



An
Bord
Pleanála

Inspector's Report

ABP-307804-20

Development

Permission (for a period of 10 years) for development comprising the demolition of single-storey warehouse buildings sub-divided to comprise 8 retail/retail warehouse units, to provide a mixed use development and all ancillary works; comprising 9 buildings ranging in height from 7-18 storeys. The residential component comprises of 1,102 units consisting of build-to-rent residential development.

Location

Royal Liver Assurance Retail Park, Old Naas Road, Dublin 12. The site is bounded by Kylemore Road (R112) to the west; Old Naas Road to the north; Naas Road (R810) to the south; and Brooks (Building Providers) to the east.

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

4238/19

Applicant(s)

Shorevale Investments

Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	BOC Gases
Observer(s)	(1) Terence & Yvonne Heffernan (2) Vera Callaghan (3) June Dowd
Date of Site Inspection	02 nd November 2020
Inspector	Colin McBride

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1.0 Site Location and Description

- 1.1 The appeal site, which has a stated area of 3.7921 hectares, is located to the south west of Inchicore and north of Walkinstown. The appeal site is occupied by the Royal Liver Retail Park, which is defined by the Naas Road (R810) to the south, the Kylemore Road (R112) to the west and the Old Naas Road to north. To the east of the site is a commercial premises (Brooks building supplies). The site is occupied by various retail warehousing units. The area is predominantly a commercial/industrial area with retail warehousing/commercial uses however there are some residential uses in the vicinity. The nearest dwellings to the appeal site are located on the opposite side of the Old Nass Road with 8 no. single-storey semi-detached dwellings. On the opposite side of the Naas Road at its junction with Kylemore Road a new residential development is under construction. The appellants BOC gases Ltd are located on a site to the west off John F Kennedy Drive.

2.0 Proposed Development

- 2.1. Permission is sought (for a period of 10 years) for development comprising the demolition of single-storey warehouse buildings sub-divided to comprise 8 retail/retail warehouse units, to provide a mixed use development (comprising residential, office, crèche, community, retail, cafe/bar/restaurant, medical centre, pharmacy uses) and all ancillary site works; comprising 9 no. buildings ranging in height from 7 to 18 storeys over basement level, with a total GFA of c.129,210sqm plus c.38,399sqm relating to ancillary car parking, bicycle parking, plant, waste storage facilities, storage services, including at ground (sub-podium) and basement levels. The residential component comprises 1,102 no. units consisting of built-to-rent residential development comprising 992 no. BTR apartment units and 110 no. apartment units, in addition it proposed to provide 203 BTR shared accommodation units. The proposal also provides for an 18-storey office block, 1 no. retail unit (c.2,360sqm), 4 no. café/bar/restaurant units, a medical centre and a crèche.

A breakdown of the residential units is as follows...

The residential component comprises 1,102 No. units consisting of Build-to-Rent Residential Development comprising 992 No. apartment units within Blocks B1, B2,

C1, C2, E2, D1, F1, F2 (comprising 4 No. Studio units, c.38m² GFA; 484 No. 1 Bedroom units (ranging in size from c.49.2m² to c.60.7m² GFA); 490 No. 2 Bedroom units (ranging in size from c.75.3m² to c.85.3m² GFA); 14 No. 3 Bedroom units (ranging in size from c.100.0m² GFA to c.101.5 m² GFA); with resident support facilities, services and amenities at ground and upper floor levels (with a total GFA of c.4,477m²);

110 No. apartments within Blocks D2, E2 and F2; and Build-to-Rent Shared Accommodation comprising 203 No. Single Occupancy Bedrooms within Block E1, as described per block below:

Block B1 (Total GFA: c.9,278m²): 12 storey building (overall height +c.84.4m OD), comprising 90 No. Build-to-Rent units (54 No. 1 bed units and 36 No. 2 bed units) at 2nd to 10th floor levels, with resident support facilities, services and amenities (c.2,160m² GFA) including lounge, kitchen room, games room, post area, admin suite, reception, office, etc., at ground floor level; lounge, private dining room, quiet room, etc., at 1st floor level; resident's lounge, private dining room and external amenity area at 11th floor level; PV panels at roof level; and with balconies on the north-western, eastern and southern elevations;

Block B2 (Total GFA: c.8,963m²): 11 storey building (overall height +c. 81.65m OD), comprising 90 No. Build to Rent units (4 No. studio units, 32 No. 1 bed units and 54 No. 2 bed units) at 1st to 9th floor levels, with resident support facilities, services and amenities (c.949m² GFA) at ground floor level including, resident's foyer, quiet room, after school club, office, etc.; multi-purpose hall and rooms (c.268.5m² GFA); with external amenity area and PV panels at roof level; and with balconies on the western, eastern and southern elevations;

Block C1 (Total GFA: c.17,400m²): 11 storey building over basement level (overall height +c. 81.65m OD) comprising: 171 No. Build-to-Rent units (100 No. 1 bed units and 71 No. 2 bed units) at 1st to 9th floor levels, with resident support facilities, services and amenities (c.978m² GFA) including cinema room, fitness suite (gym),

shower and changing rooms etc., (extending across Blocks C1 and C2) at ground floor level; with resident's lounge, external amenity area and PV panels at 10th floor (roof) level; 1 No. café / bar / restaurant (c.176.9m² GFA) with access from proposed public plaza / pedestrian route to west of Block C1; 1 No. retail unit (c. 2,360m² GFA), at ground floor level of Block C1 and C2, with access from public plaza / pedestrian route to west of Block C1, and from ground floor (sub-podium) level car park, accessed from proposed entrance on Old Naas Road; and with balconies on the northern, western, eastern and southern elevations;

Block C2 (Total GFA: c. 7,728m²): 11 storey building over basement level (overall height +c. 81.65m OD) comprising 89 No. Build to Rent units (34 No. 1 bed units and 55 No. 2 bed units) at 1st to 9th floor levels, with external amenity area, green roof and PV panels at 10th floor level; and with balconies on the western, eastern and southern elevations; Blocks B1, B2, C1 and C2 are located on the southern side of the site, adjacent to Naas Road.

Block D1 (Total GFA: c.7,498m²): 10 storey building over basement level (overall height +c. 77.0m OD), located to west of site, to the south of Block D2, comprising 87 No. Build-to Rent-units (38 No. 1 bed units and 49 No. 2 bed units) at 1st to 8th floor levels; with resident support facilities, services and amenities (c.31m² GFA) (resident's lounge) and external amenity area at 9th floor level; and with balconies on the western, eastern and southern elevations;

Block D2 (Total GFA: c.11,080m²): 8 storey building over basement level (overall height +c. 73.45m OD) fronting to Old Naas Road to the north, comprising 106 No. apartments (21 No. 1 bed units, c.49.2m² GFA; 64 No. 2 bed units (ranging in size from c.75.3m² to 83.1m² GFA), and 21 No. 3 bed units (ranging in size from 100.0m² GFA to 101.5m² GFA), at ground to 7th floor level;

Blocks E1 and E2 form a single block located to the west of the pedestrian route through the scheme;

Block E1 (Total GFA: c.8,742m²): 8-10 storey building over basement level (overall height +c. 76.85m OD), comprising 203 No. Build-to-Rent Shared Accommodation Single Occupancy Bedrooms (ranging in size from c.18.3m² GFA to c.30.7m² GFA), with communal kitchen / dining / living facilities to serve the residents at basement to 9th floor levels, comprising 1 No. fitness suite (gym) (c.196.7m² GFA), 1 No. cinema room (c.64.1m² GFA), residents dining area, lounge / reception areas at ground floor level; communal kitchen / dining / living facilities (c.134.8m² GFA) and 1 No. reading room (c.33.2m² GFA) at 1st, 4th, 7th floor levels; communal kitchen / dining / living facilities (c.115.2m² GFA) and 1 No. games room (c.33.2m² GFA) at 2nd, 3rd, 5th, 6th floor levels; communal kitchen / dining / living facilities (c. 55.7m² GFA) at 8th and 9th floor level; provision of communal amenity space at 8th floor level; 1 No. café / bar / restaurant (c.253.2m² GFA) (also publicly accessible from public square / pedestrian route to south of Block E1) at ground floor level; and with balconies on the southern elevation;

Block E2 (Total GFA: c.6,808m²): 7 - 8 storey building over basement level (overall height +c. 70.55m OD), comprising 2 No. 2 bed apartments (c.77.8m² GFA) at ground floor level; and 78 No. Build-to-Rent units (47 No. 1 bed units and 31 No. 2 bed units) at 1st to 7th floor levels; with resident support facilities, services and amenities (c.69m² GFA) (residential foyers) at ground floor level; with external amenity area at 7th floor level; PV panels and plant equipment at roof level; and with balconies on the northern, western, eastern and southern elevations;

