

An
Bord
Pleanála

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

Inspector's Report ABP-308552-20

Strategic Housing Development

Demolition of 4 no. existing dwellings, workshop and other ancillary structures. Construction of 105 no. apartments and associated site works.

Location

52, 54, 56, 58 Station Road, Raheny, Dublin 5

Planning Authority

Dublin City Council

Applicant

Earlsfort Centre Developments.

Prescribed Bodies

1. Irish Water
2. Inland Fisheries Ireland (IFI)
3. Iarnrod Eireann
4. Transport Infrastructure Ireland (TII)

Observer(s) 15 submissions received. The list of names is attached as Appendix A to this report.

Date of Site Inspection 08.01. 2021

Inspector Fiona Fair

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site has a stated area of c.0.36 ha and is located on Station Road, proximate and to the north of Raheny village and Raheny railway station in north Dublin city.
- 2.2. It is irregular in shape and comprises 60m frontage onto Station Road and sides onto railway lands for a distance of 50m. The majority of the site is inaccessible, undeveloped and extensively overgrown. Four terraced cottages including associated outbuildings and a furniture workshop and showroom are located on the southern side of the site, with access off Station Road.
- 2.3. To the south of the site and fronting onto Station Road is the former Raheny National School, a two-storey Protected Structure currently occupied by a childcare facility and a residential unit. Adjacent to the north of this is a shed structure which adjoins the furniture workshop facility. Immediately south of the railway lands, the area is generally characterised by rows of terraced two-storey dwellings within Rathmore Park and along Station Road. There is also a two-storey detached dormer-style dwelling, No. 26a Rathmore Park, adjacent to the railway lines and positioned between housing in Rathmore Park and Station Road. The eastern boundaries of the site back onto open space and properties in Ashcroft residential estate, which is characterised by rows of two-storey terraced dwellings. Adjacent to the north of the site are terraced two-storey dwellings also forming part of Ashcroft estate, which are set back from Station Road by a slip-road and a line of trees. The western boundary along the Station Road is primarily formed by a rendered and capped wall, which is over 2m in height. On the opposite side of Station Road, to the west of the appeal site, are rows of two-storey terraced dwellings and a childcare facility.
- 2.4. The estate access roads through Ashcroft have been taken in charge by Dublin City Council. Ground levels drop slightly moving eastwards on site and within the wider area ground levels generally drop steadily towards the coastline to the southeast.

3.0 Proposed Strategic Housing Development

3.1. The proposed development (as per the public notice) will consist of:

- The demolition of 4 no. existing dwellings, 1 no. workshop and other ancillary structures on the site and the provision of:
 - 105 no. residential units arranged in a single block comprising:
 - 51 no. 1 bedroom apartments and
 - 54 no. 2 bedroom apartments,

ranging in height from four to seven storeys with set-back upper floors, all over a basement level, with private, communal and public open space provision (including balconies and terraces to be provided on all elevations at all levels);

- Car and cycle parking;
- Storage areas;
- Internal roads and pathways; pedestrian access points;
- Hard and soft landscaping and boundary treatments.
- Vehicular access to the site will be from the Ashcroft Estate with emergency fire tender and bin lorry access from Station Road.
- The development will also include changes in level; services provision and related pipework; plant; electric vehicle charging points; ESB substation; waste management areas; attenuation tank; signage; public lighting and all site development and excavation works above and below ground.

3.2. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Housing 2018. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes and storage.

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

Table 1: Development Standards

Site area	0.36hectares
No. of residential units	105no.
1 Bedroom units	51(%)
2 Bedroom (3P) units	9(8.57%)
2-Bedroom (4P) units	45 (42.8%)
Part V units	10(9.5%)
Gross Floor Area (excluding basement)	9389m ²
Density	292 units per hectare
Plot Ratio	2.6:1
Site Coverage	39%
No. of dual aspect units	72(69%)
Building heights	4-7storeys
Car parking spaces	55 (0.52/unit)
Bicycle parking spaces	132(1.25/unit)
Communal open space	769m ² (in two courtyard areas).
Public open space	116m ² (3.2% of site area)

3.4. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.

4.0 Planning History

ABP Ref. 248490 / Reg. Ref. 3973/16

Planning Permission Granted by DCC & ABP for 71 units in a 5-storey block: 7 no. 1 bed (9.86%) 52 no. 2 beds (73%) & 12 no. 3 bed apartments (17%)

(Unimplemented)

ABP Ref. 236737 / Reg. Ref. 4525/09

Planning Permission Granted by DCC & ABP for the demolition of 4 no. habitable houses, 1 no. shed and ancillary boundary walls, (b) The construction of a 3 storey, 80 Bed Nursing Home facility comprising a 60 bed elderly care unit & a 20 bed specialist Alzheimer unit, 2 no. new vehicular site entrances to on site surface parking / service areas accessed via the adjacent Ashcroft housing estate (29no. parking spaces provided in separate visitor and staff car parks)

(Unimplemented & Lapsed)

ABP Ref. 226811 / Reg. Ref. 4293/07

Planning Permission Granted by DCC but REFUSED by ABP for demolition of 4 no. houses and a shed on a site the same as the current appeal site, and for the construction of 60 no. apartments in a four 4-storey block.

ABP Direction

(Notes: (1) The Board had no objection in principle to a substantial apartment development on this site which could incorporate four storey elements.

(2) The Board considered that in any future application for permission on this site the option of accessing the site in whole or in part from Ashcroft might be examined.)

5.0 National, Regional and Local Planning Policy

5.1. I am of the opinion that key policy and guidance documents of relevance to the proposed development are as follows:

- National Planning Framework 2040.
- Rebuilding Ireland – Action Plan for Housing and Homelessness.

- Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020.
- Urban Development and Building Height Guidelines 2018.
- Regional Spatial and Economic Strategies – Eastern Midlands Regional Assembly (2019-2031);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities.
- Quality Housing for Sustainable Communities (2007).
- Design Manual for Urban Roads and Streets (2019).
- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- Guidelines for Planning Authorities on Childcare Facilities 2001.
- BusConnects – Transforming City Bus Services (2018). The Planning System and Flood Risk Management (2009).

5.2 Statutory Plan for the area

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area. The site is located in an area with zoning objective Z1: *“To protect, provide and improve residential amenities”*.

- Z3 ‘Neighbourhood Centre’ zoned lands are located nearby to the south of the site.
- The site is located within Parking Zone 2 on Map J of the Development Plan
- The site is located in Flood Zone C
- Section 16.7.2 of the Development Plan sets out building height limits for development, including a 24m restriction in the outer city within 500m of a DART station.

The following policies and objectives are of relevance:

- 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.
- QH23: To discourage the demolition of habitable housing unless streetscape, environmental and amenity considerations are satisfied, and a net increase in the number of dwelling units is provided in order to promote sustainable development by making efficient use of scarce urban land.

Variation 7 Dublin City Development Plan (adopted March 2020):

The purpose of this Variation is to incorporate the National Planning Framework (NPF) and the Regional Spatial Economic Strategy (RSES) into the City Development Plan 2016 – 2022, in accordance with Section 11 (1) (b) (iii) of the Planning and Development Act, 2000, as amended. This is in order to align national, regional and local policy objectives.

- Dublin city in its entirety lies within the Dublin Metropolitan Area Strategic Plan (MASP) area and the RSES's give direction to Dublin city as the 'global gateway' for high-intensity clusters, brownfield development, urban renewal and regeneration. The RSES settlement strategy for the metropolitan area includes a strong policy emphasis on the need to gain maximum benefit from existing assets, such as public transport and social infrastructure, through the continuation of consolidation and increasing densities within the existing built footprint of the city.
- Assuming an average occupancy rate of two persons per residential unit, the housing requirement for the 2016 – 2022 period is between c.21,000 – 26,500 units over a 6 year period. The Development Plan provides capacity to exceed this figure in the Housing Strategy for the Development Plan period 2016–2022, in order to accommodate longer-term sustainable growth. From the above analysis, and particularly because there is capacity in excess of the required population and housing figures (see housing strategy below), it is concluded that the policies and objectives of this Dublin City Development Plan remains consistent the high-level national and regional policies.

6.0 Section 5 Pre Application Consultation

6.1. A Section 5 pre application (ABP – 307202-20) consultation took place at the offices of An Bord Pleanála on the 15th July 2020 commencing at 12:30 pm.

Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted with the request to enter into consultations **constituted a reasonable basis for an application for strategic housing development.**

6.2. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the applicant was notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from the notification:

1. Additional photomontages/CGI's to include views showing trees when they are not in leaf.
2. Full details of boundary treatment to the open space and to Station Road, which should comprise high quality design and finishes and ensure passive overlooking and surveillance of the street/open space.
3. Consideration of the location of the ESB substation to minimise visual impact on Station Road.
4. Ascertain DCC Parks Division's plans for proposed open space to the north and given further consideration to the interaction of the development with this space.
5. Daylight/sunlight analysis.
6. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, including its specific planning policy requirements.
7. A building life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development.
8. Noise Impact Assessment.
9. Mobility Management Plan.
10. Construction and Demolition Waste Management Plan.
11. Additional details in relation to surface water management, SUDS features and flood risk assessment as raised in the report issued by the Engineering Department Drainage Division dated 22nd June 2020 and detailed in Addendum B of the Planning Authority's Opinion.
12. Additional details in relation to issues raised in the report issued by the Transportation Planning Division Report dated 22nd June 2020 and detailed in Addendum B of the Planning Authority's Opinion.

7.0 Applicant's Statement of Consistency

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

7.1.1. Item No. 1: Additional Photomontages

The applicant has submitted revised CGIs that show the proposed development with trees not in leaf. These are enclosed in the Architect's Design Statement prepared by PMCA Architects.

