



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-308905-20**

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#### **Strategic Housing Development**

Demolition of existing vacant motor vehicle showroom and no. 38 Glasnevin Hill, construction of 101 no. apartments and associated site works. No. 54 Glasnevin Hill and "Ardmore" with lands adjacent thereto, No. 38 Glasnevin Hill, No. 52 Glasnevin Hill, lands to the rear of Nos. 48, 50 and 52 Glasnevin Hill, and Nos. 40 and 42 Glasnevin Village, Dublin 9.

#### **Location**

Glasnevin Hill, Glasnevin, Dublin 9.

#### **Planning Authority**

Dublin City Council

#### **Applicant**

Sanderly Holdings Limited

**Prescribed Bodies**

1. Irish Water
2. Department of Culture, Heritage and the Gaeltacht (DAU)
3. Inland Fisheries Ireland (IFI)
4. Transport Infrastructure Ireland (TII)

**Observer(s)**

23 no. submissions and observations  
– listed in Appendix 1.

**Date of Site Inspection**

22<sup>nd</sup> February 2021

**Inspector**

Paul O'Brien

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## 1.0 Introduction

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

## 2.0 Site Location and Description

2.1. The subject site of 0.4496 hectares, comprises lands to the south west and west of Glasnevin Hill road, Glasnevin, Dublin 9. The site includes the former Denis Mahony Ltd car dealership and included showrooms, maintenance units and extensive yard space. This car dealership site has been vacant for some time.

The site comprises of:

- No. 52 Glasnevin Hill, a two-storey end of terrace house (four house terrace).
- No. 38 Glasnevin Hill, a two-storey detached house, which appears to have been constructed over the last 50 years.
- The former car dealership site. The car dealership buildings/ storage and maintenance units are primarily located on the western side of the site. A small storage/ maintenance unit is located towards the centre of the site.
- A significant amount of open yard space, most of it enclosed within the site boundary but also open areas that may have functioned as car parking to the northern corner and south eastern corner of the site.

2.2. Not included within the site area are the other three houses (no. 46 to 50) attached to the east of no. 52 and no. 44 Glasnevin Hill, attached to no. 46, but is of a totally different design and the ground floor is occupied by a Hair & Beauty business. The site is described as 'U' shaped with 44 to 50 outside of the development area.

2.3. The public road, Glasnevin Hill, rises from the south in a north westerly direction, turning a corner at the front of the site. The site itself rises from east to west, such that the western part of the site provides for views towards the east. Site boundaries consist of a mix of walls, fences and hoarding; much of the boundary is temporary/ is remains of the former business on site. Many of the buildings on site

are suffering from a lack of maintenance and there are indications of fly-tipping and vandalism on site. A section of the site is fenced off as treatment of Japanese Knotweed (Invasive species) is underway.

2.4. The site is located adjacent to a number of local and national landmarks including the Metrological Offices located to the north west of the site, the entrance to the Bon Secours Hospital to the north east of the site and the Holy Faith Convent is located to the west of the site. The grounds of the Botanical Gardens are located circa 100 m to the south of the site and the Tolka River is 95 m to the south.

2.5. Public transport is provided in the form of bus services operated by Dublin Bus only. Route 83/A connects Charlestown/ Finglas to Kimmage via the City Centre on an off-peak frequency of every 12 minutes, Saturday/ Sunday every 15 minutes. Bus stops are approximately 45 m to the north west of the site. Additional bus services in the form of the 4, 9 and 155 are available on Mobhi Road, approximately 350 m to the south west of the site. Off peak services on the 4 and 9 each operate every 12 minutes and every 20 minutes on the 155. Luas stops and Commuter/ DART railway stations are too far away to be relevant to this site.

2.6. Proposed public transport improvements in the area include the development of the 'E' spine bus routes, under Bus Connects, on Mobhi Road with a frequency of every 4 to 5 minutes between Mobhi Road and the City Centre and routes 23/24 will operate along Glasnevin Hill providing for a combined frequency of every 10 minutes. Implementation of the revised bus network is due to commence in the first half of 2021.

2.7. Still at planning stage is the proposed Metrolink between Swords/ Dublin Airport and the City Centre. The most recent plans indicate that a stop is proposed on Mobhi Road, on the Home Farm football pitch site, circa 290 m to the south east of the subject site. This is within walking distance of the subject site.

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

3.1. The proposal, as per the submitted public notices, comprises the demolition of the existing vacant motor vehicle showroom and all associated structures and no. 38 Glasnevin Hill and the construction of 101 apartments in two blocks, commercial units and all associated site works. A total of 1,183.7 sq m of floor area is proposed

for demolition, consisting of the Motor Factors (926 sq m), Storage Units (239.3 sq m) and no. 38 Glasnevin Hill (detached house of 95.4 sq m).

3.2. The following tables set out some key elements of the proposed development:

**Table 1: Key Figures**

<b>Site Area</b>	0.4496 hectares
<b>Site Coverage</b>	47%
<b>Plot Ratio</b>	2.3 : 1
<b>No. of Houses</b>	0
<b>No. of Apartments</b>	101
<b>Total</b>	101
<b>Density – Total Site Area</b>	224.6 units per hectare
<b>Part V Provision Apartments</b>	12
<b>Public Open Space Provision Communal Open Space</b>	0 1248 sq m/ 28% of the site area
<b>Car Parking – Apartments/ Residents Visitors Total</b>	45 (of which four are universally accessible). 0 45
<b>Bicycle Parking</b>	248 (six spaces are suitable/ allocated for cargo cycles).

**Table 2: Apartments - Unit Mix**

<b>Block 1</b>				
<b>Floor</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>Total</b>
<b>Lower Ground</b>		1		1
<b>Podium</b>	2	5		7
<b>1st Floor</b>	2	5		7
<b>2nd Floor</b>	2	5		7
<b>3rd Floor</b>	2	3	1	6
<b>4th Floor</b>	1	3		4
<b>Total</b>	9	22	1	<b>32</b>

<b>Block 2</b>				
<b>Floor</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>Total</b>
<b>Podium</b>	13	2		15
<b>1st Floor</b>	7	5	1	13
<b>2nd Floor</b>	7	5	1	13
<b>3rd Floor</b>	3	7	1	11
<b>4th Floor</b>	5	5	1	11
<b>5th Floor</b>		5	1	6
<b>Total</b>	35	29	5	<b>69</b>

3.3. The total floor area of the apartments is stated as 7,353 sq m, plus an additional 81 sq m of ancillary rooms/ concierge and reception areas, plus 354 sq m of residential facilities/ residents' lounge/ function/ media room and a total of 2,118 sq m of circulation/ core areas. The total gross floor area is stated as 9,906 sq m. Block 1 varies in height between four and seven storeys and Block 2 varies between four and six storeys.

