



An
Bord
Pleanála

Inspector's Report 305776-19

Development

Demolition of existing dwelling;
construction of 5-storey, mixed-use
development with a crèche/Montessori
school & 24 apartments, bike & refuse
storage, car parking, communal open
space & 2 no. vehicular entrances
onto Clonshaugh Road.

Location

Clonshaugh House, Clonshaugh
Road, Dublin 17.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

3692/19

Applicant(s)

Robert Healy

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Robert Healy

Observer(s)

None

Date of Site Inspection

12th February 2020

Inspector

Louise Treacy

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 2,167 m² and is located on the western side of Clonshaugh Road, Dublin 17. While the site is surrounded by Clonshaugh Business and Technology Park to the north, south and west, there are no pedestrian or vehicular connections to these adjoining lands. The site fronts onto and is accessed via its eastern boundary at Clonshaugh Road, which was closed off by way of hoarding at the time of the site inspection.
- 1.2. A vacant, detached two-storey dwelling is located on the north-western portion of the site, with the remaining area characterised by hard-standing, which is partially overgrown.
- 1.3. The neighbouring lands on the eastern side of Clonshaugh Road are extensively residential in nature.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing dwelling on the site and the construction of a 5-storey, mixed-use development consisting of a ground floor commercial unit (crèche/Montessori school), with 24 no. apartments above (4 no. 1-bedroom units, 12 no. 2-bedroom units and 8 no. 3-bedroom units) including balconies to the east and west elevations, internal bicycle and refuse stores, 24 no. car parking spaces, communal open space, outdoor crèche play area, associated landscaping and site works and 2 no. new vehicular accesses onto Clonshaugh Road.
- 2.2. The proposed development is set back from Clonshaugh Road by approximately 20 m and is generally aligned with the footprint of the existing industrial building which adjoins the northern site boundary. A one-way traffic system is proposed within the site, with car parking for the residential units and the proposed crèche located to the front of the block. The communal open space for the apartments and the outdoor play space for the crèche are located to the rear of the block.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Planning Permission issued on 1st October 2019 for 1 no. reason on the basis that the proposed development, which is entirely residential in nature, would materially contravene the zoning objective of the site (Z6), which is to provide for the creation and protection of enterprise and facilitate opportunities for employment creation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. Basis of Planning Authority's decision.

- 3.2.3. The Planning Officer considered that the proposed land-use mix would not undermine the viability of the overall adjoining industrial estate and would not set a precedent due to the particular circumstances of the relatively small site.

- 3.2.4. However, as the Z6 zoning remains in place on the site, the Planning Officer further considered that the proposed mix represented an imbalance towards non-employment/enterprise uses, and as such, would materially contravene the zoning objective.

3.2.5. Other Technical Reports

3.2.6. Transportation Planning Division (16th September 2019)

- 3.2.7. Recommended that further information be requested in relation to:

- (i) Revised proposals demonstrating the provision of 1 no. car parking space per residential unit and a parking management plan;
- (ii) A revised car parking/drop-off area for the crèche/Montesorri school; and,
- (iii) Revised proposals for visitor bicycle parking and bicycle/scooter parking for the crèche/Montesorri school.

- 3.2.8. **Engineering Department – Drainage Division (3rd September 2019):** No objection to the proposed development subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water:** None received.

3.4. **Third Party Observations**

3.4.1. None received.

4.0 **Planning History**

4.1. **Planning Authority Reg. Ref. 4303/08; ABP Ref. PL29N.233570:** Planning permission refused on 6th November 2009 for the demolition of the 3 no. structures on site and the construction of a 5-storey, mixed-use development consisting of 24 no. residential units with 4 no. 2-bedroom, live-work units, 17 no. two-bedroom units, 3 no. 3-bedroom units, with balconies facing north and south, 200 m² creche with outdoor play area and vehicular drop-off zone from Clonshaugh Road, 610 m² commercial basement car park with 45 no. spaces, refuse store, bicycle store, plant room, vehicular basement ramp accessed from Clonshaugh Road and all associated site works.