7.1.2. Item No. 2: Boundary Treatments

The Applicant has revised the boundary treatments in terms of design and finish to ensure passive overlooking and surveillance of Station Road and the adjoining open space is achieved. Detailed are enclosed in the submissions of Ronan MacDiarmada & Associates, Landscape Architects (see Landscape Rationale and related Response to the Board's Opinion with associated drawings).

7.1.3. Item No. 3: ESB Substation.

The proposed ESB substation is now re-located to within the proposed substantive development in order to minimise potential visual impact on Station Road. This is addressed in the enclosed Architect's Design Rationale and as illustrated on the enclosed Site Plan and related drawings as prepared by PMCA Architects.

7.1.4. Item No. 4: Interaction of Open Space

The scheme landscape architect, Ronan MacDiarmada, has liaised with DCC Parks Division in relation to the interaction of the proposed development with the open space to the north. The outcome of these discussions is described in the landscape drawings enclosed and in the associated landscape rationale. The current proposal comprises 105 no. residential units on a site area of 0.36 ha. The previously permitted development on the site (see ABP Ref: PL 29N. 248490; Reg. Ref. 3973/16 as permitted by the Board) comprised 71 no. units on the same site area. This gives rise to a Development Plan public open space requirement of 10% of site area, which equates to 360 sq m. This is the same open space requirement that

arose with the previous permission. Both the previous application and the current proposal include the ceding of some 116 sq m of land to facilitate a pedestrian connection from the Ashcroft public open space adjoining the subject site to Station Road. It is submitted that the ceding of lands is a planning gain and that additional development contributions in respect of a shortfall in public open space provision should not be applied. It is noted that the grounds of appeal submitted object to the principle of a new pedestrian access through this space to Ashcroft, both in the 2016 application and the subject application. Request that the current proposal, which requires the same provision of public open space on the same area of site should be similarly assessed by An Bord Pleanála in this case, i.e. no additional contribution in lieu of public open space should be applied by way of condition.

7.1.5. Item No. 5: Daylight / Sunlight Analysis

A comprehensive daylight and sunlight analysis is enclosed with this application as prepared by Chris Shackleton Consulting Ltd., which confirms that the proposed development will not give rise to any adverse shadow impacts on the surrounding environment and will also meet all relevant BRE guidance in respect of internal access to daylight and sunlight.

7.1.6. Item No. 6: Schedule of Accommodation

A detailed schedule of accommodation as requested is enclosed as prepared by PMCA Architects.

7.1.7. Item No. 7: A Building Lifecycle Report.

An Energy Statement was prepared by McElligott, Consulting Engineers, which incorporates the relevant requirements of the Building Lifecycle Report referenced above.

7.1.8. Item No. 8: Noise Impact Assessment.

An Acoustic Assessment was prepared by AWN Consulting regarding the proposed development.

7.1.9. **Item No. 9: Mobility Management Plan.**

A Mobility Management Plan is enclosed as prepared by Cronin Sutton Consulting.

7.1.10. **Item No. 10: Construction and Demolition Waste Management Plan**

A Construction and Demolition Waste Management Plan was prepared by Cronin Sutton, Consulting Engineers and submitted with the application.

7.1.11. **Item No. 11: Drainage Division Issues**

The details noted in the Drainage Division Report are addressed in the Engineering Services Report and Flood Risk Assessment enclosed with this application as prepared by Cronin Sutton, Consulting Engineers.

7.1.12. **Item No. 12: Transportation Planning Division Issues**

The details noted in the Transportation Division Report are addressed in the Traffic Impact Assessment enclosed with this application as prepared by Cronin Sutton, Consulting Engineers.

8.0 **Third Party Submissions**

8.1. Fifteen number third party submission received, the list of names for submissions is attached as appendix to this report, they are collectively summarised under the following headings:

Principle

- Represents a case of overdevelopment of a restricted site.
- The reason for refusal of a previous proposal on site are cited i.e. 4293/07.
- The changes/amendments/variants from the 2016 permission are noted.
- A very recent ABP refusal of increase in height of a permitted scheme at Verville Retreat Clontarf is cited.
- Inappropriate mix of units proposed, lack of 3 bedroom units.
- The SHD process rules out 'democratic' oversight. 3rd parties cannot see other submissions made on the application.
- The plot ratio of 2.6:1 approximately which exceeds the Development Plan's indicative range.

- A balance needs to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- Proposal contrary to the Z1 Zoning. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities i.e., views, architectural quality, civic design, etc.'
- The scheme fails to protect the amenities of existing dwellings in the vicinity and there would be a material contravention of the Z1 zoning objective.

Amenity

- Height, scale, density excessive for the area
- Negative impact upon the character of the area.
- Height inconsistent with the character of the area.
- Houses on Station Road, Ashcroft Estate and Rathmore Park will be overlooked by these new, higher apartment blocks.
- Concern of overlooking to creche and school and a nursing home.
- A previous application of this site had half the level of density and was in parts two-storeys shorter.
- Loss of green playing space – which is of vital importance.
- When compared to the last application for this site, the subject application has less open communal green spaces.
- The increased mass and bulk will result in unacceptable overshadowing and loss of daylight to adjoining residents.
- Layout plan is misleading with open space in Ashcroft and the railway embankment suggested as public open space to serve this proposed development.
- There would an excessive shortfall of active recreation space at ground level.

Visual Amenity

- The c.21m/7-storey development which is on an elevated location is too high and out character with its local setting which is characterised by 2-storey housing, and that of adjacent protected structures, and an ancient path.
- The top floor should be omitted and the block set back a further 2m from the Ashcroft estate from the north and east.
- Insufficient photomontages have been submitted.

Traffic, Access and Carparking

- Amenity of Ashcroft quiet cul de sac would be destroyed by making it a through-way. New access between the existing open space onto Station Road should be omitted.
- Concern that the provision of 105 new units will cause additional pressure to local traffic congestion.
- Concern about the narrowing of the road and the impact this will have on Ashcroft estate.
- Insufficient car parking proposed, overspill to adjoining estate is of concern.
- Visitor car parking of concern.
- Existing public transport already at capacity.
- Insufficient access for emergency vehicles. More space required for delivery and service vehicles.
- Alternative entrances and exits not given enough considerations – suggested alternatives are proposed.

Noise and Nuisance

- Hazard/nuisance from construction work.
- Needs to be protection from dust and dirt, and noise, and site traffic.
- Construction traffic should come directly off Station Road.
- Basement construction could destabilise the rail embankment.

Impact Upon Protected Structure.

- The additional height would result in a development that would be overly dominant in views from the protected structure.
- Proposal would cause serious injury to the architectural character and setting of the protected structure to the south.
- Proposal fails to convey the real significance of the protected structure. This building has a notable function, connecting the local people with their community in a way the current proposal could never do.
- That fine old building contributes to the character of Raheny. In striking opposition, the intended apartment block could be found anywhere a person went searching for a nondescript block.

9.0 Planning Authority Submission

9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 5th January 2021. The report may be summarised as follows:

- It is considered that the proposed development is generally consistent with National and Regional Guidelines as well Development Plan's policies and objectives.
- Higher densities are considered to be appropriate at this location considering the tight parameters of the site and due to its proximity to the DART and as such will comply with the urban consolidation and compact city objectives as set out in the NPF2040, RSES, and the current Development Plan.
- The subject development now being proposed has a height of c.21m in the central part of the apartment block, with the applicant noting that this is below the maximum permitted height in the current Development Plan by a margin of 2.6m. The applicant considers that the additional height can be accommodated in a limited area of central core of the development, which would not impact on surrounding area.

- The development initially appears to be bulkier and much more ‘muscular’ than its predecessor especially to its main northern and eastern elevations – with now a more filled-out 5th and 6th floor level – which is then topped by 7th floor penthouse element. However, as noted the revised block’s irregular form and varied use of contemporary materials adds to the level of elevational articulation and visual interest. The main rear eastern elevation will benefit from the buffer of the public open space and mature trees in leaf (or without) - which will also further dissipate some of the impact of this elevation.
- The revised articulation of the solid to void ratio by the use of more vertical elements including fenestration assists in reducing the scale bulk and massing of the block.
- The applicant notes that on the proposed elevation drawings the proposed primary finish treatment is brickwork with limited use of render or lighter panels, and that all exposed plinths are finished in brick. The use of brick facades is particularly welcome – as they tend to require less maintenance and do not spoil as readily as a rendered facade (or lighter panels.)
- It is considered that the apartment mix proposed at this location will add to the residential tenure profile of the area, which is predominantly categorised by own-door 2-storey housing.
- A detailed breakdown of the floor areas as well as room size, living area and bedroom aggregates, storage and balcony areas is provided within the schedule of accommodation – which compares the proposed provision with the minimum requirements for each ‘item’ under the 2018 Apartment Guidelines. As per the Apartment Guidelines more than 50% of the units are at least 10% larger than minimum 2018 Apartment unit size. The total proposed floor area is 7066.9m² which is over 13.6% larger the minimum required total floor area for the number and mix of units proposed.
- Floor to ceiling height, lift and stair core complies with 2020 Apartment Guidelines
- Notes that there are 72 dual aspect apartments (68.6%) and 33 no. single aspect units. All the single aspect units appear to be orientated to the east and south.
- DCC’s Parks, Biodiversity & Landscape Division considers that the Children’s

play areas proposed meets the apartment guidelines.