**Table 3: Commercial Units**

<b>Block</b>	<b>Unit</b>	<b>Floor Area</b>	<b>Total</b>
<b>Block 1</b>	Retail	284 sq m	
<b>Block 1</b>	Medical Suite	97 sq m	
<b>Block 2</b>	Retail/ Medical	42.5 sq m	
<b>Block 2</b>	Retail/ Medical	55.5 sq m	
			<b>479 sq m</b>

Note: The cumulative gross floor area of non-residential development is 479 sq m, 4% of the total.

3.4. Access to an underground car park is provided from the south eastern corner of the site onto Glasnevin Hill. An emergency/ refuse truck only access is available to the north west corner. A number of pedestrian access points are available along the northern and eastern sides of the site.

3.5. A total of 45 car parking spaces are to be provided of which four spaces are to be fully accessible. The car parking is under the two apartment blocks and is accessed by lift and stair cores providing direct access to each block. Bicycle parking is available for 248 bicycles which includes parking for six cargo type bicycles.

3.6. Water supply and foul drainage connections to the existing public network will be provided.

3.7. A central area of communal open space is proposed, and which is accessible to both blocks. The open space area narrows towards the central point and a playground is provided here, again easily accessible to all units.

3.8. Tom Phillips + Associates, Town Planning Consultants are the lead consultants and have submitted the following in support of the application:

- Material Contravention Statement
- Planning Statement of Consistency
- Environmental Impact Assessment (EIA) Screening
- Response to An Bord Pleanála Opinion
- Childcare Demand Audit



- Social Infrastructure Audit
- Schools Demand Assessment

3.9. The architects – KMD Architecture, submitted a number of supporting documents as follows:

- Architectural Design Statement
- Housing Quality Assessment
- Building Lifecycle Report
- Response to An Bord Pleanála Opinion
- Proposed Part 5 Allocation
- Schedule of Accommodation

3.10. An Appropriate Assessment Screening, prepared by Altemar – Marine & Environmental Consultancy, was submitted with the application.

3.11. A number of other documents were submitted in support of the application, including the following:

- Sustainability Report - prepared by Parkbourne Consultancy Ltd.
- Sunlight, Daylight & Shadowing Assessment – prepared by Parkbourne Consultancy Ltd.
- Building Services M&E Report – prepared by Parkbourne Consultancy Ltd.
- Archaeological Assessment – prepared by IAC Archaeology.
- Photomontages – prepared by Digital Dimensions.
- Stage 1 Road Safety Audit – prepared by Bruton Consulting Engineers Ltd.
- Outline Travel Plan – prepared by Muir Associates Ltd. Consulting Engineers.
- Outline Construction and Demolition Waste Management Plan – prepared by Muir Associates Ltd. Consulting Engineers.
- Outline Construction Management Plan – prepared by Muir Associates Ltd. Consulting Engineers.
- Site-Specific Flood Risk Assessment – prepared by Muir Associates Ltd. Consulting Engineers.

- Traffic and Transport Assessment – prepared by Muir Associates Ltd. Consulting Engineers.
- Engineering Services Report – prepared by Muir Associates Ltd. Consulting Engineers.
- Preliminary Operational Waste Management Plan – prepared by Muir Associates Ltd. Consulting Engineers.
- Site Specific Apartment Management Strategy – prepared by Cushman & Wakefield.
- Japanese Knotweed Management Plan – prepared by SAP Landscapes Ltd.
- Design Rationale – Landscape Architecture – prepared by Dermot Foley Landscape Architects
- Landscape & Visual Impact Assessment – prepared by Dermot Foley Landscape Architects

#### 4.0 Planning History

**P.A. Ref. 3870/18/ ABP Ref. PL29N.304700** refers to a November 2019 decision to grant permission for the construction of 74 residential units with associated residential amenities rooms and meeting rooms, 2 retail units and 3 retail / medical units in the same location as the subject site. Included was the demolition of the existing motor vehicle showroom and Number 38 Glasnevin Hill, described as a vacant unit at that time.

Condition no. 2 of the order included in the following revisions:

- ‘(i) Apartment Number 67 at fourth-floor level to Block 2 shall be omitted;
- (ii) A set-back of a minimum of three metres shall be incorporated at the southern end of Block 2 at third-floor level, resulting in apartment numbers 57 and 58 permitted as one-bedroom apartments;
- (iii) Ground-level (podium-level) apartment floor to ceiling heights shall be a minimum of 2.7 metres in Blocks 1 and 2;

(iv) Vertical screens shall be provided between the adjoining balconies and terraces and on the north-side of the balconies serving apartment numbers 10, 13, 16, 19, 22 and 23 of Block 1. All balcony floors shall be solid and self-draining’.

The number of residential units was therefore reduced to 73 apartments.

**P.A. Ref. 3359/12** refers to a March 2013 decision to grant retention permission for the change of use from residential to office use at no. 52 Glasnevin Hill.

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

5.1. A Section 5 Pre-Application Consultation took place at the offices of An Bord Pleanála on the 10th of September 2020; Reference ABP-307314-20 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for 105 apartment units and commercial units located on this site at Glasnevin Hill, Dublin 9.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The prospective applicant was advised that the following issues were to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development:

- The prospective applicant to provide further justification and/ or detail in relation to the proposed height of the development and detailed design. Further detail was requested in relation to the elevations at street level.
- The proposed heights would contravene the Dublin City Council Development Plan 2016 – 2022 and will therefore require consideration under Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
- Consideration to be given to the proximity of balconies and windows to the adjoining boundaries and to demonstrate successful integration with the area.

- The quality of the residential units to be considered and in particular a Daylight, Sunlight and Overshadowing Assessment to be provided. The assessment may result in amendments to the layout/ development.