4.2. Planning permission was refused for 2 no. reasons, including: (i) the proposed development would materially contravene the site's zoning objective to provide for the creation and protection of enterprise and facilitate opportunities for employment creation; and, (ii) excessive density of development, with inadequate private open space, resulting in substandard residential amenity for future occupiers.

4.3. **Planning Authority Reg. Ref. 0364/02:** Planning permission granted on 16th September 2002 for 1 no. car storage warehouse to serve the existing car recovery and storage use of the site, with detached office, together with new vehicular entrance and associated site works and parking.

4.4. **Planning Authority Reg. Ref. 1349/00; ABP Ref. PL29N.121008:** Planning permission refused on 23rd March 2001 for the demolition of the existing 2-storey dwelling house and the erection of 21 no. apartments consisting of 14 no. 1-bedroom and 7 no. 2-bedroom units over 3-storeys, together with all associated site works and parking.

4.5. Planning permission was refused for 1 no. reason on the basis that the proposed development would represent an unacceptable intensity of use on a restricted site,

which by reason of the predominance of single bedroom apartments and insufficient provision of private open space, would result in substandard residential development.

- 4.6. **Planning Authority Reg. Ref. 0135/99; ABP Ref. PL29N.110949:** Planning permission granted on 10th November 1999 for the retention of change of use to garage and lands within curtilage of residential dwelling for the storage, repair and servicing of motor vehicles and the storage of spare parts for motor vehicles.

5.0 Policy and Context

5.1. Dublin City Development Plan 2016-2022

5.2. Zoning

- 5.2.1. The site is subject to land use zoning “Z6” (Employment/Enterprise) which has the objective “to provide for the creation and protection of enterprise and facilitate opportunities for employment creation”. Childcare facilities are a permissible use on Z6 zoned lands, while residential uses are open for consideration.
- 5.2.2. Section 14.8.6 of the development plan notes that Z6 lands constitute an important land bank for employment uses in the city, which is strategically important to protect. The permissible uses on these lands will be accommodated in primarily office-based industry and business technology parks, developed to a high environmental standard and incorporating a range of amenities, including crèche facilities, public open space, green networks and leisure facilities.
- 5.2.3. The incorporation of other uses, such as residential, recreation and retail uses, will be at an appropriate ratio where they are subsidiary to the main employment generating uses and shall not conflict with the primary land-use zoning objective, nor with the vitality and viability of nearby district centres.
- 5.2.4. Within the Z6 zoning, the following development principles shall apply:
- **Employment:** Any redevelopment proposals shall ensure that the employment element on site should be in excess of that on site prior to re-development in terms of the numbers employed and/or floorspace.

- **Uses:** To incorporate mixed uses in appropriate ratios. All such uses, including residential and retail, shall be subsidiary to employment-generating uses and shall not conflict with the primary aim of the zoning to provide for the employment requirements of the city.
- **Transport:** To maximise access to public transport connections and proposed public transport infrastructure.
- **Built Environment:** To create a distinct identity for individual areas with a high-quality, physical environment and coherent urban structure.
- **Landscape:** To exploit and integrate natural amenities, biodiversity considerations and emerging strategic green networks in the layout of emerging urban structures.

5.3. Housing

- 5.3.1. The housing policies of Dublin City Council are set out in chapter 5 of the development plan. Those policies which are relevant to this application are identified below.
- 5.3.2. **Policy QH1:** To have regard to the DEHLG Guidelines on '*Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities*' (2007), '*Delivering Homes Sustaining Communities – Statement on Housing Policy*' (2007), '*Sustainable Urban Housing: Design Standards for New Apartments*' (2015) and '*Sustainable Residential Development in Urban Areas*' and the accompanying '*Urban Design Manual: A Best Practice Guide*' (2009).
- 5.3.3. **Policy QH5:** To promote residential development addressing any shortfall in housing provision through active land management and a co-ordinated planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.
- 5.3.4. **Policy QH7:** To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

- 5.3.5. **Policy QH8:** To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.
- 5.3.6. **Policy QH18:** To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.
- 5.3.7. **Policy QH21:** To ensure that new houses provide for the needs of family accommodation with a satisfactory level of residential amenity, in accordance with the standards for residential accommodation.

