the proposal and the 3 storey development opposite (minimum 31 m between directly opposing front elevations) and that 6 storey height of the completed development to the south at Hampton Square which is a similar design and layout the p.a has serious concerns regarding higher elements i.e up to 9 storey.
- The proposal is assessed in terms of:
 - Impact on Neighbouring properties.
 - Layout, design and visual impact
 - Traffic and transportation issues and parking
 - Materials
 - Residential Mix
 - Internal Design
 - Amenity and Open Space
 - Microclimate Impacts
 - Aspect / Daylight & Sunlight Analysis
 - Childcare
 - Community and Social Infrastructure
 - Transportation and Movement
 - Carparking
 - Cycle Parking
 - AA
 - EIA

9.6. Grant Recommended

The planning authority recommends that permission be granted subject to 27 no. conditions.

10.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- HSE
- Irish Aviation Authority
- Dublin Airport Authority

10.1. **SUMMARY OF PRESCRIBED BODY REPORTS:**

Transport Infrastructure Ireland: No Objection. The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as conditions on the permission, if granted.

Irish Water: 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 being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

Dublin Airport Authority (DAA): The proximity of the proposal to the airport means the operation of cranes during construction may cause concerns in relation to air safety and at a minimum requires further detailed assessment in relation to flight procedures at Dublin Airport. DAA requests that a condition is attached to any grant

of permission, requiring the developer to agree any proposals for crane operations in advance of construction with DAA and IAA (Irish Aviation Authority).

11.0 Oral Hearing Request

None requested.

12.0 Assessment

I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dublin City Development Plan 2016-2022 and the Ballymun LAP 2017, relevant Section 28 Ministerial Guidelines; provisions of the Planning Acts, as amended and associated Regulations; the nearby designated sites; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- **Site Zoning and Principle of the Development**
- **Residential Mix, Density and Design**
- **Visual Amenity**
- **Residential Amenity**
- **Landscape and Open Space**
- **Transportation, Access, Carparking & Cycle Parking**
- **Other matters**
 - **Services and anti-social behaviour**

- **Non Compliance with the Original Permission**
- **Part V**
- **Health and Safety**
- **Childcare**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

12.1. **Site Zoning and Principle of the Development**

- 12.1.1. Having regard to the nature and scale of development proposed, namely a 129 residential units apartment scheme with 300sq. m ground floor coffee shop, I am of the opinion, that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.2. In the Dublin City Development Plan 2016-2022 the subject site is zoned Sustainable Residential Neighbourhoods 'Z1' with the Objective: 'to protect, provide and improve residential amenities'. Both residential and coffee shop (included in the definition of restaurant and café) are 'Permissible Uses' under the zoning objective 'Z1'.
- 12.1.3. The principle of residential development has been established on this site with permission granted under 4387/03 and 1742/07 to provide 106 units on this site and an adjoining site. Hampton Wood is a development of over 1000 residential units at St. Margaret's Road, Finglas, Dublin 11. Dwyer Nolan Developments Ltd commenced construction at Hampton Wood in 2004 and are now in the final stages of the development. The Development was divided into a series of "Cells" during the initial design process, and this continued during the construction phase of the Development. Construction has not commenced on the last section of the site referred to here as Cell 16. At present this area is used for the site compound, parking and storage of materials. Cell 16 is the subject of this Application. There is an existing Permission for 38 residential units to be built on this portion of the site.

This application proposes to replace the current scheme of 38 units with a new high-density residential scheme of 129 units and a commercial area of 300 sq. m at the ground floor level in Block 5.

12.2. The first party submits that the site is in a highly accessible location, I am of the opinion that the site while within the boundary of the M50 is a suburban brownfield site, considered to form an 'Intermediate Urban Location'. Details of the public transport provision is set out in the Transportation Assessment Report prepared by NRB Consulting Engineers and accompanies the application. This will be assessed in detail in a subsequent section of this report.

12.3. The proposed development, as set out in this application, seeks to achieve greater height and density. It is submitted that, the subject site, is a prime example of the type of site anticipated in the Guidelines that can achieve increased building height and resulting increased density, while critically not being a singular use on the site but rather a wholly integrated mixed-use environment where people will live and work.

12.3.1. I shall deal with how the proposal interacts with surrounding land uses and assess the proposal with respect to (but not limited to) the following:

- Density;
- Plot ratio;
- Accessibility, traffic impact, proximity to public transport, provision of adequate car & bicycle parking etc.;
- Statement of housing mix & type, and Part V;
- Access to neighbourhood facilities;
- Design and quality of proposed layout;
- Orientation, overlooking and overshadowing;
- Provision of adequate public and private open space;

12.3.2. Overall, I agree with the planning authority and the applicant that the proposed development is in compliance with the zoning objective for the area (Sustainable Residential Neighbourhoods 'Z1'), as set out in the operative Dublin City Development Plan 2016-2022, local area plans and the relevant national, regional

and local planning policy framework and is therefore acceptable in principle at this location.

- 12.3.3. However, in agreement with the p.a. I have concern with respect to lack of community and social infrastructure proposed and existing given the density of development proposed. This is an expanding suburban area currently underserved in terms of social infrastructure. Planning must be plan led and evidence based, proactively drive and support sustainable development, integrating consideration of its economic, social and environmental aspects at the earliest stage to deliver homes, businesses and employment space and infrastructure in an economically viable manner that will sustain recovery and the future prosperity of the area. I recommend should the Board decide to grant planning permission for the scheme that conditions be attached requiring the inclusion of a social / community facility and a childcare facility. This would greatly enhance the area as a wholly integrated mixed-use environment where people will live and work. Childcare and Services shall be considered in further detail in the succeeding sections of this report.

12.4. Residential Mix, Density, Height and Design

- 12.4.1. Third party concern is raised with respect to the 9 storey tower proposed, over intensification on the site and architectural merit of the proposed building in the context of the sites setting. It is contended inclusion of a tower block has implications for higher turn over rates, destabilising communities, reinforcing social separation and exclusion consequences.
- 12.4.2. The density is 171 units per hectare and the proposal has a plot ratio of 1.23. The principle of residential development has been established on this site with permission granted under 4387/03 and 1742/07. This application sets to increase the number of units on the site to 129 i.e. an additional 91 units. The uplift in the number of units is considered appropriate and acceptable in terms of sustainable use of zoned lands, services and viability of public transport. Dublin city Development Plan (DCDP) plot ratio standard is 0.5 – 2.0. The proposal is well within this development plan standard and the planning authority has no objection to same.

