



An  
Bord  
Pleanála

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

## Inspector's Report ABP-307257-20

### Strategic Housing Development

Demolition of existing buildings,  
construction of 438 no. apartments,  
childcare facility and associated site  
works.

### Location

Saint Columban's and No. 25 Hole in  
the Wall Road, Donaghmede, Dublin  
13.

([www.holeinthewallroadshd.ie](http://www.holeinthewallroadshd.ie))

### Planning Authority

Dublin City Council North

### Applicant

Belwall Limited.

### Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority

4. Dublin Childcare Committee
5. Minister for Culture, Heritage and the Gaeltacht
6. Heritage Council
7. An Taisce — the National Trust for Ireland
8. Irish Aviation Authority and Department of Defence
9. Dublin Airport Authority

**Observer(s)**

13 Observer Submissions (see Appendix 1)

**Date of Site Inspection**

21<sup>st</sup> August 2020.

**Inspector**

Daire McDevitt

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Appendix 1 List of documentation submitted with the application

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## **1.0 Introduction**

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.

## **2.0 Site Location and Description**

The following is an extract from the Inspector's Report on Recommended Opinion on ABP-306167-19. There has been no changes to the site or surrounds that would alter the description set out below which I have only include minor modifications.

The site is located in Donaghmede, in the northern suburbs of Dublin City and close to the boundary with Co. Fingal, close to the junction of the Hole in the Wall Road and the R139 (Clarehall Avenue) at the Grange Road Roundabout. It is c. 900m east of key district centre lands and Clarehall Shopping Centre, c.1 km southwest of Clongriffin Dart station, c.4km east of M50/M11 junction (J1/J3) and c. 8km northeast of Dublin city centre. To the north east is the Clongriffin high density mixed use residential/commercial development area, Baldoyle-Stapolin high density residential area and the recently established Father Collins Park, which is a high quality active and passive public open space serving the area. To the northwest is the high density development of Belmayne residential area.

The site (stated area 1.9 ha) comprises two plots, (i) the northern plot, No. 25 Hole in the Wall Road, a private residential dwelling (unoccupied) and associated grounds and (ii) the southern plot, former institutional buildings occupied by the St. Columban's Missionary religious organisation. Both plots have substantial amounts of mature trees, particularly at site boundaries. Part of the Columban buildings have been extensively damaged by fire. The site is bound by the Hole in the Wall Road to the east, by Clarehall Avenue / R139 to the south, by 4/5 storey blocks within the Grattan Wood apartment complex (Observer submission received from the Management Company) to the north and by two and two and a half storey houses within the Grattan Lodge development to the west. There is a small, triangular area of land between the southern site boundary and the Grange Road Roundabout, which contains a pump house which is in separate ownership and Observer submissions have been received from the owners of this plot of land.

Both the R139 and the Hole in the Wall Road have dedicated bus lanes, with bus stops either direction adjacent the south of the site. The R139 is a QBC and a proposed Bus Connects route. The site is owned by the applicant. Dublin City Council have provided consent for works to the public road and footpaths at Hole in the Wall Road and the R139. Entrance to the site is proposed off the Hole in the Wall road with an emergency vehicular access off the R139 at the southwestern corner.

### **3.0 Proposed Strategic Housing Development**

The application is for the construction of 438 no. apartments and a childcare facility. It also includes the demolition of St. Columban's building (2 storey) and No. 25 Hole in the Wall (2 storey structure).

The following tables set out some of the key elements of the proposed scheme:

Site Area	Stated area of c.1.96hectares
Demolition	No. 25 Hole in the wall Road and St. Columban's
No. of Residential Units	438 Apartments
Other	Concierge/Management suite at ground floor of Block A and Block D
Density	223.4 unit per hectare (uph)
Plot Ratio	2.0
Site Coverage	51% (including carpark)
Height	Block A - 5 storeys. Block B - 8 storeys. Block C – 7 storeys. Block D– 5 to 6 storeys.
Childcare Facility	249 sq.m (65 spaces)

<p>Open Space</p>	<p>Communal Courtyards:</p> <ul style="list-style-type: none"> <li>• 1450 sq.m within western perimeter block 'Podium Garden 1'.</li> <li>• 1168 sq.m within eastern perimeter block 'Podium Garden 2'</li> </ul> <p>Central Open Space (195sq.m)</p> <p>Western Buffer open space area(2170sq.m)</p>
<p>Parking</p>	<p>317 Car parking spaces at 0.7 per unit: 36 at surface level, 128 at lower ground level and 153 at upper ground level.</p> <p>816 bicycle parking spaces at 1.8 per unit (10 for creche)</p> <p>10 motorbike spaces.</p>
<p>Part V</p>	<p>43 Apartments in Block D: 3 1 bed (1 person), 20 1 bed (2 person) and 20 2 bed (4 person).</p>

## Unit Mix

<b>Block</b>	<b>Studio</b>	<b>1 bed</b>	<b>2 bed</b>	<b>Total (per Block)</b>
<b>Block A</b>	17	51	73	141
<b>Block B</b>	16	22	46	84
<b>Block C</b>	15	18	40	73
<b>Block D</b>	7	59	74	140
<b>Total (unit type)</b>	55	150	232	438
<b>% of Total no. of Units</b>	12.5%	34.2%	53.4%	100%

In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. The applicant has engaged with Irish Water and have a Confirmation of Feasibility for 437 units. The application has engaged with Irish Water whom have issued a Statement of Design Acceptance.

A list of report and documentation submitted with the application is set out in appendix 1 of this report



## 4.0 Planning History

### **Former Columban Missionary site (bulk of the application site):**

#### **PA Reg. Ref. 2854/17 (ABP Ref. PL29N.249368).**

Permission granted for 203 no. apartments, a gym, a childcare facility, a community room and a basement car park in four blocks, 4-5 storeys high. Stated residential density c.149 units / ha. Car parking provision of 1.2 spaces per unit. The Board granted permission subject to amendments comprising the omission of apartments nos. 181,182, 196, 197, 208 and 209 in Block D and the omission of the associated archway, with the stated reason '*In the interests of orderly development and residential amenity*'.

#### **PA Reg. Ref. 3403/18 (ABP-302929-18).**

Permission granted by Dublin City Council for revisions to Reg. Ref. 2854/17, to develop as a Build to Rent scheme with 22 no. additional apartments, i.e. a total of 225 no. residential units.

The Board decided to dismiss a third party appeal for the following reason:

*Having regard to the limitations imposed under section 34(3A) and 34(3B) of the Planning and Development Act, 2000, as amended, where the Board is restricted in its determination of the application to considering the modifications proposed by the applicant, and where an appeal is limited to a materially significant change to the approved external appearance of the proposed development, the Board considers that the grounds of appeal are outside of the limitations imposed by section 34(A)*

*and 34(B) and decided under the provisions of section 138(1)(b)(i) of the Act, to dismiss the appeal.*

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered that the appeal cannot be determined by it in view of the provisions of section 34(B) of the 2000 Act and accordingly, dismissed the appeal.

### **25 Hole in the Wall Road (northern part of the site)**

**PA Reg. Ref 3203/07.** Permission granted for 48 no. apartments in 3 no. 4 storey blocks.

**PA Reg. Ref 1237/06 (ABP PL29N.218702).** ABP refused permission for 60 no. apartments in one 4 storey block. Reason for refusal related to scale and impacts on residential amenities.

### **SHD Applications in the immediate vicinity (within a 2km radius):**

**ABP 305319-19** Permission for 500 apartments (235 no. residential and 265 no. BTR, creche and all associated site works at Plots 4,5 & 14 Clongriffin, D13.

**ABP 305316-19.** Permission granted for 1030 apartments (323 no. residential & 678 BTR), 2 no. creche and 10 no. retail units and associated site works at Plots 6, 8,11,17,25,26,27 & 28. All to the North and South of Main Street, Clongriffin, D13.

**ABP 305623-19.** Permission for 282 no. apartments and associated work at Parkside 4, Parkside Boulevard, D13.

**ABP 35943-19.** Permission for demolition of all existing structures on site and construction of 331 no. BTR apartments, childcare facilities and associated site works at Newtown, Malahide Road, D17.

**ABP 302993-18.** Permission for 123 no. BTR apartments, ancillary resident support facilities, services and amenities, parking and all development site and infrastructural works at Clarehall, Malahide Road, D17.

Beyond the 2km radius is **ABP 304346-19 & ABP 305730-19** which refer to the former Chivers Site and a BTR application.

**Adjoining Site to the south east (referred to as the ‘pump house site’):**

The Planning Authority and Observers (owners of this site) have referred to Section 5 Pre- Application Consultation for this site under SHD. Reference No. is **307095-20** 111 units BTR Shared Accommodation. Opinion issued on the 17<sup>th</sup> July 2020 noting that further considerations/amendments are required. To date no Section 4 application has been lodged.

## **5.0 Section 5 Pre Application Consultation**

A Section 5 pre application consultation (ABP 306167-19) took place at the offices of An Bord Pleanála on the 3<sup>rd</sup> February 2020. Representatives of the prospective application, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicants were advised that further consideration of the documents as they relate to the following issue was required:

## Design and Layout of Residential Development

Further consideration or justification of the documents as they relate to the design and layout of the development and to potential impacts on visual and residential amenities, in particular the delivery of high quality façades to the R139 and Hole in the Wall Road, with regard to the prominence of the subject site on the Grange Road Roundabout and its visibility in the wider area. Regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The prospective applicant should satisfy themselves that the design strategy for the site provides the optimal architectural solution for this location and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. The development should achieve strong frontages to both roads, notwithstanding the presence of an intervening site at Grange Road Roundabout and should provide a positive contribution to the public realm at street level including pedestrian and cycle connections, landscaping and boundary treatments. The applicant should also have regard to the long term management and maintenance of the proposed development.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Furthermore, the prospective applicants were advised that the following **specific information** should be submitted with any application for permission:

1. Rationale/Justification for the proposed building height with regard to the criteria provided in section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018).
2. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various

requirements of those guidelines, including its specific planning policy requirements. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

3. Architectural report and accompanying drawings which provide details of the proposed materials and finishes to the scheme including the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s.
4. Photomontages, contextual elevations, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on visual and residential amenities, to include views from the wider area and adjacent residential properties.
5. Cross sections to indicate levels of adjacent public roads and residential properties, access roads and open spaces within the proposed development and the basement / undercroft car park.
6. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas.
7. A microclimate study of the overall development site (to address matters including down draft and wind tunnelling effects).
8. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, to include consideration of the frontages of the scheme to the R139 and Hole in the Wall Road. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street

furniture including public lighting and boundary treatments should be submitted.

9. Rationale for proposed play area provision with regard to relevant development plan policy.
10. Tree Survey, Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site.
11. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority.
12. Address issues raised in the report of Dublin City Council Drainage Division included in the Planning Authority's Opinion dated the 23rd January 2020.
13. Address issues raised in the report of Dublin City Council Transportation Planning Division dated 17th January 2020.
14. Car parking quantum, rationale and details of parking management, including parking for crèche staff. Details of cycle parking provision at basement / undercroft and surface levels. The strategy shall also include details of any areas which are applicable for car club facilities and details for electric vehicle charging.

15. Cycling strategy in any traffic impact assessment, detailing the appropriate provision of bicycle parking in line with national and/or local standards and include details of all surface parking ensuring appropriate longevity and shelter.
16. Childcare demand analysis, including but not restricted to the justification for size of the proposed crèche, the likely demand and use for childcare places and the accommodation of additional requirement resulting from the proposed development.
17. Archaeological Impact Assessment.
18. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted as a standalone document.

### **Applicant's Statement**

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

### **Design and Layout of Residential Development**

The applicant is consolidating the St. Columban site and No. 25 Hole in the Wall Road into one site. The extant permission on the St. Columban's site forms the key design foundation for the current proposal with utilisation of the previous building lines along the eastern, southern and western sides of the site. The main vehicular access is off Hole in the Wall Road with pedestrian/cycle access also obtainable from the R139 to the south.

The extant permission provides for a strong building line and street frontage and creation of an urban edge along both the R139 and Hole in The Wall Road.

The design of the proposed scheme is based around 2 courtyards themes with blocks being 'fractured' and 'hinged', which helps to create 4 distinct block forms, breaks down the massing and reduces the perceived scale and thus facilitates greater variation in height and use of materials. This design approach also provides for views out from and into the courtyards that are within the blocks themselves as well as creating an area of accessible and usable public open space to the south of the scheme that addresses the R139 and Hole in the Wall Road.

The car parking areas has also been designed such that active frontages have been maintained along all elevations of the blocks as they face outwards. Ensuring a continuous animation at street level.

Block D is revised following the pre-application consultation to provide for a 6<sup>th</sup> floor to the corner element of the block, thus increasing the variety of design and architectural merit and interest of the scheme, particularly when viewed from the roundabout area.

The quality of the materials proposed has been improved. A greater quantum of brick is to be utilised on the southern and eastern sides of the development as the scheme addresses both public roads.

The creation of a new public open space to the south of the site and a new public footpath will improve public realm and represents a significant planning gain for the area and adds to the character of the proposed development as a whole.

A Statement of Response from the Architects is also submitted with the application.

**Response to Specified Information No. 1 to 18:**

**No. 1:** A Material Contravention Statement has been submitted. This provides justification as to why the height of the building being proposed are appropriate and



in accordance with section 3.2 of the Building Height Guidelines. The Board is also referred to the Statement of Response submitted.

**No. 2:** A Housing Quality Assessment has been submitted. A Building Lifecycle Report has also been submitted with the application.

**No. 3:** Refer to the Architects Statement of Response and associated drawings as well as Landscape Architects drawings and design report.

**No. 4:** Photomontages, contextual elevations, shadow analysis and landscaping details have been prepared and submitted. Combined they provide a visual impact analysis of the proposed development and in the applicants view confirm that it will not give rise to undue overshadowing onto third party lands or residential amenities. Furthermore, the development builds on and improves the extant permission.

**No. 5:** Contextual elevation submitted. Also refer to the Architect's Statement of Response.

**No. 6:** A Daylight and Sunlight Analysis was carried out and report submitted with the application. Assessment of potential impacts carried out and conclusions submitted.

**No. 7:** Microclimate Study prepared and submitted.

**No. 8:** Landscape plans and reports submitted.

**No.9:** Details shown on the landscape masterplan and rationale set out in the landscape design report.

**No. 10:** Refer to Arboricultural report and landscape proposals.

**No. 11:** The scheme has been designed to be managed privately. No areas are proposed to be taken in charge by the Planning Authority.

**No. 12:** Response to the issues raised by DCC Drainage Division submitted, including basement drainage layout, attenuation details and a basement impact assessment has been carried out and report submitted.

**No. 13:** Response to the issues raised by DCC Transportation Planning Division submitted. A CMP has also been prepared. Refer also to the TTA submitted.

**No. 14:** Justification and rationale for the quantum of carparking as well as parking management strategy has been prepared as part of the transport Insights Residential Travel Plan and TTA submitted with the application.

**No. 15:** Addressed in the TTA and Residential Travel Plan.

**No. 16:** Childcare Demand Analysis and rationale submitted.

**No. 17:** Archaeological Impact Assessment submitted.

**No. 18:** EIAR Screening report submitted.

## **6.0 Relevant Planning Policy**

### **6.1 National**

#### **Project Ireland 2040 - National Planning Framework**

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS) and Interim Advice Note-Covid 19 (May 2020).
- Urban Development and Building Heights – Guidelines for Planning Authorities
- Architectural Heritage Guidelines for Planning Authorities, 2004. Development Guidelines for Protected Structures and Areas of Architectural Conservation.
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities

## **6.2 Regional**

### **Regional Spatial & Economic Strategy for the Eastern & Midland Regional Assembly**

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 2019.

Donaghmeade is located within the area covered by MASP which seeks to focus development on large scale strategic sites and on the redevelopment of underutilised lands, based on key transport corridors that will deliver significant development in an integrated and sustainable manner.

## **6.3 Local**

### **Dublin City Development Plan 2016-2022**

The development site is zoned 'Z1 To protect and improve residential amenities.' It is also within the boundary of Strategic Development Regeneration Area (SDRA) 1.

**Section 14.8.1** provides guidance for Z1 zoned lands.

**Section 14.8.13** SDRAs:

*"...not all of the identified strategic development and regeneration areas are zoned Z14 in their entirety ...[and] the relevant zoning objective for each area shall be applied to any development proposals."*

**Section 15.1.1.1 SDRA 1 North Fringe (Clongriffin-Belmayne).** Relevant key points include:

- Over 3,400 new homes and 41,000 sq.m. of commercial floor area in place, also water and drainage infrastructure, a Clongriffin Dart station and public square, sections of the new main street boulevard and redesign of Father Collins Park.
- Aim of providing approx. 8,000 new residential units upon completion.
- Objective to achieve a sufficient density of development to sustain efficient public transport networks and a viable mix of uses and community facilities.
- Objective to promote the creation of a high-quality public domain by establishing a high standard of design in architecture and landscape architecture.
- Objective to use building heights to define key landmark locations, including: Minimum heights of five storeys for the key district centres at Clongriffin rail station and the N32/Malahide Road junction.
- Minimum heights of four to five storeys for the Main Street boulevard.
- A landmark structure of 10-14 storeys (office height) adjacent to the rail station.

Also relevant:

**Section 16.4** Density Standards. As per national planning policy.

**Section 16.5** Plot Ratio. Indicative plot ratio of 0.5 – 2.0 for Z1 outer city. Higher plot ratio may be permitted adjoining public transport corridors.

Section 16.6 Site Coverage. Indicative site coverage of 45% - 60% for Z1 lands. May be higher adjoining public transport corridors.

### **Section 16.7 – Building Heights**

**Section 16.7.2** provides guidance on Height Limits and Areas for Low-Rise, Mid-Rise and Taller Developments. The site is located within the ‘outer city’ and ‘low rise’ where up to 16m is permitted for residential.

**Section 16.10** Standards for Residential Accommodation including a 10% public open space requirement on Z1 lands.

### **Clongriffin Belmayne (North Fringe) Local Area Plan 2012-2018 (extended to 2022)**

There has been considerable progress and delivery of infrastructure in this developing area including:

- a) Approx 3,400 homes completed to date
- b) Approx 41,000 sq.m of commercial floor space constructed
- c) Construction of Clongriffin Rail Station and the No 15 Bus Service, accessing the Malahide Road QBC, which terminates in Clongriffin
- d) The North Fringe Sewer and North Fringe Watermain projects
- e) Significant sections of the main street network, including the distributor roads, completed
- f) Two primary schools, Educate Together and St Francis of Assisi, successful established (in temporary accommodation with progress towards permanent sites being advanced)
- g) The innovative 21ha Fr Collins Park
- h) Park and Ride public car park and town centre plaza at Clongriffin completed.