5.4. **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).**

5.4.1. The key development standards for apartment units in the context of this appeal case are summarised below:

- **Overall floor area:** 1-bedroom unit - 45 m²; 2-bedroom/4-person unit – 73 m²; 3-bedroom – 90 m²; The majority of the units shall exceed the minimum floor area standards by 10%;
- **Unit Mix:** Max. 50% 1-bedroom units, with no requirement for 3-bedroom units;
- **Storage space:** 1-bedroom unit - 3 m²; 2-bedroom/4-person unit – 6 m²; 3-bedroom unit – 9 m²; Storage for bulky items should also be provided outside individual apartment units;
- **Dual Aspect Ratio:** Minimum 50% dual aspect units and ideally all 3-bedroom units shall be dual aspect; where single aspect apartments are provided, the number of south facing units should be maximised, with east and west facing units also acceptable; For urban infill schemes on sites up to 0.25 ha, planning authorities may exercise discretion to consider a dual aspect ratio below a minimum of 33%, subject to the achievement of overall high design quality;
- **Floor to Ceiling Height:** Min. of 2.4 m required, but 2.7 m encouraged;
- **Lift and Stair Cores;** Max. of 12 apartments per floor per core;

- **Private amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/4-person unit – 7 m²; 3-bedroom – 9 m²;
- **Communal amenity space:** 1-bedroom unit - 5 m²; 2-bedroom/4-person unit – 7 m²; 3-bedroom unit – 9 m²;
- **Public open space:** No requirement identified under the Guidelines. Section 16.10.3 of the development plan requires that 10% of the site area in new residential developments shall be provided as private open space.
- **Bicycle parking:** 1 cycle storage space per bedroom, with visitor parking required at a rate of 1 space per residential unit;
- **Car parking:** In peripheral or less accessible urban locations, 1 no. space per unit is identified as a benchmark guide, with 1 visitor space for every 3-4 apartments.

5.4.2. While noting the recommended threshold of 1 no. 20 space childcare facility per 75 dwelling units as provided under the *Childcare Facilities Guidelines for Planning Authorities* (2001), the Guidelines confirm that the threshold for any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area.

5.5. **Urban Development and Building Heights Guidelines for Planning Authorities (2018)**

5.5.1. The Guidelines confirm that in suburban/edge locations, development should include an effective mix of 2, 3 and 4 storey developments which integrate well with existing and historical neighbourhoods. Developments of 4-storeys or more in height can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

5.6. **National Planning Framework (NPF)**

5.6.1. The NPF sets out objectives which aim to secure more compact and sustainable growth patterns in urban areas in the period to 2040.

5.6.2. **National Policy Objective 3b** seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

5.7. **Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region**

5.7.1. The purpose of the RSES is to support the implementation of the NPF by providing a long-term strategic planning and economic framework for the development of the region to 2031, including the promotion of compact growth and urban regeneration and sustainable settlement patterns. The RSES sets out a number of Regional Policy Objectives (RPO), with the following considered most relevant to the assessment of this appeal case:

5.7.2. **RPO 3.2:** Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

5.7.3. **RPO: 3.3:** Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for new Apartments Guidelines' and the 'Urban Development and Building Heights Guidelines for Planning Authorities'.