Block F1: (Total GFA: c.17,964m²): 9 storey building over basement level (overall height +c. 73.85m OD) located in the north-west of the site adjacent to junction of Old Naas Road / Kylemore Road comprising 2 No. 2 bed apartments (c.80.3m² GFA) at ground floor level; 205 No. Build-to-Rent units at ground to 7th floor levels, comprising (106 No. 1 bed units; 85 No. 2 bed units and 14 No. 3 bed units) with resident support facilities, services and amenities (c.177m² GFA) including residents foyers at ground and 8th floor levels, resident's lounge at 8th floor level; green roof, external amenity area at 8th floor level; and with balconies on the northern, western, eastern and southern elevations;

Block F2: (Total GFA: c. 16,456m²): 10 storey building over basement level (overall height +c. 80.15m OD) adjacent to Kylemore Road to the west, pedestrian route / public plaza to the south, comprising 182 No. Build-to-Rent units at ground to 9th floor levels, comprising (73 No. 1 bed units and 109 No. 2 bed units) with resident support facilities, services and amenities (c.113m² GFA) including residential foyers etc., at ground floor level, with external amenity area and plant equipment at roof level; 1 No. pharmacy unit (c.74.6m² GFA), 1 No. medical centre (c.237.2m² GFA) and 1 No. café / bar / restaurant (c.126.5m² GFA) at ground floor level, with access from proposed public square / pedestrian route to south of Block F2; and with balconies on the northern, western, eastern and southern elevations;

- 2.2. A number of revisions were made in response to further information. These include drawings indicating the provision of a pedestrian crossing on the western arm of the Old Nass Road, Kylemore Road junction, and a pedestrian crossing on the southern (Walkinstown Ave) and eastern arm of the Nass Road, Kylemore Road junction. The drop off and pick up facilities for the crèche facility have been relocated into the internal car parking area to east of the site. There are other alterations to the roads layout externally with consideration of the NTA Orbital CBC route proposals.

3.0 Planning Authority Decision

3.1. Decision

Permission grant subject to 25 conditions. Of note are the following conditions...

Condition no. 15: Traffic revisions to be agreed prior to the commencement of development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (12/12/19): Further information required including confirmation of compliance with Apartment guidelines standards regarding north facing/dual aspects units, address concerns regarding impact on existing residential properties along

Kylemore Road and Old Naas Road and the requirements of the Transportation Section

Planning report (09/07/20): The proposal was considered to be acceptable in the context of the visual amenities of the area compliant with Development Plan and national policy, adjoining amenity, traffic impact and, therefore, acceptable in the context of the proper planning and sustainable development of the area. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (21/11/19): No objection subject to conditions.

City Archaeologist (27/11/19): No objection subject to condition (archaeological assessment).

Transportation Planning (02/12/19): Further information additional information regarding traffic layout and car parking provision.

Transportation Planning (26/06/20): Clarification of further information including revised Traffic assessment having regard to revised proposals including removal of the left-turn lane from the Naas Road onto Kylemore Road.

3.3. Prescribed Bodies

3.3.1 HSA (13/11/19): The HSA's policy document in regards to COMRAH Risk-based Lane-use planning should be consulted. It is noted that the application is covered by Regulation 24(2)(c) of S.I. 209 of 2015. The HSA does not advise against the granting of permission. Future development around COMRAH establishment has the potential to impact on the expansion of those establishments.

3.3.2 TII (19/11/19): Vibration and settlement monitoring regime for Luas Track infrastructure to be submitted for written agreement with PA and TII prior to commencement of development. The applicant to ensure no adverse impact on Luas operation and infrastructure.

- 3.3.3 NTA (21/11/19): Demonstration required that proposal based on public transport accessibility can cater for a range of travel needs across socio-economic group facilitating sustainable development.
- 3.3.4 TII (06/03/20): Consultation and written agreement required for works in close proximity to Luas infrastructure and all work must be carried out in a manner that ensures no adverse impact on such infrastructure.
- 3.3.5 NTA (23/03/20): The revisions were noted and it was determined that the proposal would not impact the Clondalkin-Drimnagh CBC. It is noted that the proposal can proceed subject to proper consideration of sustainable development.

3.4. Third Party Observations

- 3.4.1 A significant number of submissions were received. The issues raised can be summarised as follows...
- Consideration of its proximity to a SEVESO site, LAP policy regarding SEVESO sites, quality of amenity for residents in terms of acoustic quality/ventilation, western elevation inappropriate for residential accommodation, loss of privacy and overshadowing of existing residential properties, construction impact on existing residents, size and scale of the proposed development, capacity of Luas to cater for additional population.

4.0 Planning History

- 4.1 PL29S.240320 (3702/11): Permission refused for a left in/left out junction and associated access road from the eastbound carriageway of the R1100 Naas Road to serve the existing retail park. Refused based on one reason...

1. The Naas Road is a significant arterial road linking Dublin City with suburbs to the southwest, to the M50, and to national primary routes. It is also a major public transport corridor, accommodating a Luas line and a Quality Bus Corridor, as well as being a significant route for cyclists and pedestrians. The proposed development would result in traffic movements across a bus lane at a location where there is only one lane for general traffic, no cycle lane, and no verge, and may result in u-turn movements at the Kylemore Road junction and at the junction with the Carriglea Industrial Estate to the east. Traffic movements associated with the proposed development would result in endangerment of road users, including motorists, bus passengers, cyclists and pedestrians. Therefore, the proposed development, by itself and by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a major road by traffic and would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise.

- 4.2 PL29S.232080 (1337/08): Permission refused for a mixed use development comprising of demolition of existing structures and construction of hotel, restaurant/cafe/bar and 248 no residential units. Refused for the following reasons...

1. The site is within an area within the land use zoning objective Z6 “to provide for the creation and protection of enterprise and facilitate opportunities for employment creation” in the Dublin City Development Plan, 2005-2011, a variation to the Plan is currently proposed by the planning authority which provides for the rezoning of these lands (along with other lands 42 hectares) from Z6 to Z14: to seek the social, economic and physical development and or rejuvenation with mixed use of which residential and Z6 would be the predominant use and to identify 38.54 hectares of this area as Prime Urban Centre in accordance with The Naas Road Land Use Strategy. Having regard

to the current zoning and notwithstanding the proposed variation referred to, it is considered that the overall quantum of residential and commercial development proposed would represent overdevelopment of the site, would be excessive in terms of site coverage, density and height and deficient in terms of open space provision and the overall quality of urban design on this important site. The proposed development would, therefore, by itself, and by the precedent it would set for the development of other land in the vicinity, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located at the strategic road junction of the Kylemore Road and the Naas Road, a major artery to Dublin city for both general traffic and public transport. Having regard to the scale of development proposed with an access immediately adjacent to that junction, it is considered that the traffic generated by the development would interfere with the traffic flows at this junction and place an unwarranted constraint on the future improvements to the capacity of the junction which is also traversed by the Luas. The proposed development would, therefore, tend to create serious traffic congestion and be contrary to the proper planning and sustainable development of the area.

- 4.3 PL29S.236068 (4300/09): Permission granted for provision of a mezzanine level to unit 7B.

Adjoining sites...

3404/20: Retention permission and planning permission is sought for alterations and completion of previously approved development (Reg. Ref. 2158/17). The proposed development will result in the overall scheme extending to 8 storeys over basement level comprising 103 no. residential units. The development proposed for retention is identical to that approved under Planning Reg. Ref. 4637/18. Pending decision.

Corner Site at the Junction between Old Naas Road and Kylemore Road, Bluebell, Dublin 12.

4637/18: Permission sought for modifications to a development previously permitted under ref no. 2158/17. Corner Site at the Junction between Old Naas Road and Kylemore Road, Bluebell, Dublin 12.

2158/17: Permission granted for demolition of existing structures to provide for development comprising of 85 residential units, corner Site at the Junction between Old Naas Road and Kylemore Road, Bluebell, Dublin 12

AP-304383-19: permission granted for 492 no. Build to Rent units with commercial uses and associated site works at Concord Industrial Estate, Naas Road Walkinstown, Dublin 12. This site is located to the south east of the appeal site on the southern side of the Naas Road.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City Development Plan 2016-2022. The site has two separate zonings...

Z6 Enterprise and Employment with a stated objective 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation'.
and

Z4 Strategic Development and Regeneration Areas (SDRAs) with a stated objective 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be predominant uses'.

The majority of the site is zoned Z6.

The site is located within Strategic Development and Regeneration Area 5 (SDRA)- Naas Road. Under the City development SDRA's are noted as follows...

"the city contains a number of Strategic and Regeneration Areas (SDRAs) capable of delivering significant quanta of homes and employment for the city, either through the development of greenfield sites or through the regeneration of the existing built city. Many, though not all, of these sites are zoned Z14 within the development Plan, where the overall focus is to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" [enterprise and employment use] would be the predominant use".