Section 7.6 general minimum net density of 50 units/ ha should be achieved subject to appropriate design and amenity standards in the LAP area.

There are no specific height objectives for this location in the LAP.

#### **6.4 Applicant's Statement of Consistency**

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 and the County Development Plan. This has been noted and examined.

#### **6.5 Applicants Material Contravention Statement**

The proposed development has been advertised as a material contravention and a Material Contravention Statement submitted. The statement sets out the justification for the proposed residential development, in particular the proposed height, ranging from 5 to 8 storeys, which materially contravenes the Dublin City Development Plan 2016-2022. This is summarised as follows:

The site is located in the Outer City where the City Development Plan has a building height limit of 16m. The National Planning Guidelines supersede the Development Plan and remove a blanket limit or cap on building heights, replacing it with a qualitative assessment for building heights. It is submitted, that the proposed development, in this instance justifies the building height being proposed as it is in accordance with national policy, it is suitable for the location and there are numerous planning precedents for similar development being permitted during the lifetime of the current Development Plan.

- The site is strategically located within the Metropolitan Area of Dublin city and is readily served by and accessible to a range of employment areas as well as public transport offerings, including high frequency bus and DART (Clongriffin Station). It was identified by ABP (Inspectors report for PL.29N.249368) as being suitable for a high density development, noting its brownfield location within a public transport corridor.

#### **Section 37(2)(b) Criteria:**

- (i) The proposed development would bring forward 438 housing units for Dublin when there is an urgent and clear need for housing. It is strategic in nature (SHD application) and therefore of strategic national importance.

- (iii) The proposed development is in accordance with Project Ireland 2040: National Planning Framework (NPO 11, 13 and 35). It is evident that there is a strong emphasis placed in increasing heights in appropriate locations within existing urban centres and along public transport corridors. As such, it is respectfully submitted that the height proposed for the development of up to 8 storeys is in line with Government guidance and evolving trends for sustainable residential developments in urban areas.

It complies with the Urban Development and Building Heights Guidelines for Planning Authorities. Regarding SPPR1: the site is situated at a strategic location beside the centres of Donaghmeade and Clongriffin and is capable of supporting taller buildings and increased density. The site is excellently served by public transport, bus and rail with a proposed Bus Connects route designed to serve the site. Furthermore, the site has been identified within the LAP for the area as being suitable for increased density and heights. Regarding SPPR 2: The development will add to the variety and mix of development in the area. Diagrammed as well as creating an active frontage and animation to the development.

Compliance with Section 3.2 of the Guidelines:

1. At the scale of the relevant city/town:

- The site is well served by public transport. (Dublin Bus, proposed Bus Connects and within 1km of Clongriffin DART station).
- There are no protected structures or conservation areas.
- There are no sensitive or protected views of the site.
- The proposed increase in height at Blocks B, C & D will help create a strong urban edge to the R139 road and Hole in the Wall Road as well as adding to the place-making design for the scheme.

2. At the scale of the district/neighbourhood/street:

- The proposed increase in heights of Blocks B, C&D will help to create added visual interest at the R139, which will be supported by the provision of a new public park adjacent to the central blocks, which will be accessible to the wider public.

- The increased height will help create a stronger urban design response to what is generally considered to be a blank façade along the R139 in particular.
  - It is respectfully considered that the proposal introduces a high quality development at an underutilised brownfield site within an urban setting, which benefits from an extant permission for an apartment scheme. It responds to the massing and scale of the surrounding urban pattern and scale, with higher building element situated along the frontage to the R139, stepping down towards lower rise residential developments to the west and north.
  - An appropriate palette of materials are proposed and monolithic blocks avoided.
  - The site is not at risk from flooding. And it already benefits from an extant permission.
3. At the scale of the site/building:
- The site benefits from an extant permission for 225 apartments with a height up to 5 storeys.
  - It will provide appropriate levels of daylight and sunlight and will not give rise to overshadowing.
  - A microclimate report has also been submitted.
4. Specific Assessment:
- The principle of a high density residential development on the site has been established through the extant permission currently on the site and the current scheme utilises that scheme as a baseline informing the current design and proposal.
  - The site is not located within an environmentally, ecologically or architecturally sensitive location and is not subject to an Appropriate Assessment (NIS) or EIA.
  - The proposed height will not affect air navigation or result in any undue glare.

Documentation submitted with the application demonstrates compliance with SPPR3. It is also submitted that the proposed development provides for a high density (231 uph including public open spaces) providing 438 units across 4



blocks that range in height from 5 to 8 storeys satisfied the requirements under SPPR4.

It also complies with the Apartment Guidelines 2018 and Sustainable Residential Development in Urban Areas and Design Manual

- (iv) There is significant precedent whereby ABP have granted permission for developments that exceed the permitted heights outlined in the Dublin City Development Plan 2016-2020. These include ABP 305316-19 (Clongriffin), ABP 304346-19 (Malahide Road), ABP 304196-19 (Clarehall).

The current proposal could be granted permission having regard to the pattern of development in the area and permission granted in the area since the making of the current Development Plan.

It is respectfully requested that ABP have regard to the justification set out above and permit the proposed height contravention of the Dublin City Development Plan 2016-2020 having consideration to section 37(2)(b) (i) and (iii) of the Planning and Development Act 2000 (as amended), specifically the policies and objectives set out with the section 28 Guidelines and noting the national importance of delivering housing and sustainable neighbourhood given the current housing crisis as well as planning precedent for permitting taller buildings within the surrounding area, which have been approved during the lifetime of the current Development Plan.

## **6.6 Natural Heritage Designations**

- Baldoyle Estuary SAC site code 000199 (c.2.2km to the east)
- Baldoyle Estuary SPA site code 04016 (c.2.2 km to the east)
- North Bull Island SPA site code 004006 (c.2km to the southeast)
- North Dublin Bay SAC site code 000206 (c.2km to the southeast)
- South Dublin Bay SAC site code 000210 (c.6.5km to the southeast)
- South Dublin Bay and River Tolka Estuary SPA site code 004024 (c.6.5km to the southeast)

## **7.0 Observer Submissions**

The Board received 13 observer submissions of which 4 were from Prescribed Bodies. The observers are listed in Appendix 2 attached to this report. I note that 3 of the observer submissions (Platinum Land Limited, Keem Bay Developments Limited and Andrew Gillick) are from the owners of the adjoining site to the south east that forms the corner of the Hole on The wall Road and the R139 (Clarehall Road). Submission by Grattan Hall Management (c/o Keenan Property Management) located to the north of the site. Several submissions have been made by local residents and one from an elected representative, Cllr Tom Brabazon. There is a significant degree of overlap and reiteration of issues raised throughout the submissions. In summary the topics raised are as follows (Appendix 3 includes a more detailed summary):

### **Nature of the Development and Validity of the Application**

- Confusion within the documentation submitted on the nature of the development. Reference to BTR and BTS throughout the documentation. It is not advertised as a BTR but the design, parking provision, residential amenities resemble a BTR scheme.
- Inconsistencies and inaccuracies in the application, from drawings, to type of scheme, distance from transport links etc.

### **Principle of Development & Compliance with Plans and Guidelines**

- Does not comply with Z1 zoning which seeks to protect, provide and improve residential amenities as no community, social services are being proposed or provided.
- Material Contravention of Section 16.7 Building Heights in a Sustainable City Dublin City Development Plan 2016-2022.

- None compliance with policies and objectives relating to density, urban development, residential developments, etc
- Does not comply with section 28 Guidelines.

## **Density**

- The scale of the development (438 apartments) is out of scale with the area. ABP determined 2 years ago that 285 was the appropriate number for the site (225 on St. Columban and 60 on the northern portion of the site).
- No justification for the density at this location.
- Overdevelopment of the site
- Would set a poor precedent for similar high density schemes in the area.
- A density ranging from 123.85uph would be more appropriate for this site, ie 235 apartments in the traditional apartment scheme. The proposed density equates to a BTR and is not acceptable for traditional apartments.

## **Design and Height**

- Inappropriate monolithic design.
- Projecting balconies.
- The scale, height, mass, bulk and length of the blocks, especially blocks A and D are excessive.
- Overbearing impact on Grattan Wood to the north.
- Overbearing cumulative visual impact.

- Block B and C result in a scheme that is too high and congested. Block B and C are 23m and 26.5m tall. Block B is c.13.1m taller than the closest Grattan Wood block and Block C is c. 9.6m taller than the closest Grattan Wood block.
- Density, scale, bulk, massing and height are contrary to planning policy.
- No where outside the city centre are there 8 storey buildings apart from 'exceptional' locations. Donghameade roundabout is not one of these 'exceptional' locations.
- In 2018, ABP order that 4-5 storeys was appropriate. There has been no change in circumstance to justify higher buildings at this location.
- No 3 bed units are proposed. This will not assist in making the development family friendly.
- The design, mix and nature of apartments implies BTR and that the applicant may sell the development to a single investor.
- The proposal will constitute overdevelopment of the site and will transform the skyline to the detriment of the surrounding residential area.
- The proposal is not the optimal architectural solution for the site.
- It does not provide a positive contribution to the character of the area over the long term.
  - Layout could result in ghetto type development and social problems.
  - Little thought given to landscaping and boundary treatment.
  - The scale, height, massing bulk and length of blocks A, C+B and D should be reduced.
  - Remove northern section of block A and D to provide open courtyards.

- Block B and C should be reduced to a maximum of 6 storeys.
- Setback with Grattan Wood should be increased.

**Standard of accommodation:**

- Lack of privacy within the scheme due to poor layout.
- Does not comply with the Sustainable residential Development in Urban Areas Guidelines or Design Manual.
- Does not comply with Urban Development and Building Heights Guidelines.
- Query what residential facilities are proposed to be provided. Concerns expressed that these spaces may end up for retail use.
- Block A will overlook overshadow, visually impact on a visually over bear areas of Block B, C and A. Block B will do the same to areas of Block A, C and D. Block C will do it to areas of Blocks A, B and D and Block D will do it to areas of Block A, B and C. The internal scheme impacts of one block onto another are myriad would cause a reduction in the future residential and visual amenities of those living in this scheme. In some instance, these impacts would be acute.
- Poor amenity for future occupiers.
- Public open space is remote and isolated.
- Lack of usable open space results in a substandard scheme.
- Too many single aspect north facing units.
- 60% of the units are single aspect which is not acceptable.

- Creche should be relocated to the centre of the scheme, where it would be accessible to all residents and not impact on adjoining properties.
- The 'residential facilities' should be clarified.

## **Traffic**

- The density, at 425 apartments, will adversely affect traffic volumes on the Hole in the Wall Road and the R139.
- Chronic traffic congestion already in the area.
- Public transport does not have capacity
- Entrance should be moved away from Grattan Woods. Noise and nuisance
- Insufficient car parking. Not a BTR scheme, so reductions don't apply.
- Overflow fly parking a concern,
- Lack of parking management plan/strategy.
- Where is the parking for creche staff.
- The provision of 317 carparking spaces does not comply with national guidance.
- Excessive surface and ground level parking proposed.

## **Loss of habitats**

- Proposal to remove large number of trees and hedgerows will be a huge loss to the local community. The wooded area represents the last vestige of habitat for biodiversity on the area, including nesting grounds for the red listed barn owl.

- Trees should be retained.

**Impact on adjoining properties/lands:**

- Blocks C and D are set back less than 2m from the south eastern boundary resulting in undue overlooking of any future development on lands to the south east.
- Would set an undesirable precedent for set backs from boundaries. If the lands to the south east were developed with a similar set back the units in Blocks C and D would feel enclosed, lack light and be overlooked resulting in substandard units.
- Unacceptable distance from boundaries with lands to the south east. This should be increased to at least 10m if permission is granted. Lands to the SHD have been the subject of SHD Pre Application Consultation. The lands is considered to be of importance and should not be treated as a mere site containing a pump house. The scheme being developed of said lands is being considerate of the current application site and request the same consideration from the current applicants.
- The applicant has not contacted or consulted with the owners of the site to the southeast to discuss the proposed development.
- Wayleaves over the site to the south east do not exist, mater has been discussed with IW and DCC.
- Overlooking of adjoining apartments (Grattan Woods)
- Sunlight, daylight and Shadow Analysis queried and the use of BRE guidelines is disputed.
- The proposal will cause significant overshadowing of Grattan Wood.

- Location of the creche would have a negative impact on the amenities of the residents of Grattan Woods.
- No trees or open space proposed along the northern boundary to mitigate impacts on Grattan Wood. Instead a noisy 2.5m access road is proposed.
- No Visual Impact Assessment submitted.
- No CGIs submitted to illustrate impact from Grattan Wood.
- Accuracy of CGI images queried.

### **Planning History:**

- Permission for the site should be judged on its own merits regardless of planning history and extant permissions. An extant permission should not be used as a precedent. Both, planning legislation and site ownership have changed. It is considered highly unlikely that permission 302929-18 will be implemented at this stage and therefore little weight should be given to this permission.
- The current proposal represents a 54% increase in the number of units from that previously granted on the site. The proposed density and height is unacceptable.
- The Board direction under PL29N.249368 refers to a BTR scheme, it was not advertised as a BTR and neither the DCC report or the Inspectors report (which the Board overruled) made any reference to BTR.
- The Inspectors Report under ABP 302929-18 implies that the site was at its maximum achievable density, even with the revisions to planning policy.

### **Social Infrastructure:**



- No decision should be made on this application by ABP until it carries out a comprehensive assessment of planning, social, infrastructure, transport and educational requirements of the area.
- Unacceptable piecemeal development. The area cannot accommodate the scale of development. Schools, childcare etc are all at capacity as other permitted developments have used the last remaining capacity,
- Need to consider the cumulative impact of development that are permitted, built and those likely to come and the impact on services, facilities.

#### **Services:**

- Recent developments on the Hole in the Wall Road and North Fringe area have now brought sewerage and water facilities to near absolute capacity and the systems cannot deal with any large additions from the proposed development.
- Details of proposed public drainage diversions for the site to the south east submitted by the owner in his submission.

#### **Lack of Public Consultation:**

- Any public consultation was not widely advertised.
- Lack of access to plans and details

#### **Construction Phase:**

- Traffic, noise, parking, dust, vibrations will cause disturbance with adjoining residents
- CMP queried
- Overlooking during construction

**Other:**

- Reference to previous unauthorised use and planning Enforcement action
- Poor planning precedent
- Devaluation of adjoining properties

## **8.0 Planning Authority Submission**

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 23<sup>rd</sup> of July 2020. The report may be summarised as follows:

The submission from the Chief Executive includes details in relation site location and description, proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

### **8.2 Summary of Views of Elected Representatives (North Central Area Committee Meeting 26<sup>th</sup> June 2020)**

A detailed summary is included in Appendix B of the Chief Executive's Report.

The main points are summarised below:

General feeling that the proposed development is too high and an over intensification of the site and there is a lack of infrastructure in terms of transport, education and medical facilities.

The design is block style, coarse and not conducive to healthy living. Serious concerns were also expressed about overshadowing/overlooking.

In general members were not happy with the proposed development and recommended rejection of the application in its current form.

They don't oppose housing on this site but would oppose the proposed development of the site which contravenes the Dublin City Development Plan or is not sustainable from a community perspective.

Issues highlight included inter alia:

- Height, density and design.
  - Too high.
  - Excessive density.
  - Overlooking and overshadowing of adjoining properties.
  - Not enough dual aspect units.
  - What are the implications for residents if a 9 storey block is granted on the pump house site.
  - All apartments should have balconies.
- Mix of bedroom sizes:
  - No 3 bed units.
  - Not conducive to family life, it will have a transient community.
- Part V:
  - All part V are placed in one block, these should be pepper potted throughout the scheme.
- Development of landmark site (location of disused pump house):
  - Query regarding status of the adjoining site.
  - Corner (pump house site) should be developed in tandem with this site.
  - Potential implication for apartments in the scheme if a 9 storey building granted on the pump house site.
  - Complicated history associated with No. 25 Hole in the all Road and planning enforcement.
- Transportation and Traffic:
  - Entrance off a busy road and roundabout.
  - Entrance should be moved.
  - Traffic congestion
  - Lots of bicycle parking but the buildings are not set back enough to facilitate cycle lanes.

- Schools and social amenities:
  - Shortage of medical and school facilities in the area.
- Other:
  - Disappointment regarding the SHD process and denial of Local Authority to have real input.
  - Most of the City Councils views on previous SHD applications have been ignored.

### **8.3 Planning Assessment**

- The site is located on lands Zoned Z1 which have an objective to protect, provide and improve residential amenities, It is located within SDRA 1 North Fringe.
- The site is also located within the Clongriffin – Belamyne (North Fringe) Local Area Plan, however it is not included in the LAP’s indicative phasing plan for the area nor are there any specific objective for the site in the LAP.
- It is considered that the proposed development is generally consistent with the Development Plans and Local Area Plans objectives.
- In relation to height, the applicant has submitted a Material Contravention Statement.

#### **Density:**

- The density proposed is 223uph. The last permitted scheme on plot 1 (3403/18) had a density of 165uph.
- The proposed density is acceptable due to the availability of public transport, noting recent precedents for SHD proposals in the wider area and when benchmarked against current national policy on residential development.
- Plot ratio and site coverage is acceptable.
- It is considered that the added population the development will generate will also help the viability of local services and facilities both existing and in future for this urban city area and is consistent with national development objectives in relation to urban consolidation.

#### **Design and Integration**

- It is considered in urban design terms that the proposal efficiently consolidates two sites that have had various unilateral redevelopment permissions for apartment schemes, and will provide for strong urban edges to existing uncoordinated and underdeveloped existing residential zoned urban located lands.

### **Height.**

- The majority of the scheme is 5 storeys in height with two landmark buildings (Block B and C) which are 8 and 7 storeys and set in the middle of the development and staggered towards the Grange Road to the south in relation to each other.
- The planning authority noted the applicants submission, but still considers it preferable that the higher portions of the development, along with any evolution of the subject design approach, be located towards the south east and eastern portions of the site. If the pump house does prove to be developable then this neighbouring site would provide for a more obvious landmark building.

### **Consolidated Urban Development:**

- The Planning Authority agree that the combining of two sites will provide for greater efficiencies and coordination of design by adjoining potentially competing sites.
- The Planning Authority have made reference to a pre planning proposal for the pump house site and the potential for reciprocal impacts.
- As with the amalgamation of the two subject plots it would remain the local authority's preference if all these adjoining zoned urban lands, if developable, would be comprehensively and efficiently redeveloped together.

### **Form and Layout**

- The proposed 'fractured/hinged' arrangement of the blocks or heights from the pre application stage have not been substantially altered, It is considered that the layout does provide for a relatively strong urban edge to the sites's two

main presentations towards the primary public realm and that the site is sufficiently large to set its own character in this instance.