5.7.4. **RPO 4.3:** Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

5.8. **Natural Heritage Designations**

5.8.1. None.

5.9. EIA Screening

- 5.9.1. Having regard to the nature and scale of the proposed development, comprising 24 no. residential units and a crèche/Montessori school on zoned land in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal has been lodged by Ceardean Architects on behalf of the applicant. The appeal submission proposes to amend the development by omitting 2 no. apartment units from the 3rd and 4th floors of the development, thus reducing the total number of units from 24 no. to 20.
- 6.1.2. A revised site plan also been submitted which identifies a dedicated drop-off area/universal car space for the proposed crèche/Montessori school and 2 no. locations for communal bicycle parking for use by visitors/patrons of the crèche/Montessori school.
- 6.1.3. The grounds of appeal can be summarised as follows:
- The adjoining industrial estate was developed to completion over 30 years ago and was not designed in anticipation of subsuming the application site for productive industrial or enterprise use. No interest has ever been expressed on the part of the industrial estate to purchase the site from the present or previous owner;
 - The site has been listed for sale as a commercial site since 2016, with no genuine expression of interest to purchase the site since that time;
 - At 0.2 ha, the site is not deemed as a viable commercial or enterprise-orientated site;
 - The business park which adjoins the application site has a substantial vacancy rate, which indicates that smaller units in the area do not have a

ready market. The provision of similar development on the application site would not be economically viable;

- The employment use which is proposed on the site by way of the crèche/Montessori school, will provide a level of employment (8-10 people) which is consistent with the neighbouring Z6 zoned lands and will deliver a much-needed facility for local residents and industrial estate employees;
- The current application addresses the previous refusal of permission (Planning Authority Reg. Ref. 4303/08; ABP Ref. PL29N.233570) for a 5-storey, mixed-use development on the site, with no third-party submissions noted to have been made in relation to the application;
- Planning permission was previously granted for a residential scheme on Z6 zoned lands further north on Clonsaugh Road (Planning Authority Reg. Ref. 2304/00);
- The national planning policy context has changed significantly since the previous refusal of permission on the site, including the National Planning Framework, which promotes residential development within Dublin city. The site is included in Dublin City Council's review of Z6/Z7 zoned lands, and while this may lead to a change in zoning, the redevelopment of the site as proposed is compatible with its current zoning objective and would not be a material contravention.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. None.

7.0 Assessment

7.1. I am satisfied that the main issues for consideration in this case include:

- Land Use Zoning
- Amended Design Proposals
- Scheme Design and Layout
- Crèche Operation, Drop-Off and Parking Arrangements
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.

7.3. Land Use Zoning

- 7.3.1. The application site is subject to land use zoning "Z6" (Employment/Enterprise), which has the objective "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation". Childcare facilities are "permissible" and residential uses are "open for consideration" on these lands. While the applicant's agent submits that the site is included in Dublin City Council's review of Z6 lands, I note that it is not included in the final report of proposed variation nos. 8 - 27 of the Dublin City Development Plan 2016-2022, which relate to the rezoning of a number of Z6 land parcels to primarily residential and mixed-use zonings.
- 7.3.2. The development plan confirms that Z6 lands are an important employment generating land bank for the city and that permissible uses will be accommodated in primarily office-based industry and business technology parks. A range of amenities, such as crèches, will also be incorporated. Other uses, including residential, are open for consideration where they do not undermine the main employment generating uses and do not conflict with the primary land-use zoning objective, or the vitality or viability of nearby district centres.
- 7.3.3. The subject site and the adjoining lands of the Clonshaugh Business and Technology Park encompass a contiguous Z6 zoned land parcel of approximately 100 ha, which extends between the R139 to the north, the M1 to the west and generally as far as the Santry River to the south. The majority of the lands, apart from the northernmost portion, have been developed for employment generating

uses. The subject site has also not been developed for such purposes and is characterised by a vacant residential dwelling.