QH1: To have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009).

QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments,

and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

Section 16.4 Residential Density:

The Regional Planning Guidelines settlement hierarchy designates Dublin city centre and the immediate suburbs as a gateway core for international business, high density population, retail and cultural activities. The guidelines indicate that development within the existing urban footprint of the metropolitan area will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present.

The Department of Environment, Heritage and Local Government (DEHLG) Guidelines on Sustainable Residential Development in Urban Areas 2009 supercede the 1999 Guidelines for Planning Authorities on Residential Density. In this context, Dublin City Council will promote sustainable residential densities in accordance with the standards and guidance set out in the DEHLG Guidelines on Sustainable Residential Development in Urban Areas and having regard to the policies and targets in the Regional Planning Guidelines 2010 – 2022 or any Regional Spatial and Economic Strategy that replaces the regional planning guidelines.

Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

5.2 Naas Road Lands Local Area Plan 2013 (extended until January 2023)

The appeal a site is within the boundary of the Naas Road LAP.

In relation Royal Liver Business Park there are a number of objectives.

RLO1. To encourage the sustainable redevelopment of this key site as part of the mixed-use core of the Key District Centre containing mainly office and residential uses with local scale retail and service uses.

RLO2. To provide for a boulevard leading to a pocket park and pedestrian and cycling connections through the site to increase connectivity and deliver the green infrastructure network of the LAP.

RLO3. To provide for a sustainable approach to height within the site, with buildings addressing the Naas Road and Kylemore Road providing a strong building line with appropriate heights, marked at the corner with a landmark building of up to 10 storeys. Within the site heights will be at sustainable level, appropriate to the uses proposed.

RLO4. Require setbacks to be agreed with Dublin City Council along the main road frontages at Naas Road, along the east side of Kylemore Road to facilitate upgrading of the road to provide for a bus lane, segregated cycleway, greening of the route and footpaths allowing for an attractive and vibrant street environment and to encourage pedestrian and cyclist activity.

RLO5. To pilot new green infrastructure installations in the public realm to boost biodiversity and improve surface water management.

RLO6. Materials used for construction shall have provenance for their durability and weathering qualities and prior examples of their use shall be furnished to the Planning Authority at Masterplan stage. This is of particular relevance to the landmark building.

RLO7. In consultation with the HSA, ensure that any new development proposal is compliance with the requirements of Seveso regulations.

RLO8. To ensure that all applications address the following issues regarding water management:

- a. Prepare a site specific flood risk assessment of the site as part of the first application;
- b. Fully incorporate SuDS in the design of the overall scheme and accompanying masterplan;
- c. Put in place measures to protect water quality, addressing particularly the issue of discharges and runoff; and
- d. Manage water usage within the site to conserve consumption of treated water and make use of grey water and/or rainwater where suitable.

Map 5.2 provides guidance on building height on site and map 5.3 distribution of proposed uses.

Section 4.8.11 Seveso Establishments

There are three Seveso establishments in the vicinity of the LAP area. In preparing a local area plan, it is a statutory requirement to consult the Health and Safety Authority (HSA) with regard to such establishments. The HSA, as the competent authority will then advise as to the appropriateness of the proposed development and ensuing societal risk from an accident on a scale from low to high. Such advice may have a bearing on the scale and type of development permissible.

The sites along with their respective designated consultation zones are as follows:

1. Irish Distillers Robinhood Road, Clondakin, Dublin 22 (300m consultation zone)

2. BOC, Bluebell Industrial Estate, Dublin 12 (700m consultation zone)

3. Kayfoam Woolfson, Bluebell Industrial Estate (1000m consultation zone)

South Dublin County Council Development Plan 2010 – 2016 includes a number of policies which promote the relocation of Seveso activities in an incremental fashion from areas proposed for higher density mixed use developments, though any future development may be contingent on implementation of this policy and / or identification of appropriate alternative locations for Seveso establishments.

5.3 National Policy

Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018)

SPPR1

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

SPPR4

In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

(i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

(iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.

SPPR7

BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

SPPR 9

Shared Accommodation may be provided and shall be subject to the requirements of SPPRs 7 (as per BTR). In addition,

- (i) No restrictions on dwelling mix shall apply;
- (ii) The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b;
- (iii) Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;
- (iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

SPPR1:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR3:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Guidelines on Sustainable Residential Development in Urban Areas 2009

Appropriate locations for increase densities

Public Transport Corridors:

Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance¹⁸ of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.

5.4 Natural Heritage Designations

5.4.1 There are a number of designated Natura 2000 sites within the vicinity of the appeal site...

Glenasmole Valley SAC (Site Code 001209) 7.8km from the site.

South Dublin Bay & River Tolka Estuary SPA (Site Code 004024) 8.1km from the site.

South Dublin Bay SAC (Site Code 000210) 8.4km from the site.

Wicklow Mts. SAC (Site Code 002122) 10.2km from the site.

Wicklow Mts. SAC (Site Code 004040) 10.3km from the site.

Rye Water Valley/Carton SAC (Site Code 001398) 10.4km from the site.

North Bull Island SPA (Site Code 004006) 11.1km from the site.

North Dublin Bay SAC (Site Code 000206) 11.1km from the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by BOC Gases. The grounds of appeal are follows...

- The Naas Road Lands Local Area Plan 2013 (LAP) notes that there will be constraints in the area regarding development of certain sites in proximity to SEVESO sites with policy noting that intensification of use beside such sites will be limited. The BOC Gases existing location is the head office and main production facility with no current proposals or intention to relocate and new development in the area must take account of the appellant's continuation occupation in this area.
- The COMRAH Risk Assessment (indicates that site is only partially affected) submitted by the applicants is based on information provide in a 2010 and Framework Strategy and the appellants questions it suitability to assess this issue. The appellants has submitted an up-to-date COMRAH Risk Assessment and in accordance with HSA guidance.
- The report notes that risk associated with the chlorine storage tanks on the BOC Gases site and that such impacts on the entire proposed development. The appellant notes that the Board should seek specialist independent input on this matter.
- In the event that the Board are considering a grant of permission the appellant notes that the operation on their site could have significant impact on the future occupants of the proposed development in relation to noise and notes that such has not been adequately assessed.
- The appellants have submitted a noise report and reviews mitigation measures included by way of condition attached to the grant of permission. It is noted that noise mitigation measures are based on closed windows and with windows open noise levels for occupants may be unacceptable and result in complaints. It also noted that the need to keep windows closed would

have significant impacts in terms of residential amenity of future occupants due to deficient ventilation.

6.2. Applicant Response

6.2.1 A response has been submitted by Tom Phillips & Associates on behalf of the applicants, Shorevale Investments Ltd.

- The nature and scale of development is consistent with national, regional and local policy objectives.
- A comprehensive Environmental Impact Assessment Report has been undertaken. Chapter 16 of the EIAR with the proposal assessed in the context of potential significant negative effects relating to siting the proposed development within the vicinity of a SEVESO site. It was concluded that the HSA would be unlikely to advise against the proposed development.
- The appellants concerns relate to health and safety, and acoustic issue with both comprehensively dealt with in the assessment of the proposal.
- A COMRAH Land-use planning assessment has been undertaken and submitted which does not identify a level of risk which the HSA would use as a basis for advising against the proposed development. It is noted that HSA submission does not advise against the proposal.
- A large scale residential development as permitted in a site located directly to the north west comprising of 103 units and the appellants made no observations or submissions on such.
- The applicants allege that there is unauthorised use on the appellants' site in relation to hydrogen gas manufacturing and the reclassification of the site as an Upper Tier SEVESO site. The applicants note that the appellants grounds are of appeal are not substantive and that the issue of chlorine storage was not raised in earlier submission.
- The applicants question the status of the appellants' risk assessment noting it relies on assumptions and exaggerates and overstates risk.

- In relation to noise the internal noise standards for the apartment will be of a satisfactory standard and the predicted noise levels generated by the appellants' facility would breach EPA license obligations relating to the facility.

6.3. Planning Authority Response

6.3.1 No response.

6.4. Observations

6.4.1 An observation has been received from Terence & Yvonne Heffernan, 5 Old Naas Road, Dublin 12, D12F893.

- Scale and design of development is excessive and out of character with existing dwelling along the Old Naas Road.
- Impact of increased traffic in the area with existing traffic issues.
- The noise and disruption caused by construction which will take a prolonged period will have an adverse impact on the observers' residential amenity.
- The provision of a vehicular entrance to an underground car park directly opposite the observers' property will cause difficulty to access their property.