- It is considered that the layout remain somewhat cramped, with potential privacy conflicts between units in close proximity to each other, which may require significant amelioration measures.
- It may be preferable to omit both inner Block B and inner Block C or limit Block B and C to have much reduced footprints (to c. a third of their existing ones) so as to allow for a more spacious internal layout and one that would not see apartment windows and balconies oppose each other at oppressively close distances in an outer city location.
- Vehicular access noted of Hole in the Wall Road with pedestrian access off the R139.

#### **Visual Impact:**

- Light brick treatment should be used instead of light coloured render.
- Any extensive plinth or external staircase-wall elevations be finished in brick and perhaps softened with 'green walls', etc.
- The position of the ESB substation could potentially detract from the visual amenity of the site and may be viewed as oppressive to the outlook to some of the ground floor units in Block D where the Part V wing is located. This should be relocated to a more discrete location and suitably finished and screened with natural planting.

#### **Landscaping:**

- Retention of trees on site, especially in the western portion be maximised and additional planting required.
- The northern boundary should be further enhanced. A trade off between surface parking and planting should be considered with additional planning along the northern boundary.

#### **Unit Mix:**

DCC Development Plan requires for a mix of not more than 25-30% of 1 bed units and at least 15% 3 bed units. This has been superseded by the 2018 Apartment Guidelines and as noted in SPPR that beyond the maximum 50% providing of 1 bed/studio (with no more than 20-25% being studio) there is no requirement for a specific unit mix only if there is an agreed evidence based on HNDA, which to date has not occurred in DCC.

#### **Units:**

- DCC Development Plan minimum requirements for floor areas has been superseded by the Apartment Guidelines. All units meet or exceed the requirements.
- Floor to ceiling height comply with requirements.
- 40% dual aspect provided (176 units). Central and Accessible locations require 33%. It is not considered that the application site is located in a central and accessible location therefore 50% dual aspect is recommended.
- Units in Block A and D have 'nominal dual aspect, smaller side window. There are also potential residential amenity conflicts due to proximity of adjoining apartment windows.
- It is also considered that distant views to the east toward the coast would not be regarded as providing for sufficiently compensatory outlook as envisaged in the 2018 Apartment Guidelines.

#### **Private Open Space/Amenity:**

- In the interest of privacy and residential amenity for future occupants at ground level or podium level units, it would be preferable that there are height differentials where patios/balconies directly adjoin or are in close proximity to the public realm, communal open space, entrance zones and the general

circulation areas. It is also preferable that adequate natural buffers can be used at such interfaces in the interest of privacy and security.

- Vertical 1.8m privacy screen should be provided to the side of balconies/patios where they are in close proximity to other balconies/patios.
- Due to the proximity of some of the blocks opposing elevation to each other, there would be a number of other potential conflicts, ie where projecting balconies would look directly into opposing apartment bedroom windows (eg western side unit BD1.0210s balcony which is only 4m way from the bedroom window opposite in Block C. Privacy screens should be provided where any proposed balcony would unduly overlook any opposing or side-on balcony.
- Short of omitting or significantly reducing the footprints of Block B and C it is recommended that consideration is given to providing high screen to the front of such opposing balconies and/or providing for some form of re-directional treatment of the opposing windows outlook/viewing cone.
- Some podium level and ground level apartments are exposed, screening should be provided.
- Units adjacent to external stair access may have compromised privacy.
- Projecting balconies at lower levels can be exposed.
- Balconies should be fitted with opaque or frosted glazing rather than the proposed railing treatment. Failure to provide adequate privacy measures may well lead to personalised and uncoordinated screening treatments.

### **Ancillary/Supporting Residential Amenities:**

While the scheme is BTS, a significant amount of ancillary/supporting residential amenity floor space within both courtyard blocks and located centrally within the scheme's layout have been provided.

Suggested uses for the shared Residential Amenities include shared residents lounge and library, a co-working hub with workstation and meeting rooms, a demo kitchen with dining facilities for hosting large groups, a cinema room and/or a well being suite with gym, fitness studio and treatment rooms. It is recommended that all



internal communal areas be provide with dedicated toilet facilities or have access to them.

### **Children's Play Area:**

- 835sq.m of play areas are provided across the site's various communal and public open spaces.
- Play areas should be located in the best sunlit location as much as possible

### **Social Audit:**

- Community and Social infrastructure audit submitted.

### **Childcare Facilities:**

- A c.249.5sq.m creche is proposed for the north western corner with c.180sq.m attendant outdoor play area. The proposed location benefits from later afternoon sun. This play area should be extended further beyond the western elevation of Block A in order to catch sunlight earlier in the day.
- Size of the creche cater for the demand from the proposed development (1 bed excluded and 20% of 2 beds from the calculations).

### **Communal Open Space:**

- c. 2318sq.m (c.13% of site area) of communal open space is proposed in two courtyards/podium gardens (1450 and 1168 sq.m respectively).
- The total communal open spaces provision across the site is stated to be 7638sq.m (38.9% of the site area), this includes over c. 2170sq.m buffer area located between the western elevation of Block A and the site's western boundary with Grattan Lodge houses.
- The submitted shadow/sunlight study indicates that the communal courtyards spaces meet the recommendations of section 3.3.17 of the BRE 2011 Best Practice document 'Site Layout Planning for Daylight & Sunlight. It is also considered that the western buffer area should experience good potential

levels of sunlight, albeit that this space will remain largely tree covered with additional planting.

- Communal areas will also provide outdoor spaces for yoga, workshops, etc , outdoor gym areas, seating areas etc.
- The courtyards are contained spaces by nature of the building surrounding them and by controlled access points from other areas.

### **Public Open Space:**

- Public open space is c.1950sq.m (c. 9.95% of the site area) which is located between blocks B and C and will be accessible to the public via the R139 with the provision of new footpath along the boundary of the site.
- Designated open space, which is open to the south, will meet Daylight and Sunlight requirements.

### **Operation & Management of the Apartment Scheme:**

- Building Lifecycle report submitted.

### **Daylight and Sunlight Impacts:**

#### **Daylight Impacts on third parties**

- Impacts on third parties lands have been included with the exception of lands to the south east known as the 'pump house site'.
- It is acknowledged that plot 1 has an extant permission for 5 storey buildings along the south eastern boundary in relatively close proximity to the boundary. It is not clear what the mutual 'access to daylight' impact will be between the subject site and possible development at the pump house site. It may be

preferable that the subject site considers some form of setback to allow for mutual accommodation and further efficient use of zoned urban lands.

**Sunlight Impacts on third parties:**

- There will be no apparent significant impacts on lands to the east, west and south of the development, there will be some impact on boundary lands to the north within Grattan Wood Apartment scheme. Acknowledged existing boundary treatment creates some shadowing.
- Level of overshadowing should be minimise to within BRE's recommended tolerances.

**Daylight for future occupiers:**

- Details submitted indicate that units comply with daylight requirements.
- Extended runs of corridors can appear oppressive and 'institutional' due to the need for constant artificial illumination because of lack of direct access to natural light. It is recommended that the scheme maximise daylight to long corridors and minimise reliance on artificial illumination, although there may be little scope for the ground level corridors. It would have been preferable if the 'landing areas' some of which appear to be quite spacious had direct access to daylight – which may mean omitted/amalgamating some of the tightly arranged inside corner units.

No assessment has been provided as to possible impacts upon the subject site from potential development within the adjoining 'pump house site'. It also appears that the

Grattan Wood apartment blocks will not unduly obstruct daylight access to the proposed apartments to the south.

**Sunlight to balconies/patios:**

The level of shadow/sunlight levels to balconies and patios does not appear to have been assessed. It is presumed that balconies located to the north, located within tight inner corners or are fully recessed will expect to receive less direct sunlight.

**Sunlight to developments gardens and open spaces:**

Assessment submitted concluded that two large enclosed courtyards formed by the apartment blocks along with the southern public open space were assessed for their quality of sun on the ground and were deemed to meet the BRE recommendations.

Play areas should be located in the least shadowed locations as possible within the courtyard amenity spaces.

**Micro climate:**

A Micro Climate Analysis was submitted.

**Lights:**

External lights shall comply with best practice.

**Overlooking/Privacy:**

- Set back from boundaries are noted, these are slightly reduced with the proposal for protruding balconies.
- It is recommend that the proposed apartment blocks as developed come no closer than 11m to the northern boundary and that any active window, balcony is suitably treated where it will be less than 22m to any active window or balcony in Grattan Wood development to the north and that the side of all

balconies on the northern side of the development be fitted with opaque or frosted glazing.

- Glazing to stair/lift core landings should be fitted with opaque glazing, especially where they address Grattan Wood.
- While it is acknowledged that the development on plot 1 site has extant unenacted planning permission for development up to 5 storeys in relatively close proximity to the southern boundary. It is however not clear what the mutual overlooking impact will be between the subject site and any possible development at the pump house site to the south. It may be preferable that the subject site considers some form of setback to allow for mutual accommodation and further efficient use of scarce zoned urban lands.

#### **Security:**

- It is considered that the scheme will prove for extensive potential passive supervision over the public realm, as well as communal spaces within the scheme.

#### **Part V:**

- Letter of validations from DCC included with the application.

#### **Traffic/Access:**

- Scheme is a highly accessible scheme that promotes sustainable forms of transport rather than one that is over reliant on the private car.
- Refer to Transportation Planning Report.

#### **Environmental Issues:**

- Bat survey and Ecological Impact Assessment carried out and recommendation incorporated in the scheme.
- Refer to the DAU submission.
- AA and EIA Screening carried out.

**Other:**

- Noise and odour impacts on third parties should be minimised.
- Standard archaeological conditions to apply.

**8.4 Summary of Interdepartmental Reports**

**Drainage Division (16<sup>th</sup> July 2020).** No objection subject to conditions.

**Transportation Planning Division (3<sup>rd</sup> Jul 2020).** Conditions set out that should be included if permission granted.

**Housing Development Division (4<sup>th</sup> June 2020).** Applicant has engaged with DCC and are aware of their Part V obligations.

**8.5 Conclusion and Recommendation**

The Planning Authority concluded that having regard to the nature and scale of the proposed development, the established pattern of development in the area and the relevant provisions of the current Development Plan and the Clongriffin-Belmayne LAP, the provision of an apartment scheme at this location is considered appropriate.

The Planning Authority would have concerns regarding the height and density of proposed structures and its proximity to neighbouring residences, particularly to the Grattan Wood development to the north and potential development lands to the south.

Having regard to the *Urban Development and Building Heights: Guidelines for Planning Authorities 2018* and *Urban Housing -Design Standards for New Apartments – Guidelines for Planning Authorities 2018*, on the basis of the information received it is considered that the proposed development, subject to addressing the issues of overlooking, overshadowing, obstruction to daylight to neighbouring residences and appropriate measures taken to minimise residential amenity conflicts for future occupants of the development, which may be addressed by condition, is therefore considered acceptable.

The Planning Authority recommends that An Bord Pleanála consider a grant of permission subject to 20 conditions. In addition to the recommendations of the IAA, DAU and IW.

## **8.6 Conditions**

Conditions are generally standard in nature. Those of note have been set out in detail below.

### **Condition No. 1:**

The Planning Authority requests that if permission is granted that a condition is attached which requires the inclusion of the following amendments:

- a) That there is a minimum provision of 50% of apartment units that are truly dual aspect as per the 2018 Apartment Guidelines.
- b) The inner block B and inner Block C are amended so as to reduce potential residential amenity conflicts due to proximity of portions of these blocks' active elevations to those of Block A and Block D respectively. Such options would be to either omit Block B and Block C altogether – or substantially reduce their building footprints for example – to approximately their respective third – so as to allow for a more spacious internal layout, and one that would not see apartment windows and balconies oppose each other at such oppressively close distances in an outer city location.
- c) The proposed apartment blocks as developed come no closer than 11m to the northern boundary, and any active window or balcony is suitably treated where there will be less than 22m to any active window or balcony in the Grattan Wood development to the north.
- d) That the sides for all apartment balconies/patios are glazed which then shall be frosted or opaque rather than clear glazed – especially on lower levels

where balconies are located opposite Grattan Wood – Details of same shall be provided for the written agreement of the planning authority.

- e) That natural buffers and other measures designed to maximise the privacy and security of private open space and windows serving ground floor or podium level units shall be enhanced as much as possible, with landscape strips adjoining patios to be utilised where feasible to maximise the privacy of apartment patio spaces and windows. Details of same shall be provided for the written agreement of the planning authority.
- f) That where any proposed balcony that would unduly overlook any opposing neighbouring window then – either the window is amended so as to redirect overlooking as much as possible away from the adjacent balcony and/or the balcony is fitted with a 1.8m high opposing screen.
- g) That where any proposed apartment balcony that would unduly overlook any opposing or side on balcony that one of the balconies be fitted with a 1.8m high opposing screen so as to prevent undue overlooking.
- h) That a light pale colour brick treatment be used instead of light coloured render, especially within the podium courtyards.
- i) That any extensive areas of blank facades shall be softened with additional natural screening where feasible which may include the use of planted trellising. Details of same shall be submitted for the written agreement of the planning authority.
- j) That if the ESB substation cannot be relocated to a more discrete location within the site that it shall then be suitably finished and naturally screened as



much as possible so as to blend in with the overall residential development and general landscaping.

- k) That adequate toilet facilities shall be provided in close proximity to the ancillary residential facilities/services at ground floor level.
- l) That the attendant open play space associated with the creche can be arranged so as to maximise solar gain for earlier in the day.
- m) That play areas within communal open space areas and the public space are located in the least shadowed areas where possible.
- n) That internal corridors, especially those with extensive runs, and landing areas be provided with as much direct access to natural daylight as possible.
- o) That any glazing of the stair/lift cores landings be fitted with opaque glazing.
- p) That the proposed apartment blocks come not closer than 11m to the northern boundary.
- q) That the natural planting to the north boundary be enhanced as much as possible. A trade off between surface parking and additional planting along the northern boundary should be considered – with at least provision for additional tree planting between the perimeter bays.
- r) That shadowing over 3<sup>rd</sup> parties be minimised to the within the recommended tolerances set out in the BRE's 2011 *Site Layout Planning for Daylight & Sunlight*.
- s) That any obstruction of daylight to existing and potential 3<sup>rd</sup> party residential areas be minimised to within the recommended tolerances set out in the BRE's 2011 *Site Layout Planning for Daylight & Sunlight*.

t) That the subject proposal's southern building line is at least set back to allow for a reciprocal opposing elevation across the southern boundary – if the adjoining pump house lands are now considered developable.

Reason: In the interest of residential and visual amenity.

**Condition No.2:** Materials and finishes.

**Condition No.3:** Maps showing Taking in Charge areas.

**Condition No.4:** Part V

**Condition No.5:** Light pollution

**Condition No.6:**

That bat friendly lighting be applied where required.

Reason: In the interest of biodiversity

Details of same should be provided for the written agreement of the planning authority.

**Condition No. 7.** Transportation Planning requirements.

**Condition No. 8.** Drainage Department Requirements, includes a revised FRA.

**Condition No. 9.** Financial Contributions

**Condition No 10.** Bond.

**Condition No.11:** Estate name etc

**Condition No.12:** Public lighting

**Condition No.13:** Open Space Management & Landscaping.

**Condition No.14:** Archaeological monitoring.

**Condition No.15:** Waste management

**Condition No.16:** No additional plat/fixture above roof parapet.

**Condition No.17:** Street cleaning during construction phase.

**Condition No.18:** Hours of site and building works.

**Condition No.19:** Noise during construction phase.

**Condition No.20:** Compliance with the requirements set out in the Code of Practice from the Drainage Division, The Road Streets & Traffic Department and the Noise & Air Pollution Section

## **9.0 Prescribed Bodies**

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Dublin Childcare Committee
- Minister for Culture, Heritage and the Gaeltacht
- Heritage Council
- An Taisce — the National Trust for Ireland
- Irish Aviation Authority and Department of Defence
- Dublin Airport Authority

Four bodies have responded and the following is a brief summary of the points raised.

**Irish Water (1<sup>st</sup> July 2020 & 21<sup>st</sup> August 2020 to address typo in the July report)**

Irish Water have issued a Confirmation of Feasibility for the development of **437 no. residential units** to connect to the public water infrastructure.

In respect of wastewater IW noted at pre consultation that the connection is feasible subject to connection to a 525mm sewer across the Hole in the Wall Road, Donaghmeade, directly east of the development which will require a road opening licence. Delivery of this infrastructure would be by Irish Water with the cost of delivery borne by the developer.

The applicant has engaged with Irish Water and submitted designs for the development proposal for which Irish Water has issued a Statement of Design Acceptance.

It is requested that the Board condition any grant of permission that the applicant is required to obtain a connection agreement with Irish Water prior to facilitate the required network upgrade ahead of any works commencing on site and connect to the IW network.

**Development Applications Unit (DAU), Department of Culture, Heritage and the Gaeltacht (DCHG)(2<sup>nd</sup> July 2020)**

**Nature Conservation:**

From a nature conservation perspective, the loss of 209 trees on site is not significant.

Bird Surveys recorded the presence of 7 tree nesting species. Therefore tree felling should take place outside nesting season (condition recommended)

Bat survey (August 2019) recorded usage of the site for foraging by small numbers of bats of the three most common species (common and soprano pipistrelles and Leisler bat). No bat roost were identified. However in the 2017 survey pipistrelles were observed exhibiting swarming behaviour around the St. Columban's building, indicating that it may have been using this structure as a roost. And at the time one tree was noted as being used as a Leisler bat mating roost. The Bat Assessment recommends that another survey be carried out before any works commence and all building inspected by an ecologist prior to their demolition, the tree identified in the 2017 survey should also be checked. Bat boxes should be installed on site. Conditions recommended.

### **Archaeology:**

The Department has examined the Archaeological Assessment submitted. On the basis of the results of the test excavations carried out on the development site and the conclusions of the report there are no further archaeological requirements in this case.

### **Irish Aviation Authority (IAA) (19<sup>th</sup> June 2020) (duplicate submission noted)**

In the event permission is granted, the developer should contact Dublin Airport to ensure that any crane operations do not impact on flight procedures at the aerodrome.

### **Transport Infrastructure Ireland (TII) (12<sup>th</sup> June 2020)**

No observation to make.

## **10.0 Comment on Chief Executive Report**

The Planning Authority recommend that development be granted permission subject to 20 conditions and the recommendation set out in the submission from the

prescribed bodies These mainly relate to standard conditions. Conditions of note include:

Condition No. 1 contains 20 subsections which I have set out in section 8.6 above. In order to avoid repetition I proposed to abbreviate the subsection by refers to 1(a), 1 (b) etc. and my commentary for each.

