



An
Bord
Pleanála

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

Inspector's Report ABP-305979-19

Strategic Housing Development	485 no. residential units (484 no. apartments and 1 no. house), creche and all associated site works.
Location	Former CIE Lands, 2-4 Carnlough Road, Cabra, Dublin 7. (www.hamiltongardensshd.ie)
Planning Authority	Dublin City Council North
Applicant	Seven Cabra Real Estate Limited.
Prescribed Bodies	<ol style="list-style-type: none">1. HSE.2. TII.3. Irish Water.
Observer(s)	<ol style="list-style-type: none">1. Anne Creaven.2. Nora Rahill.

Date of Site Inspection

27th January 2020.

Inspector

Karen Kenny

Contents

1.0 Introduction	5
2.0 Site Location and Description	5
3.0 Proposed Strategic Housing Development	5
4.0 Planning History.....	7
5.0 Section 5 Pre-Application Consultation.....	8
6.0 Relevant Planning Policy	10
7.0 Applicant’s Statement of Consistency.....	12
8.0 Third Party Submissions	13
9.0 Planning Authority Submission	14
10.0 Prescribed Bodies	16
11.0 Screening for Environmental Impact Assessment.....	17
12.0 Appropriate Assessment Screening	18
13.0 Assessment.....	20
13.2. Principle and Quantum of Development	20
13.3. Building Height and Urban Design	21
13.4. Quality of Residential Development.....	23
13.5. Impact on Residential Amenities.....	29
13.6. Transport and Traffic.....	30
13.7. Drainage and Flood Risk	33
13.8. Other Issues	33
14.0 Recommendation	35
15.0 Reasons and Considerations	35
16.0 Recommended Order.....	37
17.0 Conditions	40

1.0 Site Location and Description

- 1.1. The site located on Carnlough Road, Cabra, Dublin 7. It is c. 3 km north-west of Dublin's city centre and c. 1km east of the Phoenix Park.
- 1.2. The site (c. 3.89 ha) occupies former CIE lands to the east of the Phoenix Park rail link. It has an elongated shape. Most of its eastern boundary runs along the railway, while most of its western boundary runs along the back gardens of two-storey houses on Carnlough Road. The site has a c. 35 metre road frontage onto Carnlough Road at its southern end. A small area of land to the south that adjoins the Cabra Road is not within the site area. The shorter northern boundary mainly runs along the back gardens of two-storey houses along Fassaugh Avenue, but the site also includes two narrow strips of land that run to Fassaugh Avenue, along the side of existing houses. The eastern strip is beside the railway bridge on Fassaugh Avenue, the western one provides access to an ESB sub-station. The levels in the area generally fall from west to east and from north to south.
- 1.3. The area around the site is characterised by two-storey houses from the mid-20th century. The frontage of the site onto Carnlough Road is c. 400 metres from shops and a library at the bottom of the Navan Road and c. 1km walk from the Luas Stop at Phibsborough. The northern end of the site on Fassaugh Avenue is c. 600 metres from the Luas stop at Cabra and c. 1.1 km from the train station at Broombridge. It is also close to the local GAA clubhouse and c. 200 metres from a parade of shops.

2.0 Introduction

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

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development seeks permission for 485 no. residential units, resident facilities and retail / commercial uses in 9 no. blocks of 1-8 storeys. The development description states that the proposed development will amend and supersede the development currently being undertaken on site, pursuant to and in

accordance with Strategic Housing Planning Permission Ref: ABP-300492-17 (March 2018). The extant permission is for a development comprising 420 no. residential units, resident facilities and retail, office and community uses in 9 no. blocks of 1-8 storeys. The proposed site layout, block footprint and building envelope is largely as approved. It is proposed to reconfigure blocks internally and to change facades and materials.

3.2. The proposed development comprises 9 no. blocks that can be summarised as follows:

Block	Height	Description
A	4-8	89 no. apartments, 2 no. retail / café / restaurant units (350.6 sq.m.), 1 no. convenience supermarket with ancillary off licence (1627.sq.m) and 1 no. gym (617.9 sq.m).
B	4	24 no. apartments, resident amenity space and creche facility (351.9 sq.m.).
C	4	24 no. apartments.
D	2-8	120 no. apartments, resident lounges and communal roof terraces.
E	4	24 no. apartments.
F	2-8	123 no. apartments, resident lounges and communal roof terraces.
G	4	80 no. apartments.
H	1-2	Resident amenity space including meeting rooms, postal storage, reception, co working space and cinema room (382.2 sq.m.)
I	2	1 no. 3 bed two storey house at No. 2 Carnlough Road.

3.3. The following table presents a comparison of the permitted and proposed developments:

	Permitted	Proposed
Site Area	3.89ha	3.89ha
No. of Units	420 (density 108 units/ha)	485 (density 125 units/ha)
Other Uses	3,225m ² (supermarket 1719 m ² ; 3 x retail/café/restaurant 1076 m ² ; office 102 m ² ; childcare facility 328 m ²).	2,948 m ² (supermarket 1627 m ² ; 2 x retail/café/restaurant 351 m ² ; gym 618 m ² ; childcare facility 352 m ²).
Mix of Units	0 x studio (0%) 93 x 1 bed (22%) 260 x 2 bed (62%) 67 x 3 bed (16%)*	33 x studio (7%) 137 x 1 bed (28%) 271 x 2 bed (56%) 44 x 3 bed (9%)*
Parking	402 car parking 484 bicycle parking	403 car parking 488 bicycle parking
Internal Resident Amenity Space	441.8m ²	1,007.5 m ²

*Includes 1 no. 3 bed house.

4.0 Planning History

4.1. Recent Planning History Pertaining to the Site:

ABP-300492-18: Permission GRANTED for 420 residential units and 3667 m² of other uses on this site under SHD application process. The block layout, building footprint and building envelopes are largely as proposed. The internal configuration of the blocks and external elevations are altered.

PA Ref. 2387/16: Permission granted for 321 apartments and c.3,259m² of commercial floorspace on the site. A third-party appeal in respect of the PA's decision was withdrawn (PL29N. 247658). The maximum building height was 4

storeys. The development included a two-storey building beside the entrance from Carnlough Road with a shop on the ground floor and office above.

- 4.2. Permissions for the site that have expired include Reg. Ref. 3884/06, PL29N. 221514 where the board granted permission in September 2007 for 330 residential units and a neighbourhood centre on the site; and Reg. Ref. 4173/09, PL29N. 235890 where the board granted permission in June 2010 to amend the former permission allowing 388 apartments to be built on the site. In between those two decisions the board refused permission under Reg. Ref. 2569/08, PL29N. 231352 for a modified development that would have included 443 dwellings. The reason for refusal referred to the location of a proposed public road at the back of houses along Carnlough Road and the impact on their residential amenity.

5.0 Section 5 Pre-Application Consultation

- 5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on the 18th day of September 2019 commencing at 9.30. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Amendments from that previously permitted under File No. ABP-300492-17
- Any other matters.

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting is also available on the file.

5.2. Notification of Opinion

- 5.2.1. The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted constitute a reasonable basis for an application to An Bord Pleanála. The applicant was advised that the following specific information should be submitted with any application for permission:

- Further consideration / justification of the documents as they relate to the extent of resident amenities (in light of the fact that the scheme is not a BTR scheme); the uses / functionality of spaces and the long-term operation and management of spaces (inc. costs).