- Omission of a childcare facility is considered acceptable in this instance.
- An outline social audit has been provided – and it is noted that the site is in relatively close proximity to the centre of the Raheny Village area and surrounding amenities.
- The applicant notes that the communal open space areas will comply with section 3.3.17 of the BRE's 2011 best practice guidance document Site Layout Planning for Daylight & Sunlight.
- It is the current view that a contribution should be made for the remainder of the 10% requirement having regard to the provisions relating to the payment of a contribution in lieu of public open space that are now included in the DCC S.48 Development Contribution Scheme.
- The applicant's study (access to daylight) has looked at potential impacts on dwellings opposite on Station Road, and blocks of houses to the north and east within the Ashcroft Estate, as well as the Montessori school building to the south. They note that when tested with the new development in place, the Vertical Sky Component (VSC) for practically all tested windows was greater than 27%, or not breaching the 0.8 times its former value limit for habitable rooms, with the report noting that below par windows either serve non-residential spaces or are secondary windows to spaces which are served by other main windows.
- The average ADF for both sample floors (ground floor and first floor) do achieve the 2% ADF requirement
- The applicant notes that they are significant separation distances to the nearby residential properties of 46m to the east and 24.5m to the north.
- The applicant notes that the design and layout of the north facing apartments and their elevational treatment has been amended to minimise the risk of overlooking of the private open space in rear gardens of the existing dwellings to the north of the site.
- While the applicant has taken the standing overlooking point of view from inside the sample apartments rather than from on their open balconies (which will be a degree closer to 3rd parties) – it is still considered that the revised treatments and

separation distances to 3rd party sites to the north are sufficient to maintain existing levels of privacy as best as possible.

- While the separation distance from the nearest eastern balconies to the private open space area of 22 Ashcroft is similar to that permitted (albeit with additional floors) it is recommended that the northern side of the balconies serving of Apts. 90 and 94 be fitted with 1.8m high opaque glazing, as well as a 1.0m 'wrap-around' section of their eastern sides from where the latter join up with the northern balcony sides.
- Noting the close proximity of overlooking windows, balconies and raised terrace patios to the southern boundary there seems to have been an accepted assumption that the Montessori site will not be accommodating residential development anytime soon –which would be significantly sterilised by the subject scheme as already established by its permitted predecessor.
- Access - Vehicular access to the development is proposed via a gated entrance located at the end of the cul de sac at the south east corner of the Ashcroft housing estate. This estate road is approximately 6 metres wide with existing footpaths on either side. Most of the dwellings along the access road have off streetcar parking. Access for emergency vehicles and refuse vehicles is proposed directly from Station Road. A swept path analysis has been included as part of the submission for refuse and emergency vehicles. Pedestrian access is proposed from both Station Road and at the rear from Ashcroft Estate adjacent to the basement car park entrance.
- It is proposed that refuse vehicles and fire tender vehicles be accommodated from an entrance on Station Road. The access arrangements remain unchanged from the previously permitted application on the site and are considered acceptable to the Traffic management division.
- A CDWMP has been submitted with this application. It is noted that access for deliveries will be from Station Road and it is stated that a pedestrian entrance from Station Road would be beneficial to separate pedestrian and vehicular traffic during construction. On appointment of a contractor, a detailed Construction and Demolition Traffic Management Plan should be submitted for the agreement of the Roadworks Control Section of the Planning Authority.

9.2. **Summary of Inter-Departmental Reports**

Housing and Community Services: The applicant has engaged with the Housing Department and is aware of their obligations under Part V, if permission is granted.

Transportation Planning Division: Report received. No objection subject to conditions.

Drainage Division: Report received. No objections subject to conditions.

Parks and Landscape Services: No objections subject to conditions.

Biodiversity Officer: No objections subject to conditions.

9.3. **Recommended Opinion of CE**

- 9.3.1. The planning authority report concludes that: 'Having regard to the nature and scale of the proposed development, the established pattern of development in the area and the relevant provisions of the current Development Plan, it is considered that the proposed development would be consistent with the provisions of these plans and therefore be consistent with the proper planning and sustainable development of the area.'
- 9.3.2. 20 number conditions are recommended, in the CE Report, in the event that planning permission is forthcoming.

Elected Members

- 9.3.3. A summary of the views of elected members as expressed at the Area Committee (North Central) Meeting at the meeting on 26th November 2020 is included in the Chief Executive's Report and is summarised below:
- Concern about the height, scale and density of proposed development and visual impact given it is located on a hill. The images from Station Road do not reflect the huge visual impact of same. Concern of overlooking to neighbouring properties. Concern of overshadowing and adequate assessment of same has not been carried out.
 - Recommend that the application be rejected as the height and density does not sit well with the surrounding environment and Ashcroft Estate.

- Design and Layout questionable. Inappropriate mix of units proposed. No three bedroom units proposed this is unacceptable.
- Concern with respect to traffic and mobility.
- Support the concerns of Ashcroft Residents as this new application represents the overdevelopment of a small site and will be an eyesore changing the character and historical centre of Raheny village. The development is not in keeping with the village itself.
- Concern of location of Part V apartments at ground floor level.
- Concern in relation to Fire certificate and fire stopping.
- Queries the strategic housing development process.

10.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- Irish Rail
- Commission for Railway Regulation
- Coras Iompair Eireann
- Dublin City Childcare Committee

10.1. **SUMMARY OF PRESCRIBED BODY REPORTS:**

Inland Fisheries Ireland (IFI): Report received. It sets out that

- Should development proceed, best practice should be implemented at all times in relation to any activities that may impact on surface water (stream and river) or riparian habitats. Any discharges to surface streams present on or near the site must not impact negatively on the system. Comprehensive surface water management measures (GDSDS study recommendations) must be implemented

at the construction and operational stage to prevent any pollution of local surface waters.

- Ground preparation, basement excavation and associated construction works, including large-scale topographic alteration and the creation of roads and buildings (as proposed), have significant potential to cause the release of sediments and pollutants into surrounding watercourses. Any dewatering of ground water during the excavation works must be treated by infiltration over land or into an attenuation area before being discharged off site.
- It is essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development with no negative repercussions for quality of treatment, final effluent quality and the quality of receiving waters. Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

Irish Water: Report received: It states that the applicant has engaged with Irish Water in respect of design proposals for which they have been issued a Statement of Design Acceptance for the development as proposed.

Iarnrod Eireann

Observation sets out 15 number of conditions recommended to be attached to any grant of permission forthcoming. They include but not exclusively the following:

1. The Railway Safety Act 2005 places an obligation on all persons carrying out any works on or near the railway to ensure that there is no increase in risk to the railway as a consequence of these works. Because of the proximity of the site to the Railway, the Developer must take into account this obligation in Design, Construction and Operation of the scheme.

2. Due to proximity of the Dublin/Belfast railway line, a 2.4m high suitable designed, RC Wall/Concrete block wall boundary treatment, should be erected by the applicant on the applicants' side of the boundary. The existing palisade fence should be removed and replaced with RC Wall/Concrete block wall boundary treatment proposed above.
3. The maintenance of this boundary treatment rests with the Applicant and his Successor-in-Title. The exact location and details of this boundary treatment is to be identified on site in co-operation with this office.
4. That provision be made for maintaining the security of the railway boundary during the course of the works and the boundary treatment should be completed before any major development works begin on site.
5. No building shall be constructed within 4m of the Boundary Treatment on the applicants' side.
6. A minimum 2.75m clearance shall be kept from all Over Head Line Equipment (OHLE) Structures and wires.
7. Relates to integrity embankment/cutting
8. No additional liquid, either surface water or effluent shall be discharged to, or allow to seep onto, the railway property or into railway drains / ditches.
9. Should the development require the use of a crane that could swing over the railway property, then the developer must enter into an agreement with Iarnrod Eireann / C.I.E. regarding this issue.
10. Any proposed services that are required to cross along, over or under the railway property must be the subject of a wayleave agreement with Iarnrod Eireann / C.I.E.
11. No overhang of any part of the development over the railway property is to be allowed.
12. Lights from the proposed development, either during the construction phase or when the development is completed, should not cause glare or in any way impair the vision of train drivers or personnel operating on track machines
13. The applicant should be made aware of the normal vibrations and noise

emanating from railway operations and maintenance. These developments including the boundary treatment should be so designed to withstand such vibrations and noise. Applicants in this regard should be aware that the railway has the capacity to operate 24 hours a day, 7 days a week.

14. For development of residential units in areas adjoining the railway corridor. The Applicant and / or his agents should conduct quantified noise assessment to ensure noise levels at the proposed residential units do not equal or exceed undesirable noise levels, as specified in the Local Authority's Noise Action Plan. It shall be responsibility of The Applicant and / or his agent to specify necessary mitigation measures where specified noise levels are exceeded. The noise assessment should consider a number of scenarios when predicting noise levels, including the following:

- within development with windows closed;
- within development with open windows; and
- exterior of development within private or communal gardens.

15. Given that the railway is maintained and operated 24 hours a day 7 days a week, the Developer should be required, via sales literature, to inform the future purchasers and/or tenants where applicable of residential units within the development of the noise and vibration that might be expected due to such railway operations and maintenance.

Transport Infrastructure Ireland: Submission received, and it states that TII have no objection.

11.0 Oral Hearing Request

None requested.

12.0 Assessment

I consider that the key issues for consideration by the Board in this case are as follows: -

- **Principle of the Development**
- **Height, Scale, Massing and Visual Impact**
- **Development Strategy**
 - **Standard of Accommodation/Internal Standards**
 - **Residential Amenity – Proposed Scheme**
 - **Open Space and Recreational Amenity**
 - **Impact Upon Existing Residential Amenity**
 - **Impact Upon Adjoining Protected Structures**
 - **Transport: Access, Parking, Cycle and Pedestrian Linkages**
- **Other Matters**
 - **Childcare and Services**
 - **SHD Procedural Issues**
 - **Part V**
 - **Construction Traffic, Noise and Nuisance**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

12.1. Principle of the Development

12.1.1. The proposed development consists of the provision of 105 no. apartment units within a 7 storey over basement building. The site is located off Station Road, in Raheny village and is bounded by the rail-line to the south, Station Road to the west and housing estates to the north and east. The site is well served by public transport with a number of bus routes (QBCs) on Station Road and the Howth Road. The site is directly adjacent to Raheny Dart Station.