- 12.4.3. It is submitted that the proposed development will provide an appropriate form of high quality residential development on this site. The Statement of Consistency with Planning Policy accompanying the application demonstrates that the proposed development complies with the relevant national, regional and local planning policy framework and that the proposal will provide for an effective and efficient use of this brownfield site which it contends is highly accessible and well served by public transport.
- 12.4.4. I note the opinion of the p.a. that the proposed density exceeds the highest density considered appropriate for even the most accessible locations of Ballymun i.e. the Main Street where densities of c. 150 / ha are considered appropriate with c. 50 per hectare considered appropriate in neighbourhood centres and also taking into account height of adjoining properties. While public transport, accessibility and connectivity will be accessed in further detail in the succeeding section of this report I consider that overall given, the layout proposed, precedent established in the surrounding area (Cell 17) the fact the site forms an extension to an existing permitted development and its location in an 'intermediate urban location' within the M50 that the density and height proposed is appropriate on the subject site, subject to condition. I agree that the landmark 9 storey building will act as a marker to the wider Hampton Wood area and as a transition from the open lands it faces to the north.
- 12.4.5. The applicant has proposed 55 no. 1 bed units (43%), 65 no. 2 bed units (50%) and 9 no. 3 bed (7%). A number of submissions received on this application refer to the low number of 3 bed and larger residential units. While the planning authority would welcome the provision of a greater number of 3 bed apartments in the scheme, it is noted that the housing mix proposed is in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically SPPR1 which allows for the inclusion of up to 50% one-bedroom apartments in a scheme and no minimum requirement for apartments with three or more bedrooms. Taking the Guidelines into account and the prevalence of 3 bedroom family homes in the wider area I consider the proposal is acceptable in terms of residential mix.
- 12.4.6. The planning authority have no objection in principle to the proposed general layout, I would agree that the layout is acceptable. The proposal essentially forms an extension to an existing expanding area.

- 12.4.7. It is submitted that the approach to height on this scheme has been to both step down and integrate with existing context. The block facing onto St. Margaret's Road is 5 storeys stepping down to 4 storeys to meet the existing 3 storeys to the east. The block facing onto Hampton Wood Drive is 6 storeys stepping down to 5 storeys to meet the existing 6 storeys to the south. A Townscape and Visual Impact Assessment accompanies the application.
- 12.4.8. The applicant submits that this approach is achievable on this site due to the scale of this site which is typical for a suburban site. It integrates with both existing lower and medium height contexts. The proposed development has been assessed against the criteria set out in Section 3.2 of the Guidelines against which proposals for taller buildings will be assessed in the development management process. Following the pre-application and recommended opinion (ref. 303100-18) of the Board the application was revised and the number of apartments has decreased from 175 to 129, the number of Blocks has increased from 4 to 5. The number of floors proposed has been decreased from 14 floors (with a max height of 45.5m) to 9 floors (max height 29.8m)
- 12.4.9. The scheme as proposed provides for 5 blocks along the edge of the site around a central open space. The block along Hampton Wood Drive is broken into three blocks that follow the curve of the street. The block on St. Margaret's Road is broken up by a new entrance to the linear park. Above this entrance, the building is stepped back to reduce the mass of building onto St. Margaret's Road.
- 12.4.10. The materials proposed include light brick, dark brick, Portland stone and ceramic façade tiles. It is contended that in the longer blocks, materials are used to reduce visual impact. In the proposed landmark building, materials are used to highlight corner tall element. The proposal incorporates a ground floor coffee shop at the junction with St. Margaret's Road which animates the streetscape, the strong building line along St. Margaret's Road provides for definition and enclosure of adjacent streets and the creation of a shared open space of quality for residents. In agreement with the planning authority I consider that the Portland stone to Block 03 should be replaced with a brick finish and that the proposed precast concrete / techrete balcony finishes should be replaced with glazing or similar materials. This can be dealt with by way of condition.

- 12.4.11. Most of the submissions received object to the height of the development. Section 16.7.2 of the DCDDP sets out Height Limits. It states that all areas in the table on page 320 of the DCDDP are considered to be in the low-rise category unless the provisions of an LAP/SDZ/SDRA indicate otherwise. Even though the subject site is located in the Ballymun LAP, there is not a maximum height stipulated on the application site; therefore the building height policy for this area of the city in the Development Plan is up to a maximum of 16 metres.
- 12.4.12. The highest point proposed is at Block 3 located at the corner of St. Margaret's Road and Hampton Wood Drive with a maximum height of 29.8m (9 storeys). Table 3 in Section 3 of this report sets out Building Height proposed.
- 12.4.13. The Urban Development and Building Height: Guidelines for Planning Authorities (Dec 2018) provides guidance / national policy on building heights in relation to urban areas. Building height is identified as an important mechanism to delivering compact urban growth. Specific Planning Policy Requirements (SPPRs) of the recently published height guidelines take precedence over any conflicting policies, and objectives of the Dublin City Development Plan and the Ballymun LAP.
- 12.4.14. The building height proposed has been considered in detail in the p.a.'s submitted report and cognisance being had to precedent set in the area, planning history and planning policy both nationally and locally the p.a. considered that the height is unacceptable.
- 12.4.15. I tend to disagree with the p.a.'s concerns in respect of the height of the proposal, particularly of Block 3 at 6 to 9 storeys in height. This building is located at the entrance to the development and to the overall Hampton Woods Development. It creates a strong edge and marker along Saint Margaret's Road. It is well designed and will give identity to the area. The building is positioned on the site to have minimal effect on the surrounding buildings. The existing 6-storey building to the south, CELL 17, is set-back 26m from opposite buildings on Wood Drive. The proposed development is set-back further still from buildings across the street. The setback distance ranges from 27m to 33m from existing buildings to the west. The effects of this approach are visible in the results from the overshadowing study which demonstrates that the overshadowing effects on adjacent buildings are minimal.

12.4.16. The location and orientation of the proposed development is purposefully situated to take advantage of, not only the orientation of the site, but also the lack of residential development to the north of the site. The submitted Sunlight and Daylight Assessment indicates:

- The apartments selected for assessment in terms of their daylight quality, were the 'worst case scenarios' i.e. ground and first floor (worst case on each of these floors) all achieved the minimum recommended daylighting levels.
- The Courtyard (communal and public amenity spaces) found that over 4 hours of sunlight on over 75% of the space was achieved.
- Minimal shading on the adjoining residential units (Hampton Wood Drive to the west) other than up to 11 am in the winter and 10 am in the spring, summer and autumn.