6.4.2 An observation has been submitted by Vera Callaghan, 3 Bluebell Cottages, Old Naas Road, Bluebell, Dublin 12.

- Adverse impact on privacy and residential amenity due to proximity and height relative to the observer's property.
- Construction impact including construction traffic, noise and disruption will have an adverse impact with existing construction activities ongoing in the area.
- Existing issue with unauthorised construction hours for existing projects in the vicinity.

- It is noted that existing infrastructure is deficient for the additional large population growth the proposal would entail.

6.4.3 An observation has been submitted by June Dowd, 2 Old Naas Road, Bluebell, Dublin 12.

- Proposal out of character and scale with existing streetscape, would have an adverse impact on the residential amenities of existing dwellings in the vicinity due to loss of privacy/overbearing impact.
- The public roads in the area and public transport facilities are at capacity with the proposal generating a significant increase in traffic and demand pressure on existing public transport.
- The proposal would generate significant additional traffic and turning movement with no improvement to existing pedestrian and cycling infrastructure.

6.5. Further Responses

6.5.1 No responses.

7.0 Appropriate Assessment

7.1 There are a number of designated Natura 2000 sites within the vicinity of the appeal site...

Glenasmole Valley SAC (Site Code 001209) 7.8km from the site.

South Dublin Bay & River Tolka Estuary SPA (Site Code 004024) 8.1km from the site.

South Dublin Bay SAC (Site Code 000210) 8.4km from the site.

Wicklow Mts. SAC (Site Code 002122) 10.2km from the site.

Wicklow Mts. SAC (Site Code 004040) 10.3km from the site.

Rye Water Valley/Carton SAC (Site Code 001398) 10.4km from the site.

North Bull Island SPA (Site Code 004006) 11.1km from the site.

North Dublin Bay SAC (Site Code 000206) 11.1km from the site.

The proposed development would not be in or adjacent to any Natura 2000 site. It would not have the potential, therefore, to have likely significant direct effects on any such site. The site consists of a previously developed urban site so it could not provide a supporting *ex situ* habitat for any species that was the subject of a conservation objective for any Natura 2000 site. The area is serviced by existing drainage infrastructure and there are detailed proposals for surface water drainage and attenuation. The discharge of foul effluent from the proposed development would be to the wastewater system serving the city as a whole. Its impact on the quantity or quality of the outfall from that system would be negligible given the scale of the proposed development relative to the city. Construction management measures are proposed to deal with potential discharges during the construction stage. The proposed development would not have the potential to have a significant downstream impact on any Natura 2000 due to hydrological connections. The proposed development does not have the potential to have any significant direct or indirect effects on any Natura 2000 sites either in itself or in combination with any other plan or project including the other proposals for development permitted in the area. It is therefore evident from the location and nature of the proposed development that it would not be likely to have significant effects on any European site either individually or in combination with other plans or projects and an appropriate assessment would be superfluous. This conclusion is consistent with the appropriate assessment screening report submitted with the application.

8.0 Environmental Impact Assessment

8.1 Statutory provisions:

- 8.1.1 The proposed development consists of an urban development on a site of 3.7921 ha containing 1,102 residential units. It is therefore over the threshold of 500 dwelling units set down at Section 10.2(b)(i) of Part 2 of Schedule 5 to the Planning and

Development Regulations 2001-2015, above which the submission of an Environmental Impact Assessment Report (EIAR) is mandatory.

8.1.2 The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 18 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Appendix 1.A describes the expertise of those involved in the preparation of the EIAR. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 3.3 and 3.4 of this report above.

8.2 Alternatives:

8.2.1 Chapter 4 of volume 1 of the EIAR provides a description of the main alternatives studied by the developer and the reasons for his choice. The rationale for the site and proposal is based on the fact land use zoning policy and objectives under local and national policy support the redevelopment of the site for a mixed use residential and commercial development. The alternatives considered were alternative design proposals for the site but no alternative sites based on land use policies and objectives facilitating the development of the site in this manner. The alternatives that were considered were therefore largely restricted to variations in building design. The final design was considered to be optimum design in terms of design and quality and subject to consultation with the City Council. In the prevailing circumstances this approach was reasonable, and the requirements of the directive in this regard have been met.

8.3 Likely Significant Direct and Indirect Effects:

8.3.1 The likely significant direct and indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors.

8.4 Population and human health:

8.4.1 The proposed development would allow an increase in the population of this part of the city which is served by streets, public transport, drainage facilities and water supply. The increase in the population of the city would be in keeping with national and regional planning policy, as well as with local plans that have been subject to Strategic Environmental Assessment. The accommodation of the increased population in a planned extension of the city, rather than elsewhere, would tend to reduce the demands on the environment arising from the provision of access and services for that population. The effect of the proposed development on the environment in relation to population would therefore be positive. The proposed development consists of accommodation for residential and some service uses. These uses would not be likely to generate significant amounts of noise or to have an effect on human health. The increased population would lead to an increased demand for travel. However the extent to which this demand would result in an actual increase in traffic is constrained by the capacity of the street network, which is likely to be saturated whether or not the proposed development proceeds. It is unlikely that the proposed development would have a significant indirect effect on the environment due to traffic noise. There is a potential that noise during construction could have a significant effect on neighbouring residents due to the proximity of the site to existing and planned housing. This can be properly mitigated by the

imposition of a noise monitoring and control regime as set out in section 9.7 of the EIAR and set out in Appendix 1, Section 8 of the Construction Environmental Management Plan.

8.4.2 Section 16 of the EIAR relates to Major Accidents and Natural Disasters. The site is within the consultation zone of two SEVESO sites, BOC Gases, Bluebell Industrial Estate, Dublin 12 and Kayfoam Woolfson, Bluebell Industrial Estate. The potential for a major accident or disaster in relation to such establishments could have significant effects on human health in the form of an explosion or emission of hazardous material/gases. This section goes through risk identification, risk classification, likelihood and consequence and risk evaluation. It is noted that there is an obligation on the planning authority to consult with the Health and Safety Authority (HSA) for development within the consultation distance of such establishments. The basis for the HSA advice is set out in the HSA publication, Policy & Approach of the Health & Safety Authority to COMRAH risk-based Land-use Planning (2009). This approach includes a traffic light system with three levels zones decreasing in sensitivity moving away from the site. This section includes a land-use planning zones for the BOC Gases site (Nass Road Development Framework Study (2010)) with a part of the site (part of Block A, Block F1 and F2) within the lowest band (green). In relation to the Kayfoam Woolfson such is classified as a lower tier facility and is further removed from the appeal site. It is stated that it would be considered unlikely that the HSA would advise against the proposed development. It is concluded that there are potential risks during construction on site from a major accident and the potential for a major accident at the SEVESO sites during the operational phase of the proposed development. Mitigation measures for the operational phase include construction management and health and safety measures to prevent accidents during construction of the development. In relation to major accidents at the SEVESO sites in the vicinity it is concluded that the risk of major accident and/or a natural disaster is low and there will not be significant residual effects during the operation of the proposed development.

8.4.3 There is potential for impact on human health and population through noise and vibration during the construction and operational phase. Section 12 of the EIAR relates to noise and vibration. The methodology is detailed including the fact that baseline monitoring has been undertaken. The greatest potential noise and vibration impacts are during the construction; however, this is a short-term impact. It is noted that the main potential source of operational noise impact is associated with additional traffic flows – other noises are typical of an urban area. There are no expected sources of vibration associated with the operational phase. The EIAR provides an assessment of background noise levels and predicted noise levels including an assessment of inward noise levels likely to be experienced by future occupants of the scheme. Mitigation measures are detailed including best practice noise and vibration control measures during construction in order to avoid significant impacts and sound insulation to prevent inward noise. The CEMP sets out key control measures for noise and vibration.

8.4.4 I have considered all of the written submissions made in human health and population including in relation, to noise and vibration, and major accidents/health and safety. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in this regard. I am satisfied based on the information contained in the EIAR taken in conjunction with advice issued by the HSA that there would be no significant effects on population and human health.

8.5 Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC:

8.5.1 I refer to section 8 of this report above and advise that the proposed development would not be likely to have significant effects on sites designated for the protection of species and habitats under Directive 92/43/EEC and Directive 2009/147/EC.

8.5.2 The site is brownfield site occupied by an existing retail warehouse development with existing structures and hard landscaping covering the site. It does not accommodate habitats or species of ecological value. Neither does the adjoining lands which contains urban development. The proposed structures on the site would not have a significant direct effect on biodiversity. The site is served by adequate foul and surface water drainage system, it would not be likely to have significant indirect effects either. The proposed development, therefore, would not be likely to have a significant effect on biodiversity.

8.6 Land and Soil:

8.6.1 The site is already developed with an existing retail park with it noted that soils at the site were likely to be removed during construction and that 70% of the site is consists of car parking with the other 30% occupied by existing structures.

