



An
Bord
Pleanála

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

Inspector's Report ABP-307267-20

Strategic Housing Development

Demolition of buildings, construction of 148 no. apartments and associated site works.

Location

Nos. 1, 3, 5, 7, 9, 11 Eglinton Road,
Donnybrook, Dublin 4.
(www.eglintonroadshd.ie)

Planning Authority

Dublin City Council

Applicant

The Donnybrook Partnership

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
National Transport Authority
Minister for Culture, Heritage and the
Gaeltacht
Childcare Committee

The Heritage Council
An Taisce

Observer(s) 11 (Appendix A)

Date of Site Inspection 6th August 2020

Inspector Rachel Gleave O'Connor

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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

- 2.1. The application site has a stated area of 0.38 hectares and is located at the junction of Donnybrook Road and Eglinton Road, to the south east of Donnybrook Village. The site is bounded by Donnybrook Road to the north east, Eglinton road to the south east and Brookvale Road to the west. The site is currently occupied by 6 no. two-storey semi-detached dwellings (no.s 1, 3, 5, 7, 9 and 11) on Eglinton road. To the northern boundary there is existing development, comprised of a commercial operation (tyre garage), beyond this there is a petrol station and small café. There is also another commercial premises to the rear of the tyre garage fronting Brookvale Road. Opposite the site on Eglinton Road and on the junction with Donnybrook Road is a five-storey office block and two-storey semi-detached residential dwellings. On the opposite side of Brookvale Road is Eglinton Square, a residential development with three-storey townhouses. Donnybrook Lawn Tennis Club is located to the north west of the site and has a vehicular entrance off Brookvale Road opposite the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of:
- Demolition of existing 6 no. two storey dwellings and ancillary structures at No. 1, 3, 5, 7, 9 and 11 Eglinton Road;
 - Construction of a residential development of 148 no. residential units comprising 71 no. 1 bedroom units, 58 no. 2 bedroom units, 9 no. 2 bedroom duplex units and 10 no. 3 bedroom units;
 - The height of the proposed development ranges from 3 to 4 storeys along Brookvale Road, 5 to 12 storeys along Donnybrook Road, 4 to 12 storeys along Eglinton Road,

including a double height feature at 12th storey level at the junction of Eglinton Road and Donnybrook Road, with a maximum overall height of 43.1 metres over existing ground level;

- Provision of private open space to serve all residential units in the form of balconies or terraces;
- Provision of ancillary residential communal areas including external central landscaped courtyard, internal resident amenities spaces at ground floor level including residents lounge, co-working space, gym, management area and at seventh floor level including cinema room, reading room, and 2 no. rooftop terraces, the first located towards the middle of the south end of the site and the second located to the north end of the site;
- Provision of basement including 75 no. car parking spaces, 4 no. motorcycle spaces and 172 no. cycle spaces and all ancillary areas such as plant, storage and attenuation;
- Vehicular access will be provided from Brookvale Road;
- The development includes all associated site development works, hard and soft landscaping (to include 4 no. cycle spaces at street level) SUDS drainage, PV panels on roof of 12th storey, provision of hoarding around site boundary (with scheme advertisement zone c. 302.25sqm along Eglinton road and Donnybrook Road) during construction phase, ESB substation and all other ancillary works necessary to facilitate the development.

Key Figures

Site Area	0.38ha
No. of units	148
Density	385 units/ha
Plot Ratio	1:3.58

Site Coverage	64%
Height	Between 4 and 12 storeys (with double height 12 th storey).
Dual Aspect	46%
Commercial Floorspace	n/a
Communal Amenity Space	1,425sqm
Part V	14 no. units (10%)
Vehicular Access	Vehicular access/egress ramps from Brookvale Road, with segregated cycle ramp.
Car Parking	75 no. spaces at basement level (0.51 per unit)
Bicycle Parking	204 no. cycle spaces (1.37 per unit)
Creche	None.

Unit Mix					
Apartment Type	Studio	1 bed	2 bed	3 bed	Total
No. of Apartments	-	71	58	10	139
No. of Duplexes	-	-	9	-	9
As % of Total	-	47.9	45.2	6.7	148 units / 100%

4.0 Planning History

Subject site:

- 4.1. DCC Ref: 3047/18, ABP Ref: 303708-19 – Permission granted on appeal to An Bord Pleanála for demolition of existing dwellings and construction of 94 no. apartments (and a ground floor café) with an overall height of 7 storeys (over basement / part second basement level).

Other relevant applications:

- 4.2. DCC Ref: WEB1322/19 – Permission granted for replacement of existing 3 bay bus shelter with works to widen pavement and removal of car parking space.

DCC Ref: 3717/19, ABP Ref: 305777-19 – Appeal refused for demolition of existing five-storey office/residential building and construction of a new residential scheme of 62 no units on 11 floors over existing and extended basement at Jefferson House, Eglinton Road, Donnybrook, Dublin 4.

Reason for refusal:

The proposed development would constitute overdevelopment of the site by reasons of its height, scale and massing would result in an unacceptable negative visual impact on this prominent site within a designated Conservation Area. The proposal would seriously injure the residential amenity of adjoining properties in terms of the overbearing impact and the potential for overlooking from the terraces on the upper levels, would depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area. In addition, the proposed development, with significant proportion of single aspect north-west facing units would provide inadequate residential amenity for future residents of those units. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the property planning and sustainable development of the area.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 24th January 2020 in respect of a proposed development of 148 no. apartments and residents amenity / facilities floorspace.
- 5.2. Copies of the record of the meeting and the inspector's report are on this file.

In the Notice of Pre-Application Consultation Opinion dated 12th February 2020 (ABP Ref. ABP-306091-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act would constitute a reasonable basis for an application for strategic housing development.

5.3. Specific information was requested which is summarised below:

- Photomontages/CGI
- Public Realm Plan
- Landscape Plan
- Car Parking
- Building Life Cycle Report
- Mobility Management Plan
- Construction and Demolition Waste Management Plan
- Schedule of Accommodation
- Surface Water Management and SUDS
- Transport Planning Division Report
- Parks Division of DCC
- Archaeological Impact Assessment

5.4. **Applicant's Statement**

The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Item 1 – Photomontages/CGI

- Additional CGIs, including winter views, have been submitted. In addition, additional sections showing the interface between the street and the proposed development are submitted.

Item 2 – Public Realm

- The approach in relation to public realm is the same as approved planning permission ABP-303708-19. No works are proposed to the public realm which will impact trees. A condition is anticipated requiring the agreement of DCC to any public realm works.

Item 3 – Landscape Plan

- Submitted landscape plans include SUDS proposals and green roof drawings are also submitted.

Item 4 – Car Parking

- The parking ratio is 0.51 spaces per a residential unit. A traffic assessment and parking report and mobility management plan have been submitted.

Item 5 – Building Life Cycle Report

- A building lifecycle report is submitted.

Item 6 – Mobility Management Plan

- A mobility management plan is submitted.

Item 7 – Construction and Demolition Waste Management Plan

- A construction and waste management plan is submitted.

Item 8 – Schedule of Accommodation

- A detailed schedule of accommodation which indicated compliance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, is submitted.

Item 9 – Surface Water Management and SUDS

- An engineering report which includes surface water management and SUDS features, in response to issues raised by the Planning Authorities Engineering Department Drainage Division, has been submitted.

Item 10 – Transport Planning Division Report

- The application has been amended to respond to comments from the Planning Authority's Transport Division. The applicant accepts the condition suggested by DCC in relation to the proposed greenway. The submitted traffic assessment and parking strategy explain the approach to parking. The basement has been future

proofed for Electric Vehicles. A taking in charge plan is submitted. The applicant will accept a condition relating to the approval of construction traffic by the Planning Authority. Service and Delivery is explained in the Traffic and Transport Assessment and parking management plan. Two car club spaces are provided.

Item 11 – Parks Division of DCC

- An arboricultural impact assessment is submitted and demonstrates the retention of street streets.

Item 12 – Archaeological Impact Assessment

- A desktop Archaeological Impact Assessment is submitted.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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 (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. Local Policy

Dublin City Council 2016-2022 is the operative plan for the local area.

Land-Use Zoning Objective Z1: To protect, provide and improve residential amenities. The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres. The policy chapters, especially Chapters 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development (Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation).

7.0 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 National Planning Framework, Section 28 Guidelines and the City Development Plan and I have had regard to same. The following points are noted:

- The proposed development is located a 10 minute walk from employment areas, it is located on a bus transport corridor and adjoins a proposed BusConnects corridor and within Donnybrook, which provides a range of services and amenities. It is therefore suitable for increased heights and densities.
- The proposed development is located in an area suitable for reduced car parking provision, and compensatory additional transport facilities are provided in response

to reduced car parking provision. Including car club, bicycle parking and blepper bikes.

- The proposed development is located in a central and accessible urban location adjoining a high quality bus corridor along the N11. The requirement for dual aspect is therefore 33% of the total number of units in accordance with the 2018 Apartment Guidelines. In this regard, 46.6% of the proposed apartments are dual aspect. There are 34 units that are single aspect to either the north east or north west. These units all face either onto the internal courtyard or Donnybrook Road and exceed minimum housing quality standards.
- The DCC Development Plan states that a maximum height of 16m is permissible in this part of the city, however having regard to the Urban Development and Building Height Guidelines, a scheme of 7 storeys in height has been permitted. The location meets the tests under the guidelines for increased height, as such the proposed 12 storey development is considered to accord with the guidelines.
- In relation to the Guidelines for Planning Authorities on Childcare Facilities 2001, the development would generate demand for 8 to 11 no. childcare spaces (discounting 1 bed units and depending on population estimates). It is not proposed to provide a childcare facility as there is sufficient capacity in existing provision in the area. A Childcare Requirement Report is submitted.
- The Plot Ratio at 1:3.58 and Site Coverage at 64% is higher than the indicative range in the DCC Development Plan, however this is acceptable and in accordance with the Building Height Guidelines as the site located on a high frequency public transport corridor.
- DCC Development Plan standards specify that new residential developments reserve 10% of site area as public open space. The proposed development does not include any public open space. The provision of 36% communal open space and the proximity to Herbert Park compensate for this.

8.0 Third Party Submissions

- 8.1. 11 no. submissions on the application have been received from the parties as detailed in Appendix A of this report. The issues raised are summarised below.

General/Principle/Nature of Development

- Piecemeal speculative development. Proposal should include the commercial buildings, including petrol station adjoining the site.
- Absence of an overall local plan for the area around Donnybrook Bridge and granting of piecemeal applications will have negative impact on the area.

Infrastructure

- Impact on DCC water and drainage services in the area.
- Development will compromise the already strained infrastructure in the form of sewage, roadways and waste disposal/removal.
- Concern regarding education capacity.

Residential Amenity

- Adverse impact on daylight and sunlight to surrounding properties.
- Blocking of sunlight and associated negative effect on surrounding buildings energy rating (BER).
- The proposed arrangements for bin storage in an open unroofed area, will attract vermin and become a health hazard, with noxious pollutant smells and noise from trucks.
- Reduce the privacy of houses in Eglinton Square.
- Dust and noise levels will be unsettling to the elderly locals as major roadworks needed.
- Overlooking from the proposed apartments, balconies, terraces and roof terraces, as well as negative effect at night from light.
- Concern about noise pollution and disturbance of the existing habitat for wildlife in the vicinity of the site.

Transport

- Vehicular access from Brookvale Road is too narrow.
- Brookvale Road is a busy narrow road and lacks capacity for 75 additional cars and servicing vehicles.

- Lack of car parking will cause residents to park on adjacent public roads.
- Currently excess traffic congestion most of the day and further increase will have a profound lasting negative impact and greater risk to drivers, cyclists and pedestrians.
- Proposal will hinder emergency services trying to quickly get to local hospitals using Eglinton Road and the slip road off it as access, would be dangerous to pedestrians fronting onto such a fast and busy road and cause accidents.