12.4.17. The number of residential units possibly effected by shading is thus significantly reduced. It is clear, from the simulations, that there is minimal shading on the adjoining residential units other than up to 11am in the winter and 10am in spring, summer and autumn.

12.5. **Visual Amenity**

12.5.1. I believe that there is merit in the argument that the Landmark building is located at a pivotal location and will provide identity for this emerging district. I am of the opinion that the proposed building is of high quality, well designed and would be an addition to the surrounding built environment. The development as a whole is well considered and would make a positive contribution to the urban neighbourhood and streetscape. The CGI's, photomontages and visual impact assessment submitted with the planning application indicates that the impact of the proposal on the area will be positive. I agree that the design of the building is of high quality and makes a positive contribution to the wider area.

12.6. **Residential Amenity**

12.6.1. 'A Statement of Consistency' has been submitted which demonstrates adherence of the proposal to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018). It is contended that a variety of apartment types of single and dual aspect units are proposed with an

efficient layout to allow ease of mobility and to maximise solar orientation. Dual aspect accounts for 57% (73 no.) of the apartment types in the scheme. Of the single aspect units proposed, 50 no. (38.75% of the total units proposed) are 1 bed and 8 no. (6.2% of the total units proposed) are 2 bed. 22 no. of the 1 bed single aspect units are west facing; 20 no are east facing; and 5 no. are east/south facing. All of the 2 bed single aspect units are west facing.

- 12.6.2. The total floor area of the proposed 1 bed units ranges between 46 and 57 sq. m. the proposed 2 bed units between 77 and 86 sq. m. the proposed 3 bed units between 95 and 106 sq. m. 100 no. of the total units proposed exceed the minimum apartment floor areas in the Guidelines by 10% or more (77.5% of the total) – 34 no. of the 55 no. 1 bed units proposed; 60 no. of the 65 no. 2 no. bed units proposed; and 6 no. of 9 no. 3 bed units proposed.
- 12.6.3. All of the bedroom sizes, comply with the minimum requirements of the apartment guidelines and in some cases exceed them. The p.a. has raised concerns with respect to limited width of some of the bedrooms in a small number of the apartments. However, the size of the bedrooms is generally considered to be adequate (some 40% over the minimum floor area required) with additional external balcony space and the resultant quality is overall high. Of the small number of apartments with limited width of 2m over a portion of its width (i.e. 0.8m below the minimum) given the overall size of such apartments this matter (i.e. internal redesign) would be achievable and can therefore be dealt with by way of condition.
- 12.6.4. The apartments are grouped between 3 and 6 units per circulation core which are accessed off the basement car park and the ground floor.
- 12.6.5. The site orientation is favourable with regard to daylight and sunlight analysis and assessment overshadowing of existing buildings. A Daylight and Sunlight Report, prepared by MMA Consulting Engineers, included in the application demonstrates there is little overshadowing effect to existing buildings. It is considered that the separation distances achieved between the proposed development and the site boundaries with other development, is acceptable and will not lead to undue adverse overlooking or overbearing impact. It is also considered that the amenity space (Plaza) around the proposed development has good sunlight access, offering a great aspect to the south and east. Overall, the scheme provides good access to sunlight

for the amenity areas and the majority of apartments can expect to have well daylit living areas.

- 12.6.6. The Development Plan seeks to maximise the use of zoned and serviced land. Consolidation through sustainable higher densities allows for a more compact urban form that more readily supports an integrated public transport system. The proposed scheme varies in height from 3 to 9 storeys. It is considered that the development will not have a significant undue adverse impact on the amenity of the adjoining area. The inclusion of further community and social infrastructure / creche space is considered appropriate within this development and this matter is dealt with in detail in succeeding sections of this report. The proposal has the potential to be an attractive place in which to live, a 300 sq. m coffee shop is provided for at the ground floor in Block 3.

12.7. Landscape and Open Space

- 12.7.1. The L-shaped building contains an amenity area (Plaza) c. 755 sq. m of landscaped public open space to its rear. The westerly orientation of this communal amenity space ensures it receives direct sunlight throughout the year. The sunlight and shadow study submitted by MMA Consulting Engineers demonstrates the favourable orientation of this space.
- 12.7.2. The area of communal open space is proposed in the form of a Plaza in the centre of the development situated above the basement car park, with pedestrian linkages contained therein connecting Saint Margaret's Road to the north via a passageway (stair access) between Blocks 2 and 3 and via a landscaped area of public open space located in the north eastern corner of the site. Communal Open space is both open to the general public and clearly associated with the subject development. The delineation of Public Open Space (c. 1498 sq. m) and Communal Open space is demonstrated in page 7 of the Landscape Design Statement by Murray & Associates Landscape Architecture, see Drawing 1753 PL P 01 Landscape Masterplan.
- 12.7.3. The communal open space area also connects with an area of public open space to the south. In effect this creates a new linear park that is open to the general public. It is submitted that these landscaped areas and walking routes may be enjoyed by all residents of the surrounding area. I agree that the permeable approach to the site is

desirable and will encourage walking and social interaction in the neighbourhood leading to the creation of a sustainable and vibrant community.

12.7.4. It is noted that children play facilities / playground (207 sq. m) has been provided for within the area of communal open space (Plaza) in the scheme, this is welcome. The precise nature of equipment to be used has not been detailed, this matter can be dealt with by way of condition.

12.7.5. I note the planning authority have some concerns with respect to quantum and delineation of or demarcation of public open space and the area of communal open space. I consider the level and quality of landscaping and communal / public open space proposed is appropriate and acceptable. Concerns raised with respect to distinguishing between the proposed area of communal open space and the adjacent public open space can be dealt with by way of condition.

12.8. **Transportation, Access, Carparking & Cycle Parking**

12.8.1. 89 number car parking spaces and 96 number cycle parking spaces are proposed at basement level. 21 no. car parking spaces and 66 visitor bicycle parking spaces are also proposed at surface level.

12.8.2. The subject site is located 8km from Dublin City Centre and 8km from Dublin Airport. It is located mid-way between the M50 junction 4 Finglas and junction 5 Ballymun. The site is served by three Dublin bus routes.