- A building life cycle in accordance with the Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Further consideration and/or justification of the documents as they relate to the percentage of east facing, single aspect units overlooking a railway line and the amenity of these units and daylight / sunlight standards.
- Other details including a School Demand Report, a schedule of floor areas, a phasing plan, landscaping plan, Site Specific Construction and Demolition Waste Management Plan, additional details in relation to surface water management for the site, additional details in relation to traffic and transport matters, Waste Management Plan and information regarding EIA screening.

5.3. The application is accompanied by a Statement of Response to the notice issued by the board. The response to the items raised in the opinion is summarised as follows:

- The development meets / exceeds relevant standards of the Apartment Guidelines. The development seeks to provide 3,585sq.m of external open space in the form of courtyards and 1,763.9 sq.m of internal communal space within the blocks and at roof level. This results in an additional 1,322sq.m of communal amenity space within the development. The level of residential amenity provided within the scheme is appropriate to serve the new population of the scheme and the surrounding area. The resident amenities are included in the management cost. The amenities provided will reduce the typical day to day costs which would typically be incurred by residents for services such as co-working spaces, cinemas and gyms and the cost are not considered onerous to the residents but would be welcomed as additional enhanced facilities. A life cycle report accompanying the application details how the development will be designed and managed to avoid significant maintenance costs and an operational management plan is also included.
- The number of single-aspect east facing units have been reduced from that presented at pre-application stage. The internal layout of Blocks D and F have been revised to include dual aspect duplex units. This has reduced the number of single aspect units along this boundary to 8 per floor in place of 15 per floor. Overall, 53.7% of the units are dual aspect.

- The Architectural Design Statement includes a cross section of Blocks D and F showing the relationship to the railway. A set back of c. 26 m is maintained, and the railway is lower than the residential units. A noise report concludes that noise from the railway would not impact on the residential amenity of the proposed units along the eastern boundary. Design features are included to mitigate against any potential noise impacts. A Daylight / Sunlight Report concludes that there is a 96% rate of compliance with the BRE recommended standard (49 of 1,292 rooms are marginally below the recommended standard). This is an improvement on the permitted scheme. All rooms on the eastern elevation meet the BRE standard. Of the rooms that are below the standard the majority contain a balcony that reduces the quantitative measurement.
- The application is accompanied by a School Demand Report, Schedule of Floor Areas, Phasing Plan, Landscaping Plan, Site Specific Construction and Demolition Waste Management Plan, a Surface Water Management Plan, a Traffic and Transport Plan, a Waste Management Plan, and an Environmental Screening Statement.

6.0 Relevant Planning Policy

National Planning Framework

Chapter 4 of the Framework addresses the topic of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- Design Manual for Urban Roads and Streets.
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Childcare Facilities – Guidelines for Planning Authorities.
- Urban Development and Building Heights – Guidelines for Planning Authorities 2018.
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Retail Planning Guidelines for Planning Authorities (2012).

6.2. **Dublin City Development Plan**

The Dublin City Development Plan 2016-2022 applies. The southern part of the site is zoned under objective Z3 for neighbourhood centres. The northern part of the site is zoned residential under objective Z1. Policy SC16 of the development plan is to protect the low rise quality of Dublin. Policy SC17 is to protect the skyline of the inner city and to ensure that mid-rise and taller buildings make a positive contribution to the urban character of the city. Section 16.5 of the plan has an indicative plot ratio standard of 0.5-2.0 for the Z1 zone, and between 1.5 and 2.0 for the Z3 zone. Section 16.6 has an indicative site coverage standard of 45-60% for the Z1 zone and 60% for the Z3 zone. Section 16.7.2 sets a general height limit of 16m in the outer city, or 24m at rail hubs which are defined as within 500m of Luas stops. The site is Zone 2 for parking standards: Table 16.1 Car Parking allows a maximum of 1 car space per dwelling, per 100m² of floorspace in supermarkets or per 275m² of other retail or main street uses; and Table 16.2 Cycle Parking sets a minimum standard of 1 bicycle parking space per dwelling or 150m² of retail use. Section 16.10.1 of the plan sets down residential quality standards for apartments which reflect those set out the national guidelines. It states that any scheme shall have a maximum of 30% of one-bedroom units and a minimum of 15% shall have three-bedrooms or more. It also states that development shall be guided by the principles of Site Layout

Planning for Daylight and Sunlight: A guide to good practice (Building Research Establishment Report) 2011. Communal open space shall be provided at a rate of 5m² for a one-bedroom apartment, 7m² for a two-bed and 9m² for a three-bed. Section 16.10.3 states that 10% of the site area of residential development shall be provided as public open space.

7.0 Applicant's Statement of Consistency

7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines, the County Development Plan and regional and national planning policies. The following points are noted:

- Supports objectives of the NPF and RSES in relation to infill development and use of brown sites, increased building heights and increased densities.
- Consistent with the Urban Development and Building Height Guidelines. Development will significantly increase density. SPPR 3 and the development management criteria are addressed.
- Responds to the Sustainable Residential Development in Urban Areas guidelines. Infill development adjacent to public transport corridors. The site is suitable for densities of over 50 dwellings per hectare. The design and layout of the scheme is consistent with the guiding principles of the guidelines and the 12 criteria set out in the Urban Design Manual.
- The Housing Quality Assessment demonstrates consistency with the relevant standards set out in the Quality Housing for Sustainable Communities document (2008).
- DMURS has been considered. The development seeks to prioritise pedestrian and cyclist movement and includes links and connections.
- The application is accompanied by a Flood Risk Assessment, in accordance with the requirements of the Planning System and Flood Risk Management Guidelines.
- In terms of the Retail Planning Guidelines, the site is an appropriate location for retail and commercial floorspace given the neighbourhood centre zoning.

- Dublin City Development Plan: The development is in compliance with the Z1 (residential) and Z3 (neighbourhood centre) zoning objectives. The public open space standard of 10% of site area is met. Consistent with guidance in section 16.28 in relation to off-licence facilities. The plot ratio and site coverage are largely consistent and appropriate for the subject site.
- The residential standards set out in the Apartment Guidelines in relation to e.g. privacy, open space, aspect, unit mix, childcare facilities, car and bicycle parking are met.
- Material Contravention: Under the Height Strategy that forms part of the City Development Plan a maximum building height of 16m applies to residential development in the outer city area where the site is located. Blocks A, D and F extend to 24 metres (8 storeys) and exceed the 16 metre maximum. The application is accompanied by a Material Contravention Statement. The statement refers to the Building Height Guidelines and SPPR3 which states that a where a development complies with the criteria in the guidelines, permission can be granted notwithstanding conflicting development plan objectives. The statement argues that the height of the development is acceptable having regard to national policy contained in the NPF and the Building Height Guidelines. The statement also refers to the site's location proximate to public transport services and proposed public transport services (Bus Connects and Metrolink). The Statement of Consistency notes that the Height Strategy allows for heights of up to 24 metres within 500m of Luas. The site is 600 metres from a Luas stop and within the Section 49 Development Contribution Scheme for Luas Cross City.

8.0 Third Party Submissions

8.1.1. A total of 2 no. third party submissions have been received residents of the area.

The main points made can be summarised as follows:

- Height
- Density
- Tenure

- Impact on Residential Amenity
- Traffic Impacts
- Impact on Drainage and Water Infrastructure

9.0 Planning Authority Submission

9.1. DCC has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 that is contained on the file. The key issues raised in the submission are summarised below.