**Re 1(a).** I note that this condition is vague in its direction. The requirement to provide 50% dual aspect within the proposed scheme may require a significant redesign of the proposed apartment blocks and have implications for third party lands I therefore do not consider it appropriate. Furthermore, I am of the view that the site is located on a central accessible location and therefore 33% dual aspect is required not 50%. I also draw the Boards attention to the extant permission (PL.25N.249368) where the Board deemed 34% dual aspect acceptable. Dual aspect is addressed in my assessment.

**Re:1(b).** Again, the requirements set out in this condition are vague and open to interpretation. It is not clear what implications these amendments would have on for example the number of dual aspect units within the scheme, the number of units that may be omitted, the type of unit and implications for unit mix, density, car parking provision etc. Theses do not appear to have been considered in the planning assessment in the Chief Executive's Report. Without a justification and a clear rationale set out to support the requirement for these amendments along with their potential implications for the overall scheme I do not consider this an appropriate condition. Furthermore, in my opinion, compliance with this condition would require a fundamental redesign of the scheme which I do not consider within the remit of a condition in this instance.

**Re: 1(c)** This refers to se backs of 11m from the northern boundary with Grattan Wood and any balcony/window be set back 22m from any active window/balcony in

Grattan Wood. I note that separation distances exceed 22m from the nearest block in Grattan Woods. In my opinion, this condition is not required.

**Re: 1(d), (e), (f) and (g)** refer to mitigation measures to address overlooking through privacy screens, buffer planting etc. In principle conditions setting out mitigating measures normally to address the issue would be reasonable. However, in this instance I do not consider that mitigation measures alone will address outstanding issues.

I consider the requirements set out in **1(h), (i), (j) (k), (l) and (m)** reasonable.

**Re: 1(n).** I note that the planning authority has not clearly set out how this can be achieved given that the corridors in question are internal in the building with glazing already provided at points where they meet external walls,

**Re: 1(o)** This is considered reasonable.

**Re: 1(p)** This appears to be a repetition of a requirement set out in 1(c).

**Re: 1(q)** It is not clearly set out in the report if this will result in the loss of carparking spaces and implications for parking provision on site.

**Re: 1(r) and (s),** These requirements are vague and do not give guidance on how the applicant should comply with same.

**Re: 1(t).** This is considered reasonable.

**Condition No. 6.** I note includes a typographical error. The requirement for suitable lighting is a reasonable request.

## **11.0 Environmental Impact Assessment Screening**

The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling

units or 10 hectares, or 2ha if the site is regarded as being within a business district. The site is zoned Z1. The predominant use in the area is residential. It is therefore reasonable to conclude that the site is not within a business district. the proposed development is for 438 apartments and a childcare facility, internal site works on a site within an overall stated area of c.1.96 hectares.

The criteria set out in schedule 7 of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application includes a statement on the effects on the Environment or on a European Site in the Planning Report. With regard to characteristics, the size of the proposed development is well below the applicable thresholds. The residential uses proposed would be similar to predominant land uses in the general area. A FRA is submitted with the application, the development will not give rise to a flood risk. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening, set out in section 12 of this report, concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This



conclusion is consistent with the EIA screening assessment report submitted with the application.

## **12.0 Appropriate Assessment Screening**

A Stage 1 Appropriate Assessment Screening Report was submitted with the application. The site was inspected on the 26<sup>th</sup> September 2019 and built on previous data gathered in 2017. This stated that at this time the entire site is composed of building and artificial surfaces. I note that an Appropriate Assessment Screening Report dated April 2017 has also been submitted with the application. Two Ecological Impact Assessment reports (2017 and 2019) are also included. All reports have been prepared by the same company.

The AA Screening Report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. It concludes that there is no prescribed radius to determine which Natura 2000 sites should be analysed and that this is determined by the zone of influence of the project. The following Natura 2000 sites are to be found to be within this zone of Influence: Baldoyle Bay SAC/SPA (site code 000199), Baldoyle BAY SPA (site code 004016), North Dublin Bay SAC (site code 000206) and North Dublin Bay SPA (site code 000206), South Dublin Bay and Tolka Estuary SPA (site code 004024), South Dublin Bay SAC (site code 000210). I have reviewed the NPWS web site and consider that there are no other sites that would be within the zone of influence of the subject site or that have a potential hydrological link to the site. The Screening Report considers whether the proposed development would have any potential impact on the qualifying interests and conservation objectives of these sites.

The AA Screening Report submitted with the application concluded that the proposed development is not located within or directly adjacent to any SAC or SPA but pathways do exist to a number of these areas. An assessment of the aspects of this project has shown that significant effects are not likely to occur to these areas either alone or in combination with other plans and projects. It can be concluded on the basis of objective information that the proposed development is not likely to have

any significant effect on any European site, either alone or in combination with other plans and projects.

The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites.

The AA Screening Report submitted with the application concluded that there is a hydrological pathway from the site to Baldoyle Bay via the Mayne River. And there is an indirect pathway through the foul sewer to Dublin Bay via the Ringsend WWTP. The ecological status of the River Mayne and Baldoyle Bay are both failing to meet required standards. This is believed to be from nutrient sources/urban run-off. Although the exact cause of this is unknown, this may arise from misconnections whereby effluent from homes is discharging straight to the environment rather than the foul sewer. Unattenuated surface run-off may also be a contributing factor.

Sampling of water quality in Dublin Bay (and presented in the Annual Environmental Report for the WWTP) indicates that the discharge from the wastewater treatment plant is having an observable effect in the 'near field' of the discharge. This includes the inner Liffey Estuary and the Tolka Estuary, but not the coastal waters of Dublin Bay. This indicates that potential effects arising from the treatment plant are confined to these areas, and that the zone of influence does not extend to the coastal waters or the Irish Sea.

The Screening report therefore concluded that there are consequently pathways to a number of Natura 2000 sites. There are hydrological links to the Baldoyle Bay SAC (site code: 0199) and SPA (site code: 4016), South Dublin Bay and River Tolka Estuary SPA (site code: 4024), the South Dublin Bay SAC (site code: 0210), the North Bull Island SPA (site code: 4006) and the North Dublin Bay SAC (site code: 0206).

Given the potential for indirect linkages I am including the following sites in my screening exercise:

Site Name and Code	Distance to site	Qualifying interest
North Dublin Bay SAC (000206)	c.2km to the southeast	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>
South Dublin Bay SAC (000210)	C 6.5km to the southeast	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
Balydoyle Bay SAC (000199)	c.2.2km to the east	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>

		<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>
South Dublin Bay and River Tolka Esturay SPA (004024)	C 6.5km to the southeast	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
North Bull Island SPA(004006)	c.2km to the southeast	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p>

		<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
Baldoyle BAY SPA (004016)	c.2.2km to the east	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p>

		Ringed Plover (Charadrius hiaticula) [A137]  Golden Plover (Pluvialis apricaria) [A140]  Grey Plover (Pluvialis squatarola) [A141]  Bar-tailed Godwit (Limosa lapponica) [A157]  Wetland and Wetbirds [A999]
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There are no natural pathways between the site and any European site in terms of watercourses (according to the EPA’s catchments.ie maps), but the lie of the land would suggest that it is drained by the Mayne River, to the north, which discharges to the Baldoyle Estuary, rather than south to Bull Island.

**Direct, Indirect or Secondary Impacts:**

The application site does not overlap with the boundary of any European site, therefore there are no European sites at risk of direct habitat loss impacts.

No habitats will be disturbed within or directly connected to Natura 2000 areas.

The Mayne River flows approximately 1km north of the construction zone and so there is no risk to the river during this time. No effects to Natura 2000 areas can occur due to the temporary nature of works and the fact that there is no direct pathway to the river.

The construction phase will involve the use of standard construction materials and will include the demolition of the existing buildings. This will involve the loss of the existing low biodiversity value habitats, to be replaced with buildings and artificial surfaces which will be of negligible biodiversity value. Post-construction landscaping will add habitat features for common species in this area.

The AA Screening Report submitted with the application concluded that SuDS measures will protect the local drainage network from negative impacts to surface water drainage and are not introduced here to avoid or reduce an effect to any Natura 2000 area. They constitute the standards established approach to surface water drainage for construction works on green field site, Their implementation would be necessary for a housing development on any greenfield site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a greenfield site whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy in preventing the risk of a deterioration in the quality of water downstream of construction works has been demonstrated by long usage. Therefore, the proposed development would be not likely to have a significant effect the quality of the waters in the Natura 2000 sites downstream of the application site. Any potential impact would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any suburban area whether or not it is connected to a Natura 2000 site.

Foul water from the site will be sent by sewer and pumping station ultimately to the Ringsend WWTP which in turn discharges treated effluent into Dublin Bay, which is the subject to a number of Natura 2000 designations including SAC and SPA. The proposed development is likely to result in a marginal increase in the discharge of wastewater to the Irish Sea. The development will incorporate SuDS and drain to the municipal system. It is considered that there is no risk that pollutants could reach the SAC in sufficient concentrations to have any likely significant effects on its qualifying interests.

The Applicants' AA Screening Report noted that while the issues at Ringsend wastewater treatment plant are being dealt with in the medium term evidence suggests that some nutrient enrichment is benefiting wintering birds for which SPAs have been designated in Dublin Bay (Nairn & O'Hallaran eds, 2012). Additional loading to this plant arising from the operation of this project are not significant as there is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA. No significant effects are likely to arise from this source to Natura 2000 sites in Dublin Bay.

Water for domestic purposes will be sourced from a mains supply which originates in reservoirs along the River Liffey. There is no Natura 2000 site in this location

There is no potential source-pathway-receptor connections with any other European sites.

As the proposal would not result in the disturbance/displacement of the qualifying/special conservation interest species of any European site, there is not potential for any in combination effects to occur in that regard.

### **In Combination or Cumulative Effects**

The potential for in combination impacts can also be excluded.

Subject to appropriate drainage and wastewater treatment requirements being implemented for these developments then there will be no significant adverse effects due to the proposed project as a result of any in combination effects with these individual planning applications.

Implementation of the WFD will ensure that improvements to water quality in Dublin Bay and the River Liffey can be maintained.

The proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.



## **Conclusion**

The proposed development site lies outside the boundaries of the Natura 2000 sites identified above and therefore there will be no reduction in habitat. The project is not directly connected to the management of any Natura 2000 site. It is concluded with the Appropriate Assessment Screening that the proposed development will have no significant impact upon any Natura 2000 sites. Having regard to 'source-pathway-receptor' model, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites conservation objectives. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

I have had due regard to the screening report and data used by the applicant to carry out screening assessment and the details available on the NPWS website in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, the AA screening report submitted by the applicant and all the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **13.0 Assessment**

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan. In addition, the assessment considers and addresses issues raised by the observations on file, under relevant headings.

I refer the Board to the extant permission on the former St. Columban portion of the site under ABP Ref. PL25N.249368 whereby permission was granted in 2018 for 203 residential apartments, this was amended by PA Ref. No 3403/18 for an additional 22 BTR units, resulting in overall 225 BTR units. Since 2018 the ownership of the site has changed and the current applicant have consolidated the site with the plot of lands to the north (No. 25 Hole in the Wall Road). The current proposal is stated to use the 2018 extant permission as the basis from which the it has evolved. The current proposal has some similarities with the 2018 application in terms of setback from the south eastern boundary, use of protruding balconies and general design of elevations.

The main differences between that previous permitted development and the current application relate to the size of the site (now includes St. Columban site and No. 25 Hole in the Wall Road) number of units (increased from 225 to 438), density (increased from 165 dph to 223.4 uph albeit on a larger site), height (increase from 4 to 5 storeys to 5 to 8 storeys) and changes to the layout and configuration of apartment blocks

The assessment is arranged as follows:

- Principle, Quantum and Density of Development
- Development Strategy
- Residential Amenities
- Impact on Adjoining Lands/properties
- Traffic and Parking
- Services and Flooding
- Childcare
- Ecology
- Trees
- Archaeology
- Part V
- Other matters.

- Material Contravention

## **13.1 Principle, Quantum and Density of development**

13.1.1 Having regard to the nature and scale of development proposed, namely an application for 438 residential units, together with a crèche all located on lands on which such development is permissible under the zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Observers have raised concerns that the proposed development does not comply with the land use zoning, policies and objectives pertaining to density and urban areas and compliance with Section 28 Guidelines.

### **13.1.2 Dublin City Development Plan 2016-2022**

The site is located on lands zoned under land use objective Z1, the objective for which is *'to protect, provide and improve residential amenities'*. The proposal for residential development is acceptable in principle within the zoning objective for the area. Section 14.8.1 provides guidance for Z1 Zoned lands.

The proposal accords with national policy/guidance which seeks to secure compact growth in urban areas and deliver higher densities at appropriate locations. This is considered to be one such appropriate location, proximate to Dublin city centre at a key sustainable location. The proposal will facilitate the redevelopment of an existing brownfield, underutilised site. I note the site is located within Strategic Development and Regeneration Area 1 North Fringe (Clongriffin-Belmayne). as set out in the current City Development Plan. Guiding principles for this SDRA have been outlined in section 15.1.1.1 of the Plan and the proposal generally accords with these guiding principles, further assessment will be undertaken below.

The proposal is generally consistent with the objectives of the Development Plan.

### **13.1.3 Clongriffin-Belmayne Local Area Plan 2012-2018 (as extended)**

The subject site is located within the Clongriffin-Belmayne LAP 2012-2018 (as extended). The LAP identifies the area of the site as being within the 1km influence of the DART line. The site is not included in the LAP indicative phasing plan for the area or are there any specific objective for the site within the LAP.

The proposal is generally consistent with the objectives of the Local Area Plan.

### **13.1.4 Density**

The principle of a high density (c.153 uph) on plot 1 (St. Columban site) was assessed and considered acceptable by the Board in 2018 under PL.29N.249368. The current proposal seeks to increase this density to 223.4uph on a larger site.

The site is an underutilised serviced site located adjoining a high quality bus route, 1.2km from Clongriffin railway station, and identified within the Clongriffin-Belmayne Local Area Plan as an area within the 1km influence of the DART level. The site has good access to public transport (rail and QBC), therefore it is appropriate that higher densities would be considered. This site is within an area identified for higher density on the residential density map which forms part of the LAP.

The proposed density is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. The site is at a location suitable for higher densities in accordance with the 'Guidelines on Sustainable Residential Development in Urban Areas' and Section 4.5.3 of the Dublin City Development Plan which promotes intensive mixed-use development on well-located urban sites and higher densities within SDRAs and in the catchment of high capacity public transport. The provision of high-density residential development on the site is supported by the planning authority and is considered to be in accordance with the zoning objectives pertaining to the site.

I am of the opinion that given its zoning, the principle of delivery of residential development on this prime, underutilised site would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a central and accessible location, proximate to excellent public transport. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various needs of the community. I therefore consider the proposal to be acceptable in principle.

### **13.1.5 Conclusion**

The character of the overall area is developing and changing with the provision of these higher density residential developments, in contrast to the older lower density suburban type development to the west, east and south, typical of this area in the past.

I am satisfied that the proposal will contribute positively to addressing the acute shortage of apartment development in the wider Dublin City area and will provide much needed apartments to cater for local demand. The development would in my view be entirely consistent with the overarching objectives of the National Planning Framework in promoting compact urban growth on a key strategic site in Dublin City Centre. Given the context of the site, its location and planning history I am satisfied that this parcel of serviced land is appropriately located at a highly accessible location to accommodate a higher density development, in keeping with the evolving character of the area. The proposal is in accordance with national policy guidance in this regard.

I conclude that the principle of development is acceptable, is in accordance with the zoning objective, policies and strategic goals of the Dublin City Plan and in line with national policy ensuring the delivery of residential development on a prime, underutilised site in a highly accessible location.

## **13.2 Development Strategy**

### **13.2.1 Background**

The application site contains two plots of land, the former St. Columban Missionary site (Plot 1) and No. 25 Hole in the Wall Road (Plot 2)

Permission was granted by the Board under PL.25N.249368 in February 2018 on Plot 1 for a development of 203 units that comprised of 4 blocks of residential development plot 1. This was amended to include an additional 22 units resulting in a BTR scheme of 225 units. Details of the arrangements, CGI, etc are included with the application documentation. In summary the permitted development is set out in a compact rectangular form. Block A (L shaped) addresses the western public open space and also the R139. Block C (L shaped) forms an edge with the R139 and Block D and addresses both the R139 and the Hole in the Wall Road, albeit it is set back from the R139 given the presence of what is known as the 'pump house site'. Block B is positioned centrally within the site and along the northern boundary. Public open space is located to the western side of the site and is overlooked by Block A. The extant permission provides for a strong building line and street frontage and creation of an urban edge along both the R139 and Hole in The Wall Road.

The scheme granted in 2018 contained projecting balconies. At the time the Inspector raised concerns in relation to their amenity value, considering the location of the proposed development along busy urban roads. I concur with these concerns, the use of recessed balconies in this context would have a higher amenity value and assist in the aesthetic of the overall development and result in a more cohesive design of the prominent elevations.

### **13.2.2 Design**

Permission is currently sought for 438 apartments arranged in 4 no. blocks (5 to 8 storeys in height) with balconies/terraces to all elevations. It will also include residential amenity facilities and concierge/management suites in Blocks A and D along with 1 no. childcare on the ground floor of Block A.

The applicants have set out that they are consolidating the St. Columban site and No. 25 Hole in the Wall Road into one site. And that the extant permission on the St. Columban site forms the key design foundation for the current proposal with utilisation of the previous building lies along the eastern, southern and western sides of the site. The main vehicular access is proposed off Hole in the Wall Road with pedestrian/cycle access also obtainable from the Hole in the Wall Road and the R139 to the south. A second emergency access is shown off the R139.

The Planning report submitted with the application set out that the design of the proposed scheme is based around 2 courtyards themes with blocks being 'fractured' and 'hinged', which helps to create 4 distinct block forms, breaks down the massing and reduces the perceived scale and thus facilitates greater variation in height and use of materials. This design approach provides for views out from and into the courtyards that are within the blocks themselves as well as creating an area of accessible and usable public open space to the south of the scheme that addresses the R139 and Hole in the Wall Road. The car parking areas have also been designed such that active frontages have been maintained along all elevations of the blocks as they face outwards. Ensuring a continuous animation at street level.

I note that The Design Statement sets out that the layout uses the extant permission as a base from which it has developed. The set back from boundaries under the current application from the southeastern, southern and western boundaries are generally in line with those permitted in 2017 and in the amended scheme granted in 2018. The configuration of the blocks does not resemble that permitted in 2018. I have examined the permitted development and with the exception of the set back from these boundaries the current layout bears little resemblance to the permitted scheme on the St. Columban portion of the site. I draw the Board attention to page 11 of the Design Statement which shows the new proposal superimposed on the previous proposal.