- Route 140 from St. Margaret's Road 300m to stop (8 min frequency at peak)
- Route 13 from Balbutcher Lane 300m to stop (10 min frequency at peak)
- Route 155 from IKEA 500m to stop

Inspectors Note: The walking distance is somewhat ambiguous. The p.a. state that Route 155 is located over 700m walking distance and that Route 13 is 500m walking distance. I consider pedestrian connectivity should be taken into account and note that three pedestrian links are proposed to St. Margaret's Road along the northern site boundary.

- 12.8.3. The proposed Dublin Metrolink includes a station under the junction of R108 and Northwood Avenue, 1500m to the east of the subject site. This it is submitted equates to a 5-minute cycle or 20-minute walk. The Charlestown Centre and the Ballymun Town Centre are both a 6-minute cycle from the subject site. There is a walking distance of approximately 1.8Km to Ballymun Main Street, where high quality and capacity, existing and proposed, public transport links and QBCs either currently exist or are proposed, incl. a Metro Stop.
- 12.8.4. The first party submit that the subject site is close to Dublin city centre and is very well served by public transport. Hence this site is suitable for a mid-rise high-density apartment development. The planning authority are of the opinion that the walking distance is significantly above the acceptable distance a pedestrian would be expected to walk in order to access high capacity, frequent public transport links. It is determined that while the site is deemed suitable for an apartment development, the density proposed of 174 units / ha is not considered sustainable due to its less accessible urban location and moderate public transport / urban bus links.
- 12.8.5. I note that Section 4.20 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities describes 'central and / or accessible urban locations', as most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART or Luas stops or within 5 minutes walking distance of high frequency (min 10minute peak hour frequency) bus services.
- 12.8.6. Cognisance is had that planning must ensure that development facilitates and encourages greater use of public transport as well as making walking and cycling more attractive for people at locations with more sustainable travel options. The guidelines support the case to achieve greater height and density in suitable accessible locations. I consider that as this site is within a 5 minutes walk of high frequency bus services, with other planned accessible high frequency public transport modes planned for the area, the subject site, is appropriate and suitable of the type of site anticipated in the Guidelines that can achieve increased building height and resulting increased density.

- 12.8.7. I note the planned infrastructure upgrade proposed once the link road to Balbutcher Lane has been completed which is scheduled for 2020. This follows a Part 8 Scheme which was approved under reg. ref. 3908/10. The realigned roads and junction will connect with the Hampton Woods development to create a new road connection to the R104, St. Margaret's Road, as previously permitted in Reg. Ref 4387/03. Footpaths and cycle provision are included in the approved scheme.
- 12.8.8. A Transportation Assessment has been prepared in accordance with the TII's Traffic & Transportation Assessment Guidelines and addresses the traffic impact of the proposals. The impact of the traffic associated with the development, together with the established traffic on the local road network for the AM and the PM Peak Hours has been assessed. The assessment includes a Preliminary Mobility Management Plan (MMP or Travel Plan) for the site which is included and appended as a separate report. An independent Stage 1 Road Safety Audit including Quality Audit has been undertaken and has been submitted. It is concluded that there are no adverse traffic/transportation capacity or operational issues associated with the construction and occupation of the proposed Residential development which would prevent planning permission being granted.
- 12.8.9. The traffic and transportation division of Dublin City Council are broadly satisfied with the development as proposed. I am of the opinion that the proposed development is acceptable from a traffic and access perspective.

Carparking

- 12.8.10. The basement and most of the surface car parking is accessed off Hampton Wood Square. A combination of surface and basement car parking is proposed. Bicycle and waste storage areas are also included in the scheme proposals along with a loading bay adjacent to the small ancillary cafe / restaurant unit.
- 12.8.11. The Transportation Assessment addresses traffic generation, traffic impact, car parking layout and quantum, cycle parking and servicing arrangements. The report clearly demonstrates that these operational issues can be facilitated within the proposed development.
- 12.8.12. The DCC Development Plan (2016-2022) (DCCDP) sets out the parking requirements for developments, and in this case the location is within Zone 3 of Map J of the DCCDP for parking requirement assessment purposes. The car parking

standards are set out in Table 16.1 of the DCCDP Written Statement, and this confirms that the maximum parking provision for residential uses is 1.5 parking spaces per unit for Zone 3. If this parking standard were applied, this suggests the provision of 193 parking spaces as being appropriate for 129 apartments, whilst 110 car parking spaces are being provided here, representing a parking 'Ratio' of 0.85 per apartment, or ~57% of the maximum DCC requirement. Clearly the provision of excessive numbers of spaces is contrary to principles of sustainability.

12.8.13. Section 4.20 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities sets out that in 'Central and / or Accessible Urban Locations': that in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.

12.8.14. The applicant submits that given the lower number of car parking spaces provided, the scheme will be actively marketed and promoted as a "Reduced-Car-Dependency" scheme and this will be communicated from the outset as part of sales and marketing. The development will also be managed on an on-going basis to ensure that the reduced dependency nature of the development is continually promoted and enhanced.

12.8.15. I note that the p.a. are broadly satisfied with the car parking provision.

12.8.16. It is considered that the applicant's commitment to sustainable development is of importance. In light of recent publications (Apartment Guidelines (2018), NPF 2040 (2018) the sites attributes of location proximate to Ballymun town centre and Dublin City centre and to high quality public transport nodes and also acknowledging recent granted applications in close proximity to the scheme, the quantum of car parking proposed is considered sufficient.

Cycle Parking

12.8.17. The DCCDP sets out cycle parking standards and requirements within Table 16.2 of the Written Statement, and this requires 1 cycle parking space per unit for apartment developments of this nature, or in this case 129 cycle parking spaces. However, the 'Sustainable Urban Housing: Design Standards for New Apartments

Guidelines for Planning Authorities' dated March 2018 states that 1 bicycle parking space per bedspace plus 1 visitor space per 2 units is a requirement, which would indicate that significantly more cycle parking is required than is set out in the DCCDP.

- 12.8.18. In this case a total of 288 cycle parking spaces are provided (222 residential bicycle parking spaces and 66 visitor bicycle spaces). I consider that on-site cycle parking spaces as proposed are appropriate and sufficient to serve the proposed development. Matters with respect to rearrangement and further detail can be dealt with by way of condition.