5.3. Furthermore, Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective 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:

1. Additional detail and/ or revised proposals in relation to the mix of non-residential uses with particular reference to proposed medical suites.
2. Additional CGIs, Landscape and Visual Impact Assessment including photomontages, which should include the consideration of visual impacts on the surrounding areas. Consideration of the impact upon sensitive architectural areas/structures surrounding the site should be considered. Visibility should be illustrated in the context with nearby Protected Structures located opposite the site on Glasnevin Hill and adjacent to the site in the Convent grounds. Visibility from the National Botanic Gardens should also be investigated. Submitted photomontages to include winter views.
3. Topographical survey of the subject site and include a commentary on how this has resulted in the design of the proposed development.
4. A plan indicating the separation distances between the subject development and existing adjacent properties, annotating key distances to boundaries, buildings, and windows. A comparison to the permitted development should also be provided.
5. All floor plans for the proposed development should be presented in context with surrounding boundaries.
6. The application submission should demonstrate that the quality of Part V Housing to be included as part of the development is indistinguishable from comparable private housing within the scheme.

7. Additional details and/or revised proposals in relation to landscape, having regard to comments from the Planning Authority in relation to communal open space and on street greening.
8. A landscape proposal plan which clearly delineating communal and private spaces, should be provided, as well as a detailed breakdown of the total area of these spaces. Consideration of how the design of the landscape and provision of furniture/ equipment will facilitate the use of these spaces, for both adults and children, is also required.
9. Additional details and/or revised proposals in relation to site services/ SUDs, having regard to the report of the Drainage Planning Section of the Planning Authority.
10. Additional details and/or revised proposals in relation to site access/ entrances/ servicing, having regard to the report of the Transportation Section of the Planning Authority.
11. Further justification in relation to the quantum of car parking to be provided on site.
12. A plan identifying the location of cycle storage and demonstrate how this conforms with planning policy requirements.
13. A Traffic and Transport Impact Analysis, to be prepared in consultation with Dublin City Council. Consideration of transportation impacts during construction is also required, particularly in relation to accommodating parking provision for construction workers.
14. Additional details and/or revised proposals in relation Waste Management Storage and Collection Details.
15. A Housing Quality Assessment with regard to relevant national and local planning policy on residential development. Those windows considered to have a dual aspect should be clearly indicated, only windows with a true dual aspect will be considered as contributing to meeting the minimum quantum required. In relation to single aspect north-facing units, reference should be had to paragraph 3.18 of the 2018 Apartment Guidelines.

16. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas, and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.

17. 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.

5.4. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and included:

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
3. Fáilte Ireland
4. The Heritage Council
5. An Taisce
6. The National Transport Authority (NTA)
7. Transport Infrastructure Ireland (TII)

5.5. Applicant's Statement

5.5.1. Two separate documents titled 'Response to An Bord Pleanála Opinion' were submitted with the application, provided for under Section 8(1)(iv) of the Act of 2016. These were prepared by Tom Phillips + Associates (TPA) and KMD Architecture. These statements attempt to address the points raised and outlined above. The TPA response incorporates the comments of KMD Architecture.

5.5.2. The following information was also provided in response to the opinion by TPA:

**Heights/ Design:** Top level of the blocks have been scaled back to provide for a gradual progression in height. The number of units is reduced from 105 to 101 and this allows for greater setbacks at penthouse level.

The facades have been amended to include glazed cores which reflect the existing urban grain of the area. Planters are proposed at streetscape level to soften the edge. Medical suites are amalgamated to form a larger retail convenience unit. Revisions made to bicycle parking. Design alterations also include a revised mix of external finishes, revisions made to the balconies, glass balustrades offer a more solid to void ratio and the revisions to the penthouse level include increased setback and material finished in a lighter colour to reduce the visual impact.

A Landscape and Visual Impact Assessment (LVIA) prepared by Dermot Foley Landscape Architects has been submitted with the application. In summary this report finds that the development will have a moderate/ positive impact on the wider area. The magnitude of change would be medium. A separate 'Material Contravention Statement' prepared by TPA has been submitted in response to this aspect of the application with reference to heights. A 'Statement of Consistency' also prepared by TPA has been submitted.

**Relationship to Boundaries:** Block 2 has been redesigned, increasing the separation with the western boundary. Projecting balconies have been replaced with inset balconies. Revisions made to the gables and penthouse level also increases the setback from adjacent boundaries. Boundaries are to be planted with trees and planting to provide for improved screening and which softens the edge. A stone clad colonnade to the retail frontages along Glasnevin Hill is now proposed.

**Quality of Residential Accommodation:** A 'Sunlight, Daylight & Shadowing Assessment' – prepared by Parkbourne Consultancy Ltd. has been submitted. All rooms meet the relevant BRE Guidelines and there are no single aspect north facing

units proposed. Generally, units face into the central communal open space or the semi-private space towards the western boundary.

The following additional specific information is provided in accordance with the request under article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017:

- **Additional details of non-residential uses:** The two medical suites have been amalgamated and are now to be a single retail unit of 284 sq m. This unit would be suitable as a convenience store. The two smaller units can be used for retail/medical purposes, flexibility should allow for them to be viable. A medical suite within Block 1 is proposed and is well suited due to the proximity of the site to the Bon Secours Hospital.

Additional facilities for residents are proposed at basement and ground floor levels, including a concierge, meeting room, post room, media room and residents' lounge.

- **Additional CGIs and Visual Impact Assessments:** 'Photomontages' – prepared by Digital Dimensions and a 'Landscape & Visual Impact Assessment' – prepared by Dermot Foley Landscape Architects have been included with the application.
- **Topographical Survey:** This has been undertaken and full consideration has been made to the steep fall on site, a drop of 6 m on a northwest to southeast axis. Full consideration has been made in relation to permeability throughout the site.
- **Separation distances to adjacent properties:** Full details are provided on the relevant plans prepared by KMD Architects.
- **Floor plans to be presented in context:** All floor plans are updated to show them in context.



- **Part V Housing Quality:** A submitted 'Housing Quality Assessment' demonstrates that there are no differences between the unit types.
- **Additional Open Space and Street Greening Details:** A landscape proposal for the entire site has been prepared by Dermot Foley Landscape Architects. Due to the layout of the site and its location, no public open space is proposed on site and a financial contribution in lieu is proposed.

The 'Sunlight, Daylight & Shadowing Assessment' – prepared by Parkbourne Consultancy Ltd indicates that at least 90% of the communal open space receives at least two hours of sunlight on March 21st; the BRE guideline is for 50% and the development demonstrates that it exceeds this requirement. The provision of additional street planting was not possible due to underground services adjacent to the site. No tree survey has been provided as there are none on site. SAP have prepared a 'Japanese Knotweed Management Plan' as this invasive species has been found on site.