In terms of materials, the applicant has submitted details of Materials and Finishes I am satisfied that the materials proposed appear to be of a high standard. I note the use of render to podium walls, this should be changed to a more durable material. A condition in relation to the exact materials to the buildings, public realm, and boundaries is warranted should the Board be minded to grant permission given the important influence of this development and its adjoining boundaries on the public realm.

Overall, I consider the proposed layout has been designed to be legible and permeable with a focus on pedestrian connectivity to the wider area, particularly relating to R139 (Clarehall Avenue) and The Hole in the Wall Road. The proposed block arrangements and height defines the outer edges of the site and provides for improved levels of passive surveillance and definition to the existing roads dominated environment, with the roads becoming more like streets with defined built edges.

Photomontages of the permitted scheme are included in the application documentation and I concede that a number of the design elements proposed resemble those present in the extant permission, including the provision of protruding balconies along the R139 and facing the south eastern boundary of the site.

I note the Planning Authority's views that the development of this site should be in conjunction with the pump house site. I agree that it presents a missed opportunity for the comprehensive redevelopment of the three plots and a collective approach to their development. The plots are in separate ownership and while the development of one should not prejudice the potential development, if any, of adjacent sites beyond that the plots of land at present are to be considered as separate entities and therefore the subject of individual assessments. This matter is addressed in detail in section 13.4.3 of this report

I do not consider the location of the proposed ESB substation appropriate, it is proposed along the main entrance to the development bounding the public realm, its



design and bulk not only detract from the streetscape at this point but also obscure sightlines in the a southerly direction. The Substation should be relocated if the Board consider granting permission.

### **13.2.3 Height**

The current proposal is for 4 no. blocks ranging in height from 5 to 8 storeys with the higher blocks located within the site and the 5 storey (with a 6 storey element on the southeastern corner of Block D) forming the perimeter ones.

The majority of the development is 5 storeys in height (Block A and D, with D having a 6 storey corner element), in line with the height of the permitted scheme on plot 1. Two 'landmark' buildings have been proposed Block B and Block C (which are 8 and 7 storeys respectively). The taller buildings have been sited on the southern side in an attempt to reduce the potential impact on third party land arising from overshadowing and facilitate acceptable daylight and sunlight access. I note the reference to Block B and C as 'landmark' buildings, I would not agree with this description, while higher than block A and D I do not consider them 'landmark' buildings.

The Planning Authority noted that the proposed height materially contravenes the Dublin City Development Plan. However, have no objection in principle to the proposed height, having regard to Urban Development and Building Height Guidelines for Planning Authorities December 2018, the location and context of the site and height of developments permitted in the area.

Section 16.7 of the current City Development Plan provides guidance regarding permissible building heights in the city. For an outer location the maximum height permitted would be 16m for a residential development. The proposed buildings range in height from 5 to 8 storeys which exceed the 16m limit. The Clongriffin Belamayne LAP has not set height parameters for the application site. The application is advertised as a material contravention of the Development Plan and a Material Contravention Statement submitted.

Donaghmeade and the Hole in the Wall Road area is an area undergoing significant redevelopment and is an area in transition. The site is located in an area which has been identified in the plan as a significant redevelopment area. A series of objectives are set out for the area, including the appropriate redevelopment. The extant permission exceeds the 16m limit (4 to 5 storeys). I consider the precedent for buildings over 16m has been established and having regard to my assessment above in relation to the design I consider the proposed height would meet the development management criteria for higher buildings set out in section 3.2 of the guidelines, and would therefore comply with SPPR3.

Therefore, the terms of the 2018 guidelines on building height and the extant permission on the St. Columban portion of the site (PL.25N.249368) would justify a grant of permission for the proposed development despite its height exceeding the prescribed 16m in the development plan in accordance with section 37(2) (b)(iii) of the planning act. This matter is addressed in more detail in section 13.13.

The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan indicates a maximum height of 24m, while the proposed development has a height of 43.1/43.6m (13 storeys). The development was previously approved above the 24m datum in consideration of the criteria under section 3.2 and SPPR 3. I have addressed the material contravention of the development plan in section 13.13 below and I will provide further assessment against the criteria in section 3.2 here.

**(i) At the scale of the relevant city/town:**

The site is located in a highly accessible location directly onto the Hole in the Wall Road and the R139 (Clarehall Avenue). Both the R139 and the Hole in the Wall Road have dedicated bus lanes, with bus stops either direction adjacent the south of the site. The R139 is a QBC and a proposed Bus Connects route. It is c. 900m east of key district centre lands and Clarehall Shopping Centre, c.1 km southwest of Clongriffin Dart station, c. 4km east of M50/M11 junction (J1/J3) and c. 8km northeast of Dublin city centre. To the north east is the Clongriffin high density mixed use residential/commercial development area, Baldoyle-Stapolin high density residential area and the recently established Father Collins Park, which is a high quality active and passive public open space serving the area.

**(ii) At the scale of district/neighbourhood/street:**

This relates to the character of the area in which the development is located. The site, it is not an architectural conservation area or contain or immediately adjoin any protected structures. The proposed increase in height is focused onto St. Luke's Avenue with the lower element (16.9m parapet) at Newmarket. The site is located in an area which is the subject of extensive redevelopment and an area in transition and is a busy and robust environment, characterised by a range of architectural styles. The traditional 2 storey suburban housing the characterised the southern side of Clarehall Avenue and the eastern side of Hole in the Wall Road is giving way to the higher density development and apartment blocks along the western site (where the site is located) of the Hole in the wall Road. No harm would result to the character of the road with the proposed limited increase in height on the application site. Clarehall Avenue and the Hole in the Wall Road and surrounds are characterised by a mixture of heights and scale and is an area undergoing significant redevelopment and transition and while the proposed development represents a change in scale, height across the site is stepped to have regarding to existing and permitted heights. The use of material and finishes to the elevations contributes to breaking down the overall mass of the proposed development. CGIs and 3D imagery of the proposed development, alongside a landscape and visual impact assessment, have also been submitted with the application and have assisted in my assessment of the proposal. Overall, I consider the height and massing of the development appropriate for the location.

**(iii) At the scale of the site/building:**

The proposed development will improve the street frontage along Clarehall Avenue and assist in the improvement of Hole in the Wall Road street frontage, consolidating the urban fabric for this development block. The proposal includes new public realm, active frontages and fenestration that will passively survey surrounding streets. It will contribute to the legibility of the area, by establishing an positive addition to the streetscape and the addition of apartment units will also contribute to the dwelling mix of the location. Residential Amenities are addressed in section 13.3 Sunlight and daylight consideration are addressed in section 13.4.2 of this report. Flood Risk Assessment has been carried out and this is addressed further in section 13.6.4

I therefore find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines.

Having regard to the considerations above, I consider that the proposal in principle for 5 to 8 storey building at this location is acceptable. This is in consideration of overarching national policy, and subject to the assessment set out in the remainder of this report, particularly relating to residential amenity.

#### **13.2.4 Layout**

The 4 no. blocks are arranged around two central courtyard/podium gardens with the 5 storey blocks (A and D) forming the perimeters with B and C located at a central position within the scheme but visible from the public realm.

Two podium gardens/courtyards are proposed within the layout. This results in areas of c.1450 sq.m and c. 1168 sq.m respectively enclosed by buildings ranging in height from 5 to 8 storeys.

The Daylight and Sunlight Assessment concluded that the Central Open Space between Block B and C is unobstructed to the south and would meet the BRE Criteria (87.21%). The two large courtyards formed by the apartment blocks were assessed and found that L1 (courtyards bounded by Block A and B) had 68.35% and L3 (courtyard bounded by Block c and D) had 53.47%. The report concluded that the development meets the needs of the BRE Guidelines. The public amenity space would receive in excess for 2 hours sunlight over 50% of the open space.

I note the Assessment submitted and conclusions reached, However, I have concerns given the height of the buildings bounding the courtyards, the orientation of the building and the size of the courtyards that the quality of these spaces is significantly compromised due to the enclosed and cramped nature of the layout.

I am of the view that open courtyard facing south would significantly enhance the quality of these areas, address concerns raised by the owners of the lands to the southeast and address the quality of residential amenities for future occupiers of the scheme. I acknowledge that the current proposal includes podium gardens. I am of the view that the provision of staggered podium gardens which steps down to ground level on the southern portion could address the visual impact when viewed from the

south eastern boundary (pump house site), while also addressing third party concerns regarding set back. However, if the pump house site remains undeveloped, this would be a prominent elevation that requires a strong edge. In addition, the removal of the southern portion of Blocks A and D, while enhancing the amenity value of the communal open space would result in a weaker urban edge to the development.

On balance removal of the southern portion of blocks while increasing the quality of the communal open space by having a south facing openings to the courtyard/podium gardens results in a weaker urban edge along the R139 (Clarehall Avenue) and when viewed from Grange roundabout, in particular if the 'pump house site' is not developed. Perimeter blocks create a strong urban edge which is encouraged. In this instance I believe that the quandary between enhancing the amenities of future residents and creating a strong urban presence along the public roads results would be better resolved through a comprehensive redesign of the scheme and layout rather than through amendments by condition in this instance and therefore permission should be refused.

I note observers have suggested that the northern section of blocks be removed to open up the courtyards, this will result in north facing amenity areas which I do not consider an optimal solution

The "Urban Design Manual – a Best Practice Guide" issued by the Department in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes 12 criteria: context, connections, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy & amenity, parking and detailed design. On Balance the proposed development before the Board does not meet a number of the criteria set out in the Design Manual and, in my opinion compliance with same would require a fundamental redesign of the proposed development which would result in a material

redesign of the proposed development and therefore not appropriately addressed by condition.

The application before the Board applies a setback from the south eastern boundary that mirrors to a great extent that of the extant permission. Notwithstanding I have serious concerns regarding the limited setback and the provision of protruding balconies along this portion of the site.

The configuration of the blocks in the current application result is substandard communal areas and inadequate separation distances within the scheme which results in overlooking from balconies to bedrooms and vice versa. This could be addressed to a point by the removal of sections of blocks as set out in section 13.4.3. However, this has may have an impact on unit mix, dual aspect provision, etc

### **13.2.5 Open Space**

The document Sustainable Residential Development in Urban Areas Guidelines and accompanying design manual highlights the importance of open space in defining the quality of a residential environment with well-designed open space considered even more important in higher density residential developments, with an emphasis on qualitative standards. It is stated that a neighbourhood with poor quality spaces will rarely be improved by even the highest standards of architecture.

The proposed area of public open space located along the western boundary would also act as an appropriate amenity buffer zone between the proposed apartment blocks and the existing houses at Grattan Lodge to the west, with a 2m rendered block wall proposed along this boundary. The boundary buffer will be supported with the replacement of the existing, poor quality leylandii trees with large parkland trees that will provide increased screening and security for this development and protect the amenity of the neighbouring properties.

The western open space contributes in a limited way to the character and distinctiveness of the site and is too remote/peripheral to be used by future residents to the level expected and required from a development of this scale. However, I consider the location would in general be acceptable, subject to improved integration and connectivity across the entire site, which would in my view require a redesign of the block/blocks in this area.

An area of public open space (c.1950 sq.m) located between Block B (8 storeys) and Block C (7 storeys) will be accessible to the public via the R139 with the ability to provide a new footpath along the site boundary. The applicant has stated that this space will connect the R139 and the Hole in the Wall Road. The central linear open space (link) will be overlooked and provide passive surveillance with seating and equipment provided. I note the proposal links the R139 with the internal vehicular access road with footpath provided along its southern side along which in turn is accessed off the Hole in the Wall Road.

### **13.2.6 Conclusion**

I am not satisfied that there is a clear rationale for the overall design and urban design approach and massing proposed. While the applicant has put forward a strategy for the development of two consolidated site and has included an assessment of the 'pump house site' I am not satisfied that ample consideration has been given to the design of the proposed scheme and the potential impact on the site to the south east which is explored in more detail in section 13.4.3. I concede that while the proposed development of the current site and the adjoining site in separate ownership are not dependent on each other and lend themselves to proceeding independently of each other, their development should not prejudice the development potential of the other.



I acknowledge that the setback along the south eastern boundary mirror those granted by the Board in 2018, however this was on the assumption that the site to the south east was not considered to have development potential. Notwithstanding the issue of Material Contravention, which is addressed in section 13.13, the height of the building while higher than that pervious granted (max. of 5 storeys) is proportionate to the scale of the site and the area. High quality materials and finishes are proposed throughout the development and the development will significantly enhance the public realm. Internally the proposed development offers a variety of communal facilities and amenities which are addressed in section 13.3.2.

The arrangement of the flour blocks is based around two courtyards, with the larger blocks (A and D) the perimeters (5 storeys with a 6 storey element to Block D) with two rectangular block in the centre of the site (shorter elevations set back but prominent when viewed from the R139) of 7 and 8 storeys. The arrangement is referred to as fractured or hinged and is fundamental to the overall design. Any changes to the southern portions weakens the urban edge formed by Block A and D in respect of the R139 (Clarehall Avenue) and the Hole in the Wall Road, notwithstanding the intervening 'pump house site'

In my opinion, the omission of the two central blocks would leave a void in the centre of the layout that would be unsustainable use of the zoned serviced site and result in the omission of 137 units. Moving Block D off the south eastern boundary (with observer site) would further disjoint the layout and weaken the edge as this is the prominent elevation when viewed from the Grange roundabout, particularly if the adjoining site to the southeast is not developed.

Ideally this track of land, application site and the 'pump house site' should be developed in conjunction with each other, as they are in different ownership this is not the case proposed. While the site can be developed individually they should be done in such a manner that does not result in potential mutual negative impacts.

I acknowledge the Planning Authorities suggested 11m setback and the observers 10m form the south eastern boundary, neither of which are viable for the current layout for reasons set out in this report and the implications for the overall scheme and other third parties bounding the site to the north.

With regard to the proposed height, I am cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal. I also note the extent of permission granted and for further proposals for tall buildings in the vicinity of the site as detailed in the applicant's Material Contravention Statement.

The site is located at an accessible location, serviced by retail, employment and other amenities. The site is surrounded by a permeable road network. It is within easy walking distance of priority bus routes, DART and amenities and within cycling distance of the city centre and other employment areas. I am of the view that the site is sufficiently separate from surrounding low density housing developments to cater for a height and density of the scale proposed and to set its own character. I also note precedent for apartments to the west along Clarehall Avenue and Clarehall Road and north of the site, along the Hole in the Wall Road. I consider the scale of the buildings appropriate for the site and the variation in building height across the proposed blocks will contribute to place making in the area. Having regard to all of the above, I consider the site has the capacity to absorb a larger scale development without detriment to the wider visual and landscape value and is in my view acceptable.

However, while I consider the height and proposed finishes and materials acceptable, I have concerns regarding the use of protruding balconies, however I note that these are in line with the permitted development on the site. I have concerns relation to the overall massing of the proposed apartment blocks given the limited setback from the site boundaries.

I have examined all the documentation before me and I acknowledge that the proposal will result in a change in outlook as the site changes from low rise, brownfield, underutilised lands to a site accommodating development of the nature and scale proposed.

On balance, while I note that the subject site is located in a developing high density residential area north of Dublin City, served by high quality public transport alongside developing physical and social infrastructure. The site is at a prominent location at the junction of the R139 and the Hole in the Wall Road which can accommodate higher buildings and is capable of accommodating a well-designed high density residential development. However, I am not satisfied that the development as proposed appropriately provides for high quality amenity and high quality public realm for future residents in the form of on-site public open space and communal open space by virtue of the design and layout of the blocks relative to these spaces and the potential impact on the developemtn potential of adjoining lands,

### **13.3 Residential Amenities**

#### **13.3.1 Quality of Residential Accommodation**

The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in December 2015 contain several specific planning policy requirements with which the proposed 209 apartments must comply. Schedules were submitted to demonstrate compliance with the standards. The schedules are overall consistent with the drawings

##### **Type of Development**

Observers have raised concerns the proposal is for a BTR scheme. I note that the Statement of Consistency submitted with the application describes the proposed units as 'Build to Sell/Let' residential units including ancillary residential amenity facilities and 1 no. childcare facility. This ambiguity was requested to be addressed in the ABP Opinion that issued in February 2020.

The application before the Board is not advertised as a BTR scheme therefore the flexibility for such schemes and SPPR 7 and SPPR 8 contained in the Sustainable Urban Housing: Design Standards for new Apartments do not apply. Furthermore, I note that the Statement of Consistency submitted notes that SPPR 7 and SPPR 8 are not applicable.

### **Unit Mix**

SPPR 1 sets out that development may include up to 50% 1 bed or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with 3 or more bedrooms. The proposed unit mix is 55 x studio units (12.5%), 150 x 1 bed (34.2%), 232 x 2 bed (53.4%) proposed. No 3 bed units are proposed. I note that the application is a traditional apartment development and not a BTR. The proposed mix complies with the requirements of SPPR1. This would lead an acceptable population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Furthermore it would add a variety of housing type to an area predominantly characterised by traditional urban houses. The proposed units type will improve the range of housing types available in the area which is predominately characterised by low density suburban housing. The proposed housing mix is acceptable and is in accordance with SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities. The provision of apartments within the scheme and at this location is also in accordance with the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential Development.

Section 16.10.1 of the Dublin City Council Development Plan 2016 – 2022, which sets out the requirements in relation the mix of dwellings provided as part of new apartment developments, provides for a maximum of 25-30% one-bedroom units and a minimum of 15% three or more bedroom units. The Planning Authority noted that this has been superseded by the 2018 Apartment Guidelines and as noted in SPPR that beyond the maximum 50% providing of 1 bed/studio (with no more than 20-25% being studio) there is no requirement for a specific unit mix only if there is an agreed evidence based on HNDA, which to date has not occurred in DCC.

The current proposal has 12.5 % studio, 34.2 % one bed and 0% three bed. Notwithstanding that the applicant has not included this in the Material Contravention Statement submitted with the application I propose to address this further in section 13.13 of this report.

### **Unit Size**

SPPR 3 sets out the minimum requirements for apartment floor areas.

Proposed apartment Sizes:

Studio: c.37.2

1 Bed: Range from 49.7 to 56.6m<sup>2</sup>

2 bed: Range from 77 to 87m<sup>2</sup>

Unit size is acceptable an compliant with 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. I note 12 of the two bed units cater for three persons (ie 5.7%). This is acceptable.

Section 3.8 of the guidelines 'Safeguarding Higher Standards' requires that the majority of all apartments in any scheme of over 10 units shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). The Housing Quality Assessment Report states that 251 apartments (ie 57.3%) exceed the floor area standard by 10% and therefore comply with this requirement.

## **Dual Aspect**

SPPR 4 states in relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme.