Potential impacts are detailed and as noted the construction phase is when potential impacts are most likely to occur from excavation, accidental leaks or spills and imported fill. During the operational phase there will be very limited to no potential impact on the geological environment. Mitigation measures are detailed during the construction phase. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Land, Soils & Geology.

8.7 Water:

8.7.1 Section 10 of the EIAR and the submitted Flood Risk Assessment describe the likely impact of the proposed development in relation to water. The site is on zoned and serviced land. The site is located to the south of the Camac River and Grand Canal. Based on the flood risk maps held by the OPW and the CFRAM study it is indicated that there is no risk of fluvial, coastal or pluvial flooding in the subject site up to the 1% AEP event. The site is therefore in flood risk zone C under the 2009 Flood Risk

Management Guidelines where residential development of the type proposed is appropriate. The site is occupied by an existing urban development with existing water services in the area. The development proposal include attenuation works and such are designed to accommodate a 100 year event as required. Section 10.6 of the EIAR set out the measure to avoid the release of sediments, hydrocarbons or other pollutants to the surface water drainage system during construction, including the designation of refuelling areas, the use of settlement ponds and provision of a wheel wash. Foul effluent from the proposed development would drain to the wastewater drainage and treatment system serving the city, upon which its impact would be negligible. It is therefore concluded that the proposed development would not be at an undue risk of flooding and would not exacerbate the risk of flooding on other lands, and that it would not be likely to have a significant effect on the quality of waters downstream of the site during its construction or occupation.

8.8 Air and Climate:

8.8.1 The occupation of the proposed housing and other service accommodation would not have significant direct effects on the air. The buildings would be heated by a district system using natural gas as the fuel whose operation would not have a significant effect on air quality. The proposed development, along with existing and other proposed and planned development in the area, would increase the demand for transport. This would increase the demand for traffic movements. However the actual level of traffic on urban street networks is a function of the capacity of the network rather than the potential demand upon them as traffic in cities tends to grow until the streets are congested. The provision of housing at this location served by a light rail infrastructure and high frequency bus routes would facilitate travel by alternative modes of travel other than the private car. In these circumstances the proposed development would not cause an increase in vehicular traffic on streets that would have the potential to have a significant effect on air quality. The works required to carry out the proposed development would have the potential to emit dust. There would also be exhaust fumes from machinery. Measures to mitigate effects from these sources are set out at section 11.6 of the EIAR. They include a dust management plan including wheel wash facilities, wetting of exposed soil during dry windy weather, closed storage of fine aggregates and similar materials

and maintenance of plant and machinery. The proposed measures represent good construction practice and are likely to avoid any significant effects on air quality or during construction.

8.9 Material Assets:

8.9.1 The proposed development would increase the stock of housing and service facilities in this part of the city. It would do so on lands that are zoned and serviced for such urban expansion. The proposed development would increase the population at this location which would generate additional demand on the railway, bus services and streets in the area. However this area has better access to public transport and other services than other places in and around the city where significant amounts of new housing could be provided to meet the latent demand for it. Allowing housing to be built on this site would therefore allow a more efficient and sustainable use of the city's transport infrastructure than would be likely to occur if housing was not allowed on the site thereby displacing population growth to less accessible and poorly served locations. The proposed development would therefore have a significant positive effect in relation to material assets.

8.9.2 The issue of waste is identified as a significant factor with the construction and demolition stage of the development likely to generate a significant level of waste. The impact of such will be mitigated by having waste management plan including re-use of material on site, segregation of waste to ensure appropriate recycling of material and disposal of hazardous material.

8.9.3 The issue of traffic and transport (Section 15) is also identified as a significant factor under the heading of material assets. The proposed development has the potential to generate a significant level of traffic during both the construction and operational phase. A Traffic and Transport Assessment and Mobility Management Plan accompanies the application. The potential impact during construction and operation are detailed. The number of HGV movements for different stages of construction are described. It is considered that the most onerous scenario is the operational phase. The projected peak traffic counts during operation are provided. It is considered that the proposed development will not give rise to any likely significant long-term

negative traffic impacts. The appeal site is noted as being along major public transport corridor. Mitigation measures are described for both the construction and operation phase. It is considered that the road network can accommodate the additional traffic. Monitoring is proposed including the development of a final CEMP which will include the Construction and Demolition Waste Management Plan.

8.9.4 The EIAR concludes that there will not be a significant impact during the operational phase. I note that in line with DCC Development Plan and Smarter Travel policies, there is a reduced number of car parking spaces provided at a rate of 0.53 spaces per unit (in addition to short term/public parking). The site is well served by public transport, including several buses and the Kylemore Luas stop. I note observers referred to public transport being at capacity, however the facts are that the site is extremely well served with both light rail and buses. Secure and safe bicycle parking spaces are provided, and the site is within a 5 minute walk of public transport.

I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to Material Assets.

8.10 Cultural Heritage:

8.10.1 Section 5 of the EIAR relations to Archaeology, Architecture and Cultural Heritage.

The site consists of a previously developed site. There are no monuments or structures of architectural heritage value identified within the site and those in the area would be unaffected by the proposed development. In these circumstances the proposed development would not have a significant effect on cultural heritage.

8.11 Landscape:

8.11.1 Section 9 of the EIAR relates to Landscape and Visual Impact. The appeal site is located in an urban area with existing urban development in the form of retail warehouse park on site. The proposed development consists of a mixed use development (comprising residential, office, crèche, community, retail,

cafe/bar/restaurant, medical centre, pharmacy uses) and all ancillary site works; comprising 9 no. buildings ranging in height from 7 to 18 storeys over basement level. A Landscape and Visual Impact Assessment is included in the EIAR, which assesses the landscape and character impact and visual impact of the proposal. The LVIA includes an assessment of views from 21 points in the surrounding area with an assessment and photomontages illustrating the existing scenario, with the proposed development and with permitted development on a number of sites in the vicinity.

8.11.2 The proposal was deemed to have the potential to have and some adverse impact during construction phase in regards to visual impact, however such are short-term and temporary impacts. In terms of operational phase the visual impact were determined to be more to positive in close proximity to the site and moderate, neutral or imperceptible from more wide/distance views. The appeal site is an existing urban area with a varying pattern and scale of development with primarily commercial warehousing, a small amount of housing and some under construction residential projects (including an 8-storey residential development to the north west at the corner of the Old Naas Road and Kylemore Road). The proposal is an increase in height and scale over the existing development in the area, however there is precedent for such an increase in scale permitted on sites in the vicinity. The appeal site due to its urban context is well able to absorb the visual impact of the proposed development and would provide for a development of a stronger urban character that would have an acceptable impact in terms of landscape character. The proposed development would not, therefore, have significant adverse effect on the landscape/visual character of the area.

8.12 Interaction of the foregoing:

8.12.1 The potential impact of the development on population and material assets are related as the former relies on the latter. Otherwise, as the site is a brownfield urban site in an area that is zoned and serviced for development, the proposed development is unlikely to have significant adverse effects on the other factors on the environment set out in the EIA Directive and so there is little potential for interaction between them.

8.13 Cumulative Impacts:

8.13.1 There is also development currently being undertaken on sites to the north and permitted development on a site to the south, which is similar in nature to the proposal. The overall development subject to this application and other permitted development in the area would be unlikely to differ from that envisaged under the city development and local area plans which have been subject to Strategic Environment Assessment. Its scale would be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The submitted EIAR described the proposed developments, their likely impact on the environment and the measures to address such impact. The available information therefore demonstrates that the accumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

8.14 Reasoned Conclusion on the Significant Effects:

8.14.1 Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and members of the public in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population, land and material assets arising from the additional housing that would be provided on the site;
- Potential effects on air quality and from noise during construction which will be mitigated by appropriate monitoring and management measures.

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and

assessed. They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it.

9.0 Assessment of other issues

9.1 Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan/national policy

Health and safety

Density/height

Design, scale, and visual impact

Quality of design/residential amenity/development control objectives

Adjoining amenities

Car parking/traffic

9.2 Principle of the proposed development/development plan/national policy:

9.2.1 The proposal entails the demolition of existing retail warehouse units and the construction of a mixed use development comprising of 11 blocks ranging from 7-18 storeys in height and consisting of 1,102 residential units, 203 shared, accommodation units, 1 no. office building, 1 no. retail unit and 4 no. café/bar/restaurant units. The appeal site is split over two zonings under the City Development Plan...

Z6 Enterprise and Employment with a stated objective 'to provide for the creation and protection of enterprise and facilitate opportunities for employment creation' and

Z4 Strategic Development and Regeneration Areas (SDRAs) with a stated objective 'to seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be predominant uses'.