13.0 Other matters

Material Contravention Issue

- 13.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022.”
- 13.2. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- 13.3. Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location.
- 13.4. The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.
- 13.5. The planning authority do not state that the proposed development is a material contravention of the DCDP 2016 – 2022 and have clearly stated in their report that the recently published height guidelines take precedence over any conflicting policies and objectives of the DCDP and the Ballymun LAP.
- 13.6. Should the Board, however, determine that 9 floors up to 29.8m in height is appropriate on this site, they should consider that this may materially contravene Policy SC16 , Section 4.5.4.1 and Section 16.7.2 of the DCDP 2016 – 2022 and the Ballymun LAP which indicates that there is not a maximum height stipulated on the

application site; therefore the building height policy for this area of the city in the Development Plan is up to a maximum of 16 meters.

13.7. In such circumstances, section 37 (2)(b) of the 2000 Act is relevant, it states that the Board may only grant permission where it is considered 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 planning guidelines 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.

13.7.1. Regard being had to the foregoing I am of the opinion that exemptions set out in Section 37 (2)(b) (iii) could be relied upon in this instance.

Services and Anti-Social Behaviour

13.7.2. Third party concern has been raised with respect to social issues in the immediate surrounding area, rising anti-social behaviour and serious concern is expressed that the increased density, height and scale of the proposed development is of concern. It is strongly argued that problems will arise by confining one socio-economic demographic to a large suburban area with little regard for tenure mix or unit type. Further increase in social housing in the area is of concern.

13.7.3. The proposed development site is located within the urban environment of Ballymun. The objective of the Ballymun Draft Local Area Plan 2017 is 'to create a successful and sustainable new town; which provides for and supports a thriving local economy, which caters for people across all spectrums of their lifecycle in both their house type and tenure and where communities are supported by the appropriate social, sporting and cultural amenities.'

- 13.7.4. The existing permitted development is based on a Permission that was granted in 2004. Government policy regarding sustainable planning and development have also changed considerably in the intervening period. The subject site and area for the subject development have also changed dramatically. The proposed accommodation is of a high quality and is consistent with current policy direction towards urban and sustainable use of land close to the city centre and currently served by public transport which is proposed to be enhanced. The detail of the public transport provision and connectivity to Ballymun, Charlestown and Dublin City Centre is set out in the Transportation Assessment Section 12.12 of this report above.
- 13.7.5. I consider that the proposed development takes on board policy changes and provides a solution to develop the site in a logical and coherent manner to foster the creation of a vibrant and sustainable community. There is a need to increase critical mass to support services. Cognisance is had to the neighbourhood facilities in the surrounding area and to the proposal for a 300 sq. m coffee shop within the subject scheme.
- 13.7.6. There is a small neighbourhood centre located on Hampton Wood Drive approx. 150 m distant from the subject site. This neighbourhood centre is anchored by a small supermarket (Centra Hampton Wood). It is submitted that there is a crèche (providing spaces for 174 no. children within 200 metres to the south) and that there are schools in the wider area as well as sporting and community facilities.
- 13.7.7. While I note the quantum of vacant and underutilised small retail units in Ballymun town centre, and the significances of such vacancy. I am of the opinion, in agreement with the planning authority, that it would be appropriate to incorporate a community facility and creche within the scheme for use by future occupants of the development as well as the population of the wider area. This would result in the loss of 4 no. residential units at ground floor level. I feel given the uplift in density proposed and the large-scale nature of the scheme it is appropriate the some planning gain be achieved in the form of community space. I recommend that should the Board agree that conditions stipulating its requirement, use and opening hours be included in any decision to grant planning permission. That this space be provided and permanently maintained within the scheme prior to the occupation of any residential units on site. The uses of the space should be restricted to Class 8 use and Class 10 use as set out in Part 4 of Schedule 2 to the Planning and

Development Regulations, 2001. Prior to the 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 café/community centre to ensure that its purpose is to provide for the greater benefit of the community should be submitted to, and agreed in writing with, the planning authority.

- 13.7.8. While it is acknowledged that responsibility for running and operation of such a facility may prove complex cognisance is had to the Multi Unit Development Act, 2011 (MUD Act).
- 13.7.9. Planning is about creating communities and further developing existing communities in a sustainable manner by securing high quality urban design through the design, delivery and co-ordination of new development providing a good quality of life for all existing and future users of land and buildings. I believe it would be difficult for a community to secure and develop such a space in the future. It is recommended that Apartments 1B-a and 1B-d approx. ground floor of Block 5 comprising 115 sq. m be used for this purpose. See Drg no. 18-107-P006 for detail.
- 13.7.10. With respect to concern of increase of social housing in the area and anti-social behaviour. I note that 10% social housing, only, is proposed within this scheme in accordance with Part V requirements. Issues of anti-social behaviour are a matter for An Garda Siochana and outside of the scope of the remit of An Bord Pleanala.

Non Compliance with the Original Permission

- 13.7.11. Third party concern is raised with respect to non – compliance with conditions attached to the original permission. It is contended the developer has a history of noncompliance. That the playground required under permitted phases has not been constructed to date. Concerns are raised with respect to access to underground car parking and the knock-on impact to residents of on street and insufficient car parking.
- 13.7.12. Enforcement is solely a matter for the planning authority and any competent authority should conduct planning in a manner that affords a high level of confidence in the openness, fairness, professionalism and efficiency of the process, where people can have the confidence that appropriate enforcement action will be taken

where legal requirements are not upheld. I would advise third parties to raise all matters of concern with the planning authority.

Part V

13.7.13. 13 no. units are proposed to be provided as part of the Part V obligations. The applicant has engaged in discussions with the Housing Department of Dublin City Council in respect to Part V.

13.7.14. The applicant's Part V proposal provides for 10% of the total housing units proposed within the development, consisting of:

- 8 no. 1 bed apartments
- 5 no. 2 bed apartments

13.7.15. The location of the units to be provided are shown on drawing 18-107 -500 prepared by SBA Architects and is attached in the Part V Information letter submitted with the application.

13.7.16. Report on file from the Housing Section of the Council indicates no objection in principle. The Planning Authority is satisfied with Part V proposals. A general Part V condition should be attached.

Health and Safety

13.7.17. A 'Construction Management Plan & Construction Waste Management Plan' has been submitted. It is submitted that the proposed development will be constructed over a 2 year period, however, market conditions and sales at the time will likely dictate the construction programme.