The applicant states that 40% of the proposed apartments are dual aspect. I have examined the apartment layouts and do not concur with this analysis. I note that a number of apartments have two windows which deemed to provide for a dual aspect, I accept that in some cases this may be the case given orientation and scale of the windows, however, where the units are reliant on a small corner window element for sunlight, I consider this dual aspect to be questionable. Having reviewed the plans, I consider that the applicant statement that 176 units (40% of units) as dual aspect is misleading.

I note that the Planning Authority have attached a condition that 50% should be provided as they do not consider the site qualifies as a central and accessible location. I consider the site to be a central and accessible location within Donaghmede town centre and close to public transport, including the Howth Junction and Donaghmede and Clongriffin DART station and Bus Connects route. Therefore the minimum requirement for dual aspect units is 33% not 50%.

The applicant has stated that there are no north facing units, it is noted that some units located across the north faces of Block A and D are nominal dual aspect units that rely on smaller side window to the K/D/L in order to provide the alternative outlook to the apartment

## **Floor to Ceiling Height**

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

## **Units per stair/life Core**

SPPR 6 specifies a maximum of 12 apartments per floor per core. All blocks are served by stair and lift access and the requirements of SPPR 6 are met in relation to the number of units served per floor per core.

### **Floor Areas & Standards**

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.

Private open space is provided in the form of terraces at ground floor level and balconies at upper levels. The submitted schedule of floor areas indicates that private open spaces meet or exceeds the quantitative standards provided in Appendix I of the apartment guidelines. There is a lack of buffers provided to ground floor and first floor private amenity spaces which bound communal areas, entrances and circulation areas in general within the scheme resulting in poor amenity and lack of privacy for future occupiers.

A Building Lifecycle Report, as required by the guidelines, has been submitted.

There is a deficiency in the provision of privacy strips/buffers where habitable rooms occur along street frontage/internal pathways. There appears to be adequate space to address this issue through extension of these private amenity strips and in some instance the raising of balconies/terraces at ground floor level will assist to a degree in this matter

### **13.3.2 Communal Facilities and Services:**

Section 4.5 of the Apartment Guidelines encourage the provision of communal rooms and communal facilities in apartment schemes, particularly in larger developments. The proposed development includes c. 672 sq.m of communal amenity spaces, provided at ground floor of Block A and D. I note that the documentation sets out that these would be able to facilitate the likes of recreational rooms, community spaces, workspaces/hubs and cinema or party areas. The specific uses have not been set out. I have no objection to the provision of the communal residential amenities subject to appropriate conditions if permission is granted.

### **13.3.3 Communal Open Space:**

The 2018 Apartment Guidelines set out the minimum areas for communal open space as 4sq.m for studios, 5 sq.m for 1 bed units, 6 sq.m for 2 bed (3P) and 7sq.m for 2 bed (4P). The applicant notes that on this basis c.2589sq.m is required. A total of 2618sq.m is proposed in two communal courtyard 'Podium Gardens' . Podium Garden 1 (1450 sq.m) is located between blocks A and B. And Podium Garden 1 (c.1168sq..m) is located between blocks C and D. The quantum of communal open space is therefore in accordance with the Guidelines requirements. If the communal buffer area proposed along the western boundary (c.2170sq.m) is included, the overall figure is c. 7638sq.m (c.38.9% of the site area). I note the conclusions contained in the Daylight and Sunlight Analysis and I address this matter further in section 13.4.2

Children's play areas are provided throughout the scheme in both communal and public open space area, I also note the proximity of the site to Fr. Collins Park.

Public Open Space provision (c.1950sq.m) (9.95% of the site area) is addressed in section 13.2.5 above.

The applicant has submitted a MCA that has assessed the potential for wind impacts at podium level, ground level, balconies, etc

### **13.3.4 Layout & Residential Amenity of future occupants**



The layout is cramped with potential conflicts between units in close proximity to each other. While this could be addressed in some instances by mitigation measures in the form of privacy screen for example. There are instances throughout the scheme where the provision of these mitigation measures would have a detrimental impact on the amenity value of the balconies/terraces where they are erected.

I note that the Planning Authority raised concerns regarding the cramped nature of the layout and the negative impact on the residential amenities of future occupiers and recommend condition 1(b) which recommended that either Block B and C be omitted or alternatively reduced to a third of their footprint. I do not consider that an appropriate solution as it would result in a fundamental redesign of the development and have implications for compliance with Section 28 Guidelines in terms of units mix, dual aspect ratio, etc which has not been considered in the DCC Chief Executive Report .

I have concerns regarding the use of protruding balconies from an aesthetic view and a residential amenity perspective for potential users and also of units where by you have a conflict between protruding balconies and bedroom windows that overlook each within the scheme. Furthermore, the use of protruding balconies results over hanging of public realm and does not lend itself to an appropriate elevational treatment along the public road or public realm. In addition given the Irish climate, the lack of screening presented by this type of balcony results in poor amenity spaces which would be seldom used.

As noted previously the layout results in exposed amenity areas serving ground floor units due to lack of screening and design, in particular where they adjoining communal areas of open space, external stairs along podiums, entrance areas, etc

### **13.3.5 Construction Phase**

I acknowledge that there will be some disruption during the course of construction works, including that from construction noise. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. If the Board is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works, site compound lighting and the like be dealt with by means of condition. A final Construction and Demolition Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.

### **13.3.6 Conclusion**

While the units may broadly comply with the Apartment guidelines, I have concerns in relation to the dual aspect of a number of units and the applicant's compliance with the required 33% for this central accessible location.

The proposed scale, arrangement of apartment layouts within the blocks and siting of blocks within the scheme result in a cramped layout with inadequate separation distances between blocks, resulting in overlooking and overshadowing of habitable rooms and private amenity areas which results in a substandard residential amenities for future occupiers of the units. It is considered that the separation distance between habitable rooms and balconies and vice versa is substantially below the minimum requirement, and that the proposed development would therefore fail to provide an acceptable standard of amenity for its future occupants and should be refused permission.

## **13.4 Impact on adjoining properties**

### **13.4.1 Overlooking**

In terms of overlooking lands to the north I would note that the Block D (5 storeys) maintains a separation of c.35.6m from southern elevations and balconies of the apartments at Grattan Wood (Oak), including the protruding balcony the separation distance exceeds 22m. I note that the Grattan Wood blocks are angled and do not directly face the application site. Block A is set back c.23m from the closest block at Grattan Wood (Beech) and c.24m at its closest point from Laurels. Open space serving Grattan Wood is located along the boundary with the application site and the proposed access road will be located on the application side of this boundary. I note that additional Screening of the northern boundary would be beneficial. This can be required by condition if the Board is of a mind to grant permission. I am satisfied that an adequate level of separation is proposed and that no undue adverse overlooking or visually dominant impacts would arise.

In terms of overlooking lands to the west where Grattan Lodge houses, two and two and a half storey houses, are located. Existing mature trees are proposed to be retained to create a buffer with this residential development which will be augmented with newer trees. I note that Block A is 5 storeys in height and will be set back c.35.9m from the nearest house at Grattan Lodge. I am satisfied that an adequate level of separation is proposed and that no undue adverse overlooking or visually dominant impacts would arise.

The highest blocks B (8 storeys) and C (7 storeys) and are located central within the scheme and sufficiently set back from the western boundary and northern boundary to address any potential adverse impacts. I am satisfied that an adequate level of separation is proposed and that no undue adverse overlooking or visually dominant impacts would arise.

In terms of overlooking lands to the south east, referred to in the application documentation as the 'pump house site'. Block D (5 storeys) is located between c.3m (excluding the projecting balconies which reduces this set back to c. 2m) at its closest point from the site boundary. As acknowledged previously this is in line within the building line granted under PL.25N.249368, however as highlighted by the owner of the 'pump house site' they have engaged with DCC and Irish Water in relation to the relocation of site services on this site and is not considered an impediment to its potential future development. As such, while a holistic approach to the development of the application site and the corner site would be encourage the applicant has no control over the adjoining corner site. Notwithstanding that the two sites are proposed to be developed independently of each other, they should be designed in such a manner that they do not result in mutual negative impacts that could limited the development potential of the pump house site or have a detrimental impact on units within the proposed scheme which front onto this site. I note that that planning authority have suggested that a setback of 11m form the site boundary would address this matter, I also note that the planning Authority has recommend a set back of a minimum of 11m from the northern boundary. I note the owner of the adjoining site and other observers suggested a setback of 10m. Compliance with these requirements would result in the loss of units, implications for the communal courtyard/Podium garden and the overall layout of the scheme etc.

#### **13.4.2 Daylight and Sunlight**

In terms of overshadowing lands to the north (Grattan Wood), the assessment submitted shows that the open space serving the apartments will have a degree of shadow, however I do not consider that this would substantially increase from the levels currently experienced due the mature trees on site and along the site boundary to warrant a refusal on these grounds.

In terms of overshadowing or loss of light to lands to the west where the Grattan Lodge houses are located. I am satisfied that the impact will have no material impact from that already experienced due to the tree coverage on the site.

The Sunlight and Daylight Assessment submitted by the applicant concluded that units within the development (based on a selection of 9 units across 3 blocks) all living rooms and bedrooms in units assessed are shown to exceed the minimum Average Daylight Factor (ADF) of 2%. I note this conclusion, however I am of the view that a wider selection of units should be assessed and the most up to date guidance applied.

No assessment has been carried out in terms of overshadowing and loss of light to lands to the south east, referred to in the application documentation as the 'pump house site'.

No assessment has been provided as to the potential mutual impacts of the proposed development on the 'pump house site' or vice versa for different scenarios.

The 2018 Apartment Guidelines require that private amenity spaces be located to optimise solar orientation. The level of sunlight/shadow levels to balconies/terraces does not appear to have been assessed. Based on the level of information provided I am not satisfied that the applicant has clearly demonstrated that the proposed development will not have a seriously negative impact on the residential amenities of future occupants by virtue of access to sunlight or overshadowing and therefore permission should be refused.

### **13.4.3 Development potential of adjoining lands**

I note that the Inspectors under PL.25N.249368 accepted the rationale put forward at the time regarding the development potential of the 'pump house site', *"which is not within the ownership of the applicant, in that it was limited given the presence of a pumping station and significant surface water pipes which Dublin City Council stated cannot be moved and from which a 3m wayleave on either side must be maintained. There are also limitations in terms of creating a safe vehicular access to the site given its proximity to the roundabout. It was considered that the proposed development does not therefore hinder the development potential of this site"*.

The owners of the adjoining lands has noted in their submissions that “*Development of both the Site and ‘lands to the south east’ are now with An Bord Pleanála for consideration. It is respectfully asked that any development on the site does not impinge on the development potential of ‘land to the south east’*”. There has been Section 5 Pre Planning Consultation in relation to said lands to the south east, at the time of writing there was no record of an application lodged under Section 4(1) for a Strategic Housing Development.

The adjoining landowners have also outlined in their submission that they have engaged with DDC Drainage and Irish Water regarding the relocation of services and wayleaves.

The DCC Chief Executive Report has noted the change in circumstances regarding this site and the potential implications of the current application, the layout of the blocks and set back may have on this site.

The Daylight and Sunlight Analysis submitted is incomplete, it has not considered the potential impacts on lands to the south east, impacts within the scheme. Based on the information presented I am not satisfied that the proposed development will not have a detrimental impact on the future occupiers of units within the scheme or has fully considered the potential implications for lands to the south east.

#### **13.4.4 Conclusion**

I consider that the separation distances between proposed development and properties along with the buffer formed by existing and proposed areas of public open space, along with the proposed landscaping would serve to suitably address potential for overlooking amenities spaces associated with the residential properties to the residences to the north and west.

Under PL.25N.249368 consideration was given to the impact of the proposed development on lands to the north, now part of the application site (No. 25 Hole in the Wall Road), these included the provision of angled windows and the relocation of balconies to side elevation to ensure the development of the No. 25 site was not overly compromised. I note that no such consideration has been given in the current proposal to the potential impact on lands to the south east, referred to as the 'pump house site'.

In relation to potential of overshadowing, the proposed apartment blocks are located to the south and east of the existing residential developments that directly bound the site. A Sunlight and Daylight Access Analysis have been submitted. I note that at present there is a degree of overshadowing of adjacent properties to the west and north from the existing trees on site. I consider the increase in overshadowing that may arise from the proposed development would be akin to what is currently experienced by adjoining properties and I do not consider any potential increase would be to such an extent to warrant a reason for refusal on this grounds.

I am satisfied that the proposed development will not unduly adversely impact on adjacent residences by reason of overshadowing or impact on access to daylight. To such an extent to warrant a reason for refusal on these grounds. However within the scheme I have serious concerns that the cramped nature of the layout arising from the height of the proposed buildings and their layout and relationship with each other results in poor quality communal open space (courtyards/podium gardens) poor quality open space in the form of a narrow track of public open space that traverses the site between block B and C and a heavily planted areas to the west of the site which is more akin to a planted buffer than quality amenity space. Furthermore the layout of the development results in overlooking between units and potentially overshadowing of units and private amenity space resulting in poor residential amenities for future occupiers. Given the location of the site in an outer city location, I consider the layout oppressive and not conducive to a good quality environment for future residents Therefore permission should be refused on these grounds.

I acknowledge that the Planning Authority has recommended a grant of permission subject to 20 conditions. I have addressed these in detail in section 10, however, I draw the Boards attention to Condition No. 1 in particular and the 20 subsections contained in same. I have serious concerns regarding the nature of this condition which would result in a fundamental redesign of the proposed development and potential implication for third parties. Furthermore given the nature of the conditions I note that issues relating to compliance may arise.

The development does not achieve strong frontages to both roads, notwithstanding the presence of an intervening site at Grange Road Roundabout (referred to as the 'pump house site'). I note the extant permission includes protruding balconies, I do not consider them acceptable from an aesthetic or residential amenity stance.

I have serious concerns regarding the proximity of the proposed blocks to the south eastern boundary, the elevational treatments, the amenity value of the courtyards (Podium gardens), residential amenities of proposed units within the scheme due to the cramped nature of the layout. While it may be possible to address these issues by amending the scheme there is no facility for FI under SHD. Furthermore the required amendments to the scheme to address the issues outlined above would have implications for unit mix and dual aspect etc. Therefore based on the above I am recommending that permission be refused.

## **13.5 Traffic and Parking**

### **13.5.1 Traffic**

A detail assessment of traffic impact from the proposed development is included with the application.

I am of the view that given the extent of parking proposed and the likely trip generation rates, that the impact of the development on the carrying capacity of the local road network is unlikely to be material. In this regard, whilst the development may result in some additional traffic generation during peak hours, it impacts in the



context of wider issues of congestion is likely to be negligible and a refusal on the grounds of traffic impact is not warranted.

Observer submissions raise concerns in relation to impacts of the development on the local road network for local residents in terms of capacity and congestion and the lack of capacity on the existing public transport network to compensate/act as an alternative mode. While congestion is an issue, I am of the view that the proposed development would not, of itself, generate significant volumes of traffic.

The site is zoned for development and refusing permission for the proposed development would not alleviate traffic congestion in this part of the city nor would it justify preventing or amending the proposed development of zoned serviced land at an appropriate density. A development of the density proposed would support a more integrated public transport system in the longer term.

### **13.5.2 Access**

Vehicular access is proposed via a two-way access road accessed off Hole in the Wall Road to serve the car park is intended to serve only the residential development. The entrance/egress is located on the north eastern corner, bounding Grattan Wood. The width of the proposed vehicular entrance is 6.5m, an ESB substation is located at the entrance to the scheme, DCC Transportation Planning Section have requested that the applicant should ensure that this does not impeded sightlines. A footpath is provided along the southern side of the access road and a number of parallel parking spaces are located along the northern side of the access road. All parking areas are access off this internal road

A second emergency access is indicated off the R139 (Clarehall Avenue) adjacent to the western boundary.

In addition to the main vehicular, pedestrian and cyclist access via the Hole in the Wall entrance, additional pedestrian and cycle access are provided, two off the R139 and one off the Hole in the Wall Road. The existing footpath along the R139 will be extended beyond the bus shelter along the boundary of the site (letter of consent from DCC included).

DCC Transportation Planning raised several issues that need to be addressed but are satisfied that this can be dealt with by condition.

I have examined the Residential Travel Plan and Car Parking Strategy submitted with the application.

I am satisfied, in particular having regard to the TTA and comments from the Planning Authority, that the proposed development will not cause a traffic hazard or unduly impact on the carrying capacity of the surrounding road network, and that subject to conditions, the development is acceptable from a traffic/roads perspective

### **13.5.3 Parking**

The site is located in Area 3 (Map J of the Dublin City Development Plan 2016-2022) which sets out a maximum of 1.5 car parking spaces per dwelling

Parking provision was granted under PL.25N.249368 at a reduced rate, given the accessibility of the site, to an acceptable provision of 1.2 parking spaces per unit, with overall provision of 209 spaces for residents, 34 for visitors and 13 disabled spaces. 7 of the visitor spaces are at ground level. 228 cycle parking spaces are proposed.

The current application proposes a rate of 0.7 parking spaces per unit, with overall provision of 317 car parking spaces. No spaces have been allocated to the creche. And 816 cycle parking spaces are proposed at a rate of 1.8 per unit with 10 spaces allocated to the creche. 10 motorcycle spaces are proposed.

I note the parking standards are maximums and the Dublin City Development Plan 2016-2022 states 'parking provision below the maximum may be permitted provided it does not impact negatively on the amenities of surrounding properties or areas and there is no potential negative impact on traffic safety'. I consider the parking provision for the development appropriate to its location and adequate to serve the needs of the residents.

Two carparking spaces are allocated to a car share provider and letter of support from a car share provider submitted with the application.

I note that there is no designated parking shown for the creche staff, this could be addressed by condition if the Board consider granting permission.

Observers have raised concerns regarding overflow parking. I note that Grattan Woods is supervised and has signage erected. Traffic Management is in place along the R139 and Hole in the Wall Road. Management of kerb side parking is a matter for the Local Authority and I note no concerns were raised in the Chief Executive's Report.

#### **13.5.4 Conclusion**

I am of the view that the development, at the density proposed, will support a sufficient density which will help to sustain and develop efficient public transport networks into the future for the wider area, which will ultimately assist in increasing modal split toward public transport. I am satisfied that while there are peak traffic demands, the existing road capacity is sufficient to cater for the proposed development and the site is sufficiently proximate to high quality public transport networks.

The development is to be located in an existing built-up urban area, where cycle and pedestrian facilities are good. The area is served by good public transport. The location of the site within the outer city centre is also noted. Whilst it is acknowledged that there is congestion on the local road network in the vicinity of the site, given the limited extent of parking proposed and likely trip generation, having regard to the location of the site within an outer urban area on zoned lands, I do not have undue concerns in relation to traffic or transportation issues. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

## **13.6 Services & Flooding**

### **13.6.1 Foul**

It is proposed to provide a 225mm diameter foul sewer pipe to serve the development. The foul water from the development will fall by gravity to the last foul manhole (FW01). Wastewater will then flow and connect to the existing foul water sewer via a saddle connection located parallel to the Hole in the Wall Road. Subsequent to the receipt of the Confirmation of Feasibility letter from IW minor amendments were made.