- 7.3.4. The applicant's agent submits that the business and technology park was developed to completion over 30 years ago and that no interest has ever been expressed to purchase the subject site from the current or previous owners. The applicant's agent also submits that the site has been for sale since 2016 and that no genuine expression of interest to purchase has been made. This statement is supported by a letter from Kavanagh Property Partners, who confirm that they have not had a realistic offer for the site, or to purchase it subject to planning permission for commercial or enterprise use.
- 7.3.5. Thus, it is evident that the site has remained undeveloped for employment generating uses for a considerable period of time. In my opinion, it appears unlikely that it will be developed for such purposes in the short to medium term, based on the information which accompanies the appeal and based on the limited size of the site and its somewhat peripheral location on the edge of the business park.
- 7.3.6.** The development plan principles for Z6 lands identify that mixed-uses should be incorporated in appropriate ratios, where they are subsidiary to the main employment generating use. While the subject site is fenced-off from the adjoining Clonsaugh Business and Technology Park, in zoning terms, the subject site and adjoining lands form a distinct Z6 land bank. As such, in my opinion, the degree to which the development principles for Z6 lands have been complied with, should be assessed with respect to the development pattern which has occurred within the overall Z6 landbank at this location.
- 7.3.7. In this context, I consider that the proposed development would be subsidiary to the established employment generating uses of the adjoining Clonsaugh Business and Technology Park. I further consider that the proposed development would not conflict with the site's Z6 land use zoning objective and would have no impact on the vitality or viability of any nearby district centres. I note that Dublin City Council's Planning Officer also considered that the proposed land-use mix would not undermine the viability of the adjoining business and technology park and would not set a precedent, due to the particular circumstances pertaining to the site.

- 7.3.8. The applicant's agent has identified that a residential scheme of 32 no. duplex units was permitted on Z6 lands further to the north on Clonshaugh Road (Planning Authority Reg. Ref. 2304/00 refers). No further residential development appears to have been delivered within the business park, based on my on-site observations and an aerial review of the lands. Thus, a very limited amount of residential development has been permitted on the entire Z6 zoned lands at this location.
- 7.3.9. I further note that the subject site already accommodates an established residential use. The proposed development would serve to intensify this established use, while the proposed crèche/Montesorri school would introduce a new employment generating use where none currently exists, and which would be available to local workers and families within the established residential districts to the east of the application site. Having regard to the foregoing, I consider that the proposed development would be acceptable in principle on the subject site.
- 7.3.10. Dublin City Council's Notification of the Decision to Refuse Permission states that the proposed development, which is almost entirely residential, would materially contravene the Z6 zoning objective. In my opinion, a material contravention of the plan does not arise in this instance given the extent of employment generating uses which have already been delivered within the overall Z6 land bank at this location and given that childcare facilities are "permissible" and residential land uses are "open for consideration" under the zoning objective.
- 7.3.11. However, in the event the Board disagrees and considers that the proposed development would materially contravene the development plan, I consider that planning permission could be granted under Section 37(2)(b) of the Planning and Development Act, 2000 (as amended). This section of the Act states that, where a planning authority has decided to refuse planning permission for a development on the grounds that it materially contravenes the development plan, the Board can only grant permission where it considers that:
- (i) the proposed development is of strategic or national importance,
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or,
 - (iii) permission should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directive under section 29,

the statutory obligations under 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.

7.3.12. In my opinion, permission could be granted for the proposed development under Section 37(2)(b)(iii) of the Act having regard to the policy guidance of the NPF which has been published since the adoption of the Dublin City Development Plan 2016-2022, and in particular, National Policy Objective 3b, which seeks to deliver at least 50% of all new homes in the cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints. I further consider that the proposed development would be in accordance with Regional Policy Objective 4.3 of the RSES, which seeks, inter alia, to support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs.