13.7.18. There is no demolition and removal of existing buildings required. All works on site shall comply with BS 5228 2009 which gives detailed guidance on the control of noise and vibration from construction activities. In general, the contractor shall implement the following mitigation measures during the proposed infrastructure works:

- Avoid unnecessary revving of engines and switch off equipment when not required.
- Minimise drop height of materials.
- Start-up plant sequentially rather than all together

- 13.7.19. All construction traffic will enter the site via the St Margret's Rd and then Hampton Wood Drive. Construction traffic will approach the site from both direction on St Margret's Road, either from the M50 Junction 5 (Finglas) or the M50 Junction 4 (Ballymun). All deliveries and the removal of material will access the site via this route. Deliveries and the removal of material off site will avoid peak traffic hours where possible (8.00am-9.00am and 4.30pm-5.30pm).
- 13.7.20. For the duration of the proposed infrastructure works the maximum working hours shall be 07:00 to 18:00 Monday to Friday (excluding bank holidays) and 08:00 to 14:00 Saturdays, subject to the restrictions imposed by the local authorities. No working will be allowed on Sundays and Public Holidays. Subject to the agreement of the Local Authority. Out of hours working may be required for the watermain and drainage connections and final junction/road upgrades.
- 13.7.21. Road cleanliness will be monitored throughout the works and a road sweeper will be employed when required. The contractor will liaise with the local authority and all adjoining owners / residents in respect of the timing and movement of the road sweeper activity.
- 13.7.22. Mitigation measures are set out in relation to dust, dirt, noise, vibration, construction traffic, working hours and waste management. All such matters can be dealt with by way of condition.

Childcare

- 13.7.23. The application does not include a childcare facility as part of the proposal. The applicant has provided the following information to justify the lack of provision of childcare within the scheme:
- The proposed mix, development comprises of 93% one and two bedroom apartments.
 - The total of units that would contribute to the requirement for childcare provision is 74 no. units
 - DCC (Under ref. no. 2546/16) permitted an enlarged creche facility providing spaces for 174 no. children in a building 200 meters from the site.
 - At the time of the application (August 2016) the applicants received correspondence from DCC Childcare Committee to the effect that there is an unusually low demand and take up of childcare facilities in the area.

13.7.24. DCC have indicated that it is unfortunate that up to date assessment and contact with Dublin City Childcare committee was not made by the applicant for an up to date situation with regard to childcare in the area. The p.a. therefore considers it appropriate to provide for such a facility in the scheme and recommends that a condition be attached in this regard. This would result in the omission of two no. residential units at ground floor and their replacement with the facility. It is recommended that Apartment types 2B-g on the ground floor of blocks 4 and 5 shall be omitted and the resultant floor areas amalgamated to provide for a childcare facility. This area equates to approximately 170 sq. m, See Drg no. 18-107-P006 for detail.

13.7.25. Having regard to the scale and mix of units, the low number of childcare units in the area (1 no.) (It is submitted by third parties that the nearest creche is a 20-minute walk distant) and the large number of residential developments recently permitted, constructed and likely to be constructed, I agree with the p.a. that sufficient justification has not been submitted for the non-provision of a childcare facility in the scheme. This matter can be dealt with by way of condition and compliance.

13.8. **Environmental Impact Assessment**

EIA is not mandatory for the proposed project and I do not consider that there is a sub-threshold requirement. The Environmental Impact Assessment Screening Report is noted and considered acceptable.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest 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.

13.9. **Appropriate Assessment (AA)**

The proposed development site is not directly connected with, or necessary for, the management of any Natura 2000 site. No habitat loss will occur within any Natura 2000 site as a result of this proposed development.

The applicant has submitted an AA screening report which sets out a description of the proposed development, identifies the Natura 2000 sites within 15kms of the development. A total of 12 Natura 2000 sites were identified within the 15km zone which included seven SACs designated under the Habitats Directive and five SPAs designated under the Birds Directive

The proposed development is not situated within or adjacent to a Natura 2000 site. No Annex species or habitats were noted on the site or in its immediate environs. No significant impact on Natura 2000 sites are foreseen. Table 1 below sets out the twelve European sites located within a 15-kilometre range of the proposed project.

Table 1

Conservation site	Site Code	Designation
Baldoyle Bay	000199	SAC
Howth Head	000202	SAC
Malahide Estuary	000205	SAC
North Dublin Bay	000206	SAC
Rockabill to Dalkey	000300	SAC
Rogerstown Estuary	000208	SAC
South Dublin Bay	000210	SAC
Baldoyle Bay	004016	SPA
Malahide Estuary	004025	SPA
North Bull Island	004006	SPA
Rogerstown Estuary	004015	SPA
South Dublin Bay and River Tolka Estuary	004024	SPA

The conservation aspects of the Special Areas of Conservation identified are tabulated below.

Natura 2000 site	Conservation Objective of each site
Baldoyle Bay SAC 000199	Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonising mud and sand Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
Malahide Estuary SAC 000205	Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonising mud and sand Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) Mediterranean salt meadows (<i>Juncetalia maritimi</i>) Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes)
North Dublin Bay SAC 000206	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) Mediterranean salt meadows (<i>Juncetalia maritimi</i>) Embryonic shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) Fixed coastal dunes with herbaceous vegetation (grey dunes) Humid dune slacks <i>Petalophyllum ralfsii</i> (Petalwort)
Rockabill to Dalkey SAC 003000	Reefs <i>Phocoena phocoena</i> (Harbour Porpoise)
Rogerstown Estuary SAC 000208	Estuaries Mudflats and sandflats not covered by seawater at low tide Salicornia and other annuals colonising mud and sand Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) Mediterranean salt meadows (<i>Juncetalia maritimi</i>) Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)

	Fixed coastal dunes with herbaceous vegetation (grey dunes)
South Dublin Bay SAC 000210	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes
South Dublin Bay SAC 000210	Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Embryonic shifting dunes

Conservation aspects of the Special Protection Areas identified are tabulated below.