12.1.2. I note the previous grant of permission on the site by An Bord Pleanála under ABP Ref. 248490 / Reg. Ref. 3973/16 for 71 units in a 5-storey block: 7 no. 1 bed (9.86%) 52 no. 2 beds (73%) & 12 no. 3 bed apartments (17%). The proposed development will increase the overall permitted density of development on the site from 71 no apartments / 197 units per ha to 105 apartments / 292 units per ha. Section 16.5 and 16.6 of the Dublin City Development Plan 2016-2022 sets out standards for plot ratio and site coverage. The Development Plan identifies an indicative plot ratio standard of 0.5 - 2:1 for development within Z1 areas. The indicative Development Plan site coverage standard is 45-60%. In this instance, the subject development has a plot ratio of c.2.6 and a site coverage of c.39%. I note a higher plot ratio and higher site coverage may be permitted in certain circumstances such as amongst other scenarios:

- “Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed”
- “To facilitate comprehensive redevelopment in areas in need of urban renewal”.

12.1.3. The site has the benefit of ‘Z1’ zoning, the objective for which is to provide for sustainable residential neighbourhoods and to protect, provide and improve residential amenities. Given the existing pattern of development in the immediate vicinity, the appeal site is considered to constitute an infill site. The proposal for an up lift in the number of apartments from 71 to 105 on this site is considered appropriate regard being had to proximity to the DART, the planning history (the footprint of the subject development has not changed from the permitted under ABP 248490) the zoning and the relevant Section 28 Guidelines most notably ‘Urban Development and Building Height Guidelines’, (Dec 2018) and ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (Dec 2020). Whilst much higher than the densities prevailing on adjoining lands, including Ashcroft to the north, I note that there is no upper limit set within the Development Plan and I consider the density to be reasonable having regard to the site’s location within 100m to 200m of Raheny railway station.

12.1.4. The City Council have no objections in principle to the proposal, it is the opinion of the planning authority that higher densities are considered to be appropriate at this location considering the tight parameters of the site and due its proximity to the DART. I note that the site is zoned for residential development and I agree that the subject proposal will comply with the urban consolidation and compact city objectives as set out in the NPF2040, RSES, and the current Development Plan.

12.1.5. In conclusion, having regard to proximity to the DART, the planning history of the site, the zoning and the relevant Section 28 Guidelines, the proposed development is considered consistent with the proper planning and sustainable development of the area and is acceptable in principle.

12.2. Height, Scale, Massing and Visual Impact

12.2.1. Serious concerns have been raised, by third parties in their submissions, regarding the proposed height and scale of the development. Concerns centralise on the 7-storey height which it is argued, given, it is located on an elevated location is too high and out character with its local setting which is characterised by 2-storey housing, and that of an adjacent protected structure.

12.2.2. Height

12.2.3. The applicant's Architectural Design Statement notes that most of the 'change' is to the upper floors with the extra height accommodated towards the centre of the scheme. It is submitted that they have considered the relationship to the Montessori school building (Protected Structure) adjoining to the south, from which the subject development largely steps back from – in order to provide some 'breathing space' to the neighbouring building's setting.

12.2.4. Policy SC16 acknowledges the intrinsic quality of Dublin as a low-rise city and that it should predominantly remain so. Section 16.7 of the current Development Plan 'Building Height in a Sustainable City' allows for a maximum height of up to 16m in the outer city and a height of up to 24m can be considered where the site is located within 500m of a rail station.

12.2.5. The subject amended development now being proposed has a height of c.21m / 7-storey in the central part of the apartment block. This I note is below the maximum permitted height in the current Development Plan by a margin of 2.6m. It is argued

that the additional height can be accommodated in a limited area of central core of the development, which would not impact on surrounding area.

- 12.2.6. Buildings higher than two-storeys in the immediate vicinity include the 3-storey apartment blocks of Grange Hall and Raheny Wood to the northwest of the appeal site, while to the southwest of the appeal site on lower ground is the Church of Our Lady, which features a 22m-high tower.
- 12.2.7. Under the subject application the height of the block steps down from seven storeys in the centre to four storeys on the eastern end, five storeys on the northern end. The most notable change is the change in height along Station Road where the permitted fourth-floor setback along Station Road is now increased to 6th floor set back and with setback 7th floor penthouse.
- 12.2.8. It is submitted that additional height could be accommodated in a limited area of the central core of the development which would not impact on surrounding areas. A comprehensive assessment of the height profile of the proposed development was undertaken and its impact on the surrounding area. Comparative elevations of the previously approved development and the proposed new development form part of the documentation submitted for this application.
- 12.2.9. The Building Height Guidelines acknowledge that building heights must be generally increased in appropriate urban areas. In particular I note sections 3.1 and 3.2 of the 2018 Apt Guidelines, however as the proposed development is in compliance with the Development Plan re. height, density, design standards, etc. reliance on the Guidelines is not required. In this instance, I am satisfied that the approach to height is appropriate.
- 12.2.10. In conclusion, having reviewed the photomontage and Architectural Design Statement, as well as my observations on site, I am satisfied that the height of the proposed development is appropriate and will have no significant adverse visual impacts from the permitted scheme it seeks to supersede. I consider that the development makes an appropriate and sustainable use of the subject lands. I am satisfied that the lands have the capacity to absorb a development of this scale and height without any material adverse impacts on the visual or residential amenities of the area (although this matter is further considered in detail below).

12.3. Scale and Massing

- 12.3.1. Regard being had to the concerns raised with respect to the proposed scale and massing, I am of the opinion that proposed scale and massing is appropriate in this location in proximity of Raheny Village, proximate to Rahney DART Station and directly addressing Station Road. The proposed additional units, as described above, is focused to the centre of the scheme with now a more filled-out 5th and 6th floor level, which is then topped by a 7th floor penthouse element.
- 12.3.2. The applicant's Architectural Design Statement notes that the development's foot print is exactly the same as that of existing permitted footprint of Reg. Ref. 3973/16 – (with similar setbacks to boundaries and will use the same access points into the site as before for pedestrians and vehicular traffic). This is not disputed by the third parties or the planning authority.
- 12.3.3. The design rationale sets out that the proposal seeks to provide additional accommodation by increasing heights in appropriate areas. It is contended that the main design objective in providing this additional accommodation in the subject scheme was to minimise the bulk and massing of any additional building and to have no additional impact on the surrounding area, over and above that already established in the extant permission.
- 12.3.4. The elevation drawings show an enhanced articulation of the solid to void ratio by the use of vertical elements including fenestration which assists in reducing the scale, bulk and massing of the block. A varied use of contemporary materials adds to the level of elevational articulation and visual interest. The main rear northern & eastern elevation will benefit from the buffer of the public open space and mature trees in leaf (or without), which I agree with the city council will also further dissipate some of the impact of this elevation.
- 12.3.5. As set out in paragraph 12.1.2 of this report: higher plot ratios and site coverage may be acceptable under the following circumstances:
- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed
 - To facilitate comprehensive re-development in areas in need of urban renewal
 - To maintain existing streetscape profiles

- Where a site already has the benefit of a higher site coverage.

12.3.6. As discussed throughout this report this site is c. 6 Km from the city centre, adjacent to Raheny DART Station and a QBC. The proposed plot ratio for the subject proposal is therefore acceptable in this instance.

12.3.7. Within the immediate area surrounding the site there are a range of largescale retail, business and other institutions that will also provide employment opportunities and services to future residents of the development. I consider that the site can sustainably support the scale, massing and density level proposed. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands. Again I highlight that the foot print is exactly the same as that of existing permitted footprint of Reg. Ref. 3973/16 with similar setbacks to boundaries.

12.3.8. I consider that the design, architectural treatment, variation in height and finishes proposed assists in reducing the scale, bulk and massing of the block and rendering it acceptable.

12.4. Visual Impact

12.4.1. The applicant submits that the irregular plan form and the building height required that the building design had to be 'well ordered' and that it has been detailed with a varied façade treatment to avoid an overbearing or regimented appearance. They note that the architectural styling and fenestration is of a more contemporary type which gives a 'fresh honest and modern' feel to the development, and that materials have been carefully chosen to present a pleasant appearance whilst ensuring the materials will weather well and be easily maintained.

12.4.2. A contemporary range of materials will be applied across the block. I agree with the city council that the use of brick facades is particularly welcome, as they tend to require less maintenance and do not spoil as readily a rendered facade (or lighter panels.) I note that on the proposed elevation drawings the proposed primary finish treatment is brickwork with limited use of render or lighter panels, and that all exposed plinths are finished in brick.

12.4.3. A detailed Architectural Design Statement was submitted which demonstrates how the development sits comfortably within the overall urban context of the area. In

particular, cognisance being had to permitted development under ABP Reg. Ref. 248490 (on foot of which permission was granted for 71 apartment units in a 5 storey block). Overall, I am of the opinion that the proposed building is of high quality, well designed and would be an acceptable addition to the surrounding built environment. The CGI's, photomontages and the comparison images showing the outline of the permitted 2016 development projected onto the elevation and floor plan drawings of the proposed development submitted with the planning application indicates that the impact of the proposal on the area will be neutral. I am satisfied that the design of the building is to a high quality and will make a positive contribution to the wider area.

Development Strategy

12.5. Standard of Accommodation/Internal Standards

12.5.1. The proposed apartments have been designed to accord with the Sustainable Urban Housing: Design Standards for New Apartments 2020 ("The Apartment Guidelines"). A Housing Quality Assessment accompanies the application this demonstrates that the development meets all of the required qualitative and quantitative standards for residential development. I note that the planning authority has carried out a thorough examination of the overall mix / bed spaces / size range, floor to ceiling height, lift and stair core, bin storage, private open space, children's play areas, omission of a childcare facility and has raised no concerns. I have separately reviewed the apartment types and sizes proposed against the Apartment Guidelines (2020) and I am satisfied the minimum standards have been met and the proposed development is acceptable. 69% (72) of the apartments are dual aspect. It should be noted in any event that minimum of 33% rather than 50% dual aspect standards would apply in this instance, given the central urban location proximate to Raheny DART Station. The proposed apartments are generous in size and the majority are well in excess of the minimum unit size required. Adequate storage is also provided. Adequate private open space is provided, meeting DCC Development standards, given its urban location. I am satisfied that a high standard of accommodation will be provided for future occupants.