7.4. Amended Design Proposals

7.4.1. The appeal submission proposes to amend the development by omitting 2 no. apartments from the 3rd and 4th floors, thus reducing the total number of units from 24 no. to 20. A dedicated drop-off area/universal car space for the proposed crèche/Montessori school and 2 no. locations for communal bicycle parking (6 no. spaces in total) for use by visitors/patrons of the crèche are also identified on the revised site plan which accompanies the appeal (Drawing No. 2_205 Rev. A). These amendments have been undertaken to address the Request for Further Information Report of Dublin City Council's Transportation Planning Division as summarised in section 3.2.7 of this report above.

7.4.2. In my opinion, the level of car parking originally proposed, comprising 20 no. spaces to serve 24 no. apartment units (ratio of 0.8:1), is acceptable. While I acknowledge that the site is located in the outer suburbs and is not directly served by high capacity public transport connections, I also note its proximity to a number of employment centres. These include the adjoining Clonshaugh Business and Technology Park, Northside Shopping Centre approx. 800 m to the south-east, Beaumont Hospital

approx. 1.3 km to the south-west and the Clayton Hotel Dublin Airport located approx. 1km to the north-west.

- 7.4.3. Having regard to the foregoing, I consider that the omission of 4 no. apartment units to facilitate car parking at a time of acute demand for increased residential accommodation within the Greater Dublin Area would not be warranted. As such, the remainder of this assessment relates to the development as originally proposed at planning application stage.

7.5. **Scheme Design and Layout**

- 7.5.1. The proposed mixed-use block has an overall height of 15.95 m and is set back from Clonshaugh Road by approximately 20 m. Surface level car parking is proposed to the front of the site, with the communal open space and outdoor play area for the crèche located to the rear. The subject site is bounded by existing enterprise/industrial style units within Clonshaugh Business and Technology Park to the north and south and by Clonshaugh Road to the east. As such, the site is not unduly constrained by the existing built context. Thus, I consider that the proposed building form and layout is appropriate in this instance.
- 7.5.2. The compliance of the proposed development with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) (hereafter referred to as “the Guidelines”) is discussed below.

- **Unit Design and Mix**

- 7.5.3. The applicant’s Planning Report and Design Statement provides a summary of the quantitative apartment standards of the proposed development. The development includes 4 no. 1-bedroom units (68 m²), 12 no. 2-bedroom/4-person units (85 – 94 m²) and 8 no. 3-bedroom units (111 m²), with the majority exceeding the minimum floorspace requirements by a minimum of 10%. The required storage space is provided in each unit and I note that an enclosed communal storage space for larger items is also proposed at the ground floor level. A floor to ceiling height of 2.7 m is provided at each residential floor level, which exceeds the minimum requirement of 2.4 m. The unit mix is also acceptable, comprising 17 % 1-bedroom units, 50% 2-bedroom units and 33% 3-bedroom units.

7.5.4. As such, I am satisfied that the unit design and mix is in accordance with the required standards.

- **Dual Aspect Ratio**

7.5.5. The applicant's agent submits that 100% of the apartment units are dual aspect, which has been achieved by providing a "pop out" window to each living room. However, in my opinion, only the end apartment units at each floor level (8 no. in total) are truly dual-aspect, with the centrally located units at each floor level being single-aspect. In my opinion, the resulting dual-aspect ratio is 33%.

7.5.6. The Guidelines identify a dual aspect ratio of 50% for apartment schemes on suburban sites. However, this standard may be reduced on urban infill sites of up to 0.25 ha, subject to the achievement of overall high design quality. In this regard I note that all of the proposed single-aspect apartments are east or west facing and all exceed the minimum floorspace requirements. All units also exceed the minimum private open space requirements.

7.5.7. The planning application documentation does not include a Daylight and Sunlight Assessment, with solar shading images for the 21st March and 21st June submitted only. However, in my opinion, the apartment units will receive an adequate amount of internal light given their orientation and size. As such, I am satisfied that a proposed dual aspect ratio of 33% would be acceptable in this instance.