Height / Density / Design

- The proposed height, bulk and scale would represent an overdevelopment of the site at excessive density.
- Height in excess of 130 feet is far higher than surroundings and 2019 application for 11 storeys refused opposite the site.
- Out of scale with existing residences and will dwarf neighbours.
- Previously approved application on the site was inappropriate in terms of scale and this application increases the scale.
- Residency of nearly 600 people on the site is a density of 1,500 per hectare, which will be detrimental to health and safety of both proposed occupiers and existing residents.
- Unsympathetic form of development entirely contrary to the morphology, grain and quality of the area.
- Anti-social treatment on site boundaries, with lifeless detail to conceal ventilation grilles, illustrates overdevelopment of the site.
- A comparison of densities with other areas in Dublin and cities in the world demonstrates the inappropriate scale of the development.
- Density higher than cities such as Beijing, Singapore, Manhattan and Madrid.
- Density is approximately five times higher than the worst tenements in the history of Dublin in the early 1900s.
- The development exceeds the permitted metrics for acceptable development under the Dublin City Development Plan.

- It is multiples in excess of the height and plot ratio of the City Plan and will occupy 100% coverage of the site.
- Lacks a set back to the main road, such as Glaunsharoon.
- Due to its height, bulk and density on a prominent site, it will be overbearing and out of scale with the vicinity and will not protect, provide and improve residential amenities, but will damage them, contrary to proper planning and sustainable development of the area.
- Objection to the design.
- The proposal is for an ugly building that will stand out in the skyline.
- The development has a monotonous concrete cage-like design, reaching to 12 floors.
- Scale of the proposal will adversely impact the Dodder River and detract from the leafy and historical appeal of the road and neighbourhood.

Property Value

- The development will negatively affect the values of adjoining properties in Eglinton Square and Eglinton Road.

Trees

- No preservation of street trees on Brookvale Road in the application.
- The development results in the loss of .75 of an acre of trees and shrubs which are not replaced in the proposed building, increasing carbon footprint of the area.

Other

- The submitted Daylight and Sunlight Report is not based on the existing site situation, it assumes the previously approved 7 storey development is in existence, which it is not.
- Right to Light and BER rating is currently before the High Court by way of Judicial Review in connection with another residential property in Sandymount.
- The SHD process allows developers to maximise their profit on site.
- SHD process is misguided and misleading to the public.

- The project will do nothing for the area and will bring dangerous levels of social unrest.
- The site is opposite the infamous Jefferson/Smurfit office building where the scandal provoked by the ministerial grant of permission for that structure led to the establishment of ABP. It would be an irony if ABP now were to fail in the defence of the community interest with this project.
- Existing residents don't oppose appropriate development in the area.
- The proposal is consistent with the reason for refusal for application ref.3717/19.
- The Covid-19 pandemic has shown that the size of living dwellings matter, how we live matters, cramming people into small apartments units is unconscionable.
- A proposal to overcrowd the area without addressing the needs of those finding it difficult to acquire or rent homes in the area due to the high costs and failure of public policy initiatives.
- The case for co-living accommodation is unconvincing, short-term and alien to Irish housing culture and aspirations.

Submitted attachments include: 'Before and After "The Donnybrook Partnership" Destroy Our Neighbourhood' photos and CGIs; Lessons from higher density development, extracts from London Plan Density Research September 2016, comparison of cities and extract from Urban Population Density Patterns and Change in Ireland 1901-1979 (Kevin Hourihan, The Economic and Social Review, Vol.13, 1982);

9.0 Planning Authority Submission

- 9.1. Dublin City County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

General/Principle

- The site is zoned Z1 for residential use and the proposal is acceptable in principle.

Demolition

- A Conservation Report is submitted with the application and the comments from the Department of Culture, Heritage and the Gaeltacht opposing demolition are noted. On balance, having regard to the established precedent for demolition under 3047/18, the proposed demolition is accepted and will make way for high density infill in line with national policy.

Height, Scale, Density

- The proposal exceeds plot ratio, site coverage and density provisions in the Development Plan. It is noted that third parties and elected members are strongly opposed to the development.
- Taking account of the wider strategic national policy parameters set out in the National Planning Framework and the height guidelines that take precedence over the conflicting objectives in the Development Plan, the planning authority accepts the proposed density and height at this location.

Visual Impact

- The visual impact of the proposal would be a significant change to the area as it would insert a contemporary 12 storey infill development on a site that is currently of traditional two storey, suburban character.
- The site has planning permission for the bulk of the development and it is not considered to be monolithic. The main issue with this proposal is the visual implications of additional floors on the corner. This is considered to be the most suitable location for additional height as the site is very much a transitional site given its location opposite a commercial building and Donnybrook Stadium, and on the way into Donnybrook Village.
- It is regrettable that the massing around the tower feature does not achieve a more slim-line approach, with a legible tower feature. It is also considered that the architectural treatment of the blank gable to Donnybrook Road has not significantly improved from that presented at pre-planning.
- The proposed palette of materials would be generally acceptable and would provide a light and durable finish to the building.

- A reduction in the height of the fence and wall abutting the street to 1.4m would be welcomed to allow for better interaction with the street.
- The setback to Brookvale Road is minimal with little privacy or defensible space for occupants of the ground floor units, particularly Apartment LOO-11.

Residential Amenity

- Sufficient separation distances to Eglinton Square and houses on Eglinton Road are considered to be achieved and stepping the height down to 3 and 4 stories on Brookvale Road is appropriate.
- Access to the green roof at 4th floor should be restricted to maintenance only.
- The sunlight and skylight analysis on neighbouring properties and gardens confirms that no further overshadowing to any of the surrounding properties is perceived over that granted under 3047/18.

Apartment Standards and Layout

- 46.6% dual aspect in excess of the 33% minimum.
- Some apartments appear to be accessed via stair access only, with no lift/accessible access. The submitted Universal Access Statement states that the stair access would be suitable for ambulant disabled people in accordance with Part M.
- The minimum BRE standards are complied with in the development.

Trees, Landscaped Open Space and Shared Facilities

- Communal outdoor space exceeds requirements.
- Micro-climate conditions are acceptable with the incorporation of mitigation.
- Proposed communal open spaces comply with BRE guidelines.
- No creche proposed and the previous scheme did not provide for a creche, this is accepted.
- Street trees located on Eglinton Road are proposed to be retained. There are also street trees along Brookvale Road that would need to be adequately protected during construction. Conditions are recommended.

Transportation

- The scheme is designed to be compatible with the emerging proposals for BusConnects and the Dodder Greenway and widening of the footpath is welcomed.
- The quantum of car and bicycle parking is acceptable subject to conditions.

Drainage and Flooding

- Condition required for a revised flood risk assessment to ensure that the temporary defences are not relied upon and that the 1000 year event is included in the assessment.

Construction and Management

- Conditions recommended in relation to construction management and construction traffic management.
- Details of bin store management required, the open bin store should be limited to use on collection day only.
- Condition on telecommunications recommended.
- Taking in charge proposals should be agreed in writing.

Appropriate Assessment and Environmental Impact Assessment

- This is a matter for An Bord Pleanála.

Conclusion and Recommendation

- Recommend that An Bord Pleanála consider a grant of permission.

Planning Conditions and Reasons

17 conditions are recommended if the Board considers it appropriate to approve the application. Those of note include:

Condition 4 – a) There shall be no access onto the proposed green roofs other than for maintenance; b) The front boundary fencing and wall shall be reduced in height to a maximum total height of 1.4m.

Departmental Reports

Transport

- Widening of footpaths is welcomed. There is no proposal to impact on existing street trees and public realm works are minor.

- The parking in the area is controlled by double yellow lines and pay and display schemes. The addition of another car club space is welcomed and the proposed parking ratio is considered acceptable.
- The Mobility Management Plan submitted with the application is considered to appropriately respond to points raised at pre-application stage. A condition is recommended relating to the Mobility Management Plan and the appointment of a Mobility Manager.
- The contents of the Construction and Demolition Waste Management plan are noted and considered acceptable at this stage. A final Construction Management Plan shall be conditioned and should include details of the off-site disposal of construction / demolition waste.
- 9 conditions recommended.

Drainage Division

- No objection to the development subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works.
- Records of public surface water sewers are indicative and must be verified on site.
- Permanent discharge of groundwater to the drainage network is not permitted.
- All internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.
- Condition relating to surface water management recommended.
- The Site Specific Flood Risk Assessment does not provide sufficient clarity. A revised flood risk assessment shall be submitted and agreed in writing with DCC Drainage Division prior to development commencing on the site.

Archaeology Section

- The proposed development is in the Zone of Archaeological Constraint for Recorded Monument DU018-060/DU022:082. The site in question is located within the Zone of Archaeological Interest in the Dublin City Development Plan 2016-2022. Should the development be considered at the site, conditions are recommended in relation to archaeological works.

Housing

- Confirm that the applicant has engaged with the Housing Department in relation to the development and are aware of the Part V obligations pertaining to the site if granted permission.

Elected Members

9.1.1. A summary of the views of elected members as expressed at the South East Area Committee Meeting at the meeting on 22nd June 2020 is included in the Chief Executive's Report and is reproduced below:

- Member's unanimously objected strongly to the proposal and views are summarised as follows:
- Density is excessive – 10-25 units/ha is the norm in Donnybrook;
- Height is excessive;
- Overdevelopment of the site;
- Previous application granted sufficient quantum of development on the site;
- Design is ugly and very poor design;
- Building out to footpath and large windows completely inappropriate – a domestic extension to the front of the existing house would not be permitted due to encroachment of front building line;
- Proposal is the worst quality SHD seen to date;
- Adverse traffic impacts;
- There has been no engagement with local community;
- No LAP for the area;
- Part V costings too high; and
- Environmental / ecological considerations should be included in assessment.

10.0 **Prescribed Bodies**

National Transport Authority

- In principle the NTA support the regeneration of the subject site;
- BusConnects – From the material submitted, it would appear that the proposed development facilitates the Core Bus Corridor (CBC) 13 Bray to City Centre project. However, in the absence of a drawing confirming that the full extent of the project including the footpath is catered for, this cannot be confirmed. The NTA recommends in the event of grant of permission, the applicant is required to demonstrate that the CBC project, including footpath, can be fully accommodated;
- Car Parking – The NTA notes the proposed ratio of 0.5 per unit. While this quantum would fall within the development plan standard of a maximum of 1.5 per unit, the NTA requests that ABP consider the appropriateness of providing such a number, in particular in the context of section 4.19 of the Design Standards for New Apartments guidelines. Given the location close to the city centre along one of the highest frequency bus corridors in the region, and the associated low level of demand for car use anticipated, it would be more appropriate that a more restrictive provision is applied.

Transport Infrastructure Ireland

- The Authority requests that regard is had to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines.

Inland Fisheries Ireland

- Within the catchment of the River Dodder, an important salmonid system with underlying ecological sensitivity;
- Works to be completed in line with the Construction Management Plan which ensures good construction practices;
- There can be no direct pumping of contaminated water from works to the River Dodder at any time. Dewatering should be treated. Pollution of the adjacent freshwaters from poor on-site construction practices could have a significant negative impact on the fauna and flora of the Dodder system;
- Top soil or demolition material stored on site must have mitigation in place to prevent deleterious material entering the river;

- Any dewatering of ground water during excavation of basement area must be pumped over land or into an attenuation area before being discharged to watercourse. There can be no permanent net loss of groundwater;
- Ensure no entry of solids during the connection or stripping of old pipework to the surface water system;
- Silt traps and oil interceptors should be regularly maintained. Suggest condition to require an annual maintenance contract for operation of the petrol/oil interceptor;
- Ringsend WWTP is beyond its design capacity. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.
- Discharges must comply with European Communities (Surface Water) Regulations 2009 and European Communities (Groundwater) Regulations 2010.