9.1.1. PA Comment on Principle, Quantum and Height of Development

- The uses are acceptable and there is no objection to plot ratio and site coverage or to the proposed layout.
- Having regard to the Urban Development and Building Height Guidelines, the NPF and the extant permission, the PA is satisfied with the height of the development as proposed. The development is considered to meet the criteria for higher buildings in the Development Plan.

9.1.2. PA Comment on Residential Standards

- The minimum size standards detailed in the apartment guidelines are met. The width of some double bedrooms (A3.05, A3.11, A32) narrow to 1.5m and are below the minimum width.
- The proportion of dual aspect units complies with the Apartment Guidelines.
- Concerns regarding north-facing single aspect units in Blocks E and G. The PA recommend that the most compromised units (G3.05, G3.12, G3.19, G3.26) are omitted.
- Duplex units have been provided in place of east facing single aspect units facing the railway – highlighted at pre-application stage. Having regard to the incorporation of larger units, the results of the noise assessment and inclusion of higher performance glazing, and the distance from the railway line the PA is satisfied with the scheme with regard to aspect.

- Recommend that a window in the proposed dwelling fronting Carnlough Road be omitted to prevent overlooking of other properties.
- The requirement for a maximum of 12 units per life / stair core per floor is generally met. On the ground floor of Block D there are 24 no. apartments served off 2 no. lift cores. The length of the internal corridors is long (over 75m at ground level). On balance the arrangement is acceptable.
- All units meet the minimum private open space requirement. In Block F units F1.16, F1.17, F1.21, F1.22, F1.29, F1.30, F1.37, F1.38, F1.44, F1.45, F1.51, F1.52, F2.16, F2.17, F2.28 F2.29, F2.36, F2.37, F2.44, F2.45, F2.51, F2.52, F2.58, F2.59; and in Block D units D1.16, D1.17, D1.21, D1.22, D1.29, D1.30, D1.37, D1.38, D1.45, D1.46, D.51, D.52, D2.14, D2.15, D2.23, D2.24, D2.31, D2.32, D2.41, D2.42, D2.49, D2.50, D2.55, D2.56 the balcony would not appear to be directly accessible from the main living space. It is recommended that this issue is addressed by condition.
- The size and layout of communal open space and public open space is considered acceptable.

9.1.3. PA Comment on Childcare

- The PA is generally satisfied with the location, size of the creche and associated open space.

9.1.4. PA Comment on Commercial Development and Resident Amenities

- Commercial units considered acceptable. Details in relation to servicing / delivery for Blocks B-H at surface should be agreed with the PA. Recommend noise condition / restriction hours of operation for gym to protect amenity of adjacent residential units.
- There is conflicting information in relation to the intended purpose of Block H and whether it is intended to provide facilities for residents of the scheme or for the scheme and the wider area. It is recommended that this facility is made available for the wider community and that this is addressed by way of condition.

9.1.5. PA Comment on Transportation

- Details of works to the public road to be agreed with DCC and CIE and undertaken at the applicant's expense.
- Some internal roads exceed DMURS widths (principle access is 6 m and carriageway between Blocks A and B is 5.7m). Revised drawings showing DMURS compliance should be submitted to the PA for agreement. Pedestrian footpaths should be a minimum of 1.8 metres wide and the footpath to the north of Block A should be increased from 1.5m-1.7m to 2.0 metres.
- Revised auto track drawings for HGVs and emergency vehicles should be submitted to the PA for agreement.
- Cycle parking is provided at a rate of 1 no. space per unit. Considered that additional provision could be provided having regard to CDP and national guidance.
- Car parking provision is acceptable. Clarification needed in relation to car sharing spaces and car parking management.
- Connection to Faussagh Avenue welcomed. Details of cycle barriers and cycle parking provision to be submitted for the agreement of the PA.

9.1.6. PA Comment on Materials / Finishes

- The PA is generally satisfied with the mix of materials. The final palette of materials can be agreed with the PA.

10.0 Prescribed Bodies

10.1. Irish Water

IW confirms that subject to a valid connection agreement being put in place the proposed connections to the IW networks can be facilitated.

10.2. Transport Infrastructure Ireland

- No observations to make.

10.3. Health Service Executive

- Details of the noise assessment noted.

- Applicant should consider the provision of toilet facilities to serve rooftop communal amenity spaces.
- Green spaces should be co-designed with communities. Areas should be large with connections through linear habitats, scattered trees are preferable, exercise areas, trails and paths need to provide maximum contact with green space and not all areas should be intensively managed.
- Play facilities should be nature based and use sustainable materials.
- All measures that promote sustainable travel and physical activity are encouraged.
- Cycle parking should be safe and secure; all junctions should be safe for cyclists and cycle lanes should connect to existing cycle lanes.
- Needs of the elderly must be taken into account in the design of walkways and recreational spaces.
- Dublin City Councils Climate Change Adaption Strategy must be adhered to and sustainable design concepts should be fully explored and implemented. Housing should reduce its carbon footprint and minimise requirements for energy and water.
- Adequate spaces should be provided for bin storage and segregation of waste.
- An internal layout of the creche facility should be provided.

11.0 Screening for Environmental Impact Assessment

- 11.1.1. The application is accompanied by an Environmental Report. The proposed development is an urban development project comprising 485 no. dwellings, retail, service and community uses. The site has the benefit of permission for a mixed-use development comprising 420 no. dwellings, retail, service and community uses. The proposed development would be located on brownfield land (previously subject to works) in the city. The wider area is residential in character.
- 11.1.2. The development would be located in a built-up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule

5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal for 485 dwellings on 3.9 ha is below the threshold, although the number of dwellings units is a substantial fraction of the threshold. The criteria set out in schedule 7 of the regulations, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU therefore have to be applied with regard to the characteristics and location of the proposed development, and the type and characteristics of its potential impact.

11.1.3. The proposed development would be located on brownfield land (previously subject to works) in the city. The area is residential in character. The larger part of the development would be in residential use, which is the same use as that established on most of the surrounding land, along with accommodation for retail, service and community uses at a neighbourhood scale. The proposed development would use the water and drainage services of the city, upon which its effects would be marginal. It is not a large-scale project or overly dense in an urban context and there are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The proposed development is not likely to have a significant effect on any Natura 2000 site (as per findings of section 13 of this assessment). In these circumstances the application of the criteria to the proposed development indicates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required in respect of it.

12.0 Appropriate Assessment Screening

- 12.1.1. The application is accompanied by an AA Screening Report prepared by Openfield Ecological Services. Engineering Reports also contain relevant information. I am satisfied that the information on file is sufficient to allow me to undertake Appropriate Assessment Screening in respect of the proposed development.
- 12.1.2. The site is not in or immediately adjacent to any Natura 2000 site. The closest site is 4.3 km from the site. It is on serviced land in the built-up area of the city that was previously subject to engineering works. There are residential properties to the north, south and west and an active railway line to the east. The site is composed of

bare / disturbed ground for the most part and there are no habitats of conservation significance within the site. There are no watercourses within or in the vicinity of the site. The proposed development is an urban development project comprising 485 no. dwellings, retail, service and community uses on a site of 3.89 hectares. It is not a large-scale project or overly dense in an urban context and there are no apparent characteristics or elements of the design that are likely to cause significant effects to the environment.