7.5.8. Dublin City Council's Planning Officer considered that additional high-level, opaque glazed windows would be appropriate on the gable elevations of the building to provide additional internal light to the apartment units. In my opinion, this amendment would benefit the proposed kitchen/dining/living room spaces of the units at each gable end of the block (unit nos. 1, 6, 7, 12, 13, 18, 19 and 24). The depth of this open plan room varies from 7 – 7.3 m and is served by 1 no. east or west facing window only in each apartment. As such, I agree that an additional window would improve the amenity value of these spaces. Given the high-level nature of the windows, I consider there is no requirement for the glazing to be opaque. This matter can be addressed by way of condition in the event planning permission is granted in this instance.

- **Private Open Space**

7.5.9. The Guidelines require that private open space be provided for each apartment unit at a rate of 5 m², 7 m² and 9 m² for 1, 2 and 3-bedroom units respectively. A private balcony of 8.6 m² is provided for each of the 1-bedroom units, a balcony of between 12.7 and 18 m² is provided for each of the 2-bedroom units, while each of the 3-bedroom units has a balcony of 12.7 m². As such, the private open space provision meets or exceeds the minimum requirements in all instances.

7.5.10. I note that Dublin City Council's Planning Officer considered that privacy screens should be provided to the balcony spaces as necessary to prevent internal overlooking. In my opinion, such screens would be appropriate between the balconies of the centrally located units at each floor level where a separation distance of 4.8 m arises. This matter can be addressed by way of condition in the event planning permission is granted in this instance.

- **Communal / Public Open Space**

7.5.11. The Guidelines require that communal open space be provided at a rate of 5 m², 7 m² and 9 m² for 1, 2 and 3-bedroom units respectively, resulting in a requirement for 176 m² in this case. It is proposed to provide a communal landscaped space of 488 m² to the rear of the block, adjacent to, but segregated from the proposed crèche play area.

7.5.12. The communal space is accessed internally via the ground floor level and externally via a gated access at either side of the block. The open space is westerly facing and regularly shaped and is overlooked by the apartment units at the upper floor levels. In my opinion, this communal space would provide an acceptable level of residential amenity for the future occupants of the scheme, including those with children.

7.5.13. The applicant's agent submits that it is not viable to provide usable public open space on the site and has invited the Local Authority to require the payment of a development contribution in lieu. I note that this arrangement is provided for under section 16.10.3 of the development plan and the Dublin City Council Development Contribution Scheme 2020-2023. This matter can be addressed by way of condition in the event the Board grants permission in this instance.

- **Car and Bicycle Parking**

- 7.5.14. As discussed in section 7.4.2 of this report above, I consider that a car parking ratio of 0.8:1 to serve the residential element of the proposed development would be acceptable, given the proximity of the site to centres of employment.
- 7.5.15. The Guidelines identify a bicycle parking standard of 1 no. cycle storage space per bedroom, with visitor parking required at a rate of 1 no. space per residential unit. The resulting bicycle parking requirement in this instance is 76 no. spaces.
- 7.5.16. The applicant proposes to provide 36 no. secure bicycle parking spaces at the ground floor level. I note that the Transportation Planning Division of Dublin City Council had no objection in this regard, and as such, I considered the residential cycle parking provision to be acceptable.
- 7.5.17. A total of 6 no. visitor/crèche cycle parking spaces are identified on the revised Site Plan (Drawing No. 2_205 Rev. A) which accompanies the appeal submission. While no specific cycle parking requirement for crèche facilities is identified in the development plan, I consider that 6 no. spaces is reasonable given the size of the crèche facility in this instance (3 no. rooms).