The appeal site is also part of Strategic Development and Regeneration Area 5 (SDRA) which are noted as “capable of delivering a significant quanta of homes and employment”. The uses proposed are residential, office and retail. The office and retail use are permissible uses with both the Z6 and Z14 zonings. Residential is not listed as either a permissible use or open for consideration in either zoning. I would note that the site location within an SDRA alters such with residential identified as being a desirable use within such zones. Having regard to such I would note that all uses proposed are compliant with land use policy under the Dublin City Development Plan.

9.2.2 The proposal is for a 10 year permission. The applicant has set out a phasing of the proposed development in Planning and Environmental Report. I would consider given the scale and size of the site that the proposal for a 10 year permission is acceptable and justified.

9.3 Health and safety:

9.3.1 The third party appellants, BOC Gases Ltd, operate a manufacturing facility approximately 330m to the south west of the site (off John F Kennedy Drive). The operation is noted as being an Upper Tier Establishment as defined by the Control of Major Accidents Hazards (COMRAH) Regulations 2015 which is the relevant legislative regulation for such sites and exists to implement the Seveso III Directive (2012/18/EU). The Health and Safety Authority (HSA) have published a guidance document “A Guide to the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I. No. 209 of 2015)”. The Health and Safety Authority is identified here as the Central Competent Authority (CCA). The purpose of the COMAH Regulations is to lay down rules for the prevention of major accidents involving dangerous substances, and to seek to limit as far as possible the consequences for human health and the environment of such accidents, with the overall objective of providing a high level of protection in a consistent and effective manner.

- 9.3.2 In relation technical advice on land-use planning it is noted that “the CCA has to be consulted for technical advice as appropriate by planning authorities, on the types of development listed in paragraph (2) of this Regulation”. The application was referred to the HSA with it noted that the Authority does not advise against the granting of planning permission in the context of Major Accident Hazards.
- 9.3.3 The applicant submitted a COMRAH Risk Assessment (indicates that site is only partially affected). The appellants states that this assessment is based on out of date information. The appellants has submitted an up-to-date COMAH Risk Assessment and in accordance with HSA guidance. The report notes that risk associated with the chlorine storage tanks on the BOC Gases site and that such impacts on the entire proposed development. The appellant states that the Board should seek specialist independent input on this matter. The appellant have also indicated that apartments on the western side of the development will be compromised by noise from existing sources including the appellants’ property that would hamper the amenities of future residents with a noise report submitted in this regard. The applicants’ response to the appeal alleges that there is unauthorised use on the appellants’ site in relation to hydrogen gas manufacturing and the reclassification of the site as an Upper Tier SEVESO site. The applicants state that the appellants grounds are of appeal are not substantive and that the issue of chlorine storage was not raised in the earlier submission. The applicants question the status of the appellants’ risk assessment noting it relies on assumptions and exaggerates and overstates risk.
- 9.3.4 Having consulted the guidelines, A Guide to the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I. No. 209 of 2015) it is clear that the HSA is the competent authority on this matter and that consultation with such is essential regarding the operation of SEVESO sites and lands use planning within close proximity to such operations including forward planning and development control. In this case the proposal was referred to the HSA as is appropriate and the advice of the HSA is that they would not advise against the proposal. Having regard to this advice, I would consider that the proposal would not merit refusal or alteration on the basis of its proximity to the appellants’ operation. In

addition I would note that the proposal is consistent with land use policy as identified under the Dublin City Development Plan, national policy in regards to the provision of housing at appropriate locations (public transport corridors) and that land use policy has clearly identified the area as an appropriate area for increased provision of housing whereas the area has previously been more commercial in nature. It is notable that there is permitted residential developments in the vicinity including a residential development on a site to the north west at the junction of the Old Naas Road and Kylemore Road and on the lands at Concord business parks to the south east. In relation to the issue of noise, I am satisfied that the proposal is located in an urban area where noise levels are likely to be in keeping with expected noise levels in such areas and that the site is an appropriate location for residential development. The submitted EUIAR includes a section regarding noise impact including an assessment of inward noise.

9.4 Density and height:

9.4.1 The proposal provides for 1,102 residential units and 203 shared accommodation units on a site with an area of 3.7921 hectares. This is a density of 344 units (including shared accommodation units, 291 units per hectare excluding shared accommodation) per hectare. This represents a significant increase on prevailing residential density in the area. Development Plan policy and national policy permit for increased densities along public transport corridors. The appeal site is located along a public transport corridor with the Luas Red Line running along the Naas Road (R810) and the Kylemore Luas stop located adjacent the junction of the Kylemore Road and Naas Road a short distance from the site. The Naas Road also has a QBC with bus stops in close proximity to the site and proposals for future upgrade to bus services under the Bus Connects project. The location of the appeal site is an appropriate location for increased densities and based on the recommendations of the Guidelines on Sustainable Residential Development in Urban Areas 2009 density should not be below 50 units per hectare.

9.4.2 The density proposed is well above the minimum that would be permissible. As noted above the proposal for increased density is appropriate and there is no upper

limit imposed by policy. Whether the density is appropriate at this location is tied to a number of facts, appropriateness of design and scale, visual impact, overall quality of the development and adjoining amenities. These aspects of the proposal are to be explored in the later sections of this report. Pending assessment of such factors the provision of increased densities on the appeal site is appropriate.

9.4.3 The proposal provides for 11 no. buildings ranging in height from 7-storeys up to 18-storeys over basement with a ridge heights ranging from 18.9m up to 77.76m. Chapter 16 of Development Plan policy relates to Development Standards and Section 16.7 relates to building heights. This section identifies locations where low, mid and taller building would be considered. The appeal site is located in an area that is deemed appropriate to facilitate mid-rise development (Naas Road), which is defined as up to 50m. The LAP for the area, which dates from 2013, identifies maximum heights of 6-7 storeys and 40m at this site. The recently adopted national policy in the form of The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns. Although Development Plan policy indicates heights of up to 50m, new national policy on building heights do allow for consideration of increased building heights. In this case only one of the blocks is above 50m in height, Block A, which is 77.6m in height. The rest of the blocks range in height from 18.9m up to 41.9m I would note that such would be subject to appropriateness of design and scale, visual impact, overall quality of the development and adjoining amenities. As with density I would note that these factors are to be explored in the following section of this report.

9.4.4 It is noted under SPPR3 that where “an applicant for planning permission sets out how a development proposal complies with the criteria above; and the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise". The proposal site is identified under the City development Plan as a site appropriate for taller buildings (up to 50m). I would note that all structures on site apart from Block A are under 50m and compliant with development Plan policy. Block A, which is 18-storeys and 77.76m is located at the junction of Naas Road Kylemore Road, which is a major intersection in the area. The Planning Authority granted permission meaning the proposal is not subject to the provisions of 37(2)(b)(iii) of the Planning and Development Act 2000, as amended. I would draw attention to fact that the height of Block A does contravene building height policy under the City Development Plan, however there is justification for such having regard to the Guidelines for Planning Authorities on Urban Development and Building Heights issued in December 2018, in particular SPPR1 and SPPR3, as well as the positive contribution that the higher building would make to the development at a sustainable density in a Strategic Development and Regeneration Area along on a public transport corridor and to the standard of urban design that would be achieved for this emerging part of the city.

9.5 Quality of design/development control objectives:

9.5.1 The relevant and most up to date standards for apartment developments are the Sustainable Urban House: Design Standard for New Apartments (March 2018). In relation to minimum apartment size the requirement is 37sqm for a studio apartment and 45sqm, 73sqm and 90sqm for 1, 2 and 3 bed apartment units respectively (SPPR3). Under SPPR 1 "apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios)". The residential component provides for 110 no. (Block D2) apartments, 992 no. build to rent units (Block B1, B2, C1, C2, D1, E2, F1 and F2) and 203 no. build to rent units with shared accommodation bedroom (Block E1). The overall mix of units is split between 4 no. studio units (0.4%), 505 no. one-bed units (45.8%), 558 no. two-bed units (50.6%) and 35 no. three-bed units (3.5%). The overall percentage of studio and one-bed units is below the threshold level specified by SPPR1 of the guidelines and compliant with national policy.

9.5.2 In relation to apartment sizes, all studio, one-bed, two and three-bed apartment units meet the minimum standards and in a lot cases are well in excess of the minimum standards. It is noted that in order to safeguard higher standards that “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%”. This is the case in regards to the proposed development.

9.5.3 In relation to aspect, the relevant guideline standard states that “a minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate” (SPPR4). In this case the percentage of dual aspect apartment is 36% with no single aspect north facing units proposed. The guidelines note that “where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Particular care is needed where windows are located on lower floors that may be overshadowed by adjoining buildings”. I would note that all single aspect units overlook the public road or open space areas and that the proposal is compliant in terms of unit aspect with national policy.