- **Landscape Plan and Detailed Breakdown:** Full details are provided by Dermot Foley Landscape Architects and KMD Architects have also addressed this issue in their report. A total of 1,248 sqm of communal open space is provided, 28% of the site. Additional areas are available such as an area required for fire tender access and a semi-private area between Block 2 and the western boundary. A play area is provided to the south of the site.
- **Additional Details for site services/ SUDs:** Muir Associates Ltd Consulting Engineers have provided full details of all site services/ SUDs within their 'Engineering Services Report'. A SUDs masterplan has also been provided.
- **Additional details for site access/ entrances/ servicing:** Muir Associates Ltd Consulting Engineers have provided a 'Traffic and Transport Assessment (TTA)' and provides full details of servicing of the commercial units, primarily from a loading bay on Glasnevin Hill. Vehicle movements and access details are provided on the relevant plans – Drawing No. D1914-C-11.

- **Justification for Quantum of Car Parking:** 45 spaces are provided, five of these are accessible and the rest are available on a first come, first served basis. Eight motorcycle spaces are provided for. Muir Associates Ltd Consulting Engineers have provided an 'Outline Travel Plan' and the following reasons are given for the proposed car parking provision:
  - Bus Connects – Spine E, which is within 500 m of the site will provide for a high frequency/ capacity bus service.
  - Two car parking spaces are to be allocated to a car sharing club. A letter of support is included from YUKO Toyota Car Club.
  - 248 bicycle parking spaces are proposed, including space for 6 cargo bikes.
  - Cycle infrastructure in the area is good.
  - The Electoral Division of Botanic, according to the 2016 Census, recorded a 63.62% use of walking, cycling, public transport or car sharing. This exceeds the target of 55%.
  - The site is located in a Central/ Accessible location and car parking in such areas is to be minimised, reduced or eliminated.
- **Bicycle Parking:** The basement plan provided by KMD Architecture indicates the location of bicycle parking and additional spaces are available at podium and street level. Bicycle parking racks are provided in the basement and Sheffield stands in other locations. The Apartment Guidelines provide a ratio of one space per bedroom and visitor space for every two units, therefore the development would generate a requirement for 214 bicycle spaces. A total of 248 is proposed which is in excess of requirements.
- **Traffic and Transport Impact Analysis:** Muir Associates Ltd Consulting Engineers have provided a 'Traffic and Transport Assessment' and an 'Outline Construction Management Plan' has also been prepared/ submitted. Parking for construction workers will be limited and sustainable forms of transport will be encouraged. The applicant is happy to accept a condition that a detailed construction management plan be required to be submitted to the Planning Authority.

- **Waste Management Storage details:** Muir Associates Ltd Consulting Engineers have provided a 'Preliminary Operational Waste Management Plan'.
- **Housing Quality Assessment:** KMD Architects have provided such an assessment. 55% of apartment units are true dual aspect and no single aspect apartments have an aspect within 17 degrees of north.
- **Materials and Finishes of Buildings Report:** The 'Architectural Design Statement' includes Section 2.12.1 which details the design strategy, materials and finishes. The 'Building Lifecycle Report' also addressed this issue and landscaping details are provided by Dermot Foley Landscape Architects.
- **Building Life Cycle Report:** KMD Architects have provided such a report.

The submitted details address each of the items raised in the opinion. Alterations have been made to the proposed development and layout. The number of apartment units is reduced from 105 to 101.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

#### 6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and

villages, subject to development meeting appropriate planning standards and achieving targeted growth’.

- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

#### **6.1.2. Regional Spatial and Economic Strategy (RSES) 2019 – 2031**

The Eastern & Midland Regional Assembly ‘Regional Spatial & Economic Strategy 2019-2031’ provides for the development of nine counties including Dublin City and supports the implementation of the National Development Plan (NDP).

## 6.2. Section 28 Ministerial Guidelines

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Urban Development and Building Heights - Guidelines for Planning Authorities’ – (DoHPLG, 2018)
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (DoHPLG, 2020)

Note: The applicant refers to the 2018 guidelines, the current 2020 guidelines were only issued in December 2020 around the time that this application was lodged.

There are no significant differences in the guidelines, in the context of this proposal.

- ‘Design Manual for Urban Roads and Streets’ (2013)
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (DoEHLG, 2009)
- ‘Quality Housing for Sustainable Communities’ (DoEHLG, 2007).
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’ (DEHLG/ OPW, 2009).
- ‘Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020’.
- ‘Transport Strategy for the Greater Dublin Area 2016 – 2035’.

## 6.3. Dublin City Development Plan 2016 - 2022

6.3.1. The Dublin City Development Plan 2016 - 2022 is the current statutory plan for Dublin City, including the subject site.

6.3.2. The subject site is indicated on Map B of the development plan and has a single zoning objective, ‘Z3 – Neighbourhood Centres’, with a stated objective ‘to provide for and improve neighbourhood facilities.’ The following description of the Z3 zoning is provided:

‘These are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres. They may be anchored by a supermarket type development of between 1,000 sqm and 2,500 sqm of net retail floorspace. They can form a focal point for a neighbourhood and provide a limited range of services to the local population within 5 minutes walking distance.

Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where necessary. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. When opportunities arise, accessibility should be enhanced’.

6.3.3. Permissible uses on Z3 lands include ‘Bed and breakfast, betting office, buildings for the health, safety and welfare of the public; car park, childcare facility, community facility, cultural/ recreational building and uses, education, enterprise centre, garden centre, guest house, home-based economic activity, industry (light), live-work units, medical and related consultants, office (max 300 sq. m), open space, part off-licence, primary health care centre, public service installation, residential, restaurant, shop (neighbourhood), training centre’.

6.3.4. In addition to the subject site, units no. 44 to 50 are also zoned Z3 as is the restaurant (Washerwoman) to the west and the retail unit to the south. The site lies within an ‘area of archaeological potential’.

6.3.5. Policy SC13 of the development plan promotes sustainable densities, in particular along public transport corridors with due consideration for surrounding residential amenities.

6.3.6. Policy SC14 seeks to ‘To promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces’.

6.3.7. Policy SC15 seeks ‘To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations

subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA)'.