- 12.1.3. Given the extent of previous disturbance on the application site and the low ecological value of the site, issues relating to loss of habitat and impacts on terrestrial ecology do not arise. There are potential impact pathways to European Sites within Dublin Bay (namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA) via foul and storm water drainage networks and to the Poulaphouca Reservoir SPA via a water supply connection. The foul discharge from the proposed development would drain to the Ringsend WWTP for treatment before discharge to Dublin Bay. It would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus its impact on the discharge would be marginal. Similarly, stormwater discharge from the site is a very small percentage of the overall stormwater discharge to Dublin Bay and given the volume of water in between its effects would be marginal. Water supply would be from the Poulaphouca Reservoir SPA. The water demand of the scheme is not significant in the context of the overall region and again its impact would be marginal. On the basis of the foregoing, I am satisfied that the potential for likely significant effects on European Sites can therefore be excluded at the preliminary stage.

AA Screening Conclusion

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and the separation distance from the nearest European site, the proposed development would not, therefore, be likely to have a significant effect on any Natura 2000 site, either individually or in combination with any other plan or project, and an appropriate assessment is not required.

13.0 Assessment

13.1. The proposed development seeks permission for 485 no. residential units, resident facilities and retail, commercial and service uses in 9 no. blocks of 1-8 storeys. The development description states that the proposed development will amend and supersede the development currently being undertaken on site, pursuant to and in accordance with Strategic Housing Planning Permission Ref: ABP-300492-17. The extant permission is for a development comprising 420 no. residential units, resident facilities and retail, office and community uses in 9 no. blocks of 1-8 storeys. The proposed site layout, block footprint and building envelope is largely as approved. It is proposed to reconfigure blocks internally to accommodate changes; and to modify materials and finishes within the development.

13.1.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle and Quantum of Development
- Building Height and Urban Design
- Quality of Residential Development
- Impact on Residential Amenities
- Transport and Traffic
- Water Services
- Other Issues

13.2. Principle and Quantum of Development

13.2.1. The site is subject to two zoning objectives in the Dublin City Development Plan 2016-2022. The southern part of the site is zoned Z3 'neighbourhood centre', while the northern part is zoned Z1 'sustainable residential neighbourhoods'. Permission is sought for a mixed-use development comprising residential and neighbourhood services (inc. retail). The Board have previously accepted the principle of this type of development on the site. The commercial uses are confined to the neighbourhood centre zoning and the uses are all permissible under the relevant zoning objectives. Furthermore, the retail and service floorspace is of a neighbourhood scale. I am therefore satisfied that the proposed development complies with the relevant zoning

objectives and the retail planning policies pertaining to the site and that it is acceptable in principle.

13.2.2. In terms of the quantum of development proposed, a residential density of 125 units / ha is proposed. The extant permission on the site has a residential density of 108 units / ha. The Urban Development and Building Height Guidelines for Planning Authorities were published subsequent to the previous decision of the Board. The guidelines and the Dublin City Development Plan promote intensive mixed-use development on well located urban sites and in the catchment of high capacity public transport. The accessibility of the site is a key consideration for the assessment of the proposed development, particularly in relation to the additional accommodation that is proposed. In this regard I would note that the site is an inner suburban brownfield site that is 3 km from Dublin City Centre. It has a high degree of accessibility by sustainable transport modes (including walking and cycling) to various social and commercial facilities and to places of employment. It is served by bus services on the Cabra Road, Carnlough Road, Fassaugh Avenue and Navan Road. The Cabra and Phibsborough Luas stops (Green Line) are within 1km of the site. The Bus Connects project also proposes a high frequency cross city bus route on the Navan Road, within 1km of the site. I consider the proposed density to be acceptable given the sites locational context. The plot ratio and site coverage are as previously approved and are acceptable in my view.

13.3. Building Height and Urban Design

13.3.1. The site layout and the height, scale and massing of the blocks is generally as approved by the Board under ABP-300492-17. Block H at the entrance to the scheme is part 1 and part 2 no. storey and extends to 8.2 metres in height. Blocks B, C, E and G in the northern section of the site are 4 no. storey blocks that extend to 12.5 metres in height. Blocks A, D and F are 8 no. storey blocks that extend to 24 metres in height.

13.3.2. The proposed development achieves a high design standard in my view. The layout defines and encloses a series of spaces and creates a clear and legible street network through the scheme. The height proposed for Blocks A, D and F provides a strong interface with the railway to the east and strengthens the appearance and

character of the overall scheme. The stepping down of the apartment blocks on the western side to four storeys and the provision of one and two storey buildings at the entrance from Carnlough Road, shows suitable regard to the scale and character of surrounding development. A contemporary community building at the entrance also provide an attractive entrance into the scheme. A variety of materials are proposed with an emphasis on brick.

- 13.3.3. Section 16.7.2 of the Dublin City Development Plan sets out building height limits for different areas within the city. The site is in the 'outer city' area where a maximum height of 16 metres is stipulated. Blocks B, C and G are 12.5 metres high and fall within the height limit. Blocks A, D and F are 24 metres high and exceed the height limit. The application is accompanied by a Material Contravention Statement. The statement highlights that the heights have already been accepted by the Board under the extant permission, which I would note, predates the publication of the Urban Development and Building Height Guidelines. It is argued that the height is consistent with national policy contained in the NPF and the Building Height Guidelines. It is noted that SPPR 1 of the Building Height Guidelines supports increased building heights and densities in locations with good public transport accessibility and that SPPR 3 states that a PA may grant permission for building heights that exceed the development plan standard, where the applicant demonstrates compliance with the criteria set out in Section 3.2 the guidelines. The response presents a case for compliance under the criteria in Section 3.2. It is also noted that the development plan allows for heights of up to 24 metres within 500 metres of existing and proposed Luas stops and that the proposed development is within 600 metres of Cabra Luas stop.

The proposed development clearly contravenes Section 16.7.2 of the Dublin City Development Plan. The contravention does not relate to the zoning of the land, so the board may grant permission if it considers that it would do so if section 37(2)(b) of the planning act were applied. The planning authority have not indicated any objection in respect of building height. While height is raised as an issue in third party submissions, I am satisfied, having regard to the extant permission on the site and the guidance and safeguarding criteria contained in the Building Height Guidelines that the proposed building heights are acceptable and appropriate at this inner suburban location.

13.3.4. The detailed architectural treatment of the buildings and landscaping scheme for the site are also to an appropriate standard in my view. Having regard to its form and design, it is considered that the proposed development would make a positive contribution to the character of the area.

13.4. **Quality of Residential Development**

13.4.1. The following assessment considers the quality of the proposed Scheme with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated Urban Design Manual; and the Dublin City Development Plan 2016-2022.

13.4.2. Housing Mix

The development provides the following mix of apartments:

Unit Type	No. of Units	%
Studio	33	7
1-bed	137	28
2-bed	271	56
3-bed	43	9
Total	485	100%

The mix is in accordance with SPPR 1 of the 2018 apartment guidelines which indicates that apartment developments may include up to 50% one-bed or studio type units and there shall be no minimum requirement for apartments with three or more bedrooms. The proposed housing mix acceptable in my view.

13.4.3. Apartment Design and Layout

The submitted Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.

Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two-bedroom, three-person apartments. All of the proposed two bed units cater for four persons.