9.5.4 Appendix 1 contains minimum standards for private amenity space with a requirement of 4sqm for studio apartments and 5sqm, 6sqm and 9sqm for 1, 2 and 3 bed apartment respectively. A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines. The majority of the apartments have dedicated private open space and these standards are met in all cases. There is a portion of units that do not have dedicated private open space, but have access to a high degree of semi-private open space. The apartments also meet all relevant standards in relation of internal

storage space, ceiling heights, room dimensions outlined in Appendix 1 of the guidelines.

9.5.5 A significant portion of the apartments are classified as Built to Rent (BTR) (992 units with 203 of these shared accommodation units. The units that are not shared accommodation meet the standards in terms of quality of unit set out under the general standards in terms of size/dimensions, aspect and private open space. There is a requirement under SPPR9 for BTR units to have detailed proposals for supporting communal and recreational facilities. All the BTR units have the benefit of a significant level of communal and residential amenities in the form of a reception/concierge, office, lounge, catering kitchen, library, games room, after school club, laundry, cinema room, gym, fitness halls, community hall and multi-purpose room. I would also note that the level of facilities would be compliant with requirements under SPPR 7 of the guidelines.

9.5.6 Block E provides for 203 shared accommodation units. The bedrooms range in size from 18.3-20.6sqm. The units provide for bedroom, ensuite and cooking facilities. Guidelines and standards for shared accommodation is contained under SPPR 9 and Appendix 1 of the Guidelines. In terms of quality the size of the rooms are consistent with the standards under the national guidelines. Communal facilities are provided on each floor and consist of kitchen/dining area and a living space (games room, library or quiet room with interconnection between floors to avail of all three amenities) serving typically 26 bedrooms per floor. There is a rate of 5.9sqm of such space provided per bedroom. The guidelines under table 5a note a standard for up to 6 bedrooms (8sqm for 1-3 bedrooms and an additional 4sqm for 4-6 bedrooms). I would consider that the level of communal facilities per bedroom in shared accommodation is adequate and note that there are additional larger scale facilities on the ground floor in addition to other community facilities available within the overall scheme. The bedroom units also provide some degree of food preparation facilities in the form of a hob, kitchen sink and storage within each unit. I would note in relation to communal open space (Appendix 1 of the guidelines) the requirement for studio units is 4sqm per unit. The applicant notes that 5.6sqm per bedroom is provided when the roof terrace (440sqm) and ground floor recreation space

(695sqm) is taken into consideration. I would note that there is also other publicly accessible open space (external) within the overall scheme that residents of the shared accommodation can benefit from. I would consider that the quality, layout and design of the shared accommodation is of a reasonable and acceptable standard.

9.5.7 The information submitted includes an analysis of light level to the residential units with it noted that all residential units meet exceed the minimum standards set out in relation Average Daylight Factor (BRE Guidelines).

9.5.8 The guidelines note that “communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year. Roof gardens may also be provided but must be accessible to residents, subject to requirements such as safe access by children. These facilities offer a satisfactory alternative where climatic and safety factors are fully considered, but children’s play is not passively supervised as with courtyards. Regard must also be had to the future maintenance of communal amenity areas in order to ensure that this is commensurate with the scale of the development and does not become a burden on residents”. It is also noted that that “for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality”. The City Development Plan (Section 16.10.3) notes in relation to public open space that that “in new residential developments, 10% of the site area shall be reserved as public open space”.

9.5.9 The proposal provides for a central square with an area of 2,840sqm and a number of pedestrian routes that account for a total of 5,950sqm of public open space. The level of public open space accounts for 17% of the site area. In addition to such space there are a number of internal courtyard areas between residential blocks at

first floor level labelled as semi-private open space and at roof level of some of the blocks. This is communal open space for residents of the development and amounts of 8,563sqm. The public and semi-public open space is well designed, central to the scheme, provides for a mix hard and soft landscaping and is sufficient in quantity and quality as well as being compliant with both local and national development management standards. It has also been demonstrated that the public/semi-public open space areas would get sufficient level of daylight with over 50% of such areas getting a minimum of 2 hours of sunlight on the 21st of March (BRE guidelines).

9.6 Design, scale, and visual impact:

9.6.1 The proposal entails the provision of 11 no. buildings ranging in height from 7-storeys up to 18-storeys over basement with a ridge heights ranging from 18.9m up to 77.76m. The appeal site is defined by road frontage along three sides with significant frontage along the Naas Road (R810), Kylemore Road and the Old Naas Road. The area has a varied and somewhat weak pattern of development with the majority of uses being commercial in nature with the appeal site occupied by retail warehousing. The proposed development would provide for structures significantly higher in scale than existing development in the vicinity although there are permitted developments in the vicinity including an 8-storey residential development under construction at the junction of the Old Naas Road and Kylemore Road.

9.6.2 The documents submitted included a Landscape and Visual Impact Assessment (LVIA). The LVIA includes an assessment of views from 21 points in the surrounding area with an assessment and photomontages illustrating the existing scenario, with the proposed development and with permitted development on a number of sites in the vicinity.

9.6.3 The appeal site is an existing urban area with a varying pattern and scale of development with primarily commercial warehousing, a small amount of housing and some under construction residential projects (including an 8-storey residential development to the north west at the corner of the Old Naas Road and Kylemore Road). The proposal constitutes an increase in height and scale over the existing development in the area, however there is precedent for such an increase in scale

permitted on sites in the vicinity. The layout of development on site is such that the bulk of the largest structures are located on the southern side overlooking the Naas Road, which is a dual carriageway. The height the structures along the southern side of the site increase moving towards the west and the corner of the site at the junction of Naas Road and Kylemore Road. At this corner is the highest block, Block A, which is an 18 storey office block. I am satisfied that the proposal provides for an appropriate scale and form of development and the site and area can absorb structures of this scale and height including a landmark structure at the junction of the Naas Road and Kylemore Road. The scale of the blocks along the northern side of the site is lower to reflect the fact that this frontage is along a lower category/narrower public road and the scale and nature of existing development, which includes a number of existing dwellings. The appeal site due to its urban context is well able to absorb the visual impact of the proposed development and would provide for a development of a stronger urban character that would have an acceptable visual impact. I would consider that external finishes, fenestration and architectural character of the proposal is contemporary in nature and would be of an acceptable quality in terms of urban design and overall visual impact at this location. The proposed development would be acceptable in the context of visual amenity and landscape character.

9.7 Adjoining Amenity:

- 9.7.1 As noted above the appeal site is defined by significant degree of road frontage along three sides. The only development that immediately adjoins the site is a commercial development consisting of commercial warehousing (Brooks building supplies) to the east of the site. The proposed development entails the provision of a residential block adjacent the western boundary. The current proposal would have no significant or adverse impact on the operation of the existing commercial development on the adjoining site to the east or would not impact the future development potential of the adjoining lands.
- 9.7.2 As noted in the previous section the largest structure in bulk and height are located along the Naas Road frontage and increase in height moving towards the junction of the Naas Road Kylemore Road. The scale of structures in terms of bulk and height

decreases moving northwards along the Kylemore Road frontage. I would consider that the level of separation between the site and the proposed development, and existing development on the opposite side of the Naas Road and Kylemore Road is sufficient to ensure no adverse impact on the amenities of existing properties, which are mainly commercial in nature.

9.7.3 There are a number existing residential properties located on the opposite side of the Old Naas Road to the north of the site. As noted previously, the scale of the proposed development is lower in height along the Old Naas Road frontage featuring four residential blocks, all eight storeys in height and ranging in height from 18.9m up to 34.4m. There is a degree of separation between the existing dwellings and the appeal site due to being on the opposite side of the public road. In relation to overlooking, the northern elevation of the proposed blocks overlook a public area and the front gardens of the existing dwellings are visible from the public road. In relation to overshadowing, the information on file includes an assessment of light levels with it noted that the front gardens of the existing dwellings to the north would all achieve a minimum of 2 hours of sunlight on the 21st of March (BRE guidelines). I am satisfied that the proposed development would be acceptable in the context of the residential amenities of existing dwellings to the north. The proposal provides for a pattern and scale of development that is acceptable at an urban location such as this.

9.7.4 There is a potential for construction activity and traffic to cause noise and disturbance to existing residential properties. I would note that such would be a temporary impact and subject to adequate construction management can be minimised. The applicant has outlined details of construction management and mitigation measures within the EIAR and it will be a requirement by way of condition that a construction management plan be agreed in writing prior to the commencement of development. The proposed development in addition to providing an increased level of housing and population in the area, provides a good level of support facilities such as retail, restaurant/café, a medical centre and childcare facility. These facilities and services will be of benefit to existing residents in the vicinity of the site and will be accessible (in walking distance) to such. This element

of the scheme represents an improved level of amenities for existing residential development in the area.