6.3.8. The following policies are also considered relevant:

- Policy QH3 – 10% of the land zoned for residential uses should provide for social housing;
- Policy QH5 – Address the housing shortfall through active land management;
- Policy QH6 – Provide for sustainable neighbourhoods with a variety of housing types;
- Policy QH7 – Promote sustainable urban densities;
- Policy QH8 – Promote the development of vacant and under-utilised sites;
- Policy QH11 – Promotion of safety and security in new developments;
- Policy QH13 – New build housing should be adaptable and flexible;
- Policy QH18 – Support the provision of high-quality apartments;
- Policy QH19 – Promote the optimum quality and supply of apartments.

6.3.9. Section 16.7.2 of the City Development Plan refers to 'Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development'. Height is measured in terms of metres and '16 m equates to 5 storeys residential or 4 commercial generally'. The subject site is located within a designated 'Outer City Area' and a height of 16 m applies here, this is considered to be Low-rise.

6.3.10. The following sections of the City Development Plan are also relevant:

Section 4.5.3 - Making a More Compact Sustainable City;

Section 4.5.9 – Urban Form & Architecture;

Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);

Section 11.1.5.13 - Preservation of Zones of Archaeological Interest and Industrial Heritage. The development is located within such an area.

Section 16.2 – Design, Principles & Standards.

Section 16.10 - Standards for Residential Accommodation.

Section 16.38 – Car Parking Standards. The site lies within a Zone 3 area and requires a maximum of 1.5 spaces per residential unit, two spaces per medical consulting room and one space per 75 sq m Gross Floor Area of retail.

6.3.11. A Local Environmental Improvement Plan is proposed for Glasnevin, number 15 out of 31 on the list of areas for which such a local environmental improvement plan is to be prepared.

## **7.0 Third Party Submissions**

7.1. A total of 27 submissions were received. Irish Water (IW), Inland Fisheries Ireland (IFI), Transport Infrastructure Ireland (TII) and the Development Applications Unit of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media as prescribed bodies submitted comments; see Section 9.0 Prescribed Bodies of this report. A submission was received from the Glasnevin Village Residents Association and other submissions were from individual members of the public. Roisin Shortall TD, Gary Gannon TD, Councillor Cat O’Driscoll, Councillor Joe Costello and Councillor Declan Meenagh also submitted observations.

7.2. The submissions from residents/ the residents association can be summarised as follows.

Common issues are grouped under appropriate headings:

### **7.2.1. Design and Height:**

- The development of 6 and 7 storey buildings will dominate Glasnevin village and the existing two storey units including 44 to 52 Glasnevin Hill. The existing units will be dwarfed by the development.
- No justification given for the increase in height from the permitted 6 storeys to the now proposed 7 storeys.
- The site is outside of the canal ring, no justification for increasing heights in this location.
- It is accepted that there are building higher than 2 – 3 storeys, however these are significantly set back from the roadside edge and do not dominate the streetscape.



- The height, design, bulk, and material finish of the blocks are not in keeping with the existing character of the area. The design is monolithic and makes no positive contribution to the character of the area.
- The design does not have regard to the character of the area and the design looks as if it were chosen from a catalogue rather than designed for Glasnevin Hill.
- The topography/ ground levels of the subject site exaggerates the height of these blocks.
- The development fails to provide for the highest quality of urban design, architectural quality and place-making outcomes in accordance with the 'Urban Development and Building Heights Guidelines for Planning Authorities'.

#### 7.2.2. Impact on the Character of the Area:

- The heritage and special character of Glasnevin village would be adversely affected by the proposed development which is not sympathetic to the established/ existing character of the area.
- The development may impact on existing services in the area with particular reference to schools, childcare, public transport, and parking.
- Query over the accuracy of the submitted Social Infrastructure Audit.
- There are other large-scale developments in the area, proposed/ permitted and combined they will impact on services in the area.
- The development is contrary to the Dublin City Development Plan 2016 – 2022.
- Negative impact on protected structures at Holy Faith Convent and no. 49 Glasnevin Hill.

#### 7.2.3. Impact on Residential Amenity:

- The height of the building will result in overshadowing of existing houses and a loss of sunlight/ daylight. This will be most pronounced from late Autumn to early Spring.

- Concern that the front gardens of the houses on the northern/ north eastern side of the road/ Glasnevin Hill will be negatively impacted by overshadowing from the proposed development. These front gardens serve as the primary amenity for these residents.
- The development will give rise to overlooking of existing properties leading to a loss of privacy. Separation distances of only 6 m between balconies and their adjacent boundary is proposed.
- The type of housing, primarily the number of one-bedroom units, may give rise to a more transient population in the area. 95/ 96% of the units are one- and two-bedroom apartments.
- There is a need for more family homes in the area and some of the one-bedroom units should be revised to provide for more three-bedroom units.
- Insufficient consideration given to the impact of the development on the structural integrity of existing houses.
- Reference made to subsidence on Glasnevin Hill.
- Insufficient/ no public open space is proposed as part of this development.
- The proposed units do not provide for adequate residential amenity for future occupants.
- The site has not been well maintained over the years, becoming an eyesore over time.
- The development will result in a gated community.

#### 7.2.4. Commercial Development:

- An existing medical suite of offices is located opposite the development site and which has been vacant since it opened.
- There is no demand for any additional such units in the area.
- Concern that an increase in the number of vacant units may impact on the character of the area.

#### 7.2.5. Traffic Safety and Car Parking:

- Potential road safety issues. The site is located on a bend and there are already a number of entrances onto the road. The entrance at the Bon Secours Hospital is referenced as an existing concern.
- Cars accessing/ leaving the site will cause delays to traffic on Glasnevin Hill due to the location of the entrance.
- Insufficient car parking to serve the development and car parking is already an issue in the area. Insufficient visitor parking is proposed.
- No specific parking is proposed for the medical units and patients will have to park on the public road.
- No parking or delivery area is proposed for the retail unit.
- Deliveries/ loading for the proposed retail unit may impact on the existing cycle lanes along Glasnevin Hill.
- Glasnevin is used by members of the public to park their cars there during the day and then use public transport to go into the city centre.
- Increased shading will make the road and footpath surfaces even more treacherous than at present during icy weather.
- The development should be located elsewhere such as Glasnevin Industrial Estate or Northwood.