SPPR 4 requires a minimum of 50% dual aspect units in suburban or intermediate locations such as this. 53.7% of the apartments are dual aspect meeting the standard. Notwithstanding this, the standard of residential amenity is a key consideration in the context of the subject application, which seeks to increase density within the parameters of an approved scheme. I am of the view that the amenity of single aspect units in redesigned blocks A, D and F needs further consideration.

- Block A is a mixed-use block with residential at upper floors. Under ABP-300492-17 Block A has 74 no. units. The amended Block A has 89 no. units. Single aspect units on the east side of the block overlook the railway, while the single aspect units on the west side are orientated towards a service yard. The number of stair and lift cores has been reduced from 6 no. cores to 3 no. cores and as a result the central access corridor in the main east-west block is 75 metres in length at second, third and fourth floor levels. There is also a high proportion of single aspect units overall (c. 54%). I am of the view that the amenity of this block has been seriously compromised by the revisions. I suggest, in the event the Board is minded to grant permission, that a condition is included requiring the following amendments to Block A to improve the amenity of the units: (i) the corridor serving the main east-west block at second, third and fourth floor levels should be subdivided at the midpoint; and (ii) apartments A1.09 and A1.10; A2.05 and A2.06; A1.17 and A1.18; A2.15 and A2.16; A1.25 and A1.26; and A2.25 and A2.26 should be merged to form 6 no. dual aspect units. There may be other consequential changes arising from these amendments. I am satisfied that the changes are relatively minor and would address the issues raised to an acceptable degree.
- In Blocks D and F, there are 8 no. single aspect east facing units per floor that overlook the railway. The statement of response to the ABP opinion addresses the amenity of these units. It advises that east-west facing duplex units have been introduced to reduce the overall number of single aspect units. The railway line is c. 26 metres from the Blocks D and F and is at a

lower level. A noise report prepared by AWN Consulting indicates that the units would not be subject to undue inward noise levels. Furthermore, all rooms on the eastern boundary meet or exceed the BRE sunlight and daylight standards. On this basis, I consider that the east facing units in Blocks D and F are acceptable. I would concur with the PA's recommendation that a condition is included, in the event of a grant of permission, requiring the noise mitigation measures detailed in the AWN Report to be implemented.

- The PA have raised concerns regarding north-facing units in Blocks E and G. In Block E unit E1.04 is a north facing single aspect unit at ground level with an east facing gable that is blocked by a lift / stair core serving the basement. In Block G the PA opinion notes that units G3.05, G3.12, G3.19 and G3.26 are north facing and should be omitted. I would note that the units in Block G are dual aspect with north / northwest and north / northeast elevations and are as approved under ABP-300492-17. While I accept the PA's concerns, I consider the level of amenity to be reasonable and acceptable overall in these Blocks.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is generally met within the blocks.

Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that all apartments meet or exceed the minimum storage area, floor area and aggregate floor area and width standards. The width of some double bedrooms (A3.05, A3.11, A32) narrow to 1.5m and are below the minimum width. However, I consider this deviation to be minor.

13.4.4. Housing Design and Layout

The proposed 2-storey dwelling fronts onto Carnlough Road. It is in keeping with the scale of development along Carnlough Road and contemporary in character. The dwelling meets the internal space, open space and car parking standards of the

development plan. The PA have raised concerns in relation to the potential for the north / east corner window at 1st floor serving bedroom no. 2 to overlook adjoining residential properties to the north given its proximity to the boundary. This issue can be addressed by condition.

13.4.5. Open Space and Amenity Areas

Open space is well distributed throughout the site and is overlooked by and proximate to the apartment buildings.

The scheme incorporates 3,993 sq.m of public open space. This exceeds the development plan standard of 10% of the site area (Section 16.10.3 refers).

Appendix 1 of the apartment guidelines sets out minimum standards for communal open space as follows:

Unit Type	Apartments	Requirement per unit (sq.m.)	Total Requirement (sq.m.)
Studio	33	4	132
1 bed	137	5	685
2 bed	271	7 (4 person)	1,897
3 bed	43	9	387
Total Requirement	484		3,101 sq.m.

Semi-private open space is provided in the form of 2 no. central ground level courtyards, a smaller space to the north of Blocks F and G and 4 no. roof terraces in Blocks D and F that are accessible from internal resident amenity spaces. The scheme incorporates c. 4,341 sq.m of communal open space. This exceeds the minimum standards set out in the apartment guidelines. A bedroom of the apartment units adjoining the roof terraces faces directly onto the communal space. The PA have raised concerns that this would compromise the privacy and amenity of these units and recommend that the areas directly adjacent are given over to the apartments. I recommend that a landscaping buffer of 2 metres (min) be provided within the communal roof terrace adjacent to the gable of the apartment unit, to protect the privacy of the units. This issue can be addressed by way of condition.

Private open space is provided in the form of balconies and terraces serving individual units. The schedule submitted with the application indicates that all apartment units meet, and in some instances exceed the minimum standards set out in the apartment guidelines. 1 of the apartment typologies in Blocks D and F would appear to provide access to the balcony via a bedroom only. This is contrary to the guidance contained in the apartment guidelines. I recommend that a condition is included, in the event of a grant of permission, that requires a window from the living area to be replaced with a door that provide direct access onto the balcony.

A comprehensive landscaping plan for the site has been prepared and submitted. I am satisfied that the scheme provides for a good distribution and variety of spaces and that the landscaping scheme for these spaces is of a high standard.

13.4.6. Communal Facilities and Services

The Apartment Guidelines encourage the provision of communal facilities in apartment schemes. The proposed development incorporates internal amenity areas with a stated area of 1,007.5 sq.m including a stand-alone community centre at the entrance to the scheme (inc. parcel and post room, amenity lounge, office and meeting rooms, work areas and a cinema) and smaller amenity spaces and lounges in Block's B, D and F. The scheme provides for a high level of communal facilities and services. The resident amenities are included in the management cost. The applicant argues that the amenities provided will reduce the typical day to day costs which would typically be incurred by residents for services such as co-working spaces, cinemas and gyms and the cost are not considered onerous to the residents. The Lifecycle Report details how the facilities will be managed to avoid significant maintenance costs.

In addition to the amenities the development includes a convenience supermarket (1,627sq.m), 2 no. shop / café / restaurant units (120.6 sq.m. and 230 sq.m), a gym (617.9 sq.m) and a creche of 351.9 sq.m. These commercial facilities will benefit future residents and the wider community. The ground floor plan for Block A shows an entrance core off the eastern elevation with a traveller, stairs and trolley lift shown on the plans. The subject application does not include any upper level floorspace in the double height retail unit. The applicant may wish to make provision for this in the future. I would note that any such floorspace at first floor or a

mezzanine levels would require a separate permission. In the interest of clarity I recommend a condition to this effect.

The PA opinion states that the wider area would benefit from a community facility and recommend that a condition is attached in the event of a grant of permission requiring the community centre to be available to the wider area and not just to residents of the scheme. I am conscious of the fact that the cost of constructing and maintaining the centre will be borne by the residents of the development. While the management of the development may well facilitate some degree of public access, I am of the view that a planning condition compelling access would not be sufficiently reasonable, precise or enforceable and recommend against the inclusion of such a condition.

Waste storage is provided at basement and surface levels and the application includes an operational waste management plan.