Department of Culture, Heritage and the Gaeltacht

- Recommend that a planning condition pertaining to Archaeological Monitoring of ground disturbance and topsoil removal at construction stages be included in any grant of planning permission that may issue;
- It is noted that the Department previously made observations to the DCC Plan Ref.3047/18 recommending mitigation measures to retain the extant residences and raising concerns regarding the impact of the scale of development on the adjoining built heritage and to the village character;
- The removal of several two-storey structures which are understood to represent the on-going evolution of the residential suburbs of Dublin is not supported by the Department as it removes C20th typologies that are fully viable and their loss may be regarded as undermining local character and identity of the historic village of Donnybrook;
- The impact of the proposed monolithic character of the 12-storey which greatly exceeds that approved by DCC, is of such significant scale, plan arrangement and monolithic character that it is considered not to be in-keeping with the overall pattern of development or character of the residential area;

- The 12-storey tower greatly exceeds the DCC permission and overwhelms the prominence of Donnybrook Church as the key landmark structure denoting the approach to the historic village from the south west;
- The impact of the proposed development on the setting and amenity of the historic cultural landscape of Donnybrook Castle immediate to the site. No information pertaining to the aspects from this medieval site has been included in the submission. The view of the proposed scheme from Donnybrook village demonstrates the monolithic nature of the residential block which is visually jarring in its juxtaposition within this village context;
- The current proposal greatly exceeds the granted approval by DCC and the Local Authorities policies of the Current Dublin City Development Plan;
- Recommendations include the retention of the extant residential structures and that where demolition is supported the development of new build that reference the extant characteristics of the area. The transition in scale from the extant to the proposed needs to be considered and the skyline and profile of the historic settlement preserved;
- The development site is 50m from the River Dodder, a water course of high biodiversity value supporting, amongst other species, trout, salmon, kingfisher, included on Annex I of the Birds Directive, and otter, a species afforded a regime of strict protection under the Habitats Directive. The river is also a potential hydrological pathway to the various Natura 2000 Sites in Dublin Bay. It is not determined whether water which it will be necessary to discharge from the site during construction, particularly water originating from basement dewatering, will be disposed of (under licence from Dublin City Council) to the surface water or foul sewerage drainage systems. While the groundwater is described as unpolluted, the precautionary principle would suggest that this water should be disposed of to the foul sewers rather than through the surface water drainage system into the Dodder. Recommend a condition that any discharge of water from the development site during construction including any water arising from basement dewatering, shall be discharged into the local foul sewerage system and not through surface water drainage system into the Dodder.

- It is noted in addition that to facilitate the proposed development 46 individual trees, two tree groups and various hedges and shrubs are to be removed from the site. As referred to in Ecological Impact Assessment it can be assumed some of these trees and shrubs will be utilised for nesting by birds in season. Recommend a condition that any clearance of vegetation from the development site should only take place outside the main bird breeding season.

Irish Water

- The Confirmation of Feasibility issued for the development of 160 units is also valid for 148 residential units;
- Request a condition in respect of the provision of public water and wastewater infrastructure, in relation to obtaining a connection agreement.

11.0 Screening

11.1. Environmental Impact Assessment (EIA) Preliminary Assessment

- 11.1.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 11.1.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIAR Screening Report (dated May 2020) and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.
- 11.1.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units;
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 11.1.4. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, it can be concluded in the first instance that there is no real likelihood of significant effects on the environment
- 11.1.5. The proposed development involves 148 residential units and ancillary facilities on a 0.38 ha site in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. It is not a particularly large-scale project and there are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The subject lands are within a Zone of Archaeological Potential and is close to a Conservation Area and Protected Structures. An Archaeological Assessment is included with the planning application and describes mitigation measures in relation to the development’s potential location within a zone of archaeological interest. The impact of the height of the proposed development, and the visual impact on the setting of the Conservation Area and Protected Structures is evaluated through a Landscape Visual Impact Assessment and Conservation Report. The River Dodder flows from south to north approximately 50-60m to the south-east of the site. The site is sufficiently removed from the River Dodder, and other sensitive sites beyond, to ensure that no likely significant effects will result. The proposed development is not likely to have a significant effect on any Natura 2000 site (as per the findings of section 11.3.23 of this report).
- 11.1.6. Having regard to;
- (a) the nature and scale of the proposed development, in an urban area on a site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is, therefore, considered that an environmental impact assessment report for the proposed development is not necessary in this case.

11.2. **Appropriate Assessment**

11.2.1. An Appropriate Assessment Screening Report (dated May 2020) was submitted with the application. I have had regard to the contents of same. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own or in combination with the effects of other plans or projects.

11.3. **The Project and Its Characteristics**

11.3.1. See the detailed description of the proposed development in section 3.0 above.

The European Sites Likely to be Affected - Stage I Screening

11.3.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity predominantly comprise residential and commercial along with transport arteries. The River Dodder flows from south to north approximately 50-60m to the south-east of the site.

11.3.3. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

11.3.4. I note that the following Natura 2000 sites were examined in the submitted Appropriate Assessment Screening Report, but found not to lie within the zone of influence of the project:

- Baldoyle Bay SAC/SPA (0199);
- Howth Head SAC and Howth Head Coast SPA (0202);
- Rockabill to Dalkey Island SAC (0300);
- Dalkey Islands SPA (4172);
- Ireland's Eye SAC/SPA (2193);

- Glenasmole Valley SAC (1209);
- Knocksink Wood SAC (0725);
- Ballyman Glen SAC (0713);
- Wicklow Mountains SAC and SPA (2122 and 4040);
- Malahide Estuary SAC and SPA (0205 and 4025).

As these sites lie a sufficient distance from the site and without hydrological links, it can be concluded that they will not be impacted by the development and I have therefore excluded them from Table 11.1.

11.3.5. Having regard to the potential zone of influence and the submitted Appropriate Assessment (AA) Screening Report, the following Natura 2000 sites are identified as lying within the potential zone of influence:

- North Dublin Bay SAC;
- North Bull Island SPA;
- South Dublin Bay and Tolka Estuary SPA;
- South Dublin Bay SAC;
- Poulaphouca Reservoir SPA.

11.3.6. The sites listed above are considered to be within the zone of influence due to hydrological links to the South Dublin Bay and River Tolka Estuary SPA, the South Dublin Bay SAC, the North Bull Island SPA and the North Dublin Bay SAC. Drinking water supply for the development may originate from the Poulaphouca Reservoir.

11.3.7. I do not consider that any other Natura 2000 sites to fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 11.1 Natura 2000 Sites within 'Zone of Influence' of the Project.

Site (site code)	Distance from site	Qualifying Interests/Species of Conservation Interest
North Dublin Bay SAC	5km	Mudflats and sandflats not covered by seawater at low tide (1140)

		<p>Salicornia and other annuals colonizing mud and sand (1320)</p> <p>Atlantic salt meadows (1410)</p> <p>Mediterranean salt meadows (1410)</p> <p>Annual vegetation of drift lines (1210)</p> <p>Embryonic shifting dunes (2110)</p> <p>Shifting dunes along the shoreline with <i>Ammophila Arenaria</i> (white dunes) (2120)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130)</p> <p>Humid dune slacks (2190)</p> <p>Petalwort (1395)</p>
North Bull Island SPA	5km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Teal (<i>Anas crecca</i>)</p> <p>Pintail (<i>Anas acuta</i>)</p> <p>Shoveler (<i>Anas clypeata</i>)</p> <p>Sheduck (<i>Tadorna tadorna</i>)</p> <p>Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p>

		<p>Curlew (<i>Numenius arquata</i>)</p> <p>Redshank (<i>Tringa tetanus</i>)</p> <p>Turnstone (<i>Arenaria interpres</i>)</p> <p>Black-headed Gull (<i>Larus ridibundus</i>)</p>
South Dublin Bay and Tolka Estuary SPA	1.8km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Redshank (<i>Tringa totanus</i>)</p> <p>Black-headed Gull (<i>Croicocephalus ridibundus</i>)</p> <p>Roseate Tern (<i>Sterna dougallii</i>)</p> <p>Common Tern (<i>Sterna hirundo</i>)</p> <p>Arctic Tern (<i>Sterna paradisaea</i>)</p>
South Dublin Bay SAC	800m	<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>
Poulaphouca Reservoir SPA (4063)	23km	<p>Greylag Goose (<i>Anser anser</i>)</p>

		Lesser Black-backed Gull (Chroicocephalus ridibundus)
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Potential Effects on Designated Sites

- 11.3.10. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'.
- 11.3.11. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013), the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.
- 11.3.12. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA (NPWS, 2015a & b) the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.
- 11.3.13. For the Poulaphouca Reservoir SPA (NPWS, 2018), the objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
- 11.3.14. The site is approximately 1.8km from the boundary of the Natura 2000 areas within Dublin Bay. In reality however, this distance is likely to be greater when following the hydrological pathway through the drainage network. There is no direct pathway to the Tolka Estuary from the development as it lies to the north of the River Liffey. There is no direct surface pathway to the River Dodder as the two areas are separated by a public road and other built development. Because of the distance separating the site and the SPAs/SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs.
- 11.3.15. I note the representations received from Inland Fisheries Ireland and Department of Culture, Heritage and the Gaeltacht that raise concerns regarding the discharge of water from the site during the construction phase. Both Inland Fisheries Ireland and the Department stress the importance of the River Dodder to biodiversity value, while the Department also highlights concern regarding the potential of the river to form a

hydrological pathway to Natura 2000 sites in Dublin Bay. The concern is that basement dewatering works during construction will be discharged into the river rather than into the sewage network. The groundwater is described as unpolluted; however, the Department recommend a condition in relation to disposal of water arising from basement dewatering into the local foul sewerage system and not into the River Dodder. Inland Fisheries Ireland also recommend works are undertaken in line with good construction practices under the Construction Management Plan and that there is no direct pumping of contaminated water into the river.

11.3.16. I note the concerns raised in relation to the biodiversity value supported by the River Dodder and I consider this separately in section 12.7 below. However, the River Dodder is not a Natura 2000 site and the assessment in this section of my report is related to Natura 2000 sites only, with consideration of the River Dodder only as a hydrological pathway to those sites.

11.3.17. The submitted AA Screening Report describes that there is unlikely to be any escape of sediment during the construction phase due to the lack of direct pathways to the River Dodder. There is no direct surface pathway to the River Dodder during construction as the two areas are separated by a public road and other built development. A Basement Impact Assessment has been submitted with the application and describes the Dewatering Strategy for the proposed development. This describes that the main contractor will determine the exact method to temporarily de-water the site and that it is likely to involve pumping the groundwater into the local foul or storm sewer networks. While final arrangements for dewatering works are not provided, the groundwater is confirmed to be of 'Good Status' and therefore is not a pollutant risk. The distance of the site to the Natura 2000 site is also significant as there would be extensive dilution of any discharges into the River Dodder as it appears closest to the site prior to reaching the Natura 2000 sites at Dublin Bay.

11.3.18. A Construction and Demolition Waste Management Plan has also been submitted with the application and describes the incorporation of best practise measures during works on the site. This includes standard operational procedures to control the possibility of potential pollutants exiting the site during construction. These measures are not designed or intended specifically to mitigate any putative potential effect on a Natura 2000 site. They constitute the standard approach for construction works in an

urban area. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of 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 site whether or not they were explicitly required by the terms or conditions of a planning permission.

11.3.19. On the basis of the findings above, the information submitted with the application and the temporary nature of construction works, I consider that there is no likelihood of loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs as a result of construction works on the site, including basement dewatering works. As a result, I see no need for specific mitigation relating to potential impact upon Natura 2000 sites.

11.3.20. During the occupation stage, there is a hydrological pathway from the site via wastewater and surface water flows to Dublin Bay, via the Ringsend plant and the River Dodder respectively. Water quality is not listed as a conservation objective of the SPAs or SACs and there is no evidence that poor water quality is negatively affecting the conservation objectives of the SPAs/SACs. The development will increase loadings to the Ringswater wastewater treatment plant. This increase will be relatively small compared to overall capacity and therefore the impact of this project is considered to not be significant. No significant effects will occur to the SACs or SPAs from surface water leaving the site during operation, and as a result of the distance and temporary nature of works, no significant effects to the SACs or SPAs will occur during construction.

11.3.21. I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

In Combination or Cumulative Effects

11.3.22. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a

cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.

11.3.23. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the Dublin City Development Plan 2016-2022 covering the location of the application site. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small residential development providing for 148 residential units on serviced lands in an urban area, and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to Appropriate Assessment Screening. Similarly, I note the planning authority raised no Appropriate Assessment concerns in relation to the proposed development.

11.3.24. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to any Natura 2000 Site.

AA Screening Conclusion

11.3.25. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant

effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.3.26. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

12.0 **Assessment**

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

- Principle of Development
- Height, Design and Density
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Ecological Impact
- Material Contravention
- Other Issues

12.2. **Principle of Development**

12.2.1. Land Use

12.2.2. The application site is zoned Z1 'To protect, provide and improve residential amenities'. Residential is a permissible use in this land use zoning. The site is also located within a designated Zone of Archaeological Interest and adjacent to the River Dodder Conservation Area. The Planning Authority have raised no objection to the principle of a residential development on this site.

12.2.3. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site.

12.2.4. The vision for Z1 is for residential development in the city, where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education,

leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

12.2.5. The principle of residential development on the site is therefore consistent with the land use zoning under the DCP and has previously been established under the recent planning consent for the site (ABP ref.303708-19, PA ref.3047/18).