#### 7.2.6. Environment and Natural Heritage:

- Japanese knotweed is growing on the site and this need to be professionally eradicated. Insufficient detail is provided as to how this is to be addressed.
- Potential impact on the natural heritage of the area with reference to the National Botanic Gardens, the Tolka River and Griffith Park.
- Concern about the Environmental Impact Assessment (EIA) Screening as it disregards a number of designated Dublin City Council Conservation Areas.

#### 7.2.7. Other Comments:

- Not opposed to the development of the site but the density/ height of development should be reduced to be more in keeping with the character of the area.
- No consultation was help with the local community.
- No reference to a right of way to the rear of the terrace of houses from no. 44 to no. 52 Glasnevin Hill.
- No reference to hazardous materials on site such as asbestos. No details of quantities of materials to be removed.
- Permission should not be granted until a legal challenge against the decision of An Bord Pleanála to grant permission for a housing development on Ailesbury Road is decided by the courts.
- If permission is granted, a liaison committee should be set up between the developer/ builder and the local community. This would consult on all phases of the development from demolition, construction, and delivery issues.
- Concern about the cost of the Part V, accepts that this is not an issue that the Board has any control over. These units are to be provided together and away from the other units, request that the Part V units be better spread out throughout the site.
- Concern was also expressed about the timing of this application and the fact that permission is already in place for 73 units and now the developer wished to increase the number of units to 101 and uses the Strategic Housing Development process to do so.
- There is a lack of detail in relation to the basement level in terms of geological studies and assessments of this basement level.
- Nothing on file to suggest that contact was held with the Office of Public Works (OPW). The OPW raised concerns in relation to the previous and permitted application on this site. Impact on the Botanic Gardens was the primary concern at that time.

## 8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 17th of February 2021. The report states the nature of the proposed development, the site location and description, submissions received, details the relevant Development Plan policies and objectives and provides a planning assessment of the development.

8.2. The CE report also includes a summary of the views of the elected members of the Central Area Committee Meeting held on the 19th of January 2021, and these are outlined as follows:

- Concerned about the height/ density and the design of the proposed development.
- The proposal would result in overdevelopment of the site.
- This was considered to be out of context for the area and would have a negative impact on the historic setting of Glasnevin village.
- The development is 50% above the allowable height of 16 m for this area, therefore contrary to the Dublin City Development Plan.
- Impact on the area is clear from the submitted CGIs.
- The development, if permitted, would dominate the area and set a new density/ landscape for this part of Glasnevin.
- The materials to be used in the finishes are out of character with the area.
- The design is monolithic and not in keeping with its surroundings.
- The development is not family orientated, demand in the area is for family homes.
- Query over the use of glass block, which is not aesthetically pleasing.
- Concern about the impact on adjoining residential units in terms of overlooking and overshadowing.
- High-capacity public transport is not available in the area at present. There is a reliance on Bus Connects, which is not in place.
- Car parking and impact on traffic were raised as concerns, these are already an issue. No visitor parking is proposed.
- The proposed medical centre may give rise to parking issues.

- The lack of loading bays along Glasnevin Hill, may impact on the use of the existing cycle track.
- Need for a Traffic and Transport Study for the area. NTA proposal under Bus Connects is to divert traffic up Glasnevin hill, to the Bon Secours Hospital.
- No public open space or community facilities are proposed, and this is unacceptable for a Z3 zoned area.
- Query over the demand for a medical centre in this area, an existing unit is vacant on the opposite side of the road to the site.
- Question about space for childcare within the building.
- The construction/ demolition phase would impact negatively on the area.
- Lack of public consultation was a concern.
- Request that a condition be included that a liaison committee be set up between the developer and the local community to engage over issues that may arise if the development is permitted.
- The development does not protect the historic village of Glasnevin.
- Question over how this development differs from the previous approved development, granted permission in October 2019.
- Concern over the Strategic Housing Development process, which allows developers to increase the number of units on a site without having regard to the character of the area.

8.3. The following is a summary Chief Executive's report and Departmental Reports:

8.3.1. Development Location, Proposed Development, Site Description and Relevant Site History.

- The Planning Authority locate the site, provide a detailed description of the proposed development and then describe the site.
- The planning history refers to P.A. Ref. 3780/18/ ABP Ref. 304700-19 – permitted development of 73 units on this site.

- A pre-planning meeting was held on the 5th of March 2020 with the Planning Authority and with An Bord Pleanála on the 10th of September 2020.

#### 8.3.2. City Development Plan 2016 – 2022

- The site is zoned Z3 – Neighbourhood Centre and there is an objective for a Local Environmental Improvement Plan (LEIP) for Glasnevin.
- The report then outlines a long list of relevant objectives and policies in the Dublin City Development Plan 2016 – 2022.

#### 8.3.3. Presentation to the Central Area Committee Meeting

- Presentation was held on the 19th of January 2021 in accordance with Section 8 (4)(c)(ii) of the Planning (Housing) and Residential Tenancies Act 2016.
- A summary of the comments made is included in an Appendix to this report – Summarised under Section 8.1 of this report.

#### 8.3.4. External Consultees and Submission/ Observations

- A list of consultees is provided, and a summary of the issues raised by submission/ observation is also provided.

#### 8.3.5. Planning Assessment

This is summarised as follows:

- Land-Use Mix: Site is zoned for Neighbourhood Centre use/ Z3. The mix of residential over retail/ medical suites is acceptable in terms of this zoning objective. Note that there is not a greater level of detail in relation to the medical suites and if there is any connect with the Bon Secours Hospital. There is no objection to this use in this location provided that members of the public can use the facility in order to add to the vibrancy of the street.

It is the preference of the Planning Authority that the two medical suites be used either as stand-alone retail units or be amalgamated. Retail use would add to the

vibrancy of the street. The Planning Authority report that they do not favour medical suites to be the dominant use here.

- Density: Report that the site is 'served by a high-quality frequent bus route' and is within walking distance of a range of services and within cycling distance of the city centre. The site is suitable for increased density, the proposed density is now 224 units per hectare. There is no objection to the density subject to the overall scheme providing for a suitable high quality of residential amenity and is acceptable in terms of visual amenity. The Planning Authority do not support high density developments that do not provide for high quality residential amenity and which may adversely impact upon the visual amenity of the area.
- Layout: There is no objection to the submitted layout.
- Height and Material Contravention and Impact on Residential Amenities  
Adjoining: The Dublin City Development Plan 2016 – 2022 sets out under Section 16.7.2 height limits for development. The site is suitable for heights of up to 16 m. Block 1 has a height of 22.7 m to parapet, 24.3 m to top of roof structure and Block 2 has a height of 19.35 m to parapet, 20.8 m to top of roof structure. The development is therefore a material contravention of the City Development Plan. The applicant has submitted a Material Contravention Statement justifying the heights. Notes the history of the site and the role of the Urban Development and Building Heights for Planning Authorities (December 2018), 'with no numerical caps on height now applicable'.