Natura 2000 site	Conservation Objective of each site
Baldoyle Bay SPA 004016	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>) Ringed Plover (<i>Charadrius hiaticula</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Wetland and Waterbirds
Malahide Estuary SPA 004025	Great Crested Grebe (<i>Podiceps cristatus</i>) Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>) Pintail (<i>Anas acuta</i>) Goldeneye (<i>Bucephala clangula</i>) Red-breasted Merganser (<i>Mergus serrator</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Knot (<i>Calidris canutus</i>) Dunlin (<i>Calidris alpina</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Redshank (<i>Tringa totanus</i>) Wetland and Waterbirds
North Bull Island SPA 004006	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>) Teal (<i>Anas crecca</i>) Pintail (<i>Anas acuta</i>) Shoveler (<i>Anas clypeata</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Knot (<i>Calidris canutus</i>)

	Sanderling (<i>Calidris alba</i>) Dunlin (<i>Calidris alpina</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Curlew (<i>Numenius arquata</i>) Redshank (<i>Tringa totanus</i>) Turnstone (<i>Arenaria interpres</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Wetland and Waterbirds
Rogerstown Estuary SPA 004015	Greylag Goose (<i>Anser anser</i>) Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>) Shoveler (<i>Anas clypeata</i>)

I have had due regard to the screening report and data used by the applicant to carry out the screening assessment in respect of the Natura 2000 sites identified as being within 15km radius of the development site, which are set out above, including the nature of the receiving environment and proximity to the nearest European sites.

I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

AA Screening Conclusion

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Baldoyle Bay SAC 000199, Malahide Estuary SAC 000205, North Dublin Bay SAC 000206, Rockabill to Dalkey SAC 003000, Rogerstown Estuary SAC 000208, South Dublin Bay SAC 000210, South Dublin Bay SAC 000210, Baldoyle Bay SPA 004016, Malahide Estuary SPA 004025, North Bull Island SPA 004006, Rogerstown Estuary SPA 004015 or any European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 Recommendation

14.1.1. I recommend that permission be **granted** for the proposed development subject to the following conditions:

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 02nd day of October 2019 by Dwyer Nolan Development Limited of Stonebridge House, Stonebridge Close, Shankill, Dublin.

Proposed Development:

A planning permission for strategic housing development on a site of 0.753 hectares to the north of Poppintree Industrial Estate, bounded by St. Margaret's Road to the north and Balbutcher Lane to the south east, Dublin 11. The site is cleared for the most part and slopes gently from north to south and has a hoarding bounding it. It originally formed part of development proposals for the larger Hampton Wood development located directly to the west of the site and which is substantially completed. At the centre of this development parcel, but not forming part of the current site, are two apartment blocks that are accessed from Hampton Wood Drive. To the west of the site on the western side of Hampton Wood Drive, there are 3 to 4 storey brick and render townhouses fronting onto that road.

The proposed development will consist of:

The construction of a mixed-use development comprising:

- 1) A 300 sq. m. coffee shop on the ground floor of Block 03, fronting onto Hampton Wood Drive and St Margaret's Road;
- 2) 129 no. apartments
 - 55 no. one bed,
 - 65 no. two bed, and

- 9 no. three bed

In five 4 to 9 storey blocks comprising:

- **Block 1.** 4-5 storey comprising of 19 no. apartments (5 no. 1- bed, 9 no. 2- bed and 5 no. 3-bed)
- **Block 2.** 5 Storey comprising of 14 no. apartments (4 no. 1- bed, 9 no. 2-bed and 1 no. 3-bed)
- **Block 3.** 6-9 storey comprising of 40 no. apartments (10 no. 1- bed, 22 no. 2- bed and 3 no. 3 bed)
- **Block 4.** 6 storey comprising of 33 no. apartments (22 no. 1- bed and 11 no. 2- bed) and 126 no. residents' cycle parking spaces within the basement.
- **Block 5.** 5 storey comprising a total of 23 no. apartments (14 no. 1- bed and 9 no. 2- bed) in 5 storey Block 5.

3) A single level basement providing 89 no. car parking spaces including 4 no. disabled parking spaces, 96 no. resident bicycle parking spaces, service and plant areas, waste management areas and storage areas;

4) A new vehicular access to the basement car park from the internal access road of the adjoining Hampton Wood Drive development to the south;

5) The provision of a landscaped communal open space including children's play areas and 66 no. visitor bicycle parking spaces within the shared public open space.

6) All other associated works required to facilitate the proposed development Including:

- Landscaping,
- A cycle path and footpaths along the Hampton Wood Drive and St Margaret's Road frontages,
- A lay-by loading area and 2 no. car parking spaces for the coffee shop on Hampton Wood Drive,
- 19 no. surface car parking spaces adjacent to the internal access road of the adjoining Hampton Wood Drive development to the south and
- All associated services.

15.1.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022."

- 15.1.2. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- 15.1.3. Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location.
- 15.1.4. The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered by the applicant that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location on lands with a zoning objective 'Z1' for 'Sustainable Residential Neighbourhoods' and the Objective in the Dublin City Development Plan 2016-2022: 'to protect, provide and improve residential amenities'.

- (b) the sites setting in a 'Intermediate Urban Location' and the distances between the development site to public transport links and also the proximity of the site with regard to walking distances to economic and social facilities in addition to the separation distances proposed between this scheme and those existing, recently developed residential development most directly adjoining to the south, east and west.
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan and appendices contained therein, Ballymun Local Area Plan and National Planning Guidance.
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) 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
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018,
- (i) to Section 37 (2)(b) (iii) of the Planning and Development Act 2000, as amended
- (j) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,

- (k) the nature, scale and design of the proposed development,
- (l) the pattern of existing and permitted development in the area and
- (m) to the submissions and observations received,
- (n) the report of the Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended), the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this zoned 'Intermediate Urban Location', which would, subject to condition, not seriously injure the visual amenity of the area, would, subject to condition, be acceptable in terms of urban design, height and quantum of development and would, subject to condition, be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 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 comply with the terms and conditions governing the overall site under Reg. Ref. 1742/07 and Reg. Ref. 4387/03, unless modified or

otherwise required by this grant of planning permission or any conditions contained in this schedule.

Reason: In the interest of orderly development and clarity.

3. The proposed development shall be amended as follows:

(a) The proposed Portland stone finish to Block 03 shall be replaced with a brick finish.

(b) The proposed precast concrete / techrete balcony finishes shall be replaced with glazing or similar materials.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

4. Apartment types 1B-a and 1B-d and the associated communal corridor located on the ground floor of Block 5 shall be omitted and the resultant floor areas amalgamated to provide a community centre space / element of social infrastructure.

(a) This space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.

(b) The uses of the space shall be restricted to Class 8 use and Class 10 use as set out in Part 4 of Schedule 2 to the Planning and Development Regulations, 2001.