12.2.6. Demolition

12.2.7. The proposed development includes the demolition of the existing 6 no. two storey dwellings and ancillary structures at no. 1, 3, 5, 7, 9 and 11 Eglinton Road.

12.2.8. The Department of Culture, Heritage and the Gaeltacht have raised concerns regarding the removal of these existing two-storey dwellings on the site. The department states that the removal of these structures is not supported, as it removes C20th typologies that are fully viable, and their loss may be regarded as undermining local character and identity of the historic village of Donnybrook.

12.2.9. A Conservation Report has been submitted with the application. This identifies the historical background of the area and the dwellings themselves. The buildings on the site were built in semi-detached pairs and first appear on Ordnance Maps in 1936. The dwellings are thought to date from between 1920 and 1930, with similar examples throughout the City and the Country in general. As would be expected, the dwellings have undergone varying degrees of alterations in the years since they were first constructed.

12.2.10. I have reviewed both the submitted Conservation Report and the concerns raised by the department. I have also visited the site and observed both the nature of the buildings on the site and the character of the area. The dwellings identified for demolition on the site are not protected structures or identified as being of any historical or architectural significance. They are not included within an Architectural Conservation Area or in the National Inventory of Architectural Heritage. I note that the architectural style and age of the structures on the site is replicated across the area, and there is nothing unusual or of singular merit regarding the dwellings on the application site itself. While the dwellings themselves can be considered viable for occupation, redevelopment of the site presents an opportunity to considerably increase the contribution of this site to addressing housing need for the area. The

department is responsible for development of the National Inventory of Architectural Heritage and therefore has opportunity to formally identify and record the existing buildings on the site, should they see them fit for protection. However protection of these buildings, or indeed any other similar dwellings in the area, has not been suggested by either the department or the Planning Authority and therefore I see no in principle objection to the removal of these structures from the site.

12.2.11. In relation to the impact to the character of the area resulting from the removal of these dwellings, I can find no reason to suggest that this would detrimentally affect the character and/or identity of Donnybrook Village. I recognise the surrounding sensitivities, including the zoned Z2 Residential Conservation Area along Eglinton Road and Brookvale Road, as well as the Dodder Conservation Area. There is also Protected Structures in the wider area, including to the south of the site, where Donnybrook Church and a property on Harmony Drive are located. However, I find no evidence to suggest that the dwellings on the application site provide any specific contribution or positive setting to the surrounding conservation areas or Donnybrook Village itself.

12.2.12. The demolition of the dwellings with redevelopment of the site has previously been approved under planning permission reference ABP ref.303708-19, PA ref.3047/18. While there will invariably be some change to the character of the area as a result of the redevelopment of the site, the question of whether this impact is considered to be negative or positive follows an assessment of the proposed development details, and I set this out in detail below.

12.3. **Height, Design and Density**

12.3.1. Height and Design

12.3.2. Concerns have been raised regarding the height and design of the proposed development in many of the representations on the application. Concerns centralise on the scale of the development in comparison to the surrounding environment and the resulting impacts upon residential and visual amenity in the area. The Department of Culture, Heritage and the Gaeltacht have also raised concern regarding the impact of the proposed development, which it describes as monolithic in character, and not in keeping with the overall pattern of development or character of the residential area. The department state that the impact of development at the

proposed scale on the site will be negative upon Donnybrook Church, the historic village and the setting of Donnybrook Castle.

- 12.3.3. My assessment of the impact upon surrounding residential amenity and the residential quality of accommodation is undertaken in section 12.4 and 12.5 below. This section of my report appraises the acceptability of the proposed height and design in relation to relevant planning policy and in light of concerns raised.
- 12.3.4. 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.
- 12.3.5. 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 16m, while the proposed development has a height of approximately 43m (12 storeys, with raised ground level and double height 12th storey). Development of the site was previously approved on appeal above the 16m datum (at 7 storeys) in consideration of the criteria under section 3.2 and SPPR 3. I have addressed the material contravention of the development plan in section 12.7 below and I will provide further assessment against the criteria in section 3.2 here.
- 12.3.6. The first criterion relates to the accessibility of the site by public transport. The site is located adjacent to a Quality Bus Corridor (QBC) on Donnybrook Road and benefits from excellent bus links, with 20 bus routes and a frequency of 2.5 minutes for buses stopping immediately adjacent to the site. The site is also less than a 20 minute walk

to Sandymount Rail Station and a short cycle ride to surrounding Luas Stations. I note that the future BusConnects corridor runs alongside the site and will further increase connectivity across the bus network. Notwithstanding future transport proposals, it is clear to me that the site has excellent existing public transport accessibility to high frequency bus services and good access to the wider network including rail links.

12.3.7. The second criterion relates to the character of the area in which the development is located. The site is not located in a conservation area itself, however land is zoned Z2 Residential Conservation Area to the west on Eglinton Road and south on Brookvale Road and Harmony Avenue, and the site is adjacent to the Dodder Conservation Area. There is also a Protected Structure to the south of the site on Harmony Drive. Donneybrook Village is also located south east of the site along with a number of Protected Structures, including Donneybrook Church. Donnybrook Castle is also situated to the south east of the site, it is an apartment complex without any specific historic protection or official architectural recognition. The immediate setting of the site is characterised by 20th century buildings, with a mixture of architectural styles exhibited to the surrounding residential dwellings 2-3 storeys in height, as well as a 5 storey office block (the Jefferson building) located immediately opposite and to the south of the site and dating from the 1980s. The site is located on a main route into the city centre.

12.3.8. The site is positioned on the corner of a busy road junction and immediately adjacent to a major arterial road. The locating of buildings with increased scale on the corner of intersections is an established architectural response. It creates an opportunity to provide more enclosure to the street and aid legibility in an area and the Building Height Guidelines state on page 8 that locating taller buildings can contribute to a sense of place by marking important street junctions and transport interchanges. I note the concerns raised by the Department of Culture, Heritage and the Gaeltacht in relation to the impact of the proposed development upon the function of Donnybrook Church as a local landmark to the south east. However, I consider that the proposed development provides a counter marker point to the Church, further adding to the legibility of the area. I also note that the evolution of national policy which supports the increased scale of residential buildings in appropriate locations and that this will invariably mean that residential buildings become more prominent

structures in the townscape. The tallest part of the proposed development is located on the south east corner of the site, opposite a commercial building to the south and the stadium to the east, focusing height away from the more sensitive residential properties to the west and south west. I consider that the site is therefore appropriate for a building of increased height and scale, forming a landmark at this intersection for Donneybrook on the edge of the city centre.

- 12.3.9. The design for the proposed development breaks down the visual mass of the building through the use of projecting balconies and the formation of bays to lower rise elements. The development also incorporates stepped heights, transitioning in scale to neighbouring lower rise buildings to the north and west.
- 12.3.10. For the corner 'tower' element, the design includes a distinct solid frame detail around lighter large glazed panels forming the fenestration for the building. I note the comments made by the Planning Authority in relation to a desire for a more slimmer, legible, tower feature. However, it is my view that the upper three storeys (including double height 12th storey) create a distinct top for the 'tower', while a clear base is similarly created at ground / first floor level. I consider that the proportions of the 'tower' create a slenderer appearance on the corner of the site than would otherwise be achieved with a lower building. In this sense I believe that the proportions of the 'tower' are well considered, and it is also clear that overall, the Planning Authority is content with the height proposed. It is also my view that any reduction to the height of the 'tower' element has the potential to negatively impact the massing of the development when perceived in wider views around the site.
- 12.3.11. CGIs and visualisations of the proposed development have been submitted alongside a Landscape and Visual Impact Assessment with associated commentary to accompany the visualisations of the proposed development. I have also visited the site and considered the objections raised by residents and the Department of Culture, Heritage and the Gaeltacht in detail. It is my view that the design adequately articulates the massing of the proposed development, with stepped heights to transition scale to the more sensitive areas adjacent to the site. I also consider that the proposed materials and architectural detailing will contribute to the creation of a positive addition to the streetscape, which will appear in the setting of the architecturally sensitive areas and Protected Structures located around the site.

Overall, I am content that the height and massing of the development will enhance the character of the area.

12.3.12. The remaining pertinent criteria under section 3.2 of the Building Height Guidelines relate to the following: contribution of the proposal to the place-making; its contribution to the streetscape; the avoidance of uninterrupted walls; contribution to public spaces (including inland waterway/ marine frontage) and compliance with flood risk management guidelines; improvement of legibility; contribution to mix / typologies in the area; and daylight performance against BRE criteria as well consideration of overshadowing / ventilation / views. Specific assessments are also required depending on the scale of the building proposed.

12.3.13. As outlined above, I consider that the proposed development has incorporated architectural detailing and changes in height, that will sufficiently vary the scale and mass of the building and respond to the scale of adjacent areas. The proposed materials include reconstituted stone, anodized bronze aluminium and light coloured brick, which in addition to the design of the proposal, will make a positive contribution towards place-making in the area. Similarly, the proposal will make a positive visual contribution to the surrounding natural and built environment and overall streetscape.

12.3.14. Elevations within the proposed development feature fenestration in a sympathetic arrangement to avoid overlooking (discussed further below in section 12.4) and as a result avoid the creation of uninterrupted walls. While the north elevation for the proposed development does not feature windows, this is in recognition of its position on the boundary with zoned Z4 land 'To provide for the creation and protection of enterprise and facilitate opportunities for employment creation', and that future redevelopment potential exists to the north of the site. The design of the proposed development therefore does not prejudice future potential development of the site to the north. I note the Planning Authority comment that the architectural treatment of this blank gable has not improved, however I consider that the proposed development remains articulated at this end through the use of materials and a transition in height and scale across the extent of the boundary. While I consider the proposed appearance acceptable, I consider it likely that this end of the proposed development could be visually obscured in future, if development proposals were to come forward to the north of the site. I also note that the Planning Authority does not

request any alteration to the appearance of this gable end of the proposed development.

- 12.3.15. The proposal includes occupation of ground floor areas that will passively survey surrounding streets. While not fronting onto an inland waterway, the site is located proximate to the Dodder River and would form a positive addition in the visual setting of the river as discussed in relation to the second criterion above.
- 12.3.16. The proposed development creates a distinctive tall building on the site and will form a positive addition and new landmark for the area. As a result, this will improve the legibility of the area. The proposal is also formed of a mix of 1 (47.9%), 2 (45.2%) and 3 (6.7%) bed apartments that positively contributes towards Dublin City Councils dwelling mix for the area.
- 12.3.17. In relation to specific assessments, a microclimate report, telecommunications report, ecological impact statement and bat fauna impact assessment have been submitted with the application. The submitted wind microclimate modelling demonstrates that the proposed development and surrounding footpaths / environment will have a comfortable environment for pedestrians and cyclists. Mitigation measures will be incorporated to reduce velocities in road areas adjacent to the site. Terrace areas within the proposed development will also incorporate mitigation to reduce velocities and comply with acceptable criteria. I am therefore satisfied that there are no significant adverse microclimatic impacts as a result of the proposed development. The submitted telecommunications report identifies one potential area of impact as a result of the proposed development and categorises this as having a marginal or insignificant effect. The roof of the proposed development has been designed so that in the event that a microwave transmission link is required or obstructed by the elevation, then a hop site can be incorporated to rectify this. I have included a condition in my draft recommendation to ensure that adequate mitigation is secured in relation to this, including associated screening in the event that a hop site is required. An ecological impact statement and bat impact assessment has been included with the application. These reports conclude that the likelihood of bird or bat collision is not significant as a result of the proposed materials which are generally solid, rather than reflective or translucent.