7.6. Crèche Operation, Drop Off and Parking Arrangements

- 7.6.1. The proposed crèche has an area of 350 m² and includes 3 no. childcare rooms, a staff room and associated changing rooms and storage spaces. A secure outdoor play space of 188.5 m² is proposed at the rear ground floor level. The applicant's agent submits that the crèche will accommodate 30-40 children and will likely facilitate both full day care and sessional use.
- 7.6.2. A total of 4 no. car parking spaces are proposed to facilitate the crèche, 1 no. of which is a drop-off/universal access space. A one-way traffic system will operate within the site, with the entrance located at the southern end of the site opposite the proposed crèche facility, and the exit located to the north. The Transportation Planning Division of Dublin City Council recommended that appropriate signage be provided within the site to enforce the one-way system and to enable safe crèche drop-off. It was also recommended that a car parking management plan be prepared to ensure that crèche drop off and collection does not overspill onto the adjoining road network as a result of internal queuing. These requirements are reasonable in my opinion and can be addressed by way of condition.

7.6.3. Given that the crèche forms part of a mixed-use block, I consider that it would be appropriate to limit its opening hours in the interests of safeguarding the residential amenity of the apartment units on the upper floors. This matter can be addressed by condition in the event planning permission is granted in this instance.

7.7. Conclusion

7.7.1. In my opinion, the proposed development would serve to deliver an appropriate mixed-use scheme, including 24 no. apartment units which exceed the minimum design standards, on a vacant, infill site within the outer suburbs. As such, I consider that the proposed development would be in accordance with the National Planning Framework, which seeks to deliver more sustainable and compact growth patterns in urban areas.

7.7.2. While the site is zoned for Z6 purposes, childcare facilities are a permissible use and residential uses are open for consideration under this zoning objective. The site forms part of a contiguous Z6 zoned land bank of approximately 100 ha, which has substantially been developed for employment generating uses. As such, in my opinion, the proposed development would deliver appropriate complementary uses on the subject site and would be in accordance with the proper planning and sustainable development of the area.

8.0 Recommendation

8.1. I recommend that planning permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the zoning objectives for the site, under which childcare facilities are permissible and residential uses are open for consideration, and having regard to provisions of the National Planning Framework, which seeks to deliver more compact and sustainable growth patterns in urban areas in the period to 2040, and having regard to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate development at this location and would be acceptable in design, form and scale. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by revised Site Plan Drawing No. 2_205 Rev. A received by the Board on 25th October 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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.</p> <p>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.</p>

3.	<p>The developer shall pay the sum of €4,000 (four thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of public open space, to be used for the upgrading of public open space in the area as determined by the Parks and Landscape Services Division of the planning authority. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
4.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>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.</p>

5.	<p>The proposed development shall be amended by providing high-level windows on the northern and southern elevations of the building at the 1st, 2nd, 3rd and 4th floor levels. These windows shall serve the kitchen/living/dining room of apartment unit nos. 1, 6, 7, 12, 13, 18, 19 and 24. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
6.	<p>Privacy screens shall be provided on the northern and southern sides of the balconies of the centrally located apartment units at each floor level. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential amenity.</p>
7.	<p>A naming/numbering scheme for the residential units and the crèche/Montesorri school shall be submitted to and agreed in writing with the planning authority prior to the occupation of the proposed development.</p> <p>Reason: in the interest of orderly street numbering.</p>
8.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, including the signage of the proposed crèche/Montesorri school, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually</p>

	<p>managed. This plan shall also include details of proposed signage to enforce the one-way traffic system within the site.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed development and in the interests of traffic safety.</p>
10.	<p>The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the building, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential units or the commercial unit are made available for occupation.</p> <p>Reason: To provide for the future maintenance of this private development in the interest of residential amenity and orderly development.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>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.</p> <p>Reason: In the interest of public health.</p>

13.	<p>Prior to commencement of development, the developer shall enter into water and/or waste-water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
14.	<p>The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive, and shall not operate on Saturdays, Sundays or public holidays.</p> <p>Reason: In the interest of residential amenity.</p>
15.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
16.	<p>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.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>

Louise Treacy
 Planning Inspector

11th May 2020