Sunlight, Daylight and Shadow Assessment

12.5.2. A Sunlight Daylight and Shadow Analysis was prepared by CSC Chris Shackleton Consulting, included in the application. The report examines the impact the proposed apartment development at Station Road will have on neighbours in the adjoining area in terms of sunlight, daylight & shadow. It also examines how the proposed development performs in terms of light. The analysis includes a full study of all ground floor units, (where the 10 no. 'Part V' units are proposed to be located). The applicant's study has looked at potential impacts on dwellings opposite on Station Road, and blocks of houses to the north and east within the Ashcroft Estate, as well as the Montessori school building to the south. The report is, in accordance with "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, BS 8206 Lighting for Buildings, Part 2: Code of Practice for Daylighting and other updated relevant documents".

The study indicates that the Average Daylight Factor (ADF) for all tested rooms on both the 1st and Ground floors comply with the relevant requirements.

- Average ADFs (GFL and 1st Floors) for all tested living rooms is 2.3% and for bedrooms 3.0%. As all the assessed rooms have met or exceeded their respective target values for ADF, the analysis concludes that the proposed development will receive adequate levels of daylight within the proposed units. As an improvement to ADF is to be expected in the upper floors, it is reasonably assumed that the entire development will have sufficient levels of daylight.
- 78% of the living rooms windows receive the required APSH and WPSH sunlight.
- 78% of balconies receive well in excess of the required 50% of qualifying sunlight. The balconies which are below requirements are generally North facing and this consistent with the guideline's recommendations for "careful" design.
- The shared and ceded amenity spaces receive excellent sunlight over approx. 80% of their surface and are compliant.

Impact Upon Neighbours

12.5.3. The applicant's study has looked at potential impacts on dwellings opposite on Station Road, and blocks of houses to the north and east within the Ashcroft Estate, as well as the Montessori school building to the south. When tested with the new

development in place, the VSC for all main residential tested windows were greater than 27%, or not breaching the 0.8 times its former value limit for habitable rooms. Windows below the limits are either to non-residential spaces or are secondary windows to spaces served other main windows which are compliant. The proposed development complies with the requirements of the BRE guidelines in relation to maintaining skylight availability for neighbours.

12.5.4. When tested with the proposed development in place: All windows comply with the annual APSH requirements for sunlight. The average change ratio is 0.88 All windows also comply with the winter WPSH requirements. The proposed development complies with the requirements of the BRE guidelines in relation to both annual and winter sunlight availability to neighbours as it applies to living rooms and conservatories.

12.5.5. Shadow / Sunlight: The amenities of the following properties were tested for availability of sunlight.

A - Private Garden to nearest House Block 2 - North

B - Public Amenity space – Park – North & East

C – Amenity play area for School - South

12.5.6. The study indicates that there will be some diminution in the level of existing access to sunlight received by these spaces on March 21 due to the proposal - particularly the southern ends of the adjoining public park and the southern side of 10 Ashcroft's rear eastern garden. However, all tested neighbouring amenity spaces pass the BRE requirement relating to the area receiving 2hrs of sunlight on the 21st of March > 50% or not breaching the 0.8 times its former value limit. All spaces are well above the 50% requirement and the average change ratio is a nominal at 0.89. The proposed development complies with the requirements of the BRE guidelines in relation to impact on shadow (sunlight) on tested amenity spaces.

12.5.7. Change/Impact to existing buildings in the adjoining residential areas

- Skylight - VSC– All test points to main residential windows pass the relevant VSC checks.

- Windows below the limits are either to non-residential spaces or are secondary windows to spaces served other main windows which are compliant.
- Sunlight APSH & WPSH – All test points pass the relevant Annual and Winter checks
- Shadow – All tested amenity spaces well pass the 2hr test requirements for the 21st March.

12.5.8. The impact of the proposed development on neighbours complies with the requirements of "Site layout planning for daylight and sunlight a guide to good practice Second Edition" - 2011 by Paul J Littlefair - BR20

12.5.9. It is submitted that an additional 3D model of the granted development was provided and a comparable and compatible analysis against the existing situation run.

12.5.10. Tests were carried out for the quantity and quality of skylight (daylight) available to a room's windows. Locations tested are based on guideline recommendations for the closest facades which have façades with potential for impact. For the lower permitted development all windows pass the minimum skylight (VSC) requirements >27% or 0.80 change limit. The same windows B4/W2&W3 **1 and B4/W4 **2 are impacted for this lower permitted design albeit to a lesser extent.

12.5.11. It is submitted that the existing vegetation currently overshadows and blocks skylight and sunlight to the above areas and thus raw analysis of impact must be tempered with the impact that this existing vegetation is currently having on these properties.

Balconies

12.5.12. The applicant's study notes that 78% of balconies receive well in excess of the required 50% of qualifying sunlight. The balconies which are below requirements are generally North facing and this consistent with the guideline's recommendations for "careful" design. The applicant notes that while they have provided an analysis for sample-study balconies 17 & 18 at 1st floor they have also again checked the 2nd floor versions overhead where as noted already the room orientation is flipped (North/South) to ensure a high quality ADF for the living room. The applicant notes

as before they combine the results to provide an overall average percentage for checking compliance.

12.5.13. The applicant notes that the BRE guidelines accept that it may not be possible for all apartments to have access to sunlight and that some will inevitably face north. The applicant cites the guidelines own example of “careful” apartment/flat design where 1 of 5 apartments (20%) would face north. While this is not in any way a set maximum standard the applicant notes that the percentage of north facing balconies in this application is consistent with the BRE guideline’s “careful” design principles. In this instance 33 apartments are single aspect, however there are no single aspect north facing apartments.

12.5.14. In conclusion the applicant notes that 78% of balconies will receive well in excess of the required 50% of qualifying sunlight which they consider is generally consistent with the guideline’s recommendations for “careful” design.

Open Amenity space

12.5.15. It is noted that proposed communal space and ceded amenity spaces receive ‘excellent’ sunlight over approx. 80% of their surface and are compliant with section 3.3.17 of the BRE guidance.

Conclusion

12.5.16. The Daylight and Sunlight Analysis Report accompanying the application describes the projected conditions for the proposed development. The conditions for the proposed development remain similar to the permitted 2016 scheme, given the footprint has not changed and the additional height proposed is centrally located within the scheme and not proximate to north and southern boundaries, deemed most impactable from a daylight and sunlight perspective. The planning authority have considered that the submitted assessment is acceptable and have raised no concerns in term of daylight and sunlight impact of the proposed development either within the scheme itself or to adjoining properties and open space.

12.5.17. There are a limited number of rooms that do not achieve the BRE target levels for daylight, however within these units there are other rooms that meet or exceed BRE target levels and overall conditions reflect that experienced in the consented scheme.

12.5.18. In relation to sunlight, the communal amenity area within the development will meet BRE target levels as will the open space area within Ashcroft estate. It is evident from the shadow to amenity spaces submitted a minor portion of the existing open space area has less than 2 hour requirement but well over 50% of the open space area is not in shadow for less than 2 hours. The Planning Authority recommend that the application be granted and have raised no concerns in this regard.

12.5.19. Having assessed the submitted analysis, I conclude that the proposed development achieves similar levels of sunlight as the granted development and the shadow cast is also similar with no major change, the proposal meets BRE target levels for daylight, sunlight and shadow cast. Overall, when comparing the consented development to the proposed development, the alteration to daylight and sunlight conditions for future residents is not significant. I note that there are 33 (31%) single aspect apartments proposed none of which are north facing. There are no single aspect north facing apartments proposed. A number of balconies, however, are north facing and received less than the recommended 2 hours of sunlight as per BRE Guidelines. This has been dealt with in paragraph 12.5.12 of this report above.

Mix Proposed

12.5.20. The development incorporates a mix of 51 (48%) no. one bed units and 54 (52%) no. 2 bed units. The housing mix proposed is in accordance with Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically SPPR1 which allows for the inclusion of up to 50% one-bedroom apartments in a scheme and no minimum requirement for apartments with three or more bedrooms. Taking the Guidelines into account and the prevalence of existing 3 bedroom plus family homes in the wider area I consider the proposal is acceptable in terms of residential mix.

Conclusion

12.5.21. Having considered the information submitted I am of the opinion that future occupants of the proposed development will benefit from good levels of daylight in their apartments, while having access to outdoor amenity areas with good levels of sunlight. The proposal has the potential to be an attractive place in which to live.

12.5.22. The Development Plan seeks to maximise the use of zoned and serviced land. Consolidation through sustainable higher densities allows for a more compact

urban form that more readily supports an integrated public transport system. Cognisance is had that the proposed block varies in height from 4 – 7 storeys. It is considered that the development will not have a significant undue adverse impact on the amenity of existing residential. The higher elements of the proposed development have been placed to the centre of the Block and the design has regard to the existing low-rise residential development proximate. I consider that the separation distances achieved between the proposed development and adjoining properties, (particularly to the north and east), is acceptable and will not lead to undue adverse overlooking or overbearing impact, cognisance is had to previously permitted 2016 planning permission.