- 12.3.18. I therefore find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines. This follows the complete assessment set out in my report and particularly sections 12.3, 12.4, 12.5 and 12.9.
- 12.3.19. I note representations received regarding the recent appeal refusal opposite the site on Eglinton Road for the Jefferson site (DCC Ref: 3717/19, ABP Ref: 305777-19). This appeal related to the demolition of the existing 5 storey office building on the site and construction of an 11 storey building located within the Dodder Conservation Area. The appeal was refused in part as a consequence of overdevelopment of the site, inappropriate height, mass, scale and resultant unacceptable negative impact upon the conservation area, in addition to adverse amenity impact upon surrounding residents and the depreciation of values in the area. I have considered the relationship of this site and its proposed details in comparison to the appeal details for the Jefferson site. I find there are a number of distinctions between the two proposals, most prominently, the architectural detail included for the two schemes. The Jefferson proposals lacked the variation in mass, scale and height that feature in this current application proposal and the overall quality of the two schemes vary considerably. I have outlined in detail above, the reasons why the proposed development will provide a positive contribution to the area and my assessment is cognisant of the surrounding architectural sensitivities. As a result, I consider there to be adequate distinction to the Jefferson appeal and this application, to warrant a different conclusion in relation to height and design. My assessment of potential amenity impacts is undertaken further below in sections 12.4 and 12.5.
- 12.3.20. I recognise that the construction of the proposed development on the site represents a significant change in scale for the area at this end of Eglinton Road. However, I am also mindful of the approach taken in the Building Height Guidelines which identifies that increased building height has a critical role to play in addressing the delivery of more compact growth in urban areas. While the existing scale surrounding the site is largely 2-3 storey, this is reminiscent of traditional, limited, low-rise building heights (as described in the guidelines) which is limiting the growth and development need of the city. I recognise the surrounding sensitivities for this site, including more historical settings in the nearby conservation areas and for Protected Structures, however the immediate vicinity of the site at this end of Eglinton Road, does not exhibit these

same sensitivities and the quality of design ensures that the proposed development will be a positive addition to the streetscape and in views from more sensitive areas around the site. I do view the proposed height as potentially the limit of what might be achieved in this location, given its situation on the edge of the city centre, rather than within the city centre. However, the excellent public transport accessibility, its situation on a busy road intersection and the focus of height onto the corner proximate to non-residential structures, makes this site well suited to delivering increased height and density in a sustainable location as described in the Building Height Guidelines.

12.3.21. Having regard to the considerations above, I consider that the principle of increasing the height of the development to maximum 12 storeys (with raised ground floor and double height top) 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.

Density

12.3.22. A number of representations have been received regarding the proposed density of the development. Concerns centralise around the appropriateness of the density level proposed for the location. As part of this, the average density levels for other city areas is cited (internationally), compared to the proposed development site. In addition, density levels for the development site are compared to 1900s tenements in Dublin. Concerns are also raised in relation to the conformity of the proposed development to plot ratio and site coverage under the Dublin City Development Plan. Submissions state that the density is excessive and represents overdevelopment of the site. Concerns are also raised regarding the lack of water/sewage, road and education infrastructure to accommodate the population level proposed.

12.3.23. The proposed density is 385 units per hectare. This is increased from the approved development on the site which has a density of 244 units per hectare. Policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance, objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development encouraging increased densities in settlements where appropriate.

Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Apartment Guidelines define the types of location in cities and towns that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.

12.3.24. The site is a short walk (less than 15 minutes) to surrounding employment centres (RTE Campus / Beech Hill Office Campus / Ballsbridge). The site is also approximately 1,380m from Sandymount DART, equivalent to a 17 minute walk from the site and in my view, a reasonable walking distance. The proposed development is also located along a public transport corridor with an existing Quality Bus Corridor (QBC) running along Donnybrook Road. The nearest bus stop is located along the road frontage on the site on Donnybrook Road. As such, I consider that the site can be described as a central / accessible location as defined under the Apartment Guidelines and sustainably support the increased density level proposed. However, the overall acceptability of this density is subject to appropriate design and amenity standards, which are considered in the relevant sections below.

12.3.25. In relation to the comparison of density levels experienced in other international cities, I consider this to be of limited assistance on a site-by-site basis. The proposed development is confined to an urban block and not a significant urban regeneration area that would greatly change the overall density of the city. Clearly development of the site will not alter the density of Dublin as a city area itself and therefore the comparison to other international city density levels is limited in that sense, as density levels will vary considerably between different sites in those cities. Cities like Dublin, as well as other urban areas in Ireland, have historically been developed at very low densities with a much higher dependency on single dwelling houses to accommodate its population than other European cities, such as Paris, which is characterised more by apartment living. As a result, if Dublin is to retain its lower density single dwelling house character, it will have to be alongside sites developed for apartments at much higher densities, in order to achieve an appropriate density across the city as a whole. The pertinent matter is ensuring that those sites that are developed for higher density are appropriate and that quality standards are met. In any case, there is a clear national planning policy basis to facilitate increased height and density in

sustainable locations, to accommodate required growth as a core pillar of Rebuilding Ireland – Action Plan for Housing and Homelessness.

12.3.26. In relation to the plot ratio and site coverage of the proposed development, I recognise that these exceed the levels set out in the development plan, but note that the plan expressly permits higher plot ratio and site coverage if a site adjoins a major public transport corridor, which the application site does (QBC).

12.3.27. In relation to the capacity for water/sewage infrastructure to support the proposed development, I address this in section 12.9 below. The Planning Authority have not suggested that there are any concerns regarding the capacity of educational facilities in the area to support the future population of the development.

12.4. Neighbouring Residential Amenity

12.4.1. The representations received raise a number of concerns relating to the potential impact of the proposed development upon surrounding residential amenity, particularly for the neighbouring areas of Brookvale Road, Eglinton Road, Eglinton Square and Harmony Avenue. I address these potential impacts in detail below.

12.4.2. Daylight and Sunlight

12.4.3. A Daylight and Sunlight Report has been submitted with the application. This describes the performance of the development against BRE criteria (The Building Research Establishment guidelines on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice). The analysis provided describes the results of testing for the proposed development compared to both the existing site situation and the consented situation (planning permission ABP ref.303708-19, PA ref.3047/18). This approach is accepted under the BRE Guidelines which describes in Appendix F that a permitted scheme can be used as a benchmark if there is an extant planning permission and daylight impact is being analysed due to changes in the design.

12.4.4. The report identifies the properties analysed on Eglinton Square and Eglinton Road. All other properties in the immediate area surrounding the site have either an orientation or a distance from the application site, which would ensure that daylight and sunlight impact will not result from the proposed development.

- 12.4.5. In relation to the properties analysed, the majority of windows retain an acceptable level of daylight with the development in place, with no perceivable reduction in daylight levels. There are however three windows in Eglinton Square, 7 windows in no. 4 Eglinton Road and one window in no. 6 Eglinton Road that will experience a perceptible change in daylight as a result of the development in place compared to the existing situation on site. However, I accept the use of the consented situation for the site in accordance with BRE guidelines and the focus of my assessment is therefore on the alteration of impact as a result of the proposed development, when compared to the approved development. When comparing the daylight impact of the proposed development to the consented situation, it is apparent that the proposed development will not perceptibly alter the daylight levels to the effected windows when compared to the approved development on the site.
- 12.4.6. In relation to sunlight, similar to daylight, the degree of alteration when comparing the proposed development to the consented situation on the site is extremely marginal. Overall, there is no perceptible increase in loss of sunlight as a result of the proposed development when compared to the approved development on the site.
- 12.4.7. I note that representations received regarding the blocking of sunlight and associated negative effect on surrounding buildings energy rating (BER) as well as right to light. Such matters are outside of planning consideration, with no policy bases for assessment, and are considered a private matter for the courts.
- 12.4.8. As a result, I am satisfied that the proposed development is acceptable in relation to daylight and sunlight impact upon neighbouring residents.
- 12.4.9. Overlooking
- 12.4.10. My assessment of the potential for overlooking of adjacent areas considers the location of windows, balconies and terraces areas within the proposed development, to habitable room windows in surrounding residential dwellings.
- 12.4.11. Separation to surrounding properties exceeds 21m on Donnybrook Road and Eglinton Road. In relation to the rear of properties for Eglinton Square located immediately opposite the site across Brookvale Road, the boundary of the application site is approximately 23m away from the main rear elevation to these properties and approximately 17m away from the ground floor projection for the closest property.

Windows and balconies for the proposed development are set in from the boundary edge closest to these properties, ensuring that a general separation distance of around 20m is achieved to the closest property on Eglinton Square, however the vast majority of windows for Eglinton Square are located in excess of 20m away from the site.

12.4.12. The proposed development retains similar separation distances to that demonstrated in the permitted planning application for the site (ABP ref.303708-19, PA ref.3047/18). Adequate separation distances are demonstrated to all surrounding residential properties and as a result, I am satisfied that the proposed development does not result in unacceptable overlooking of adjacent properties. In relation to the green roof areas proposed, the Planning Authority has requested a condition that these areas are accessed for maintenance purposes only to ensure that no overlooking results from those areas of the development and I concur with this approach. A condition is included in my draft recommended order regarding the same.

12.4.13. Impact During Construction

12.4.14. Representations have been received regarding the potential for noise and dust as a result of construction works on the site. An Outline Construction Management Plan has been submitted with the application. Measures for the management of noise and suppression of dust are described and a condition is recommended to secure these arrangements. With the application of these mitigation measures, there are no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development.

12.4.15. Lighting

12.4.16. I note a third party representation in relation to possible disturbance from the proposed development as a result of light at night. A public lighting report has been submitted with the application, this describes the location and luminance level of all exterior lighting to be included as part of the development. Luminance levels are appropriate for a residential urban area. I am satisfied that there will be no disturbance to adjacent residents from lighting at the proposed development.

12.4.17. Refuse Storage

12.4.18. Concerns have been raised by residents in relation to the proposed refuse storage arrangements for the site. The proposed development includes waste storage for all units within the development at basement level in Core 1. Future residents of all of the proposed units will be able to access Core 1 via either the basement level or the landscape courtyard centrally within the development. An external waste collection point is also shown to the north west corner of the site on Brookvale Road. This collection point is uncovered and open for access by refuse collectors. Residents are concerned that the uncovered design of this store and open nature will give rise for potential bad smells in the locality and encourage vermin to the area.

12.4.19. An Operational Waste Management Plan has been submitted with the application. This describes the waste storage and collection arrangements for the site, which includes that access to the waste store in basement Core 1 will be restricted to residents of the development, building management and waste contractors and that the store is fully enclosed. On collection day, the bins from basement Core 1 will be relocate to the footpath by either building management personnel or waste contractors. Once emptied, the bins will be returned to the storage area in basement Core 1.

12.4.20. Having reviewed the Operational Waste Management Plan for the site and the application drawings, I believe there is some discord between the two proposed details. While the drawings indicate a waste collection area on Brookvale Road, the plan states that bins will be presented onto the footpath for collection. I consider the arrangement described in the drawings to be more appropriate, ensuring that bins will not be left on the pavement and generate a nuisance to pedestrians using the footpath. I also recognise the concerns raised by residents, however with the proper management plan in place, I am satisfied that there will be no adverse impact from smells or vermin as a result of the use of an outside collection point for the bins. The external store will only be relied upon on collection days and this is a normal management arrangement that is required for apartment complexes such as the proposed development. As such, I have included a condition in my draft recommended order to secure further details of these arrangements.

12.5. **Proposed Residential Standards**

12.5.1. Daylight and Sunlight

- 12.5.2. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development.
- 12.5.3. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the development against BRE guidelines in relation to daylight and sunlight. The analysis is for selected units in the development that are considered to be representative of units across the site and therefore the results are indicative of predicted daylight levels across the proposed development. The analysis demonstrates that all units comply with BRE minimum target daylight levels.
- 12.5.4. In relation to sunlight, analysis has been provided in accordance with the BRE guidelines on Annual Probable Sunlight Hours (APSH). The APSH modelling involves assessment of the level of sunlight that reaches the main livingroom window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis. The analysis for the proposed development has assessed all windows in the development and not just livingroom windows. It shows that the percentage of windows that comply with BRE values in the proposed development is 55% on an annual basis and 63% in the winter period. The submitted analysis also demonstrates that using a relaxed APSH level, 70% of windows achieve an APSH greater than 20% on an annual basis. The applicant notes contributory factors that are limiting the overall sunlight performance of the proposed development, specifically the number of north east facing windows and projecting balconies in the proposed development. The position of a window beneath a balcony invariably means that sunlight levels will be reduced. The Apartments Guidelines ask that balcony areas adjoin livingrooms to ensure amenity space has a functional relationship with living space and it is recognised that the balconies serve an essential amenity function for a residential development.
- 12.5.5. Overall, I consider that the level of sunlight received to windows in the proposed development is adequate, in recognition of the integral function of projecting balconies in the design and the north east aspect of some windows. I also note that sunlight is not a criterion under section 3.2 of the Building Height Guidelines.
- 12.5.6. In relation to overshadowing of amenity areas, the analysis demonstrates that at least 50% of the proposed communal amenity areas as a combined total will receive

a minimum of 2 hours sunlight on 21st March, complying with BRE target levels. I note that when considering each communal external amenity area individually, while roof terrace areas achieve the BRE target level, the central courtyard area will not. However, when assessing sunlight levels on the 21st June, the central courtyard area will achieve a minimum 2 hours sunlight across most of its extent. Overall, I am content that the proposed development provides sufficient communal amenity for future residents that will not be unduly overshadowed.