The context of the development and its surroundings/ location is considered in depth. The proposed material finishes 'are of high quality' and final details can be agreed by way of condition. The use of extensive areas of glazing is welcomed. The following is stated – 'While of greater height than any buildings in its immediate context it is considered that the height of the proposal can be successfully integrated into the area with detriment to the wider visual amenities of the area or the setting of the protected structure on the opposite side of the carriageway'. I would suggest that the word, 'out' is missing after '..area with xx



detriment..' in the Planning Authority report. The submitted 'Sunlight, Daylight and Shadowing Assessment' indicates that the neighbouring houses will not suffer any excessive impacts from the proposed development.

- Potential for Overbearance and Overlooking: Identifies properties that may be impacted it is considered having regard to the submitted details that the impact in terms of sunlight and daylight are acceptable. Block 1 is stated to be 'largely as permitted under plan no 3780/18 /ABP Ref 304700-19'.

Separation distances are considered to be acceptable though '..the level of direct overlooking from Block 1 northwards in the rear gardens of nos. 44-50 Glasnevin Hill, could be reduced through the provision of vertical screens on the north side of those balconies serving unit nos. 21, 27, 31 in this block'. The impact on No. 30 Glasnevin Hill is considered to be acceptable in that there will be no overshadowing, undue overlooking or overbearing impact. The impact on the River Gardens apartments to the south is considered to be acceptable and the impact on the convent to the west is also 'generally acceptable'. In summary the 'proposed development would not result in excessive overshadowing, overlooking or have an overbearing impact on any adjoining properties...and is considered in compliance with development plan policy'.

- Landscape and Biodiversity: The Parks and Landscape Services have issued a report which includes recommended conditions. Recommended conditions/ issues include: need for improved planting/ screening to the west of Block 2 to improve lighting of this area, consider improved street greening or use vertical greening to building façade, improve measures for privacy for benefit of future residents, improved play equipment, improvements to the EIA, no reference to Dublin City Development Plan in relation to Biodiversity or the City Biodiversity Action Plan, need for an Ecological Impact Assessment, careful management in relation to Japanese Knotweed and Appropriate Assessment should include for indirect connection to the Dublin Bay Natura 2000 sites.
- Communal Amenity Space: Need for 631 sq m of communal amenity space. Conflict in the stated areas of communal open space is noted. The Planning

Authority calculate that an area of 756 sq m of communal open space is proposed, these exceeds the requirement, however the provision of planters here reduces the usability of the open space. The play area is well located on the site. Note and welcome the provision of communal areas for residents. The open space receives adequate light/ sunlight.

- Public Open Space: A contribution in lieu of public open space is proposed, and this is accepted.
- Housing Quality: Mix of unit types and quality is considered to be acceptable. 55% of units are dual aspect, this exceeds requirements. Floor to ceiling heights is acceptable and the number of units per core at 5 is acceptable. The quality and quantity of private open space 'is considered very good in the scheme with good orientation in all cases'.
- Transportation: The Traffic Planning Division (TPD) have submitted a detailed report. In summary, site entrances are acceptable, proposed permeability is acceptable and the bicycle parking provision is also acceptable. Much consideration is given to the proposed car parking provision which at 40/ 45 spaces is less than what would be expected for a development of 101 apartments. Support is given for the proposed car sharing club/ proposal subject to it been long term. Concern is expressed about the shortfall in parking spaces subject to a 'robust and proactive approach to mobility management onsite will have to be implemented'.

Comment was made in relation to Bus Connects and the need for further consideration of the road layout prior to the commencement of development.

There is a need for a servicing and operations plan for the proposed development. Waste collection will require refuse trucks to stop briefly on the public road during collection times. The retail and medical units at street level will be serviced by a 18 m long loading bay proposed directly to the north of the entrance on Glasnevin Hill. Impact to Bus Connects proposals is not foreseen in

this regard. A Construction Management Plan (CMP) has been submitted, however the accommodation of parking for construction workers has not been addressed. The CMP should be conditioned prior to the commencement of development on site and similarly for any taking in charge documents should be submitted for written agreement of the Planning Authority.

- **Child Care Facilities:** A Childcare Demand Audit has been submitted and a total of 26 no. operational childcare facilities within a circa 1.5 km radius of the subject site. The development of 101 units, includes 57 two/ three bed units, so is below the requirement for a standalone childcare facility under the 2020 apartment guidelines.
- **Community and Social Infrastructure:** The City Development Plan requires that all proposal for in excess of 50 units should submit an audit of existing community and social facilities in the area and a Social Infrastructure Audit has been included. This identifies schools, childcare, community and cultural centres within a 1 km radius, a total of 100 such facilities were identified. The Planning Authority note the report and conclude that the area is suitably well served.
- **Appropriate Assessment and EIA:** These are matters for the Board to consider as the competent authority.

In addition to the CE report, additional DCC internal reports have been provided:

- **Drainage Report:** There is no objection to the development, subject to the development complying with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0. There are existing foul and surface water drainage systems on site and necessary requirements are provided by DCC. There is a need for a flood risk assessment and any risks from 30-year and 100-year storms are to be addressed.
- **Environmental Health Officer:** Conditions are recommended including the need for a Construction Management Plan, a noise assessment should be undertaken and noise limits/ air quality standards in relation to the retail/ café units are proposed. Note: A café is not proposed at this stage.

- Part V – Housing & Community Services: Engagement has been had between the developer and the Housing & Community Services in relation to meeting Part V requirements, the developer is suitably aware of their obligations.
- Parks & Landscape Services: Issues have already been referenced in the CE report. Some additional comments include the need for a qualified Landscape Consultant to be employed at development stage, need to submit a landscape proposal and for it to be implemented in the first planting season following completion of the development. A contribution to be paid in lieu of public open space. Measures to be put in place for the protection of birds, bats and that invasive species be managed in an appropriate manner.
- Planning & Property Development Department: A bond condition to be applied for a development which is of two or more units, a contribution in lieu of open space and Section 48 and 49 development contribution to be levied if applicable.