12.6. Open Space and Recreational Amenity

- 12.6.1. There will be 796m² of usable communal space: 461m² in the southern partially enclosed courtyard; and 335m² in the south western tail of the site adjacent to the railway line. There is a stated 221m² landscaped circulation area running around the northern perimeter of the block which is included as part of the applicant's open space strategy. I note that the planning authority have pointed out that the applicant appears to have included the footprint of the external stairwell and lift as well as the shelter structure over them as part of the southern courtyard's quantum of communal open space. It is their opinion there may be a case of double counting if including the dedicated play area as well as the 'dual' use grasscrete strip. It is noted that within the scheme one has to cross the access/ramp area to get to the eastern communal open space area – with a bicycle shelter seemingly included in its 335m² quantum.
- 12.6.2. I note that the current Development Plan requires a communal open space provision of 507 sq. m. The central courtyard, measures 482 sq. m. and an additional pocket of open space is provided at the eastern end of the site, measuring approximately 385 sq. m. This space would be classified as semiprivate or communal open space rather than public open space. This equates to an area of 989 sq. m which accords with landscape strategy figure submitted. The children's play area (which in itself is significant) and the grasscrete area is not included in this figure. The bicycle stand for some 20 bikes would not be more than some 30 sq. m in total. Therefore, it is my

assessment that the communal open space proposed is well in excess of the requirement of 507 sq. m as per Development Plan requirements.

- 12.6.3. Regard is had that no public open space is proposed within the scheme (this is discussed in detail below). It is noted that the subject site has the benefit of being located adjacent to and linked to an established area of public open space within the Ashcroft estate area, which can also be used by future residents.
- 12.6.4. The Development Plan normally requires that 10% of a residential site area be provided as public open space, unless a payment in lieu is deemed appropriate, this would equate to 360m². In this instance beyond the pockets of communal open space and the existing adjoining public open space within the Ashcroft estate - no substantial area of public open space has been provided on site or was provided under the previous permission. It is submitted that due to the constraints of the site and the level of site coverage it would not be feasible to provide public open space on site – however no compensatory payment in lieu has been offered as an alternative. 116m² of space or just over 3.2% of the site area is to be ceded to DCC – which will serve as a landscaped connection which will link the open space in Ashcroft to Station Road. This green link will be outside the operational area of the apartment scheme. The applicant, however, considers that the ceding of said lands represents ‘significant planning gain’ and also notes that a payment in lieu was not sought for the previous application by either Dublin City Council or An Bord Pleanala. It is the current view, however, of the City Council, that a contribution should in this case be made for the remainder of the 10% requirement having regard to the DCC S.48 Development Contribution Scheme.
- 12.6.5. I note the comments from the Parks Department in tandem with the arguments by the first party. I am of the opinion that a contribution in lieu of the shortfall in public open space should apply in this instance. Regard being had to the substantial uplift in the number of units proposed. This can be dealt with by way of condition in the event the planning permission is forthcoming from the Board.
- 12.6.6. The parks department note that the public open space to be ceded to the Council will require removal of the existing boundary wall and replacement with a railing and entrance, footpath and lighting to match expected desire lines. Details of footpath alignment, construction and lighting will be required before construction and costs

within existing open space can be deducted from the financial contribution in lieu. I note that, as was the case in the previous 2016 application, the grounds of objection to the principle of a new pedestrian access between the open space in Ashcroft and Station Road is raised as of concern. It is my opinion, permeability and connections to adjacent lands are desirable and should be provided for, concerns of local residents are noted in this regard but connectivity and place making, passive surveillance and creating sustainable communities far outweigh any possible or perceived antisocial issues.

12.6.7. Overall, I consider that the proposed development would result in a residential scheme that is well connected and integrated with its surroundings and which has been designed to be attractive, desirable and safe for residents and members of the existing and future community.

12.7. **Impact Upon Existing Residential Amenity**

Overlooking/Privacy

12.7.1. There are significant separation distances to the nearby residential properties of 46m to the east and 24.5m to the north. It is acknowledged that there is an established baseline impact in terms of overlooking by way of the permitted development. However, concerns are raised by the planning authority and concerned neighbouring residents that there is potential intensification of overlooking due to the additional level of development proposed even with the obviated measure proposed. It is submitted that the design and layout of the north facing apartments and their elevational treatment has been amended to minimise the risk of overlooking of the private open space in rear gardens of the existing dwellings to the north of the site. A translucent shading screening system is proposed with vertical louvres, as shown on drawing number PL-01-003-101 in relation to the northern above-ground floor units. Cognisance is had that the impact of such treatments on apartments' access to daylight, as per the Urban Design Manual, has been taken into account.

12.7.2. I agree that while the applicant has taken the standing overlooking point of view from inside the sample apartments rather than from on their open balconies (which will be a degree closer to 3rd parties) it is still considered that the revised treatments and separation distances to 3rd party properties to the north are sufficient to maintain appropriate levels of privacy within this urban location.

- 12.7.3. I note and agree with the recommendation of the City Council that the northern side of the balconies serving of Apts. 90 and 94 be fitted with 1.8m high opaque glazing, as well as a 1.0m 'wrap-around' section of their eastern sides from where the latter join up with the northern balcony sides. The insertion of opaque glazing has been taken into account in the daylight and sunlight analysis with the average daylight factor to apartments living / habitable rooms, assessed with opaque glazing in place. I note all tested rooms pass the ADF requirements (i.e. for the ground and first floors). I accept that at higher levels it is plausible that ADF improves and therefore no issues would arise. I do not consider that the opaque glazing proposed to balcony screens would impact to any negative degree on the overall visual appearance of the apartment Block. Also, I am of the opinion that on balance regard being had to diminution of average daylight factor to units versus impact upon neighbours that the proposed screening is justified. It would also provide privacy to future residents of the apartments and prevent future residents possibly inserting random and differing more intrusive screening features to balconies.
- 12.7.4. In noting the close proximity of overlooking windows, balconies and raised terrace patios to the southern boundary and the Montessori site and protected structure, I agree that there is a precedent set on this site and the subject application has the same footprint to that permitted live permission (2016).
- 12.7.5. I note that the proposed development includes 1.8m high privacy screens between side-on or opposing apartment balconies and terraces where mutual overlooking could be a problem. A suitable level of natural screening should be used as a privacy/disturbance buffer between ground floor windows or terraces where they adjoin the public realm, general circulation areas and beside entrance zones. I consider that this matter and their locations can be fully agreed at compliance stage subject to condition with respect to enhanced natural buffer landscaping.
- 12.7.6. The development will provide for an additional level of passive surveillance over the adjoining areas of public realm including the adjoining public open space, which is considered to be of benefit to this area.

12.8. **Impact Upon Adjoining Protected Structure**

- 12.8.1. A number of submissions have raised concern that the proposal would cause serious injury to the architectural character and setting of the protected structure to the

south. That the additional height would result in a development that would be overly dominant in views from the protected structure. That the proposal fails to convey the real significance of the protected structure. This building, it is contended, has a notable function, connecting the local people with their community in a way the current proposal could never do.

12.8.2. The first party submit that the potential to amend the original permitted development in relation to the new Development Plan and the updated Guidelines presented specific design issues in terms of its impact on the surrounding area and the proposed amendments to the scheme were developed with the clear and absolute intention of avoiding any negative impact on the surrounding properties and amenities. The basis of the design approach was as follows:

- The footprint of the approved development was considered to be the optimum plan form for this site. Essentially the amendments to the approved design are primarily at the upper floor levels.
- Specific attention has been given to the relationship of the proposed apartment building with the Montessori School building and protected structure to the south of the site.

12.8.3. I agree with the argument that the footprint of the proposed building is exactly the same as the footprint of the previously approved building and the area of increased height does not impact in any greater way than the approved scheme. The School building is maintained as a stand-alone set-piece in the streetscape and its presence and visibility from Station Road is not impacted in any detrimental way. A high-quality boundary treatment is proposed for the boundary of the development to both Station Road and the existing public open space to the north. I do not consider that the proposal would have an adverse impact on the setting of the Protected Structure.

12.9. **Transport: Access, Parking, Cycle and Pedestrian Linkages**

12.9.1. The site is well served by public transport with a number of bus routes on Station Road and the Howth Road. The site is directly adjacent to Raheny Dart Station. A Transport Assessment has been submitted with the application.

Access

- 12.9.2. Vehicular access to the development is proposed via a gated entrance located at the end of the cul de sac at the south east corner of the Ashcroft housing estate. This estate road is approximately 6 metres wide with existing footpaths on either side. Most of the dwellings along the access road have off streetcar parking. Access for emergency vehicles and refuse vehicles is proposed directly from Station Road. A swept path analysis has been included as part of the submission for refuse and emergency vehicles. Pedestrian access is proposed from both Station Road and at the rear from Ashcroft Estate adjacent to the basement car park entrance.
- 12.9.3. It is proposed that refuse vehicles and fire tender vehicles be accommodated from an entrance on Station Road. The access arrangements remain unchanged from the previously permitted application on the site and are considered acceptable to the Traffic Management Division of DCC.

Traffic Impact Assessment

- 12.9.4. A Traffic Impact Assessment (TIA) has been submitted as part of the documentation. The TIA includes an assessment of how many trips would be generated from the development using the data from the TRICS database.
- 12.9.5. The junction capacity-modelling package TRANSYT was used to determine the likely traffic impact of the proposed development on the R809/Springdale Road Junction (signalised junction) and the R809/Ashcroft estate (non-signalised priority junction). The result of the junction analysis undertaken demonstrates that traffic from the proposed development can be accommodated on the surrounding road network and will have a minimal impact on the surrounding road network during peak times and the existing junctions will still operate within capacity. It is stated that the predicted growth in background traffic up to the year 2037 does not result in any significant deterioration of the junction's operation, with only minimal increases in saturation, queues, and delays on junction approaches. In the each of the years assessed, the addition of the traffic generated by the proposed development is shown to have a negligible impact on junction performance.

Car Parking

- 12.9.6. The site is located in Area 2 car parking standards, which requires a maximum of 1 space per dwelling. 55 no. car parking spaces are proposed to serve the 105 no. units (60 car parking spaces were previously permitted to serve for the 71

apartments, at basement level with vehicular access from the existing cul de sac within the Ashcroft residential estate).