9.8 Traffic/access/parking:

- 9.8.1 The appeal site is defined by the Naas Road (R810) along its southern boundary, Kylemore Road along its western boundary and Old Naas Road along its northern boundary. Existing access (main access and service access) is from the Old Naas Road. The proposal entails the provision of two vehicular access points off the Old Naas Road on the northern side of the site. Provision is also made for service access (left turn traffic only) of the Kylemore Road to the west with access to plaza areas and exit through service exit on the Old Naas Road to the north of the site. There is also provision for pedestrian and cyclist access from the Old Naas Road (service exit), Kylemore Road (service entrance) and the Naas Road (pedestrians and cyclists only) with all giving access to the central public open space within the site.
- 9.8.2 Parking provision on site consists of a total of 874 car parking spaces. This is split into three parking areas, a basement level parking area with 585 no.s spaces for residents use only, a ground floor level car parking area of 202 no. spaces for office and visitors/public car park (112 for public car parking) and a ground floor parking area of 75 no. spaces for commercial (retail) short stay use. It is also proposed to provide 12 no. on-street car parking spaces along the Old Naas Road, which will be short stay spaces/drop off spaces or space provision for car share. It is also proposed to provide 2 no. on-street car parking spaces on the western side off the Kylemore Road to be used for drop off or pick up only adjacent the office block with no long term parking allowed for.
- 9.8.3 Parking requirement for various types of development is under Table 16.1 of the County Development Plan. This table provides the maximum parking standards for various developments. For residential the required standard is 1 space per residential unit, for office it is 1 per 200sqm of floor space and for retail it is 1 space per 275sqm of retail floor space. The proposal provides for 585 spaces for the 1,102

residential units. It is noted that the 203 BTR shared units are not assigned parking spaces having regards to the likely demographics of the tenants and the fact the site is well served by public transport infrastructure. I would consider that parking provision for the residential component is sufficient. The parking standards are maximum standards and consideration must be given to the location of the site and its accessibility in terms of other modes of traffic other than private car. The portion of spaces relative to the number units is of a good level and the appeal site is accessible to high quality public transport infrastructure. In addition I would note that there is provision for short term park (public car park) and provision for possible car share options to serve the site. The proposed office block has a requirement of 85 spaces with such being provided on site. There are a number of other uses including a crèche, retail, café/bar, medical centre and community facilities (BTR shared accommodation) with all such uses having a development plan requirement of 71 spaces and the provision being 75 spaces off-street and provision of a number of on-street spaces along the Old Naas Road (pick up and drop off facilities for the crèche was relocated internally as part of alterations in response to further information), which is located on this side of the development. The total number of spaces provided is 874 with the requirements under the City Development Plan being 1,242. As noted above the requirements are maximum standards with regard to be had to the location and accessibility of the site for other modes of traffic including public transport. The appeal site is supported by excellent public transport facilities in form of the Luas and bus infrastructure. The provision of this level of residential development supported with the mixed use facilities would itself reduce the dependency on car based trips for retail, medical and childcare. In this regard I would consider the proposal provides for a sufficient standard of parking on site.

9.8.4 The provision of cycle parking in the proposed development is quite high including 1,462 no. long term spaces within ground floor level, 264 no. spaces at surface level (external), 170 no. double stacked spaces serving the office block. The total provision is above the required standards under the Dublin City Development Plan.

9.8.5 A Traffic and Transport Assessment was submitted (TTA) including analysis and assessment of the capacity of the local road network. The TTA includes details of

surveys carried out to establish trip generation and distribution and analysis of 4 junctions in the vicinity (the two access points to the site, the junction of Kylemore Road/Naas Road, junction of the Naas Road/Kylemore Road. An addendum to the TTA was submitted due to a number of alterations to the external roads layout on foot of a further information request by the Council. The TTA and associated addendum provides sufficient information to demonstrate that the local road network and associated junctions would have sufficient capacity to deal with the level of traffic likely to be generated. This is based on existing traffic levels and anticipated traffic levels. The proposal has been designed to have regard to the NTA's plans (bus infrastructure) and it is notable that a submission from the NTA has indicated no objections to the proposal.

9.8.6 The proposed development would significantly increase the population of the area and will place additional demands on the road network and public transport services in the area. There is a pressing need for more housing in the city to cater for a growing population. This will give rise to the additional demands upon the road network and transport services wherever it occurs. The present site has better access to public transport and other services than other places in and around the city where significant amounts of new housing could be provided to meet the latent demand for it. It is also served by existing roads. Allowing housing to be built on this site would therefore allow a more efficient and sustainable use of the city's transport infrastructure than would be likely to occur if housing was not allowed on the site, thereby displacing population other locations with poorer access to public transport. I am satisfied that the proposal would be satisfactory in the context of traffic safety and convenience.

10.0 Recommendation

10.1 I recommend a grant of permission subject to the following conditions.

11.0 Reasons and Considerations

Having regard to

- the site's location in an emerging urban area that is serviced and zoned for development under the Dublin City Development Plan 2016-2022;
- the Naas Road Lands Local Area Plan 2013 and the extension of the period of that plan;
- the nature, scale and design of the proposed development;
- its proximity to public transport services and other facilities;
- the pattern of existing and permitted development in the area, and
- the provisions of the Guidelines on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018, the Guidelines on Urban Development and Building Heights issued by the Department of Housing Planning and Local Government in December 2018, and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,

it is considered that, subject to compliance with the conditions set out below, the proposed development would make a positive contribution to the emerging character of the area and would provide a substantial amount of residential accommodation of an acceptable standard with a suitable range of commercial and community services without injuring the amenities of other properties in the vicinity, and that it would be acceptable in terms of traffic and pedestrian 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 (being a development of land within a zoned and serviced urban area), the Appropriate Assessment Screening Report submitted with the application, the

Inspector's report and the 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 sites' conservation objectives and that a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant made in the course of the application.

The board considers that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population, land and material assets arising from the additional housing and other accommodation that would be provided on the site;
- Potential effects on air quality and from noise during construction which will be mitigated by appropriate monitoring and management measures.

The proposed development is not likely to have significant effects on human health, biodiversity, soil, water, climate, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in Chapter 18 of the environmental impact assessment report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans submitted on the 21st day of February 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The buildings identified on the submitted plans and particulars as Blocks B1, B2, C1, C2, D1, E1, E2, F1 and F2 containing 992 residential units and 203 shared accommodation units shall operate in accordance with the definition of Build-to-Rent

developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and shall be used for long term rentals only.

Prior to the commencement of development on site the developer shall submit for the written agreement of the planning authority details of the following in respect of each of the blocks permitted as the Build-to-Rent developments:

- The management company established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.
- A covenant or legal agreement which confirms that each block shall remain owned and operated by a single institutional entity as a Build-to-Rent scheme for a minimum period of not less than 15 years and that no individual residential units shall be let or sold separately in that period.

Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit and agree in writing with the planning authority details of the ownership and management structures for the continued operation of the blocks as Build-to-Rent schemes. Any proposed amendment or deviation from the Build-to-Rent model authorised in this permission for those blocks shall require a separate grant of planning permission.

Reason: In the interests of orderly development and clarity.

4. The streets that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2013. All streets shall be local streets as set out in section 3.2.1 of DMURS whose carriageway shall not exceed 5.5m in width. Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall be incorporated into the spaces in accordance with figure 4.82 of DMURS.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS.

5. Prior to the commencement of development the development shall submit for the written agreement of the planning authority details of screens, planting or other physical means to provide adequate privacy for balconies and terraces that serve the permitted apartments as private open spaces.

Reason: In the interests of residential amenity.

6. Prior to the commencement of development the applicant/developer shall consult with the Planning Authority and submit for the written agreement details of any alterations to the public roads surrounding the site including road layout, traffic markings, pedestrian crossings and cycle path provision.

Reason: In the interests of orderly development and traffic safety.

7. The materials, colours and finishes of the permitted buildings and the treatment of streets and open spaces shall be in accordance with the details submitted with the application including the retail design guidelines, unless the prior written agreement of the planning authority is obtained to minor departures from those details.

Reason: In the interests of visual amenity.

8. Proposals for street names, numbering schemes and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

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

Reason: In the interests of public health.

10. The applicant or 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.

11. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. 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 within each block shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

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

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

Reason: In the interest of residential amenity.

15. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces serving the development shall be provided with electrical connections, to allow for the provision of future charging points and in the case of 10% of each of these spaces, shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: in the interests of sustainable transportation.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

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

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (e) 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;
- (f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

17. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of sustainable waste management.

19. 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:-

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
employ a suitably-qualified archaeologist prior to commencement of development.
The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:-

the nature and location of archaeological material on the site, and
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 with any application for permission consequent on this grant of outline permission. Details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to the commencement of construction work, shall be determined at permission consequent stage.

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.

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

planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

21. 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.

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

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

Colin McBride
Planning Inspector

11th November 2020