Dual Aspect

12.5.7. The Apartment Guidelines state that in central, accessible and some intermediate locations, at least 33% of units should be dual aspect. These types of location are defined in light of their public transport accessibility and walking distance to surrounding centres. The site is a short walk (less than 15 minutes) to surrounding employment centres (RTE Campus / Beech Hill Office Campus / Ballsbridge). The site is also approximately 1,380sqm from Sandymount DART, equivalent to a 17 minute walk from the site and in my view, a reasonable walking distance. The proposed development is also located along a public transport corridor with an existing Quality Bus Corridor (QBC) running along Donnybrook Road. The nearest bus stop is located along the road frontage on the site on Donnybrook Road. As a result, I consider that the application site can accurately be described as a central / accessible location, as defined under the guidelines. Therefore, a minimum 33% for dual aspect units applies.

12.5.8. The applicant has stated that the number of dual aspect units is approximately 46%, which exceeds the policy requirement set out in the Apartment Guidelines. I have checked the submitted plans and can confirm that the units making up the minimum level of dual aspect provision benefit from a true dual aspect. There are no north facing single aspect units. I therefore conclude that the proposed development is acceptable in relation to aspect.

12.5.9. Resident Facilities

12.5.10. The proposed development includes a number of resident's facilities, namely; gym, residents lounge, co-working, delivery store, meeting room, laundry room, reception, cinema / party room, flexible space and reading room. There is no requirement for these spaces in a residential development available for private sale, however the

spaces will benefit future residents and I consider the inclusion of these spaces to be a positive addition to the scheme.

12.5.11. Private Amenity Space

12.5.12. All units within the proposed development have access to private amenity space in the form of a balcony or terrace and all of these amenity spaces meet minimum space standards described in the apartment guidelines.

12.5.13. Communal Open Space

12.5.14. The proposed development includes 1,425sqm of communal amenity space, including play space in the central courtyard, this exceeds the minimum requirement of 914sqm for a scheme of this size.

12.5.15. Accessibility

12.5.16. Chapter 16 Development Standards in the Dublin City Development Plan 2016-2022 states in part 16.8 that equality of access for everybody to all aspects of the built environment, is an essential prerequisite of equal opportunities. Part M of the Building Regulations is also recognised in the plan and describes the standards to ensure that buildings are accessible and usable to everyone, including the aged, people with disabilities and people with children.

12.5.17. The proposed development has a raised ground floor level. Access is provided from street level into the ground floor of the building via ramps, stairs and platform lifts. The ramps have an acceptable gradient to ensure accessibility to all users.

12.5.18. The proposed development also includes an apartment type which is situated at first floor level and accessed via a stair without level access or enclosed lift. This is shown in apartment type 03 in the submitted drawings and comprise units labelled L01-04; L01-05; L01-10; and L01-11. These units are within the main apartment block for the proposed development, distinct to the duplex units located in the block fronting Brookvale Road.

12.5.19. In the approved scheme there were 2 of these apartments with an entrance at first floor via stairs. In the proposed development this has increased to 4 units. These units are located adjacent to apartments accessed via regular accessible core arrangements with enclosed lift. Access to these 4 units at first floor via stairs will

make occupation difficult, or entirely preclude occupation, by people using wheelchairs, pushchairs or those less able to use stairs.

12.5.20. The units are located within Block A which is clearly indicated as a separate block to the duplex units in Block B. I consider that these 4 units are not duplexes and therefore should benefit from the same access afforded to other apartments in the block, rather than being apartments accessed via a stair from ground to first floor. I am not aware of any overarching reason that access must be provided via a stair to these units, but I consider it likely to relate to limiting the number of cores and associated enclosed lifts. As a result, I see no justification to allow restrictive accessibility to these 4 units and I have therefore included a recommendation that these units be redesigned. The consequence of the redesign will result in a reduction in the overall total number of units by 2 (with the number of 2 bedroom units decreased by 4 and the number of 3 bedroom units increased by 2).

Mix

12.5.21. The proposed mix is acceptable and conforms with SPPR 1 of the Apartment Guidelines: 1 bed 48%; 2 bed 45%; 3 bed 7%. In addition, I recommend a redesign to a limited number of units under the title of 'Privacy' in this section below and 'Accessibility' above, which would alter the unit mix marginally, to 49.2% 1 bed; 42.4% 2 bed; and 8.2% 3 bed, which would still be in conformity with SPPR 1 of the Apartment Guidelines.

Floor Area

12.5.22. The individual floor area for apartments meet the standards outlined in the Apartment Guidelines and a majority (54.1%) are greater than 10% larger than minimum standards.

Floor to Ceiling Height

12.5.23. The proposed development provides for a ground floor height of 3.3m and upper floors of approximately 2.85m, exceeding the minimum standards for ceiling heights of at least 2.7m at ground floor and 2.4m on upper floors as described in the Apartment Guidelines.

Number of Apartments to a Core

12.5.24. The proposed development has a maximum of 9 apartments per core in accordance with policy standards described in the Apartment Guidelines.

Privacy

12.5.25. The proposed development includes an internal courtyard which a number of the proposed apartments look on to. In general, the proposed apartments have in excess of 20 metres separation across this courtyard area. The duplex block (Block B) to the south west of the site, looks onto the courtyard area at an oblique angle, preventing direct overlooking towards the north east. However, the two duplex apartments to the north west end of the block are located approximately 13m away from apartments to the north east (Block A). Despite the oblique angle, I consider this proximity to present opportunity for inadvertent overlooking between units. As a result, I have included a condition requiring design amendments to mitigate potential for overlooking here. The affected windows in the duplex units serve either a bedroom or form a secondary window to an open plan living area, therefore I am confident that the inclusion of mitigation to reduce overlooking from these two units will not significantly reduce the amenity of the duplex unit itself.

12.5.26. In addition, overlooking appears between the secondary window for the bedrooms / livingrooms of apartments on the second to fourth floors in the east of Block A. I have therefore included a condition that these secondary windows be obscure glazed to prevent any overlooking.

12.5.27. In relation to balconies, the submitted drawings and visualisations indicate the use of anodised aluminium balustrades to enclose the balcony amenity spaces for all units. While demonstrating an appropriate high-quality visual appearance for the proposed development, I consider these railings to be too transparent between balconies. A more solid treatment between balconies would improve the privacy of future occupiers in the development and therefore create a more usable space. Even where balconies are not directly attached, the close proximity of balconies would in my view benefit from increased solidity to their flank ends, in order to reduce overlooking between balcony spaces. As a result, I have included a condition seeking amendment to the treatment of the flank ends of balconies to increase privacy. The application of this across the proposed development will retain consistency to the design and overall visual appearance.

12.5.28. I note that the Planning Authority raise a concern in relation to the privacy of a unit at ground floor in the proposed development, with windows located directly onto the street edge on Brookvale Road Apartment, specifically apartment L00-11. I concur with the Planning Authority's view on this apartment. While the general arrangement for apartments at ground floor in the proposed development is that the inclusion of balconies/terraces areas and/or planting creates a defensible edge and set back to the street, apartment L00-11 does not benefit from this treatment. I have therefore included a condition to request amendment to improve the privacy to this apartment within the proposed development. A consequence of the redesign will be a reduction in the size of this unit from a 2 bedroom unit to a 1 bedroom unit.

12.5.29. With the inclusion of the above mitigation and amendments, I consider the proposed development to be acceptable in terms of overlooking within the development itself. (Overlooking to surrounding areas is covered in section 12.4 above).

12.6. Traffic and Transport

12.6.1. A Traffic Assessment and Parking Strategy Report is submitted with the application. This describes the potential impact of the proposed development during operation upon the local road network to be negligible. This is because of the low car usage to be associated with the proposed development. I note representations from third parties in relation to the impacts on the surrounding road network, including concern regarding the narrow width of Brookvale Road. I have reviewed the information set out in the submitted report and visited the site. I consider the width of Brookvale Road appropriate to serve the development and I accept the conclusions reached in the submitted report, as a result I consider that the proposed development will not adversely impact the surrounding road network during the occupation phase.

12.6.2. Car Parking

12.6.3. The Apartment Guidelines states that in central and / or accessible locations, the default policy for car parking is to be minimised, substantially reduced or wholly eliminated in certain circumstances, for developments such as the type proposed in this application.

12.6.4. The proposed development includes a parking ratio of 0.51 spaces per a unit. This level of parking is justified in the submitted Traffic Transport Assessment and Parking Strategy Report submitted, and follows detailed consideration of car

ownership rates for the population in the vicinity of the application site, with particular consideration of those areas with a high number of residents occupying apartments. The Planning Authority have not raised any concerns regarding the level of parking proposed in the development. However, representations from location residents raise objections relating to the low quantum of car parking including within the development, and related potential for overspill parking in surrounding streets. Contrary to this, the NTA have requested that consideration be given to reducing the quantum of parking further still, in light of the approach to car parking in the Apartment Guidelines.

12.6.5. The quantum of parking proposed follows the approach in the Apartment Guidelines, minimising the level of car parking in central and/or accessible locations, such as where the application site is located. This is in recognition of the excellent accessibility that future residents will have to high frequency bus links and the good access to other forms of public transport, including DART services via a short walk to Sandymount Station and Luas services that are located a short cycle ride away. The submitted report describes how surrounding car ownership levels (using census data) has influenced the car parking level included in the development and a submitted Mobility Management Plan further supports this. Surrounding the site, parking in streets is controlled by double yellow lines and pay and display schemes.

12.6.6. As a result of the above, and in consideration of the cycle storage level and car club spaces included in the development, I consider the proposed car parking level to be acceptable.

12.6.7. Public Transport

12.6.8. The proposed development is accessible to a range of public transport facilities, including buses, DART and Luas services. No concerns have been raised by either the Planning Authority, NTA or TIF regarding capacity of the public transport network to support the future population of the development.

12.6.9. I note that the NTA state that the proposed development facilitates the Core Bus Corridor 13 Bray to City Centre Project, however a further drawing is required to confirm that the footpath is also catered for as it adjoins the site. I have therefore included a condition to request the same.

12.6.10. Cycle Parking

12.6.11. The proposed development incorporates a ratio of 1.37 cycle spaces per a unit, comprised of 172 spaces at basement level and 28 spaces at ground level in secure stores for use by residents, and a further 4 spaces at ground level for use by visitors. This exceeds the minimum levels set out in the Dublin City Development Plan 2016-2022.

12.7. **Ecological Impact**

River Dodder

- 12.7.1. Inland Fisheries Ireland and The Department of Culture, Heritage and the Gaeltach have both made representations in relation to potential impacts resulting from the construction of the proposed development upon the River Dodder. This is in relation to the dewatering works required as part of construction of the basement for the proposed development and the associated discharge into surrounding water networks. The concern relates to potential adverse impact upon the River Dodder and resultant harm upon the wildlife supported by the river.
- 12.7.2. A Basement Impact Assessment is submitted with the application and describes the Dewatering Strategy for the proposed development. I consider that the information submitted with the application is clear that the groundwater is unpolluted and that while the main contractor will determine the exact method to temporarily de-water the site, this is likely to involve pumping into the local foul or storm water network. In addition, there is also no direct link from the development during construction phase to the river via surface water, due to the separation of the site to the river by road and wall.
- 12.7.3. While the strategy does not provide final arrangements for discharge as part of dewatering works (pending finalisation of the main contractor for the development), it will be necessary for all dewatering activities to be carried out under licence from Dublin City Council and Irish Water. The intention for discharge into the foul and sewage water network is also clearly stated within the application documents.
- 12.7.4. As a result of the above considerations, I am content that it is unlikely that any harm to the River Dodder and the wildlife it supports, would result from construction works on the site, including in relation to dewatering works. However, I have included a condition for a final construction management plan, with a requirement to confirm dewatering arrangements for the site in consultation with the Drainage Division at

Dublin City Council and Inland Fisheries Ireland, to provide certainty regarding the discharge of water as a consequence of basement dewatering works. This mitigation is recommended in relation to potential impacts upon biodiversity in the River Dodder only.