12.9.7. Within the TIA, it is stated that all car parking spaces within the development (including the 3no. accessible spaces) will be controlled by the development's Management Company. No parking space will be permanently assigned to or sold with an individual apartment unit; all parking spaces will instead be allocated and/or leased to residents on the basis of availability and need (e.g. by means of a permit/lottery system), in order to optimise the use of parking spaces. This approach is considered acceptable to the Traffic Management Division of DCC and can be dealt with by way of condition in the event of a grant of permission by An Bord Pleanála.

12.9.8. Having regard to the site's proximity to a high frequency public transport corridor (rail and bus), and the evolving approach to car parking provision and car parking/mobility management (including the provision of shared/car club spaces), the actual and relative reduction in car parking accords with national policy and is appropriate. The fact that no increase in car parking provision is proposed, would also ensure that there should be no significant increase in car generated traffic to or from the site.

Mobility Management Plan

12.9.9. A Mobility management Plan has also been included as part of the application which outlines a number of policies and incentives to both encourage changes in travel behaviour and restrict the use of private cars and hence reduce the dependence on car trips to and from the site. A Mobility Manager will be appointed who will be responsible for overseeing the development and implementing the MMP. The MMP also outlines the provision of 2 no. car club spaces within the basement of the development with a letter of support from a car club provider (GoCar) indicating their provision of cars in the development.

Cycle Parking

12.9.10. A total of 142 no. cycle spaces are proposed to be provided within the development. 108 no. long term spaces for residents at basement level; 22 no. sheltered long term spaces for residents at surface level; and 12 no. sheltered short-stay spaces for visitors at surface level.

12.9.11. The bicycle parking is provided in 5 no. separate areas in the basement, with some two-tier racks proposed as well as Sheffield stands. The Traffic Management Division of DCC note that while the spaces are sheltered and within a secure basement, they are not separately secured within the basement i.e. located in open fronted areas accessible to all residents. I agree that further security should be provided to enclose these areas with either the provision of a locked door accessible by key/fob or a cage that can be secured in the area, this matter can be resolved by way of condition and compliance. There are also 22 no. sheltered spaces at surface level, with 12 no. short stay visitor spaces. These are located near the basement entrance. It is unclear what type of structure they are proposed to be in or if it is proposed to be sheltered. Again, this matter can be resolved by way of condition and compliance in the event of a grant of permission.

Overall Conclusion

12.9.12. Having reviewed and considered the third-party submissions, I am satisfied that the issues raised have been addressed in detail in my assessment. However, in summary, I would note:

The principle of the development has been established by the 2016 permission. The national and local planning policy and permitted context relating to the site has changed significantly since the previous refusal, supporting a denser and taller development on site. I am satisfied that the Development Plan, and PA analysis, in addition to national policy (including 2018 Apartment Guidelines) support the proposed development. Impacts on the surrounding area, relating to overshadowing, overlooking, overbearing, visual, traffic, etc. are dealt with in my assessment and I am satisfied that they have been addressed. Impact on the protected structure, is similar to that permitted under the previous scheme and is considered reasonable.

12.10. Other matters

Childcare and Services

12.10.1. The subject development comprises 105 no. apartments comprising 51 no. 1 bedroom units and 54 no. 2 bedroom units. There are no 3 bedroom or larger units proposed within the proposal. It is noted that Section 4.7 of the Sustainable Urban

Housing: Design Standards for New Apartments Guidelines for Planning Authorities (March 2018) states:

“Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.”

12.10.2. On the basis that one-bedroom units can be excluded in respect of demand for childcare provision on the site, this leaves 54 no. 2 bedroom units within the development. It is further noted that the 2018 Apartment Guidelines state that two-bedroom apartments may similarly be excluded for the purposes of generating childcare demand. Given that the Childcare Guidelines recommend 20 no. child places for every 75 dwellings, the 54 no. two bedroom units would proportionately require approximately 14 no. childcare places. It is considered that this an unsustainable level of demand to commercially sustain a crèche on the subject site.

12.10.3. I note that the Social Audit submitted confirms that there are extensive childcare services within close proximity of the site including a Montessori School immediately adjoining the subject development. As such, it is considered that the existing geographic distribution of childcare facilities in the area is more than sufficient to meet the likely childcare demand arising from the development and a new crèche is not required, nor would it be sustainable as part of the subject development.

12.10.4. I agree with the argument that the subject development comprises the efficient use of underutilised urban lands located in close proximity to high quality public transport services and a well-established social infrastructure that will contribute to the consolidation of Dublin.

SHD Procedural Issues

12.10.5. Third party concern has been raised in relation to the SHD process, which it is claimed rules out 'democratic' oversight. 3rd parties cannot see other submissions made on the application.

12.10.6. The concerns raised with respect to the SHD process / legislation are outside the remit of this assessment. Consultation has been undertaken in compliance with the Planning and Development Act 2000, as amended, and the Planning and Development (Housing) and Residential Tenancies Act 2016.

Part V

12.10.7. The applicant has submitted Part V proposals as part of the application documents. 10 no. apartments (9.5% of the development) are identified in compliance with Part V of the Planning and Development Act 2000 (as amended). All located in the ground floor of the development. Albeit third party concern is raised with respect to all 10 Part V units being located on the ground floor, I see no fundamental issues with the proposal.

12.10.8. The Housing Section of the Council has confirmed that the applicant has engaged with Dublin City Council in relation to compliance with Part V. A general Part V condition should be attached.

Construction Traffic, Noise and Nuisance

12.10.9. Cronin & Sutton Consulting Engineers were commissioned by Earlsfort Centre Developments to prepare an Outline Construction and Demolition Waste Management Plan (CDWMP). The report deals comprehensively with environmental issues (noise, air quality and dirt pollution, harmful materials and vibration), waste management, traffic management, provisions for construction and provisions for works un proximity to train / Dart line.

12.10.10. The site is currently accessed from Station Road. It is anticipated that for the duration of the works all access and egress for deliveries will be from Station Road. It may also be beneficial to install a pedestrian only entrance to the site on Station Road to segregate vehicular and pedestrian movements to and from site. Security personnel will be present at the entrance/exit of the site to ensure all exiting traffic will do so safely. A wheel wash will be installed at the exit from the site to prevent

any dirt being carried out into the public road. If necessary, a road sweeper will be used to keep public road around the site clean.

12.10.11. It is submitted:

- All construction activities will be carried out in compliance with the recommendations of BS 5228, Noise Control on Construction and open sites part 1 and comply with BS 6187 Code of Practice for Demolition.
- Dust prevention measures shall be included for control of any site airborne particulate pollution. The Contractor shall monitor dust levels in the vicinity of the site in accordance with planning conditions. Records shall be kept of such monitoring for review by the Planning Authority. The minimum criteria to be maintained shall be the limit for Environmental Protection Agency (EPA) specification for licensed facilities in Ireland, which is 350mg/m²/day. The Contractor shall continuously monitor dust over the variation of weather and material disposal to ensure the limits are not breached throughout the project.
- Harmful material will be stored on site for use in connection with the construction works only. These materials will be stored in a controlled manner. Where on-site facilities are used there will be a bunded filling area using double bunded steel tank at a minimum.
- The Contractor will be required to carry out the works such that the effect of vibration on the adjoining buildings and surroundings is minimised and does not cause any damage.

12.10.12. I am of the opinion that subject to compliance with the submitted CDWMP that the proposal is acceptable. Hours of construction and mud, dirt, debris, prevention, noise control, construction traffic and construction and demolition can be adequately dealt with by way of condition, specifically I note conditions 9, 15, 16 and 17 recommended to be attached to any decision to grant forthcoming from the Board.

12.11. **Environmental Impact Assessment (EIA)**

12.11.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

12.11.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIAR Screening Statement (dated October 2020) and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIAR and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.

12.11.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units;
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

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

12.11.4. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, it can be concluded that there is no real likelihood of significant effects on the environment.

12.11.5. The proposed development involves 105 residential units on a 0.36 ha site in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects, the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or

reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application. Please refer also to the screening determination set out in Appendix B to this Report.

12.12. **Appropriate Assessment (AA)**

12.12.1. An Appropriate Assessment Screening Report (dated October 2019) was submitted with the application, prepared by G. Tobin BSc. MA Environmental Consultant. I have had regard to the contents of same. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own or in combination with the effects of other plans or projects.

The Project and Its Characteristics

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

The European Sites Likely to be Affected - Stage I Screening

12.12.3. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area, adjacent to Raheny Village, it currently contains 4 no. existing dwellings, 1 no. workshop and other ancillary structures on the site, which are proposed for demolition, it essentially comprises a brownfield site with current land uses in the vicinity predominantly comprising residential, retail, business and civic developments along with transport arteries.

12.12.4. I have had regard to the submitted Appropriate Assessment Screening Report which identifies the following 18 no. Natura 2000 sites (9 SACs and 9 SPAs) within what is deemed the potential zone of the development, the likely impact zone of influence 15km distance from the site is used in the AA Screening report.

- Howth Head SAC
- Baldoyle Bay SAC
- Malahide Estuary SAC

- North Dublin Bay SAC
- Irelands Eye SAC
- South Dublin Bay SAC
- Lambay Island SAC
- Rockabill to Dalkey SAC
- Rogerstown Estuary SAC
- North Bull Island SPA
- Broadmeadow / Swords Estuary SPA
- Howth Head Coast SPA
- Irelands Eye SPA
- Baldoyle Bay SPA
- South Dublin Bay and River Tolka Estuary SPA
- Dalkey Islands SPA
- Rogerstown Estuary SPA
- Lambay Island SPA

12.12.5. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site.