The proposed development will have a calculated DWF (Dry Weather Flow) for the site of 2.054 l/s and the design 6DWF is 12.232 l/s in accordance with the GDSDS. The capacity of a 225mm diameter pipe at a gradient of 1:200 is 34.4l/s and the pipe meets the requirements set out in BS 8301 for self-cleaning

The Planning Authority noted that there is an existing public sewer running through the site and require that a clear 3m distance should be maintained between sewers and structures at all times.

In respect of wastewater IW noted at pre consultation that the connection is feasible subject to connection to a 525mm sewer across the Hole in the Wall Road, Donaghmeade, directly east of the development which will require a road opening licence. Delivery of this infrastructure would be by Irish Water with the cost of delivery borne by the developer.

The applicant has engaged with Irish Water and submitted designs for the development proposal for which Irish Water has issued a Statement of Design Acceptance.

### **13.6.2 Water**

It is proposed to connect to a 150mm diameter pipe from the development to the existing watermain on the road.

Irish Water have issued a Confirmation of Feasibility for the development of **437** no. residential units to connect to the public water infrastructure. I note the application is for 438 units.

### **13.6.3 Surface water**

The applicants have set out that given the brownfield nature of the site, the site area and the requirements of DCC Drainage Division at pre application consultation. Surface water will be limited to a maximum permissible outfall of 5.933l/s. It is proposed to limit the flow to this value by means of a hydrobrake located on the exit pipe in manhole SW01. The surface water then flows and connects to existing surface water sewer via a saddle connection located parallel to the Hole in the Wall Road.

Surface water in the basement flows by gravity to a bypass interceptor before discharging to a sump situated in the middle-north of both complexes. From the sump, basement surface water is pumped to foul manholes FW03 and FW05 as shown on the submitted drawing.

Attenuation proposals and green roof proposal have been submitted and examined.

The Planning Authority noted that there is an existing surface water sewer running through the site and require that a clear 3m distance should be maintained between sewers and structures at all times.

The planning authority is satisfied with the applicant's surface water management system and recommend standard technical conditions.

#### **13.6.4 Flooding**

The site is located in Flood Zone C. A Basement Impact Assessment and FRA have been submitted.

The Planning Authority has recommended that a revised Flood Risk Assessment is submitted that addresses any potential flooding flood risks due e to the basement at both construction stage and when the basement is developed. And the impact of 20% Climate Change as per the 'Dublin City Developemtn Plan 2016-2022 SFRA.' Notwithstanding, the planning authority is satisfied with the applicant's proposals subject to appropriate conditions, including the revised FRA.

I am satisfied that there is adequate information on file to assess this issue. Based on the available information and the inclusion of the basement, as outlined and recommended by the Planning Authority, does not constitute a risk or potential adverse impact relating to surface water drainage and that the matter without adversely effecting third parties can be dealt with by condition.

#### **13.6.5 Conclusion**

I note that no objection to the proposals have been raised by Dublin City Council. The report from Drainage Planning states that the report and drawings submitted generally satisfy the requirements of Municipal Services. No objections to the development subject to conditions are raised. The submission by Irish Water also raised no objection to the water supply and foul drainage proposals subject to compliance with requirements. I consider the proposed site services and surface water proposals satisfactory in this regard. I am also satisfied that there is no potential floor risk in the vicinity of the proposed site.

## 13.7 Childcare

A c.249 sq,m creche with spaces for 65 children is proposed. This is located on the north western corner of the ground floor of Block A. Its outdoor play area (c.180 sq.m) is located along the western portion of the corner. The daylight and Sunlight Analysis has highlighted this area will benefit in the later afternoon. I have concerns regarding the value of the area for the remainder of the day, when most likely to be in use. This matter can be addressed by condition if the Board considers granting permission.

The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The development includes 232 no. 2 bed. The Statement of Consistency indicates that the proposed crèche provides for a capacity of 65 no. children which cater for the requirement of the proposed developemtn. I am generally satisfied that the development can meet the requirements of the Childcare Guidelines and I consider that further details of the childcare facility could be submitted by condition if permission is granted.

## 13.8 Ecology

13.8.1 Two EclA dated April 2017 (following a site vising on 8<sup>th</sup> March 2017) and November 2019 (following a site visit on the 26<sup>th</sup> September 2019) respectively have been submitted with the application. Together with 2 AA Screening Reports (dated April 2017 and November 2019) and an EIA Screening Report.

The author of both EclA noted that September lies within the optimal period for general habitat surveys (Smith et al., 2010) and so a full classification of habitats was possible. March lies within the optimal season for surveying breeding birds as

well as amphibians and mammals.

### 13.8.2 Flora

The site can be divided into two based on previous ownership (Former St. Columban Site (fire damaged structures) and No. 25 Hole in the Wall Road (vacant)). The southern portion consists of a relatively new building surrounded by open land. The building and driveway are buildings and artificial surfaces – BL3 with minimal vegetation. This is surrounded by lawns, which extend further to the east than they do to the west. Although there are some horticultural species, including occasional trees (Cherry *Prunus* sp., Birch *Betula* sp.) it can be regarded as amenity grassland – GA2. Both the northern and southern boundaries are characterised by treelines – WL2 which are rows of the non-native Leyland Cypress *Cuprocyparis leylandii* and some closely trimmed Hawthorn *Crataegus monogyna*. The EclA concluded that these are habitats of very low biodiversity value.

Bands of immature woodland – WS2 can be found to the west and north-east of this southern portion. There are not very old trees, with the exception of one large Beech *Fagus sylvatica* near the eastern boundary, but mid-aged specimens of Horse Chestnut *Aesculus hippocastanum*, Sycamore *Acer pseudoplatanus*, Hawthorn, Larch *Larix decidua*, Cherry, Sitka Spruce *Picea sitchensis*, and Pine *Pinus* sp. can be found. The woodland floor is dominated by Brambles *Rubus fruticosus* agg. but Elder *Sambucus nigra*, Hogweed *Heracleum sphondylium*, Ivy *Hedera helix* and Cherry Laurel *Prunus laurocerasus* are also found. This habitat type provides nesting habitat for birds and other animals however because of the high proportion of non-native species it can be assessed as of low local value to biodiversity.

The northern portion of the site consists of a building and a storage area to the rear. Stretches of this area are bordered by treelines and these are mostly Leyland Cypress although a number of tall Aspen *Populus tremula* are found to the very north-west of the lands.

The EclA concluded that there are no alien invasive species growing on the site. There are no streams or bodies of water capable of supporting fish life. There are no



protected plant species growing on the site. There are no habitats that are listed on Annex I of the Habitats Directive.

### 13.8.3 Fauna

Few mammal records exist for this 2km square while suitable habitat is not available for some species. Fox *Vulpes vulpes* is likely to be present however this is not a protected species. The houses can be considered to be of some roost potential as it may have access cavities and is surrounded by vegetation for foraging (Hundt, 2013).

A Bat survey carried out in August 2019 recorded usage of the site for foraging by small numbers of bats of the three most common species (common and soprano pipistrelles and Leisler bat). No bat roost were identified. However in the 2017 survey pipistrelles were observed exhibiting swarming behaviour around the St. Columban's building, indicating that it may have been using this structure as a roost. And at the time one tree was noted as being used as a Leisler bat mating roost. The Bat Assessment recommends that another survey be carried out before any works commence and all building inspected by an ecologist prior to their demolition, the tree identified in the 2017 survey should also be checked. The DAU noted no objections and recommended that Bat boxes be provided on site.

There are no wetlands or rivers suitable for Otter. There is no evidence that Badger is using the site (no sett, trails, snuffle holes, latrines etc.). Small mammals, such as Irish Stoat, Pygmy Shrew and Hedgehog are considered more or less ubiquitous in the Irish countryside (Lysaght & Marnell, 2016).

March (2017 survey) is within the suitable season for surveying breeding birds. Birds which were recorded include Robin *Erithacus rubecula*, Blackbird *Turdus merula*, Wren *Troglodytes troglodytes*, Magpie *Pica pica*, Rook *Corvus frugilegus* and Wood Pigeon *Columbus palumbus*. During the September survey the following species were noted: Blue Tit *Parus caeruleus*, Magpie and Wood Pigeon. These are birds of low conservation concern (Colhoun & Cummins, 2013). The woodlands provide the necessary cover to allow these species to breed.

The DAU noted that the Bird Surveys recorded the presence of 7 tree nesting species. Therefore recommend that tree felling should take place outside nesting season (condition recommended)

There are no habitats suitable for fish or breeding amphibians. Most habitats, even highly altered ones, are likely to harbour a wide diversity of invertebrates. In Ireland only one insect is protected by law, the Marsh Fritillary butterfly *Euphydryas aurinia*, and this is not to be found in this vicinity. Other protected invertebrates are confined to freshwater and wetland habitats and so are not present on this site.

Observers have raised concerns regarding the removal of large number of trees and hedgerows will be a huge loss to the local community. The wooded area represents the last vestige of habitat for biodiversity on the area, including nesting grounds for the red listed barn owl. No supporting documentation has been included with the submission.

The LAP did not identify the site as ecologically sensitive to warrant a designation. Observers have raised the issue of loss of green area and wildlife, however no identify what species in particular they may be referring to.

#### **13.8.4 Conclusion**

The EclA conclude that The Hole in the Wall Road site is in a location characterised by built surfaces and low biodiversity value habitats, although immature woodland on the site does provide habitat for locally common species. There are no alien invasive species growing on the lands. Although some loss of locally valuable habitat will occur, significant long terms impacts to biodiversity are considered unlikely to occur.

There is no report on file from the Planning Authority's Biodiversity Officer.

Mitigation measures are proposed, which appear reasonable and I recommend that if permission is being granted for the proposed development, this issue be dealt with by means of condition. The DAU in their submission have set out recommended conditions relation to nature conservation.

## **13.9 Trees**

13.9.1 The site (both St. Columban Former Missionary site and No. 25 Hole in the Wall Road) have a substantial amount of mature trees and other vegetation.

The fundamental issue raised in the submissions relate to site clearance and the removal of trees and the impact this would have on the character of the area and the loss of outlook for adjoining residential properties. The issue remains that in order to facilitate the development of the site, substantial site clearance and tree removal is required.

I have examined the Arboricultural Report which contains a Treey Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. And I conclude that there is no doubt that any site clearance will have an irreversible impact on the character of the site. The fact remains however, that the only way to develop this serviced brownfield site is to clear a substaintial amount of trees of varied quality. Furthermore the proposal involves the retention of significant amount of trees with additional landscaping proposed where required. The clearing trees from the site to accommodate a residential development will inevitably have an irreversible visual impact on the surrounding area.

In my opinion the application site lends itself to redevelopment and would constitute the sustainable use of a zoned serviced site at a central accessible location.

### **13.9.2 Conclusion**

As set out above application site lends itself to redevelopment and would constitute the sustainable use of a zoned serviced site at a central accessible location.

The DAU and the Planning Authority raised not concerns from a nature conservation perspective subject to appropriate conditions.

### **13.10 Archaeology**

An Archaeological Assessment was submitted with the application. This assessed the archaeological significance of the site and the impact of the development on cultural heritage.

The Department has examined the Archaeological Assessment submitted. On the basis of the results of the test excavations carried out on the development site and the conclusions of the report there are no further archaeological requirements in this case.

The Planning Authority have raised no objection on archaeological grounds subject to appropriate monitoring

### **13.11 Part V**

It is proposed to provide 43 no. units to meet the requirements of Part V. These consist of 3 no. studio, 20 no. 1 bed (2P) and 20 no. 2 bed (3P). It is proposed that they are located together in the on a single block.

The PA is the housing authority for the area and they are satisfied that the proposals meet their requirements and as such I am satisfied that this is acceptably addressed, subject to condition.

If the Board is disposed to grant permission a condition should be attached requiring the development to comply with the provisions of section 97 of the Planning and Development Act 2000 as amended.

### **13.12 Other Matters**

#### **13.12.1 Demolition Works**

The site is not located within an Architectural Conservation Area nor does it contain any protected structures.

The demolition of the St. Columban building was included in the 2018 grant of permission for plot 1. These structure have been extensively damaged by fire. Site clarence is permitted under the extant permission, I have not objection to the demolition of the existing structures on the St. Columban plot.

No. 25 Hole in the Wall is a vacant house that is falling into disrepair. It is of no architectural merit and I have no objection to its demolition.

### **13.12.2 Public Consultation**

A common thread throughout the observer submission was the lack of consultation or engagement by the applicants with the neighbouring properties owners. Under Irish legislation there is no requirement for a developer to engage in pre-planning discussion with adjoining property owners. Applications are advertised and Site Notices erected to ensure that third parties are informed that an application is lodged on said lands and that there is a 5 week period in which they can make a submission and outline their concerns.

The application was available on the website assigned to this application during this period ([www.holeinthewallroadshd.com](http://www.holeinthewallroadshd.com)) and was available for viewing in the planning authority offices and ABP offices. The application was lodged on the 25<sup>th</sup> May 2020 following the lifting of restrictions and freeze period referred to below.

The Government's orders extending time limits on planning matters provided that the period of time beginning on 29 March 2020 and expiring 23 May 2020 is to be disregarded for the purposes of calculating various time limits under the Planning and Development and other related Acts. As the Government has not made a further order extending the time freeze beyond the 23 May 2020 the normal time limits as set out in the relevant legislation apply with effect from 24 May 2020.

### 13.12.3 Misleading information

Observers have raised concerns that the application is misleading, in that it is a BTR disguised as BTS. I note that the application has not been advertised as a BTR and has not been assessed as a BTR. I have applied the standards and requirements for traditional apartment in my assessment.

The accuracy of drawings and measurements has also been raised. The application has been prepared by professionals whom adhere to their professional body Code of Conduct. The application was deemed valid when lodged with the offices of An Bord Pleanála.

### 13.13 Material Contravention

13.13.1 The applicant has submitted a Statement of Material Contravention with Dublin City Development Plan 2016-2022 with the application. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There is one issue raised in the applicant's Material Contravention statement, it relates to building height and the Dublin City Development Plan 2016-2022.

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

- (i) the proposed development is of strategic or national importance,*
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,*

*or*

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

*or*

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

### **13.13.2 Height and the Dublin City Development Plan 2016-2022**

The building heights range from 5 to 8 storeys and exceed the prescribed height in the development plan (16m residential).

Section 16.7.2 of the current Dublin City Development Plan: Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development addresses the issue of building height in the city. The Plan sets 16 m as the maximum height permissible for residential developments in this area.

I have considered the issue raised in the applicants submitted statement and advise the Board to adopt the precautionary approach and invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).

I have considered the Statement of Material Contravention submitted with the application which describes the justification for the proposed height. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities. Particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the street, the avoidance of uninterrupted walls, contribution to public spaces, compliance with flood risk management guidelines, improvement of legibility and daylight and sunlight considerations alongside performance against BRE criteria. My assessment of the development against the section 3.2 criteria in the Building Height Guidelines is set out in detail in section 13.2.3 above. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations and a landscape and visual impact assessment. There are no additional specific assessments required for a building of this scale (less than 50m in height).

Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant a permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).



Under section 37(2)(b) (i) the proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines. I refer the Board to section 13.2.3 of this report above that addresses these criteria in detail.

### **13.13.3 Unit Mix and the Dublin City Development Plan 2016-2022**

While not addressed in the applicant's Material Contravention Statement I would also highlight to the Board Section 16.10.1 of the Dublin City Council Development Plan 2016 – 2022, which sets out the requirements in relation the mix of dwellings provided as part of new apartment developments, which provides for a maximum of 25-30% one-bedroom units and a minimum of 15% three or more bedroom units.

I acknowledge that the operative Dublin City Development Plan standards with regards to unit mix and floorspace is at variance with the aforementioned Guidelines and the planning authority while highlighting unit mix in the Chief Executive Report do not refer to a material contravention of the plan.

However, I would advise the Board, having regard to, inter alia, recent Court judgements in relation to decisions on SHD applications, to adopt the precautionary approach and invoke the provisions of s.37(2)(b) subsection (i), (iii) and (iv) of the 2000 Act (as amended) if a grant of permission is forthcoming.

Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the (i) national, strategic interest; (ii) conflicting objectives in the development plan or objectives are not clearly stated (iii) conflict with national/regional policy and section 28 guidelines; and (iv) the pattern of permissions in the vicinity since the adoption of the development plan.

The current application has been lodged under the strategic housing legislation and is considered to be strategic in nature.

I note the policies and objectives of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (March 2018) and the Specific Planning Policy Requirement (SPPRs) contained therein. In particular, I note that SPPR 1 of these Guidelines (2018) states that apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirements for apartments with three or more bedrooms. Statutory plans may specify a mix for apartment and other housing developments, but only further to an evidenced based HNDA, that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s). The operative City Development Plan conflicts with these guidelines.

I note the policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site.

#### **13.13.4 Conclusion**

I am of the opinion that given its residential zoning, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, higher density residential units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is considered to be located in a central and accessible location, served by good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. It is therefore my opinion that the Bord is not precluded from granting permission in this instance, despite the material contravention of the operative Development Plan.

I would recommend that in the interest of clarity and transparency, that the board adopt a precautionary approach and deal with material contravention in a comprehensive manner – invoking the provisions of s.37(2)(b) subsection (i), (iii) and (iv) of the 2000 Act (as amended) if a grant of permission is forthcoming.

#### **14.0 Conclusion**

Having examined all the documentation submitted, inspected the site and surrounding areas I am not satisfied that the application before the Board is the appropriate design solution for the application site, in particular having regard to the design and layout of the development and to potential impacts on residential amenities and the development potential of adjoining lands.

I am not satisfied that design strategy for the site provides the optimal architectural solution for this location and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term.

I note that planning authority has recommended a grant of permission subject to 20 conditions. I however draw the Boards attention to Condition No. 1 in particular and the 20 subsections contained in same. I have serious concerns regarding the nature of this condition which would result in a fundamental redesign of the proposed development and potential implication for third parties. Furthermore given the nature of the conditions I note that issues relating to compliance may arise.

The development does not achieve strong frontages to both roads, notwithstanding the presence of an intervening site at Grange Road Roundabout (referred to as the 'pump house site'). I note the extant permission includes protruding balconies, I do not consider them acceptable from an aesthetic or residential amenity perspective

I have serious concerns regarding the proximity of the proposed blocks to the south eastern boundary, the elevational treatments, the amenity value of the courtyards (Podium gardens), residential amenities of proposed units within the scheme due to the cramped nature of the layout. While it may be possible to address these issues by amending the scheme there is no facility for FI under SHD. Furthermore the required amendments to the scheme to address the issues outlined above would have impactions for unit mix and dual aspect etc. Therefore based on the above I am recommending that permission be refused.