Local Wildlife

- 12.7.5. Concern has also been raised in representations from the local community regarding disturbance of local wildlife. An Ecological Impact Statement has been submitted with the application, confirming that there are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants on this site. In addition, there are no species on the site listed as alien invasive or 'most unwanted' by Invasive Species Ireland. Mitigation measures are recommended in the report relating to nesting birds, and I consider it appropriate to include a requirement as part of a construction management condition, relating to the removal of trees and general site clearance taking place outside of bird nesting season.
- 12.7.6. A Bat Fauna Impact Assessment has also been submitted with the application. This confirms that there is no evidence of bat roosts in any existing structures on the site and that there are no features in the trees on the site that would act as potential roosting areas to bats. Lighting information is also submitted with the application and describes appropriate luminance levels for a residential area.
- 12.7.7. The site is located in a busy urban area with high road traffic exhibited immediately adjacent to the site. As a result, there is significant existing light and noise in the surrounding area. On the basis of the aforementioned considerations, I do not consider that the proposed development will generate additional noise or light that would significantly harm surrounding wildlife.
- 12.7.8. Trees
- 12.7.9. Representations from local residents have raised objection to the application as a result of the removal of trees from the site.
- 12.7.10. An Arboricultural Report has been submitted with the application. This describes existing trees on the site and nearby street trees, along with any impact as a result of the proposed development. The proposed development requires the removal all trees currently located on the site.

12.7.11. It is necessary to remove 46 trees and two tree groups (Cypresses) from the site, as well as incidental shrubbery and hedges. The submitted report describes that works will also be necessary to the street trees on Eglinton Road to facilitate the proposed development. The report describes that while protection measures will be in place for these street trees, both the construction of the development and the resulting development, will place significant pressure upon these street trees that will ultimately impact their longevity. However, the report confirms that protection measures will still be incorporated for these trees on Eglinton Road, as this has been requested by the Planning Authority.

12.7.12. The proposed development will undoubtedly alter the character of this end of Eglinton Road, following both the tree removal and redevelopment of the site. However, as described in section 12.3 above, it is my view that the proposed development will have a positive impact upon the streetscape.

12.7.13. While 46 trees, two tree groups (Cypresses), shrubbery and hedges require removal as part of the proposed development, the majority of this existing planting is located to the rear of the site and is not visible from the surrounding streets and public realm. As a result, the visual amenity offered by these trees to the surrounding character of the street is limited. The shrubs and hedges are part of residential garden planting and hold limited value in themselves. In relation to the trees, I note the Dublin City Tree Strategy 2016-2020 which asks that in the assessment of development, the maximum possible tree retention be sought. However, I consider that the retention of trees on site (and in the long term adjacent to the stie on Eglinton Road), is not compatible with the proposed development. I note that there is no specific protection for the existing trees on the site and that 39 new trees, including Fastigiata Oak, Cherry, Hazel, Pine and Birch will be included in the proposed development.

12.7.14. The proposed development will include substantial new hedge and shrub planting along with 16 new trees along Eglinton Road, Donnybrook Road, and the corner to Brookvale Road. The new tree planting on these boundaries will contribute to the public realm and it is my view that these new semi-mature trees will adequately replace the existing trees to be lost on the site that are currently visible from the street. In addition, this new tree planting will form an adequate replacement for street trees on Eglinton Road, in recognition that the proposed works on the site will undoubtedly shorten the lifespan of those street trees. The remaining 23 new trees to

be planted within the proposed development courtyard area will offer further adequate replacement for the other trees to be removed from the site. Overall, I consider that the proposed arrangements for tree removal and replacement on the site are acceptable.

12.8. Material Contravention

- 12.8.1. 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.
- 12.8.2. I have considered the issue raised in the applicants submitted statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).
- 12.8.3. I draw the Boards attention to the height of the proposed development which exceeds the DCP height strategy for this area of 16m, rising to a maximum of 43m (12 storeys, with raised ground level and double height 12th storey). The previous consent on the site was also above this datum, at a maximum 7 storeys in height.
- 12.8.4. 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 12.3 above, including related assessments in section 12.4, 12.5 and 12.9 of this report. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations, landscape and visual impact assessment, microclimate assessment, ecological impact assessment, bat fauna assessment and telecommunications report.

- 12.8.5. 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).
- 12.8.6. 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 2.3 and other related sections of this report (12.4, 12.5 and 12.9), that address these criteria in detail.
- 12.8.7. Following reflection of the above, I am satisfied that a grant of permission, that may be considered to materially contravene the Dublin City Development Plan is justified in this instance. I have incorporated specific reasoning and justification having regard to s.37(2)(b) of the 2000 Act (as amended) into the Conclusion and Recommended Order for the Board's consideration at the end of this report.

12.9. **Other Issues**

12.9.1. Flood Risk / Surface Water Runoff / Drainage

- 12.9.2. The Planning Authority Drainage Division have provided comments on the application. Whilst they confirm that they have no objection to the development

subject to conditions, they do raise concerns regarding the detail of the submitted Site Specific Flood Risk Assessment with the application.

12.9.3. I note that criteria under section 3.2 of the Building Height Guidelines includes that proposals are to be in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009) (the ‘Guidelines’).

12.9.4. I also note that there were no conditions under the approvals from either the Planning Authority or An Bord Pleanála relating to flood risk for the approved development on the site (ref.3047/18; ABP ref.303708-19). The layout of the approved scheme is broadly the same as the proposed development and the basement is very similar to the basement described in the proposed development. The finished floor level is also the same in the two schemes.

12.9.5. I have reviewed the comments received from the Drainage Division on the current application and cross referenced this with the information provided by the applicant, and the requirements in both the Guidelines and Dublin City Councils Strategic Flood Risk Assessment. I have summarised each of the matters raised by the Drainage Division in the bullet points below and provided my assessment of each point in turn:

- Confirmation of whether present (temporary) or planned (permanent) flood risk defence measures have been used to inform the findings of the FRA;

The submitted Site Specific Flood Risk Assessment describes that “the pathway for fluvial flood water to the site originates downstream of Anglesea Bridge and that flood defences in this area are in place.” Extracts are also provided of correspondence with Dublin City Council regarding the Dodder Flood Alleviation Project that is being progressed in the area. The correspondence is dated March 2018 and confirms that the work is ongoing. The defence level will be the 100 year flood defence level plus freeboard, with temporary defences in place to this level until then. As temporary defences reflect the same level of defence as permanent defences and the project is at an advanced stage of implementation, I see no reason to seek further clarification on this matter.

- Risk for the 0.1% AEP flood event;

The submitted Site Specific Flood Risk Assessment assesses a 1 in 100 year return period flood event (expressed as 1% AEP). This is in accordance with the

Guidelines for flood zone A where the site is located, where the annual probability of flooding is greater than 1% for fluvial flooding or greater than 0.5% for coastal flooding. The Guidelines state at paragraph 2.24 that “the 0.1% limit is provided in order to guide highly vulnerable development away from areas where flooding is relatively rare but can occur.” The Guidelines suggest that residual risk should be considered as a result of flooding from overtopping or breach of flood defences and that finished floor levels should take this into account. Paragraph 5.19 and 5.20 of the Guidelines states that planning legislation (Schedules of Planning and Development Act, 2000 as amended) allows for the framing of conditions to deal with flood risk and that conditions should deal with any residual risk.

The Site Specific Flood Risk Assessment confirms that the site is in a defended area and the proposed development will not result in any loss of active floodplain, therefore there is no change to the residual risk profile of adjacent areas.

However, I consider it appropriate to include a condition to require mitigation relating to residual flood risk. This will require the risk of a 0.1% AEP event being used to inform the finished floor level for the development and is linked to the point below.

- Clarity of the assessment used to set finished floor levels;

The submitted Site Specific Flood Risk Assessment confirms that the fluvial flood water level adjacent to the site would be 8.35m AOD for the 1% AEP event, the tidal flood level would be 3.07m AOD in the 1% AEP event and 3.28m AOD for the 0.1% AEP. The existing ground level on the site varies between 8.37m AOD and 10.10m AOD. The proposed ground finished floor level will be 10.6m AOD, providing a freeboard of 2.25m above the 1.0% AEP flood water level. These are the same details as approved under the consented development for the site.

The Guidelines state on page 72 that the minimum floor level for new development should be set above the 1 in 100 river flood level including an allowance for climate change, with appropriate freeboard. The Dublin City Council Strategic Flood Risk Assessment describes that mitigation in the form of raised finished floor levels, should take suitable account for climate change and freeboard area, which should be at least 300mm, or higher in tidal risk areas.

As the proposed finished floor level complies with the minimum level described under the Guidelines and exceed the minimums described in the Dublin City Council Strategic Flood Risk Assessment, this in my view is adequate for the 1% AEP event relevant to Flood Zone A where the site is located. I also note that permission exists on the site for a residential development with the same finished floor level. However, as stipulated in relation to the bullet point above, I consider that review of residual flood risk of the 0.1% AEP would also be beneficial and should inform the final finished floor level selected for the development. This can be secured by condition and is in accordance with the approach to development management described under the Guidelines.

- Consideration of Climate Change;

The proposed finished floor level is 2.25m above the 1% AEP and therefore accounts for climate change (20% increase in flows and / or 0.5m increase in sea level and / or 20% increase in rainfall depth). (Refer to the bullet point and associated assessment above for further detail).

- Flood risk to the proposed basement area;

The submitted Site Specific Flood Risk Assessment identifies that the proposed basement flood level will be below the flood water level and will accommodate no residential units. The entrance to the basement car park will be from the existing road level of approximately 9m AOD. It is proposed to provide a flood gate system with the management company subscribing to a weather and flood risk warning service. It is recommended in the assessment that the management company take responsibility for the operation of this gate. The assessment also confirms that electrical sockets at basement level are rated for immersion in water and structural walls and columns are designed for short-term immersion. Flood resilient building techniques and materials will be employed in the basement to minimize disruption and facilitate shorter clean up times.

I note that these are the exact same arrangements detailed in the flood risk assessment as part of the approved development on the site (ref.3047/18; ABP ref.303708-19). The flood risk assessment for that application was revised following a request for further information and there were no subsequent conditions under the approvals from either the Planning Authority or An Bord

Pleanála relating to flood risk. The layout of the approved scheme is broadly the same as the proposed development and the basement is very similar to the basement described in the proposed development. The finished floor level is the same in the two schemes. In light of the information submitted in the assessment and the recent nature of that consent, I see no reason why further detail relating to the flood risk of the basement area should now be required.

- Confirmation regarding how use of weather and flood risk warning services will be appropriate for the site;

The submitted Site Specific Flood Risk Assessment confirms that in the unlikely event of a breach of flood defences, flooding depths in a 1% AEP fluvial flood event would generally have a depth of 0-0.25m and the velocity of flow would generally be 0.5-1m/s, resulting in a hazard of 'low'. The submitted Site Specific Flood Risk Assessment states that it is proposed to provide a flood gate to the entrance of the basement with sample details provided, and it is recommended that the management company subscribe to available weather and flood risk warning services. As indicated above, these are the same measures set out as part of the approved development on the site and therefore have previously been accepted as appropriate for the site.

- Cumulative risk of fluvial and pluvial events should be addressed.

The submitted Site Specific Flood Risk Assessment describes the risk of pluvial flooding for the site. The assessment states that the proposed ground level is higher than the existing surrounding road levels and in the event of pluvial flooding, there would be no impact upon habitable spaces in the proposed development. The same mitigation measures incorporated into the design and finish of the building to respond to fluvial flooding, will protect in the event of pluvial flooding. I note that the finished floor levels exceed the minimum raised levels set out in the Guidelines and Strategic Flood Risk Assessment. Therefore, I am content that this adequately accounts for any increased flows in the unlikely cumulative event from both fluvial and pluvial sources. I consider this to be unlikely given the defended character of the site. However, I do recommend that a condition is included to further consider residual flood risk and that this inform

the final finished floor level for the site, this would also protect against any cumulative flood event.