13.4.7. Sunlight and Daylight Analysis and Overlooking

The sunlight and daylight analysis submitted with the application demonstrates that adequate natural light would be available within the proposed apartments in accordance with the BRE guidance cited in the apartment guidelines and in the development plan. The level of compliance with BRE Standards for internal daylight has increased from 92% under the previous permission to 96% under the subject application.

The open spaces within the development exceed the BRE standard of more than half of these spaces in sunlight for the target of 2 hour's on March 21st. Almost all of the spaces receive more than 2 hours on March 21st.

The layout and orientation of the apartment buildings would also achieve adequate separation distances between opposing windows onto habitable rooms, ensuring a reasonable level of privacy for the apartments.

13.4.8. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is generally satisfactory with regard to national and development plan guidance for residential development and that subject to the modifications proposed, there will be a

reasonable standard of residential accommodation for future residents of the scheme.

13.5. Impact on Residential Amenities

The overall layout, block footprint and building envelope of the development is as previously assessed and approved by the Board under SHD application ABP-300492-17. The mix of uses is also similar. I am therefore of the view that the potential for impacts on the amenities of existing properties is largely similar to the previously approved development.

- Block H is 1.2 metres from the back of neighbouring gardens on Carnlough Road. The western elevation of the building would be single storey without windows.
- Block I is a two storey house in the building line of other two storey houses.
- The 8 storey elements in Blocks A, D and F would reach a height of 24 metres over ground level. The 8 storey sections of Blocks D and F would maintain a separation distance of more than 45 metres from the back of the properties to the north and of 50 metres from the back of the properties on the other side of the railway. The taller part of Block A would be 41 metres from the nearest property along Carnlough Road to the west.
- The proposed Blocks B, C, E and G would be closer to the boundary of property along to the west along Carnlough Road. They would be 12.5 metres in height and would have a separation distance of between 14 metres and 20 metres from the boundary of the site.
- Block A would be closer to the boundaries of back gardens to the west along Carnlough Road. Its four-storey element at its southern end would be 15.4 metres high and c. 12 metres from the boundary, while its north-western end would be 13.4 metres high and 9.5 metres from the boundary. Part of the block at the back of the shops would be 7.3 metres high and 6.6 metres from the boundary. Block A results in a greater potential to impinge on the neighbouring properties due to its proximity to properties on Carnlough Road and the commercial nature of the uses at ground level.

In terms of impacts, the separation distances from higher blocks are significant relative to the heights of the proposed buildings. The ground level of the proposed buildings has been set at 31.15m, which is c. 2 metres lower than the prevailing ground floor level of the houses to the west of the site. The houses on Carnlough Road have relatively long back gardens, with the exception of those in the first two terraces between Nos 6 and 16 beside the southern part of the site. The railway to the east of the site is c. 40 metres wide providing a significant buffer for residential properties on the opposite side. These factors mitigate the impact of the proposed development on surrounding property.

The daylight and sunlight analysis submitted with the applicant indicates that the proposed development would not have an undue impact on the natural light received by the properties around based on BRE Standards. The proposed development would not unduly overshadow other properties. The separation distances between the proposed apartments and existing houses would be adequate to prevent undue overlooking. While the outlook from adjacent properties would be changed by the proposed development, the submitted photomontages indicate that the change is largely positive and that it would not be overbearing when viewed from the surrounding area. The submitted AWN noise assessment indicates that, subject to mitigation, noise from the service yards, deliveries and mechanical and electrical services would not impact on the surrounding residential units. The assessment assumed that there would be no deliveries between the hours of 23.00 and 7.00. This can be confirmed by way of condition.

Having regard to the foregoing, I am of the view that the proposed development would not seriously injure the amenities of property in the vicinity of the site.

13.6. Transport and Traffic

- 13.6.1. The level of vehicular car parking proposed is similar to that proposed under the previous application ABP-300492-17 as previously accepted by the Board. The submitted TIA indicates that there is sufficient capacity within the local road network to accommodate traffic generated by the scheme. It is proposed to provide a signalised junction with revised layout at the junction of the Carnlough Road and

Cabra Road that would include dedicated pedestrian crossing facilities and dedicated turning lanes into Carnlough Road and into the development. The PA have no objection in principle to the junction upgrade subject to agreement in relation to detailed design matters and relocation of bus stops. The quality audit highlights a number of issues with the proposed reconfiguration. However, I am satisfied that these detailed design matters can be addressed by condition. The volumes of traffic associated with the construction phase will be lower than the operational phase and traffic management arrangements will be agreed with the PA as part of the Construction Management Plan.

13.6.2. The internal layout creates a clear and legible street network with a high degree of permeability for pedestrians and cyclists. There is adequate access for cars and for deliveries to the neighbourhood centre, while vehicular movement is more constrained in the vicinity of the apartment blocks. The proposed development therefore complies with the general principles set out in DMURS. There are individual elements of the street design that depart from the standards set out in DMURS as highlighted in the PA's submission. The roads within the site are local streets, as defined in section 3.2 of DMURS. Their carriageway width should therefore be between 5 to 5.5m, or 4.8m where there is a shared surface. Radii on corners should be 1-3m, or 4.5m on a junction with a link road, as set down in section 4.3 of DMURS. The proposed development fails to meet these requirements in a number of instances. Widths on the principle access carriageway is 6 metres, while the carriageway between Blocks A and B is 5.7 metres in width. The PA recommend that a condition is attached requiring a revision to the street widths to comply with DMURS. It is also recommended that a revised auto track drawing for HGV's and emergency service vehicles is submitted for agreement to comply with DMURS. The width of the footpaths on the main approach road from Carnlough Road to the north of Block A at 1.8 metres is contrary to DMURS guidance which advocates widening footpaths where there are high pedestrian flows. Given the highly accessible and high-density nature of the scheme, coupled with the provision of neighbourhood services within the site I am of the view that the footpath along the entrance road would not be capable of accommodating the level of pedestrian movement that is to be expected. I consider that a 3m wide footpath should be provided on the eastern side of the roadway with separate provision for landscaping

and street tree planting on both sides, in accordance with the design guidance set out in Section 4.3.1 of DMURS. These issues were raised under the previous application and addressed by way of condition but have not been addressed in the current application. I recommend that in the event the Board is minded to grant permission for the proposed development that a condition to this effect is included.

13.6.3. A total of 402 car parking spaces are proposed, 375 no. basement spaces and 28 no. surface spaces. A total of 325 spaces are proposed to serve the residential units including 6 no. car club spaces. The rate of provision is 0.67 spaces per unit. A further 70 no. basement level spaces are proposed to serve the retail elements and 8 no. surface spaces are proposed to serve the retail and creche elements. The Apartment Guidelines published in 2018 state that in higher density developments 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. In the context of this guidance I consider the level of car parking to be at the upper end of what should be considered but acceptable in the context of the extant permission on the site.

13.6.4. A total of 488 no. cycle parking spaces are proposed. 368 no. bicycle parking spaces are proposed at basement level with a further 48 no. surface spaces. Section 4.17 of the apartment guidelines specifies a general minimum cycle parking standard of 1 cycle storage space per bedroom and visitor parking at a rate of 1 space per 2 residential units. The Dublin City Development Plan standard is 1 no. space per residential unit with further provision for larger units and 1 space per 150 sq.m of retail, café/restaurant and recreational floorspace in zone 2 (Table 16.2 and Map J refer). This equates to 547 no. spaces (excluding creche and including 2 no. spaces per 3-bed unit). The accessibility of this site is a key consideration for the assessment of the additional density proposed within the subject site and cycling is highlighted as a viable alternative to car-based travel, given the sites proximity to the city centre and to local services, education and employment sites. The level of cycle provision is therefore substandard. This is not acceptable in this context. Provision should be made in accordance with the provisions of the Dublin City Development Plan as a minimum. This issue can be addressed by condition. Furthermore, I am of the view that design details for the cycle storage and cycle parking spaces should be submitted to the PA for agreement.