To conclude, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned and serviced site within an established area where a wide range of services and facilities exist. An appropriate development on this site has the potential to contribute to the provision of high-quality housing within the area. However, I have serious reservations in relation to the development in terms of quality of the layout and design. The layout and design are considered to be of poor quality and if permitted would not meet the standard of provision required under the various section 28 guidelines including the Urban Design Manual – A Best Practice Guide 2009 and the 12 criteria therein, in particular criteria nos. 6 Distinctiveness, 7 Layout, 8 Public Realm and 10. Privacy & Amenity . Furthermore the design and layout fails to create a strong urban edge that addresses both the R139 and The Hole in The Wall Road; adversely impacts on residential amenities and outstanding concerns regarding implications for the potential development of adjoining site to the south east. The development would, therefore, seriously injure the residential amenities of future occupants and would be contrary to these aforementioned Ministerial Guidelines.

I therefore recommend that the Board refuse permission in this instance.

Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016 amends Section 134 of the Act of 2000 for the specified period as follows:

*(1)(a) The Board may in its absolute discretion, hold an oral hearing of an appeal, a referral under section 5, an application under section 37E or, subject to paragraph (b), an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.*

*(b) Before deciding if an oral hearing for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016 should be held, the Board—*

*(i) shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and*

*(ii) shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.*

I do not consider that there is a compelling case for an oral hearing in this instance, given that there are several complex and interrelated issues, which would require a fundamental redesign of the proposed development, for which refusal is recommended, i.e. design and layout fails to create a strong urban edge that addresses both the R139 and The Hole in The Wall Road; adverse impacts on residential amenities and outstanding concerns regarding implications for the potential development of adjoining site to the south east.

## **15.0 Recommendation**

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
  - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
  - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
  - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

Having regard to the documentation on file, the submissions and observations, the site inspection and the assessment above, I recommend that that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be REFUSED for the reasons and considerations set out below.

## **16.0 Recommended Draft Order**

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 29<sup>th</sup> May 2020 by Downey Planning, 1 Westland Square, Pearse Street, Dublin 2 on behalf of Belwall Limited.

**Proposed Development:**

Permission for a strategic housing development at lands at Saint Columban's and No. 25 Hole in the Wall Road, Donaghmeade, Dublin 13.

The development will consist of a residential and childcare development of 438 apartments (55 studios; 150 1 bedroom units and 233 2 bedroom units) across 4 no. apartment blocks ranging from 5 storeys to 8 storeys in height with balconies/terraces to all elevations.

The apartment block consists of the following:

Block A: 5 storeys apartment block comprising 17 no. studios, 51 no. 1 bedroom units and 73 no. 2 bed bedroom units.

Block B: 8 storeys apartment block comprising 16 no. studios, 22 no. 1 bedroom units and 46 no. 2 bedroom units.

Block C: 7 storeys apartment block comprising 15 no. studio units, 18 no 1 bedroom units and 40 no. 2 bedroom units.

Block D: 6 storey (part 5 storey part 6 storey) apartment block comprising 7 no. studio units. 59 no. 1 bedroom units and 74 no. 2 bedroom units; residential amenity facilities and concierge/management suites in Blocks A and D;

1 no. childcare facility with outdoor play area at ground level of Block A with adjacent creche drop off area;

317 no. car parking spaces (with 36 spaces at surface level, 128 no. spaces at lower round level and 153 no. spaces at upper ground level below podium level communal open space courtyards);

816 no. bicycle parking spaces (including 10 no. Spaces within the childcare facility) and 10 no. motorcycle space;

landscaping including communal open space and children's play area; public lighting, boundary treatments including new public footpath at R139 road to the south.

3 no. ESB substations, plant and waste storage areas at ground floor level, solar panel/pv to roof levels,

1 new vehicular and pedestrian entrance and 1 new pedestrian/cyclist access to the Hole in the Wall Road to the east, 2 no. new pedestrian/cyclist access/egress onto the R139 to the south

And all associated engineering infrastructural and site development works necessary to facilitate the development, including the demolition of the existing 2 storey dwelling at No. 25 Hole in the Wall Road and the 2 storey Saint Columban's building and all associated outbuilding and structures.

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

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to zoning.

### **Decision**

Refuse permission for the above proposed development based on the reasons and considerations 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**

1. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, layout, privacy and amenity. It is considered that the proposed development results in a poor design concept for the site that is substandard in its form and layout; fails to provide high quality usable open spaces; fails to establish a sense of place; and would result in a substandard form of development which would be injurious to the residential amenities of future occupants and contrary to the provisions of the Urban Design Manual – a Best Practice Guide and to the development standards of the Dublin City Development Plan 2016-2022, in particular criteria nos. 6 Distinctiveness, 7 Layout and 8 Public Realm and 10 Privacy & Amenity. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed design strategy as it relates to design and layout of the proposed structures, does not provide an appropriate design solution having regard to the site's locational context, the proposed massing, arrangement of apartment layouts and siting of blocks within the scheme result in inadequate separation distances between blocks, resulting in overlooking and overshadowing of habitable rooms and private amenity areas which results in a substandard residential amenities for future occupiers of the units. It is considered that the separation distance between habitable rooms and balconies and vice versa is substantially below the minimum requirement, and that the proposed development would therefore fail to provide an acceptable standard of amenity for its future occupants. The proposed development would be contrary to the National Planning Framework and Ministerial Guidelines which promote innovative and qualitative design solutions which promote strong visual connections thus supporting the creation of sustainable neighbourhoods. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
  
3. Having regard to the design and massing of the proposed development and its proximity to the south eastern boundaries of the site, it is considered that the proposed development would give rise to overshadowing and overlooking and impact on the development potential of adjoining lands, known as the 'pump house site.' The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Dáire McDevitt  
Planning Inspector

27<sup>th</sup> August 2020

## **Appendix 1. Documentation submitted with the application.**

Documentation included inter alia:

- Copy of public notices.
- Copy of letters to Prescribed Bodies.
- Letter of consent from DCC.
- Part V validation letter from DCC.
- IW Correspondence.
- Planning Report.
- Statement of Response to ABP Opinion.
- Statement of Consistency.
- Material Contravention Statement.
- Community & Social Infrastructure Audit.
- Childcare Demand Analysis report.
- EIA Screening report
- Natura 2000 AA Screening report (2017)
- Natura 2000 AA Screening report (2019)
- Ecological Impact Assessment (2017)
- Ecological Impact Assessment (2019)
- Bat Assessment
- Architectural drawings.
- Architectural/Urban Design Statement.
- Housing Quality Assessment Schedule.
- Building Lifecycle Report.
- Photomontages.
- Engineering drawings and documentation
- Flood Risk Assessment
- Landscape Architectural drawings and documentation
- Traffic and Transport Assessment.
- Residential Travel Plan.
- Arboricultural drawings and documentation.
- Mechanical and Electrical Services report.
- Public Lighting Plan.
- Daylight Analysis.
- Archaeology report.
- Microclimatic Wind Analysis and Pedestrian Comfort report.
- Construction and Demolition Waste Management Plan.
- Operational Waste Management Plan.
- Construction Management Plan.

## **Appendix 2. List of Observers**

1. Aidan Jones
2. Andrew Gillick
3. Keem Bay Developments
4. Keenan Property Management
5. Lesa Sullivan
6. Lesley Simpson
7. Platinum Land Limited
8. Cllr Tom Brabazon

### **Prescribed Bodies:**

9. Development Applications Unit (DCHG)
10. Irish Aviation Authority (1)
11. Irish Aviation Authority (2)
12. Irish Water (and amended submission)
13. Transport Infrastructure Ireland

### **Appendix 3 Summary of Observer Submissions**

There are a number of overlapping comments in the observer submissions. They have been summarised under the following headings to avoid repetition.

#### **Nature of the Development and Validity of the Application**

- Confusion within the documentation submitted on the nature of the development. Reference to BTR and BTS through out the documentation. It is not advertised as a BTR but the design, parking provision, residential amenities resemble a BTR scheme.
- Incorrect site area, it is c.1.898 not 1.96 hectares.
- Inaccurate measurements on drawings.
- Inconsistencies and inaccuracies in the application, from drawings, to type of scheme, distance from transport links etc.

#### **Principle of Development & Compliance with Plans and Guidelines**

- Does not comply with Z1 zoning which seeks to protect, provide and improve residential amenities as no community, social services are being proposed or provided.
- Material Contravention of Section 16.7 Building Heights in a Sustainable City Dublin City Development Plan 2016-2022.
- None compliance with policies and objectives relating to density, urban development, residential developments, etc
- Does not comply with section 28 Guidelines.

## Density

- The scale of the development (438 apartments) is out of scale with the area. ABP determined 2 years ago that 285 was the appropriate number for the site (225 on St. Columban's and 60 on the northern portion of the site).
- The scale and density of development in the area, for example Clongriffin is unmatched anywhere outside the city centre.
- The density (223uph) is outrageous for an orphan site with no on site facilities.
- No justification for the density at this location.
- The principle of a 223.5 to 230.76uph development on a site with an area of c. 1.898ha is not acceptable.
- Overdevelopment of the site
- Would set a poor precedent for similar high density schemes in the area.
- A density ranging from 123.85uph would be more appropriate for this site, ie 235 apartments in the traditional apartment scheme. The proposed density equates to a BTR and is not acceptable for traditional apartments.

## Design and Height

- Inappropriate monolithic design.
- Projecting balconies.
- The scale, height, mass, bulk and length of the blocks, especially blocks A and D are excessive.
- Overbearing impact on Grattan Wood to the north.

- Overbearing cumulative visual impact.
- Block B and C result in a scheme that is too high and congested. Block B and C are 23m and 26.5m tall. Block B is c.13.1m taller than the closest Grattan Wood block and Block C is c. 9.6m taller than the closest Grattan Wood block.
- Density, scale and height result in a negative visual impact
- Density, scale, bulk, massing and height are contrary to planning policy.
- 8 storeys is too high, it will not blend with the surrounding low rise developments.
- No where outside the city centre are there 8 storey buildings apart from 'exceptional' locations. Donghameade roundabout is not one of these 'exceptional' locations.
- In 2018, ABP order that 4-5 storeys was appropriate. There has been no change in circumstance to justify higher buildings at this location.
- No 3 bed units are proposed. This will not assist in making the development family friendly.
- The design, mix and nature of apartments implies BTR and that the applicant may sell the development to a single investor.
- The proposal will constitute overdevelopment of the site and will transform the skyline to the detriment of the surrounding residential area.
- Excessive scale, height and massing when viewed from the north.
- Wrong to compare the site to one in Balmayne, Clongriffin as completely different context.
- The proposal is not the optimal architectural solution for the site.

- The scale of development is wrong, two large courtyard block simply do not fit into the site.
- Inappropriate setback from boundaries, layout of internal courtyards create areas what are largely single aspect units that will be dark, bleak and overlooked.
- Courtyards are too small
- Layout of blocks results in pinch points.
- Layout and set back of the blocks results in an overbearing boundary with the site to the southeast.
- Overall poor quality scheme.
- It does not provide a positive contribution to the character of the area over the long term.
  - Internally it create a dark and damp development.
  - Externally due to poor site layout and removal of trees it creates an overly aggressive and stark development, especially when viewed from the Grange Rd./ Hole in the Wall Roundabout. This is an important vista and the corner site is an important site that the applicant is disregarding.
- Layout could result in ghetto type development and social problems.
- Little thought given to landscaping and boundary treatment.
- Difference in levels will make building seems higher.
- The scheme should be a maximum of 4 storeys in line with the adjoining apartments.



- The scale, height, massing bulk and length of blocks A, C+B and D should be reduced.
- Remove northern section of block A and D to provide open courtyards.
- Block B and C should be reduced to a maximum of 6 storeys.
- Setback with Grattan Wood should be increased.

**Standard of accommodation:**

- Lack of privacy within the scheme due to poor layout.
- Dark spaces
- Does not comply with the Sustainable residential Development in Urban Areas Guidelines or Design Manual.
- Does not comply with Urban Development and Building Heights Guidelines.
- Query what residential facilities are proposed to be provided. Concerns expressed that these spaces may end up for retail use.
- Block A will overlook overshadow, visually impact on a visually over bear areas of Block B, C and A. Block B will do the same to areas of Block A, C and D. Block C will do it to areas of Blocks A, B and D and Block D will do it to areas of Block A, B and C. The internal scheme impacts of one block onto another are myriad would cause a reduction in the future residential and

visual amenities of those living in this scheme. In some instance, these impacts would be acute.

- Poor amenity for future occupiers.
- Quality of communal/public open space is very poor.
- Public open space is remote and isolated.
- Lack of usable open space results in a substandard scheme.
- Too many single aspect north facing units.
- 60% of the units are single aspect which is not acceptable.
- Creche should be relocated to the centre of the scheme, where it would be accessible to all residents and not impact on adjoining properties.
- The 'residential facilities' should be clarified.
- Need for 3 bed units.

## **Traffic**

- The density, at 425 apartments, will adversely affect traffic volumes on the Hole in the Wall Road and the R139.
- Chronic traffic congestion already in the area.
- Public transport does not have capacity
- Entrance should be moved away from Grattan Woods. Noise and nuisance
- Insufficient car parking. Not a BTR scheme, so reductions don't apply.

- Overflow fly parking a concern,
- Lack of parking management plan/strategy.
- Where is the parking for creche staff.
- The provision of 317 carparking spaces does not comply with national guidance.
- Contrary to policy QH1 and QH2, QH&, QH8, QH18 of the DCC Development Plan
- Contrary to section 16.5 (plot ratio)
- The application site is not located within the Clongriffin Belamayne LAP boundaries,
- Materially contravenes Section 16.7 (Building Heights).And the for a material contravention are not met.
- Entrance should be moved away from Grattan Wood.
- Noise and lights will be a nuisance to residents to the north (Grattan Wood) of the access road.
- Excessive surface and ground level parking proposed.

### **Loss of habitats**

- Proposal to remove large number of trees and hedgerows will be a huge loss to the local community. The wooded area represents the last vestige of

habitat for biodiversity on the area, including nesting grounds for the red listed barn owl.

- Trees should be retained.

**Impact on adjoining properties/lands:**

- Blocks C and D are set back less than 2m from the south eastern boundary resulting in undue overlooking of any future development on lands to the south east.
- Would set an undesirable precedent for set backs from boundaries. If the lands to the south east were developed with a similar set back the units in Blocks C and D would feel enclosed, lack light and be overlooked resulting in substandard units.
- Unacceptable distance from boundaries with lands to the south east. This should be increased to at least 10m if permission is granted. Lands to the SHD have been the subject of SHD Pre Application Consultation. The lands is considered to be of importance and should not be treated as a mere site containing a pump house. The scheme being developed of said lands is being considerate of the current application site and request the same consideration from the current applicants.
- The applicant has not contacted or consulted with the owners of the site to the southeast to discuss the proposed development.
- Wayleaves over the site to the south east do not exist, mater has been discussed with IW and DCC.
- Overlooking of adjoining apartments (Grattan Woods)
- Sunlight, daylight and Shadow Analysis queried and the use of BRE guidelines is disputed.

- The proposal will cause significant overshadowing of Grattan Wood.
- Noise impact on the residents of Grattan Wood.
- Light intrusion from the scheme on Grattan Woods.
- Location of the creche would have a negative impact on the amenities of the residents of Grattan Woods.
- No trees or open space proposed along the northern boundary to mitigate impacts on Grattan Wood. Instead a noisy 2.5m access road is proposed.
- No Visual Impact Assessment submitted.
- No CGIs submitted to illustrate impact from Grattan Wood.
- Accuracy of CGI images queried.
- Development of both the Site and 'lands to the south east' are now with An Bord Pleanála for consideration. It is respectfully asked that any development on the site does not impinge on the development potential of 'land to the south east'
- The potential development of third party lands needs to be protected. The presumptions set out in the documentation submitted with the application relating to future development of lands to the south east are incorrect and misleading.
- The proposed development gives no consideration of the adjoining corner site and its ability/potential to house a landmark building.
- The development as designed will prejudice the potential development of lands to the south east. Without a setback of at least 10m from the site boundaries, the lands will be effectively sterilised.

- The proposals are unsuitable, specifically in relation to the proximity of development to the south eastern site boundary. The proposed Blocks C and D will cause a loss of privacy and are located in extremely close proximity to the south eastern boundary. The potential for 'Land to the South East' to be developed will be very limited if the current proposal are to go ahead. If permission proceeds it is required that the Board seek a 10m set back from the south eastern boundary.
- Negative impact on the residential and visual amenities of Grattan Woods residents.

**Planning History:**

- Permission for the site should be judged on its own merits regardless of planning history and extant permissions. An extant permission should not be used as a precedent. Both, planning legislation and site ownership have changed. It is considered highly unlikely that permission 302929-18 will be

implemented at this stage and therefore little weight should be given to this permission.

- The current proposal represents a 54% increase in the number of units from that previously granted on the site. The proposed density and height is unacceptable.
- The Board direction under PL29N.249368 refers to a BTR scheme, is was not advertised as a BTR and neither the DCC report or the Inspectors report (which the Board overruled) made any reference to BTR.
- The Inspectors Report under ABP 302929-18 implies that the site was at its maximum achievable density, even with the revisions to planning policy.

#### **Social Infrastructure:**

- No decision should be made on this application by ABP until it carries out a comprehensive assessment of planning, social, infrastructure, transport and educational requirements of the area.
- Unacceptable piecemeal development. The area cannot accommodate the scale of development. Schools, childcare etc are all at capacity as other permitted developments have used the last remaining capacity,
- The application is littered with shortcoming with the applicant seeing the SHD process as a loophole.
- Need to consider the cumulative impact of development that are permitted, built and those likely to come and the impact on services, facilities.
- Chronic shortage of school places

#### **Services:**

- Recent developments on the Hole in the Wall Road and North Fringe area have now brought sewerage and water facilities to near absolute capacity and the systems cannot deal with any large additions from the proposed development.
- Details of proposed public drainage diversions for the site to the south east submitted by the owner in his submission.

**Lack of Public Consultation:**

- Any public consultation was not widely advertised.
- Lack of access to plans and details
- The application website does not appear when carrying out a google search.
- On An Bord Pleanála website, the application has no details and not link to where more details can be obtained.

**Construction Phase:**

- Traffic, noise, parking, dust, vibrations will cause disturbance with adjoining residents
- CMP queried
- Overlooking during construction

**Other:**

- Reference to previous unauthorised use and planning Enforcement action
- Poor planning precedent
- Devaluation of adjoining properties.