12.9.6. Overall, I consider that there is sufficient information on the file to determine there is no significant risk in terms of flooding. I note that the site is in a defended location, with flood defences accounting for a 1 in 100 return period fluvial flood event with additional freeboard area, which will account for climate change. This is an existing residential site with dwellings located upon it. There is no record of historical or recent flooding on the site. There is a recent planning approval for redevelopment of the site with a similar layout, basement provision and the exact same details for flood risk mitigation, including raised floor levels to the same height as indicated in the proposed development. There were no conditions relating to flood risk attached to the previous consents from either the Planning Authority or An Bord Pleanála. In my view, the submitted Site Specific Flood Risk Assessment has been prepared in accordance with the Guidelines and adequately demonstrates that the subject site passes the justification test for development plans and development management. I consider that review of residual flood risk of the 0.1% AEP would also be beneficial and should inform the final finished floor level selected for the development. This can be secured by condition and is in accordance with the approach to development management described under the Guidelines.

12.9.7. In consideration of the above findings, I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

12.9.8. I note third party representations in relation to water and drainage services in the area and concern regarding the additional strain the proposed development would place on these. Irish Water have not raised any concerns relating to the proposals and have confirmed feasibility for the development. I am satisfied that with the incorporation of conditions, the proposed development is acceptable in relation to drainage and water infrastructure.

12.9.9. Social Infrastructure (creche)

12.9.10. The Guidelines for Childcare Facilities requires the provision of childcare facilities for new housing for 75 or more dwellings unless there is justification to exclude such provision. This may include the existing provision of childcare facilities in the area

and/or the exclusion of 1 bedroom units that are unlikely to generate any associated child yield.

12.9.11. A Childcare Requirements Report has been submitted with the application. This sets out the justification for not including a childcare facility as part of the development. The report describes that following exclusion of 1 bedroom units, the proposed development would be expected to generate a yield of 8 children aged 0-4 years based upon demographic data for the area surrounding the site. The report then concludes that a facility should therefore not be required as the predicted child yield is less than the 20 number spaces suggested in the guidelines to trigger the requirement for a facility.

12.9.12. The report also provides details of 28 existing creche/childcare facilities located in Dublin 4, with 11 of these within 1.5km radius of the application site. I note that there is no indication as to whether there is capacity in any of these facilities to accommodate children arising from the proposed development, however given the construction timeframe for a development of this size, a review of capacity levels at this time would be of limited assistance in determining appropriate capacity at the time the proposed development would be occupied in future.

12.9.13. Overall, I consider that the submitted Childcare Requirement Report satisfies the exclusions described in the Childcare Guidelines and therefore a facility need not be incorporated into the proposed development.

12.9.14. Energy and Sustainability

12.9.15. An Energy and Sustainability Report has been submitted with the application. This describes the incorporation of low and zero carbon energy sources for the development. Solar photovoltaics are included along with green roofs on unoccupied roof areas in the proposed development. The proposed development also benefits from efficiencies as a result of it's proximity to existing public transport and other infrastructure.

12.9.16. Archaeology

12.9.17. The application site is located in the Zone of Archaeological Constraint for Recorded Monument DU018-060/DU022:082 (Settlement), which is listed on the Record of Monuments and Places (RMP) and is subject to statutory protection under Section 12

of the National Monuments (Amendment) Act 1994. The site is also located within the Zone of Archaeological Interest in the Dublin City Development 2016-22.

12.9.18. The Archaeology Division of the Planning Authority have recommended conditions in relation to archaeological recording on the site. The Department of Culture, Heritage and the Gaeltacht have also requested a condition in relation to archaeological monitoring during works on the site. I have therefore including conditions relating to the same.

12.9.19. Part V

12.9.20. The applicant has submitted Part V proposals as part of the application documents. 14 no. apartments are identified in compliance with Part V of the Planning and Development Act 2000 (as amended). The Planning Authority Housing Department have confirmed that the Donnybrook Partnership has engaged with the department and are aware of the Part V obligations pertaining to this site if permission is granted. I note that elected members have expressed concerns regarding the cost of the Part V housing in the development based upon the assumptions provided by the applicant, however no objections have been raised by the Planning Authority or Housing Department. As a result, I consider the Part V proposals submitted to be acceptable.

12.9.21. Advertisement Hoarding

12.9.22. Proposed site hoarding plans have been submitted with the application. These show that hoardings with signage area will be located across the full extent of Brookvale, Eglinton and Donnybrook Roads.

12.9.23. Given the urban character of the area, I have no objection to the use of this hoarding area for signage. The advertisements will be temporary and during the construction period only. There is no illumination or visual displays detailed and the proposed signage would be static.

12.9.24. In addition to advertisement on the hoarding area, I consider it appropriate for site management details to also be displayed. This will ensure that if local residents need to contact site management, details can be easily ascertained. I have therefore included a condition to require an area of the hoarding to be reserved for the display of this information on each road frontage.

12.9.25. Property Values

12.9.26. I note submission of third party representations relating to the impact of the proposed development upon property values in the area. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.

13.0 Conclusion and Recommendation

13.1. The proposed demolition of buildings and construction of the residential development, is acceptable in principle at this site with regard to the relevant Z1 – Sustainable Residential Neighbourhoods zoning. The provision of increased height and higher density residential development at this location is desirable with regard to its central / accessible location and proximity to high frequency transport services and surrounding infrastructure. The height, bulk and massing, detailed design and layout of the scheme are acceptable. I am also satisfied that the development would not have any significant adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

13.2. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

14.0 Recommended 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 2nd Day of June 2020 by The

Donnybrook Partnership care of John Spain Associates, 38 Fitzwilliam Place, Dublin 2.

Proposed Development:

- Demolition of existing 6 no. two storey dwellings and ancillary structures at No. 1, 3, 5, 7, 9 and 11 Eglinton Road;
- Construction of a residential development of 148 no. residential units comprising 71 no. 1 bedroom units, 58 no. 2 bedroom units, 9 no. 2 bedroom duplex units and 10 no. 3 bedroom units;
- The height of the proposed development ranges from 3 to 4 storeys along Brookvale Road, 5 to 12 storeys along Donnybrook Road, 4 to 12 storeys along Eglinton Road, including a double height feature at 12th storey level at the junction of Eglinton Road and Donnybrook Road, with a maximum overall height of 43.1 metres over existing ground level;
- Provision of private open space to serve all residential units in the form of balconies or terraces;
- Provision of ancillary residential communal areas including external central landscaped courtyard, internal resident amenities spaces at ground floor level including residents lounge, co-working space, gym, management area and at seventh floor level including cinema room, reading room, and 2 no. rooftop terraces, the first located towards the middle of the south end of the site and the second located to the north end of the site;
- Provision of basement including 75 no. car parking spaces, 4 no. motorcycle spaces and 172 no. cycle spaces and all ancillary areas such as plant, storage and attenuation;
- Vehicular access will be provided from Brookvale Road;
- The development includes all associated site development works, hard and soft landscaping (to include 4 no. cycle spaces at street level) SUDS drainage, PV panels on roof of 12th storey, provision of hoarding around site boundary (with scheme advertisement zone c. 302.25sqm along Eglinton road

and Donnybrook Road) during construction phase, ESB substation and all other ancillary works necessary to facilitate the development.

Decision

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

Matters Considered

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

15.0 Reasons and Considerations

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

- (a) the location of the site in the established urban area of Dublin City in an area zoned for residential;
- (b) the policies and objectives of the Dublin City Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018 and particularly Specific Planning Policy Requirement 7 and 8;

- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history of the site (including extant permission) and within the area;
- (l) The submissions and observations received;
- (m) The Chief Executive Report from the Planning Authority; and
- (n) The report of the inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

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

Environmental Impact Assessment Screening

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

Having regard to:

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dublin

City Development Plan 2016-2022 in relation to building height. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and consideration.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

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.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

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.

16.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) All apartment units (units in Block A and not within the duplex Block B) shall be redesigned to ensure full accessibility to all users (via an enclosed lift):
 - (i) unit L01-05 will be provided access from Core 2 at first floor level and combined with unit L01-04, to provide a redesigned, larger, fully accessible single unit;
 - (ii) unit L01-10 will be provided access from Core 2 at first floor level through the creation of a new section of corridor within the far end of the double height space shown for the reception area. With the first floor void and double height space to the reception to be retained as it adjoins the entrance;
 - (iii) subsequent redesign of units L01-10 and L01-11 at first floor to combine and provide a larger, fully accessible single unit; and
 - (iv) subsequent redesign of units L00-03, L00-04, L00-05 and L00-06 at ground floor to remove stair access and incorporate the resultant space into the units.

(b) Apartment L00-11 at ground floor shall be redesigned to incorporate a buffer between its windows and the street edge. The buffer shall be in the form of planting and balcony area. The apartment should subsequently be reduced in size to a 1 bedroom unit to accommodate the changes.

(c) The front boundary fencing and wall shall be reduced in height to a maximum of 1.4m.

(d) All balconies in the development should include a non-transparent, solid flank end treatment to increase privacy.

(e) Block A apartments LO2-22, LO2-23, LO3-22, LO3-23, LO4-21 and LO4-20, shall include obscure glazing to the secondary windows of bedrooms / livingrooms overlooking north west / south east.

(f) Windows in the courtyard façade of duplexes LO1-19-DPX and LO1-20-DPX shall incorporate measures to prevent overlooking of apartments in Block A to the north east of the proposed development.

As a consequence of the above amendments the total number of units permitted is 146 no. residential units comprising 72 no. 1 bedroom units, 53 no. 2 bedroom units, 9 no. 2 bedroom duplex units and 12 no. 3 bedroom units. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. The boundary planting and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme

submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

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

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

6. Comprehensive details of the proposed telecommunications mitigation required as a result of the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. In

the event that installation of a hop site or any other equipment on the roof of the development is required as part of telecommunications mitigation, provision of screening shall be required to mitigate the visual impact of this. Full details of the appearance, material finish and size of screens shall be provided to the Planning Authority for approval prior to installation of the any roof level telecommunications mitigation (if required). The agreed telecommunication mitigation measure(s) (along with any associated screening) shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

7. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for use of the screened communal bin store on Brookvale Road for collection only, with details of the responsible personnel and arrangement for the movement of bins between storage and collection points on collection days only.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission. With the exception of any telecommunications mitigation measure(s) and associated screening required in conjunction with condition 6 of this consent.

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

9. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Strategy, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. 204 no. bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. The Mobility Management Strategy submitted with the application shall implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

12. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

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

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

14. Prior to commencement of development, a drawing illustrating compatibility with the implementation of the BusConnects project with final footpath details on Donneybrook Road and allowance for the Dodder Greenway proposal to the boundary of the site, shall be submitted to the planning authority in consultation with the National Transport Authority, for approval.

Reason: In the interest of traffic safety and to prevent the development of this area prior to its use for future road improvements.

15. Details of any alterations to the road and pedestrian network serving the proposed development, including loading areas, footpaths, kerbs and access road to the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety

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

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage

Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

17. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

18. Prior to commencement of the development, an addendum to the Site Specific Flood Risk Assessment (SSFRA) shall be submitted to, and agreed in writing with the Planning Authority. The addendum to the SSFRA shall consider the 0.1% AEP flood event as part of residual flood risk associated with the site and the findings shall inform the final finished floor level for the development.

Reason: In the interests of public health and flood risk mitigation.

19. (a) Prior to commencement of development, all trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be

retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of street trees on Eglinton Road and Brookvale Road, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained adjacent to the site unless otherwise agreed with the Planning Authority.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

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

Reason: In the interest of sustainable waste management.

21. The construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- a) Works to remove trees and structures from the site shall take place outside of bird nesting season;
 - b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - c) Location of areas for construction site offices and staff facilities;
 - d) Details of site security fencing and hoardings. Hoardings shall include a 1sqm area on each road frontage detailing site management contact details;
 - e) Details of on-site car parking facilities for site workers during the course of construction;
 - f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - g) Measures to obviate queuing of construction traffic on the adjoining road network;
 - h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - m) Details of dewatering arrangements for construction of the basement to be determined in consultation with the Drainage Division at Dublin City Council and Inland Fisheries Ireland;
 - n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
 - o) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

22. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on

Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

23. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

24. Proposals for an estate name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

25. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

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

Rachel Gleave O'Connor
Planning Inspector

24th August 2020

Appendix A – List of Observers

1. Anne Fitzgerald
2. Donal and Frances Costigan
3. Donal and Maureen Cahalane
4. Haast Investments Ltd.
5. Ian Whyte
6. John Blake Dillion
7. Lisa Cuddy
8. Pradeep and Grainne Govender
9. Robin Bryan
10. Robin Mandal
11. Susan Nolan