13.6.5. As the overall built form and layout of the scheme is acceptable, I am satisfied that the issues raised above in respect of road design and cycle parking can be addressed by condition.

13.7. **Drainage and Flood Risk**

The proposed development would connect to the public foul drainage and water supply networks. Full details are set out in the engineering drawings and the engineering services report accompanying the application. I note that the PA and Irish Water have no objection to the proposed drainage arrangements.

It is proposed to divert an existing 450 mm overflow storm sewer that traverses the site and to connect into this sewer at two points. However, IW and DCC have advised that it is not possible to connect into the Cabra network at present due to capacity issues downstream but that upgrade works are scheduled. It is therefore proposed to pump storm water to the sewer on Bannor Road on a temporary basis until the proposed upgrade works are completed. The pumps are designed with a permanent lifespan as there is no known time limit on pumping to the Bannor Road storm sewer. The stormwater drainage network is designed in accordance with the GDSDS-RDP Volume 2 and includes SuDS measures to reduce the level of run off to below the greenfield runoff rate of 1.55 l/s/ha.

The issue of flood risk has been raised in third party submissions. The site is in Flood Zone C with low probability of fluvial and tidal flooding. Pluvial flooding maps indicate a risk of pluvial flooding on Carnlough Road to the west of the site and along the railway line to the east of the site. There have been a number of pluvial flood events in the area. The risks from pluvial flooding and overland flow to the proposed development have been addressed through design mitigation and the residual risk to the proposed development is considered to be minimal. I am satisfied that the potential risks have been adequately considered and addressed in accordance with the requirements of the Flood Risk Management Guidelines.

13.8. **Other Issues**

Childcare Facilities and Schools Demand

13.8.1. The apartment guidelines (2018) provide an update to the guidance contained in the childcare guidelines (2001) in relation to childcare provision for apartment developments. The guidelines recommend that the threshold for childcare provision in apartment schemes should be established having regard to the scale and mix of units proposed, the distribution of childcare facilities in the area and the emerging demographic profile of the area. The guidelines recommend that 1 bed and studio apartment units should generally be excluded from childcare requirements and, subject to location, that this may also apply in part or whole to units with 2 or more bedrooms. Applying the guidance contained in the Childcare Guidelines (2001) to 2 and 3 bed units, the proposed development generates a childcare requirement of 84 no. spaces. The proposed development includes a creche with capacity for between 70 and 117 no. children depending on the type of facility and the age groups catered for. I consider the level of provision to be acceptable.

Part V

13.8.2. The applicant has submitted proposals to provide for 48 no. units or 10% of the proposed units to the planning authority under Part V. The submitted details include costing details and plans showing proposed Part V units. The PA opinion indicates no objection to the proposals. I recommend that a condition is attached in the event of permission being granted that requires a Part V agreement to be entered into.

Archaeology

13.8.3. The application is accompanied by an Archaeological Testing Report. There are no known architectural features within the application site or in the immediate vicinity. There are 3 no. sites identified on the RMP within 500m of the site. Due to the historical location of the site and known features in the wider area the presence of unknown archaeology could not be excluded. Archaeological trench testing was undertaken under licence in July 2019 on foot of conditions of previous permissions. No deposits, finds or features were identified. It is considered unlikely that archaeological remains are present. Nonetheless, it is proposed to continue to monitor ground works on site in compliance with condition no. 20 of the extant permission. In the event that the Board is minded to grant permission for the proposed development I recommend that a condition is included requiring the

monitoring of groundworks, similar to condition no. 20 of the extant permission ABP-300492-17.

14.0 Recommendation

14.1. Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to the following:

1. The location of the site in the established urban area of Dublin City and;
2. The policies and objectives in the Dublin City Development Plan 2016-2022;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018;
6. The Design Manual for Urban Roads and Streets (DMURS);
7. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
8. The pattern of existing and permitted development in the area;
9. The planning history within the area,
10. The submissions and observations received, and
11. The Inspector's report.

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would 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 Recommended Order

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 16th day of October 2019 by John Spain Associated, on behalf of Seven Cabra Real Estate Limited.

Proposed Development:

The proposed development will consist of:

Construction of 485 no. residential units (484 no. apartments and 1 no. house) comprising of 33 no. studios, 137 no. 1 bed, 271 no. 2 bed and 44 no. 3 bed units and a neighbourhood centre. The proposed development will comprise of 9 no. Blocks (A – I) ranging in height from part single / part 2 no. storey to 8 no. storeys.

- Block A will comprise of 89 no. apartment units, consisting of 22 no. 1 bed and 67 no 2 bed units and a neighbourhood centre comprising of 4 no. units, comprising of Unit 1, retail / café/ restaurant use (120.6 sq.m.), Unit 2 a convenience supermarket with ancillary off licence (1627.sq.m.), and Unit 3 retail / café/ restaurant use (230 sq.m.), and 1 no. gym unit (617.9 sq.m.),
- Block B will comprise of 24 no. apartment units, consisting of 24 no. 2 beds and the provision of residential amenity space and a creche facility (351.9 sq.m.) at ground floor level.
- Block C will comprise of 24 no. apartment units, comprising of 1 no. 1 bed, 15 no. 2 bed and 8 no. 3 beds.
- Block D will comprise of 120 no apartment units, comprising of 17 no. studios, 44 no. 1 beds, 53 no. 2 beds and 6no. 3 beds and the provision of resident lounges and communal terraces at roof level.
- Block E will comprise of 24 no. apartment units, comprising of 5 no. 1 bed 11, no. 2 beds and 8 no. 3 beds.
- Block F will comprise of 123 no. apartment units, comprising of 16 no. studios, 49 no. 1 beds, 52 no. 2 beds and 6 no. 3 beds and the provision of resident lounges and communal terraces at roof level.
- Block G will comprise of 80 no apartments, comprising of 16 no. 1 beds, 49 no. 2 beds and 15 no. 3 beds.

- Block H will comprise of resident amenity space including meeting rooms, postal storage, reception, co working space and cinema room (382.2 sq.m.),
- Block I will comprise of 1 no. 3 bed two storey house at No. 2 Carnlough Road.

The proposed development will also include 403 no. car parking spaces (375 no at basement level (305 no. to serve the residential units and 70 no. to serve the retail units) and 28 no. at surface level (20 no. to serve the residential units and 8 no. to serve the retail units) and 488 no. bicycle parking spaces (368 no. at basement level and 120 no. at surface level), public and communal open space, private open space associated with each residential unit, landscaping, children's play area, fascia signage associated with each retail unit, resident amenities including gym, meeting rooms, postal storage centre, and reception, co working spaces, resident lounges and roof top terraces, a service / loading bay located to the rear of Block A along the western boundary of the site, 3 no. substations and switch rooms, pump room, access gates to the north access point off Faussagh Avenue, upgrades to the road junction at Carnlough Road and Cabra Road, provision of PV Panels at roof level of all blocks and all associated ancillary site development works necessary to facilitate the development.