(c) Prior to the 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 space to ensure that its purpose is to provide for the greater benefit of the community shall be submitted to, and agreed in writing with, the planning authority.

(d) Opening hours of the space shall be agreed in writing with the planning authority prior to the first occupation of the space.

The details pertaining to the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the space. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: To provide an adequate standard of residential amenity for future residents of the scheme and to comply with Policy QH and development standards 16.10.1 'Making Sustainable Neighbourhoods' of the Dublin City Development Plan 2016 – 2022.

5. The proposed development shall be amended as follows:

(a) Apartment types 2B-g on the ground floor of blocks 4 and 5 shall be omitted and the resultant floor areas amalgamated to provide for a childcare facility. Direct access from the facility to the adjacent public open space. Full details, including details of drop-off/pick up car parking spaces, shall be submitted to the planning authority for the written agreement prior to the occupation of any residential units on site. The 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.

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

6. The proposed development shall be amended as follows:

(a) All apartment types 2B-g shall have a balcony / terrace (c6 sq. m) provided off the bedroom in addition to the primary terrace off the living / dining area as shown on the ground floor plan submitted Drwging 18-107-P0006).

- (b) The internal layout of the apartments of apartment Type 2B-a (3no.) shall be amended to provide for a minimum width of 2.8m in all bedrooms.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In order to provide for an adequate standard of residential amenity for the future occupants of the scheme.

7. The applicant shall submit the following to the Planning Authority for agreement prior to the commencement of development:
- (a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings.
 - (b) Details of all signage, lighting (if any) of the coffee shop, creche and community facility associated with the development.
 - (c) Full details of wayfinding through the site including details of access to the public lifts which should include hours of operation.
 - (d) Details for the provision of 24 hour access to the public realm areas and basement level car parking detailed on the submitted plans and particulars.

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

8. 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

9. Each apartment shall be used as a single dwelling unit, only.

Reason: To prevent unauthorised development.

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

Reason: In the interest of sustainable waste management.

12. Details of mitigation measures to offset adverse impacts of micro-climate conditions (wind) shall be submitted to the planning authority for written agreement prior to the commencement of any development on site.

Reason: To protect the residential amenity of the area.

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

(a) The internal road network, public footpaths within and outside the proposed development site, lighting, bin stores and cycle parking provision and car parking

arrangements, including facilities for the recharging of electric vehicles, shall comply with the requirements of the planning authority for such works.

(b) All materials proposed in public areas should be in accordance with the document Construction Standards for Roads and Street Works of the planning authority.

(c) The applicant / developer shall undertake to implement the measures outlined in the Mobility Management plan and to ensure that future residents of the proposed development comply with this strategy.

(d) A car parking management strategy shall be put in place for the overall development. This shall address the childcare facility use and community space use and requirements for drop off and turning arrangements and continual management and assignment of spaces to uses and residents over time. A management scheme for on street car parking shall be put in place, regard being had to the childcare facility and community space. In this regard, the applicant is advised that public on street car parking cannot be legally assigned to and reserved for private use and cannot be numbered as such.

(e) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

(f) The applicant / developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of traffic and public safety.

14. Details of the segregation of the communal and public open spaces, including robust and secure boundary treatments and soft and hard landscaping features shall be submitted for the written agreement of the planning authority prior to the commencement of development on site.

Reason: In the interest of residential amenity.

15. (a) The site shall be landscaped in accordance with the submitted scheme of landscaping. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

(b) Where feasible the planting of native pollinator friendly species of plants and trees shall be incorporated into the landscape plan.

(c) Play equipment for children / young people and a piece of public Art shall be provided for in the development, the developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park / public realm 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. Details shall be submitted to the planning authority for written agreement prior to the commencement of development on site.

Reason: In the interest of conservation, residential and visual amenity.

16. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

17. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

18. The following requirements of the Dublin Airport Authority (DAA) shall be complied with:

(a) The applicant / developer shall agree any proposals for crane operations (whether mobile or tower crane) in advance of construction with DAA and the Irish Aviation Authority.

Reason: In the interest of air safety.

19. Balustrading to balconies should be safe for children. Balconies and terraces shall have unrestricted widths of 1.5m (minimum) in one useable length. Vertical privacy screens should be provided between adjoining balconies and the floors or balconies should be solid and self – draining.

Reason: In the interest of safety, privacy and residential amenity.

20. The glazing to the all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenity.

21. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

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

22. Site development and building works shall be carried out only between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

23. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

24. 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 public open spaces, 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.

25. (a) 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.

(b) All communal parking areas serving the residential units shall be provided with functional electrical vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development,

Reason: In the interest of orderly development, the visual amenities of the area and for satisfactory future maintenance.

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the 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.

27. 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.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Fiona Fair
Planning Inspector

09/01/2020

APPENDIX A- List of submissions received

1. Homeowner 25 Hampton Wood Crescent
2. Homeowner 59 Hampton Wood Road
3. Homeowner 69 St. Margaret's Road
4. Homeowner 80 St. Margaret's Road
5. Aideen Smith
6. Alan Donnelly
7. Celia McLoughlin
8. Christine Sherlock
9. Ciaran Murphy
10. Clare Troy
11. Cora Burke
12. Dublin Airport Authority
13. Elaine O'Reilly
14. Emily Cullen

15. Fiona O'Brien
16. Garrett Delaney
17. Gillian & Rory Richardson
18. Grzegorz Sawicki
19. Hugo Silva
20. Irish Water
21. John Byrne
22. Joyce Rooney
23. Julie-Anne Smith
24. Justin Nolan
25. Kathleen Quigley
26. Laurence Creevy & Other
27. Linda Maher
28. Lindsay Kavanagh
29. Liza Gieron
30. Marcin Cedro
31. Mardeliza Belosso
32. Mayeston Hall Management Company
33. Meakstown Community Council
34. Muireann Ni Riain
35. Nicola Roche
36. Patrick Clifford
37. Patrick Kiely
38. Paul O'Riordan
39. Pertrica Popa
40. Robert Wozenski
41. Roisin Shortall
42. Siju Jose
43. Siobhan & Eoin Dolan
44. Stephen O'Connor

45. Teresa Somers
46. Therase Boylan
47. Transport Infrastructure Ireland
48. Ubaldo Colmenan
49. Vincent Kavanagh
50. Violeta Hejduk