12.12.6. The designated area of sites within Dublin Bay, namely South Dublin Bay SAC, River Tolka Estuary SPA, (both located approx. 2.6 - 3 Km from the site) and North Dublin Bay SAC and North Bull Island SPA (located approximately 1.2km to the southeast along the coast) are closer to the development site and to the outfall location of the Ringsend WWTP and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

12.12.7. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed

development, the degree of separation and the absence of ecological and hydrological pathways.

12.12.8. Regard is had to the report by Inland Fisheries Ireland (IFI). I consider that the associated recommendations are non-site or development specific and generic in nature, outlining best practise. There would not appear to be a specific issue relating to the subject development. There are no watercourses on site or in the immediate vicinity.

Screening Assessment

The Conservation Objectives (CO) and Qualifying Interests of sites in inner Dublin Bay are as follows:

South Dublin Bay SAC (000210) - c. 2.6 km from the proposed development. c. 537 m south of Ringsend WWTP outfall.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
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Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]
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North Dublin Bay SAC (000206) – c. 1.2 km north east of the proposed development; c. 2.3 km north east of Ringsend WWTP outfall.
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CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
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Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimi</i>) [1330] / Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] / Fixed coastal dunes with
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herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / Petalophyllum ralfsii (Petalwort) [1395].

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 3 km from the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

North Bull Island SPA (004006) - c. 1.2 km north east of the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

12.12.9. Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within the site. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.
- During the operational phase foul and surface water will drain to combined sewers. The combined discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

12.12.10. AA Screening Conclusion:

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Recommendation

13.1.1. I recommend that permission be **granted** for the proposed development subject to the conditions set out below in the 'Recommended Order':

14.0 Recommended Draft Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 30th day of October 2020 by Tom Philips and Associates, 80 Harcourt Street, Dublin 2 on behalf of Earlsfort centre Developments.

Proposed Development:

14.1. The proposed development (as per the public notice) will consist of:

- The demolition of 4 no. existing dwellings, 1 no. workshop and other ancillary structures on the site and the provision of:
 - 105 no. residential units arranged in a single block comprising:
 - 51 no. 1 bedroom apartments and
 - 54 no. 2 bedroom apartments,

ranging in height from four to seven storeys with set-back upper floors, all over a basement level, with private, communal and public open space provision (including balconies and terraces to be provided on all elevations at all levels);

- Car and cycle parking;
- Storage areas;
- Internal roads and pathways; pedestrian access points;
- Hard and soft landscaping and boundary treatments.
- Vehicular access to the site will be from the Ashcroft Estate with emergency fire tender and bin lorry access from Station Road.
- The development will also include changes in level; services provision and related pipework; plant; electric vehicle charging points; ESB substation; waste management areas; attenuation tank; signage; public lighting and all site development and excavation works above and below ground.

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

that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Housing 2018. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes and storage.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the location of the site in the established urban area of Dublin City in an area zoned Z1: the objective for which is to provide for sustainable residential neighbourhoods and to protect, provide and improve residential amenities.
- (b) the policies and objectives of the Dublin City Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;

(g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

(h) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;

(i) The pattern of existing and permitted development in the area;

(j) The planning history of the site and within the area;

(k) The submissions and observations received;

(l) The Chief Executive Report from the Planning Authority and specifically the recommended grant of permission; and

(m) the report of the inspector.

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

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Information for Screening for Appropriate Assessment document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a

significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

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

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

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

Conclusions on Proper Planning and Sustainable Development

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

15.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

a) That the glazing for all apartment balconies/patios shall be frosted or opaque rather than clear.

b) The northern sides of the balconies serving Apartments. 90 and 94 shall be fitted with 1.8m high opaque glazing, as well as a 1.0m section of their eastern sides from where the eastern sides of the balconies meet the northern sides of the balconies.

c) That natural buffers and other measures designed to maximise the privacy and security of private open space and windows serving ground floor units and units adjacent to or in close proximity to external circulation areas, entrance zones and open space shall be enhanced as much as possible, including the interface areas with the bedroom windows of Apartment 4 and Apartment 5, as well as the southern opes to Apartment 1.

d) That the location of proposed 1.8m balcony screens shall be subject to the written agreement of the planning authority

e) That a light pale colour brick treatment be used instead of light-coloured renders especially within the courtyard areas.

f) Any extensive areas of blank facades shall be softened with additional natural screening where feasible which may include the use of planted trellising.

g) That the proposed switch room is 'attached' to the relocated standalone ESB substation and that both structures shall be suitably landscaped and topped with some form of grassed or sedum type roof.

- h) That internal corridors and landing areas shall be provided with as much direct access to natural daylight as possible.
- i) That any glazing of the stair/lift cores landings shall be fitted with opaque glazing. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority/An Bord Pleanala prior to commencement of development

Reason: In the interests of residential and visual amenity

3. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority. A panel of the proposed finishes shall be placed on site to enable the planning authority adjudicate on the proposals. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area.

4. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

5. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed

lighting system shall be fully implemented and operational, before the proposed development are made available for occupation.

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

6. Proposals for a building numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

7. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

8. a) 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal

of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

b) Traffic management shall be set-out in a Construction Traffic Management Plan providing details of the traffic management programme, routing and access arrangements, estimated vehicle numbers and phasing, traffic management safety and monitoring measures and applicable licenses and permits requirements.

c) A construction phase mobility strategy shall be submitted.

Reason: In the interest of sustainable waste management.

9. The applicant shall comply with the following transportation requirements:

a) A detailed construction and demolition traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction and demolition phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

b) All materials proposed in public areas shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Planning Authority.

c) Cycle parking shall be secure, conveniently located, sheltered and well lit. Key/fob access shall be required to all bicycle stores at basement and surface level for residents. Cycle parking design shall allow both wheel and frame to be locked. Cycle parking shall be in situ prior to the occupation of the proposed development.

d) (i) Prior to the occupation of the proposed development, an updated Mobility Management Strategy shall be submitted to the planning authority for written agreement. The strategy shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking and the use of car club spaces. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the strategy.

(ii) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via

leasing or permit arrangements. A minimum of 2 no. spaces shall be reserved for car club use.

e) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

f) The applicant/developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: In the interest of sustainable transportation and proper planning.

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

b) The Developer shall submit an appropriate flood risk assessment for the proposed development, which identifies and proposes design solutions to mitigate the potential risks from all sources including coastal, fluvial, pluvial and groundwater. Reference should be made to the DEHLG/OPW Guidelines on the Planning Process and Flood Risk Management published in November 2009 and the Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment. Flood risks from 30-year and 100-year storms shall be addressed. The developer shall confirm in writing to the Drainage Division that the development has been designed such that the risk of flooding to the development has been reduced as far as is reasonably practicable, and that the proposals do not increase the risk of flooding to any adjacent or nearby area.

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

11. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

12. The landscaping and earth works scheme shown on drg no. 01 'Landscape Masterplan', as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out: e.g. The site shall be landscaped, using only indigenous deciduous trees and hedging species. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."
b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

15. 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.

16. 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.

17. 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 of roads, footpaths, watermains, drains, 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 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 of the development

18. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the shortfall in provision of public open space or proportion of public open space. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the ***Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development

19. Prior to commencement of development, the developer shall enter into discussions with Iarnród Éireann, and the conditions set out in their submission dated 09th November 2020, attached to the file shall be adhered to in full.

Reason: In the interest of public health.

Fiona Fair

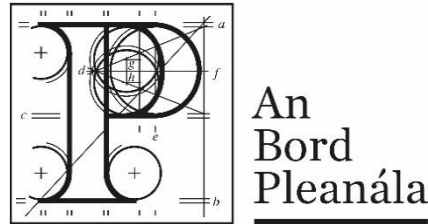
Senior Planning Inspector

03/02/2021

APPENDIX A- List of submissions received

1. Anne McManus
2. Anthony Kelly
3. Aodhan O Riordain
4. Cian O'Callaghan.docx
5. David and Teresa Walsh
6. Gregory and Lorraine Hall
7. John Swords
8. Margaret Prunty
9. Mary Dunne
10. Michael Dillon
11. Micheal Mac Donncha
12. Reamonn and Breda Madden
13. Sean Haughey
14. Susanne Doyle and Other
15. Tom Brabazon

Appendix B: EIA Screening Form



EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-308552-20
Development Summary		Demolition of 4 no. existing dwellings, workshop and other ancillary structures. Construction of 105 no. apartments and associated site works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>SEA undertaken in respect of the Dublin City Development Plan 2016 - 2022</p>
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<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the removal of 4 no. existing dwellings, 1 no. workshop and other ancillary structures and construction of residential units on lands zoned Z1 - residential in keeping with the residential development in the vicinity.</p>	<p>No</p>

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposal includes construction of a single block of apartment units which is not considered to be out of character with the pattern of development.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. There is no direct connection from the site to waters. The operational development will connect to mains services. Surface water drainage will be separate to foul services.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site as proposed will result in an increase in residential units of 105 no. units which is considered appropriate given the site location in Dublin city, which in its entirety lies within the Dublin Metropolitan Area Strategic Plan (MASP) area and the RSES's give direction to Dublin city as the 'global gateway' for high-intensity clusters, brownfield development, urban renewal and regeneration.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Standalone development, with minor developments in the immediately surrounding area.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No conservation sites located on the site. An AA Screening Assessment accompanied the application which concluded no significant adverse impact on any European Sites.	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There is a protected structure to the east of the site. The design and layout of the scheme considers the built environment issues and mitigation measures are in place to address concerns.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding.</p>	
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by an urban road network and proximate to Raheny Train Station.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There is no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	No
Real likelihood of significant effects on the environment.	No		No

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned 'Z1' with the objective 'To protect, provide for and improve residential amenity' under the current Dublin City Development Plan 2016 - 2022, and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) .

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____ **Fiona Fair**

Date: _____ **03/02/2021**