The proposed development will amend and supersede the development currently being undertaken on site, pursuant to and in accordance with Strategic Housing Planning Permission Ref: ABP-300492-17.

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:

1. The location of the site in the established urban area of Dublin City and;
2. The policies and objectives in the Dublin City Development Plan 2016-2022;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018;
6. The Design Manual for Urban Roads and Streets (DMURS);
7. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
8. The pattern of existing and permitted development in the area;
9. The planning history within the area,
10. The submissions and observations received, and
11. The Inspector's report.

Appropriate Assessment

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 the Screening for Appropriate Assessment 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 that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would 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.

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
- (a) Block B shall be amended in accordance with the following: (i) the corridor serving the east-west block at second, third and fourth floor levels shall be subdivided at the midpoint; and (ii) apartments A1.09 and A1.10; A2.05 and A2.06; A1.17 and A1.18; A2.15 and A2.16; A1.25 and A1.26; and A2.25 and A2.26 shall be merged to form 6 no. dual aspect units.
 - (b) In Block F and Block D all apartments shall have a doorway leading from the living / dining area to the balcony.
 - (c) In Block I the corner window serving bedroom no. 2 shall at 1st floor shall be confined to the eastern elevation only.
 - (d) A landscape strip with a minimum depth of 1.5m shall be provided in the roof level terraces of Blocks D and Block F on the northern gable of Units D1.58 and D2.62 and F1.58 and F2.65 to protect the privacy and amenity of the adjoining 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.

Reason: In the interests of residential amenity.

3. The streets within the development shall comply with the requirements and specifications of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013. The proposals submitted with the application shall therefore be amended in the following ways –
- (a) The street between the proposed junction on Carnlough Road and the ramp serving the underground car park and the service access to the rear of Block A shall have a carriageway no more than 5.5m wide.
 - (b) The footpath from Carnlough Road along the eastern side of the new Rowan Place and the eastern and northern sides of Block A shall provide a clear passage for pedestrians at least 3m wide, with extra width beyond the 3m passage to provide landscaping / a verge area or other physical measures to prevent vehicles parking or stopping on any part of the footpath.

- (c) On streets to the north of the new Observatory Square no carriageway shall be wider than 5m, or 4.8m where a shared surface is provided, and the radius of no corner shall be greater than 3m.
- (d) Pedestrian access shall be maintained from the north-eastern corner of the development to Fassaugh Avenue at all times. A stile may be erected to require cyclists using this access to dismount. However, any such structure shall allow unimpeded passage for persons with impaired mobility and at least 20cm clearance in each direction for a dismounted cyclist pushing a bicycle of the type used for Dublin bikes. Any structure which does not allow such passage and clearance shall be removed.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to comply with the guidance given in the Design Manual for Urban Roads and Streets (DMURS) issued by the minister in 2013 and to provide an integrated street network that is safe and convenient for all road users and that achieves an acceptable standard of urban design

- 4. (a) The mitigation measures identified in the AWN Technical Note – Noise Assessment Relating to Increased Capacity Proposal, shall be implemented in full by the applicant, except as may otherwise be required in order to comply with the following conditions.
- (b) There shall be no deliveries within the service yard in Block A between the hours of 23.00 hours and 7.00 hrs (night-time).

Reason: In the interest of residential amenity.

- 5. Detailed design proposals for the improvement of the junction between Carnlough Road and Cabra Road shall be submitted to and agreed in writing with, the planning authority prior to the commencement of development. The detailed design proposals shall address the issues raised in the Quality Audit Prepared by Burton Consulting Engineers as submitted with the application.

Reason: In the interest of traffic safety.

6. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a car parking and cycle parking management plan.
- (a) The plan shall provide for a maximum of 403 car parking spaces (not including the space within the curtilage of Block I), of which 78 would serve the proposed neighbourhood centre with the remainder serving the proposed apartments. At least 8 spaces for the neighbourhood centre and 20 spaces for the apartments shall be reserved for people with impaired mobility.
 - (b) The plan shall also demonstrate that a minimum of 529 no. resident bicycle parking / storage spaces and a total of 18 no. commercial bicycle parking spaces will be provided within the development at basement and surface levels. Detailed design proposals for secure cycle storage spaces and cycle parking spaces shall also be submitted to the PA for agreement.
 - (c) No car parking space shall be used for any purpose not directly related to the development and no space shall be sold, leased, licenced or sub-let in connection with any other use or purpose.
 - (d) All of the communal parking areas serving the apartments shall be provided with electric 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 commencement of development.
 - (e) 4 no. clearly designated spaces for car share use shall be provided in accordance with the mobility management plan.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

Reason: To regulate the use of the parking within the development and limit the traffic that it would generate.

7. Details of the following shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
- (a) Materials, colours and textures of all the external finishes to the proposed buildings.
 - (b) Landscaping, planting, boundary and surface treatments which shall generally conform to the scheme submitted with the application.
 - (c) Balustrades and privacy screens for balconies
 - (d) Signage throughout the development, including the shopfronts on the commercial premises in the neighbourhood centre
 - (e) The initial uses of units 1, 2 and 3 of Block A shall be within Classes 1 or 2 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 as amended, or as a restaurant or café. If uses as a restaurant or café is proposed the submitted details shall include detail of the air handling and ventilation.
 - (f) Public lighting throughout the development.
 - (g) Public art for the proposed public open space.

Reason: In the interests of visual and residential amenity.

8. Not more than 75 no. two and three bedroom apartments shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

Reason: To ensure that childcare facilities are provided in association with residential units.

9. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be

based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

11.

Reason: In the interests of visual and residential amenity.

12. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

13. Communal waste storage areas in the development shall be designed and managed in accordance with an operational waste management plan that shall be submitted and agreed with the planning authority prior to the commencement of development. Prior to the occupation of any of the commercial units a food and bio-waste management plan shall be submitted for the written agreement of the planning authority. Grease traps shall be installed and managed in any commercial food preparation area or kitchen.

Reason: In the interests of public health.

14. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets

shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interests of residential amenity.

15. No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall take place above roof level other than within the roof enclosures shown on the submitted drawings, whether or not it would otherwise constitute exempted development.

Reason: In the interests of visual amenity.

16. The development shall be carried out on a phased basis in accordance with a phasing plan that shall be submitted for the written agreement of the Planning Authority. Work on any phase after the first shall not commence until the written agreement of the planning authority is given.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

17. 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:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction;

- (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of

construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

18. 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.

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

19. 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.

20. Prior to the commencement of development the developer shall consult with the National Transport Authority to ascertain its requirements regarding the possible provision of a station on the railway beside the site and the provision of pedestrian access to it and the developer shall comply with the reasonable requirements of the NTA in this regard. Any dispute may be referred to An Bord Pleanála for determination.

Reason: To avoid prejudicing the potential for a station on the adjoining railway.

21. Prior to the commencement of development, the developer shall contact Iarnród Éireann to ensure an agreed safe system of work in accordance with Guidelines RSC-G-010A. Any works associated with the proposed development shall ensure that the integrity of the railway is maintained

Reason: To protect the railway and public safety.

22. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

(b) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

23. 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.

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

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

25. The developer shall pay to the planning authority a financial contribution in respect of the Luas Cross City extension in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning

authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

26. 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

Karen Kenny
Senior Planning Inspector

7th February 2020