## 9.0 Prescribed Bodies

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

- Irish Water
- The Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation – Now, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Fáilte Ireland
- The Heritage Council
- An Taisce
- Transport Infrastructure Ireland
- National Transport Authority

9.2. Irish Water, Transport Infrastructure Ireland and the Development Applications Unit responded. In addition, Inland Waterways Ireland made a submission. The following is a brief summary of the issues raised.

### 9.2.1. **Irish Water:**

Irish Water has issued a Confirmation of Feasibility for the development of 101 no. apartment units/ commercial units to connect to the public water and wastewater networks. The applicant has engaged with Irish Water and has submitted design proposals and Irish Water has issued a Statement of Design Acceptance.

Irish Water has requested that in the event that permission is granted that conditions be included as follows:

- ‘The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network.
- All development is to be carried out in compliance with Irish Water Standards codes and practices’.
- Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to any commencement of works’.

### 9.2.2. **Transport Infrastructure Ireland (TII):**

No observation to make.

### 9.2.3. **Department of Tourism, Culture, Art, Gaeltacht, Sport and Media – Development Applications Unit (DAU)**

With regard to Archaeology, the Department examined the Archaeological Assessment Report prepared by IAC Ltd. and on the basis of the report including archaeological mitigation, a condition is recommended in relation to archaeological pre-development testing under the watch of a suitably qualified archaeologist. This is a standard condition where archaeology may be expected to be found on a development site.

In relation to Nature Conservation, the Department note the current situation of the site and its proximity to the River Tolka. The importance of the Tolka for flora and fauna is reported and species are protected under the Birds Directive and in the case of otter under the Habitats Directive. The Tolka flows into the South Dublin Bay and River Tolka Estuary Special Protection Area (SPA) and any pollution from the development may impact on the SPA. An Outline Construction Management Plan has been submitted with the application and suitable measures are outlined in this. The submitted Engineering Services Report provides measures that prevent pollution from the site entering the public surface water drain during the development's operational phase. These measures include the use of green and blue roofs and the installation of a silt trap on the internal drainage system.

The presence of Japanese Knotweed on site is noted and the measures proposed to treat this invasive species are outlined in the Japanese Knotweed Management Plan. Conditions are recommended if permission is to be granted for this development. These refer to the prevention of pollution of surface water and the carrying out of suitable measures to treat Japanese Knotweed in accordance with best practice.

#### **9.2.4. Inland Fisheries Ireland (IFI):**

The development is located in the catchment of the Tolka River which supports Atlantic Salmon, Lamprey (Annex II species) and Brown Trout, in addition to other fish species. As adult salmon were recorded in 2011 in Glasnevin, salmonid water constraints apply to any development in the area. If permission is granted, all works should be in line with the Construction Management Plan, which ensures that good construction practices are adopted. Direct pumping of contaminated water from the development to a watercourse shall not take place at any time. Any dewatering should be to an attenuation area and discharged off site; this may require a discharge licence from Dublin City Council.

Care should be taken that no solids enter the surface water system during the connection or stripping of old pipework. Silt traps and oil interceptors shall be regularly maintained during the construction and operational phase. An annual contract for such maintenance should be put in place. It is noted that Ringsend Wastewater Treatment Plant is operating at/ near capacity and permission for a treatment plant at Clonshaugh has been quashed by High Court order.

It is essential that the local infrastructure has the capacity to cope with increased surface and foul drainage generated by this development. All discharges must be in compliance with European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

## 10.0 Oral Hearing Request

None requested.

## 11.0 Assessment

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the relevant Section 28 guidelines and I shall examine the proposed development in the context of the Dublin City Development Plan 2016 - 2022, the statutory plan for the area.

11.2. In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

11.3. The assessment of the submitted development is therefore arranged as follows:

- Principle of Development
- Development Height
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Comment on Submission/ Observations of Central Area Committee
- Other Matters
- Material Contravention
- Appropriate Assessment – Natura Impact Statement
- Environmental Impact Assessment



#### 11.4. Principle of Development

11.4.1. Having regard to the nature and scale of proposed development which is in the form of 101 residential units consisting wholly of apartments and for a limited number of commercial/ retail units on lands zoned for Neighbourhood Centres under the Z3 zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.4.2. The subject site is zoned Z3 in the Dublin City Development Plan 2016 – 2022 with the objective ‘To provide for and improve neighbourhood facilities’. This zoning objective permits a wide range of uses, including retail usually at the smaller scale but up to 2,500 sq m net retail floorspace. Residential development is also permissible, and the description of the zoning objective identifies upper levels as suitable for housing. The proposed development provides for retail/ commercial units at ground floor level and residential over, in the form of apartments. I am satisfied that the development is in accordance with the Z3 zoning objective. The ground floor uses will meet the needs of the local neighbourhood and residential units can be provided on the upper floors, therefore maximising the use of these brownfield lands.

11.4.3. It is national and local policy to maximise the use of available lands and in particular brownfield sites. This site can be considered a brownfield site, the previous uses have ceased, and the land is now proposed for an alternative form of development. There are/ have been, a number of similar sites in the Dublin City area, where car sales/ maintenance facilities have moved out to the suburbs, usually adjacent to main routes into the city such as the N2/ North Road in Finglas, the N3/ Navan Road and to the likes of Liffey Valley. The former premises cease to function as car sales and the value of the land sees a higher intensity use provided such as office development, retail and residential uses. This site on Glasnevin Hill is a good example of such changes to the motor trade and the site has been vacant for some time.

11.4.4. The Z3 zoning objective is supported by a number of policies and objectives in the Dublin City Development Plan. Policy SC13 seeks to ‘promote suitable densities, particularly in public transport corridors...which are appropriate to

their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas... sustainable densities will include due consideration for the protection of surrounding residents, households and communities'. Policy SC14 seeks to promote a variety of housing types.

11.4.5. The proposal of 101 apartment units provides for a density of 225 units per hectare. In addition, the development includes retail/ commercial units in the form of medical suites. The development therefore provides for a high intensity of use on this site. The site is located in an established urban area, where public transport is available and where community/ social/ recreational infrastructure is within walking distance. Whilst the principle of development is accepted to be in accordance with the Z3 zoning objective, and is in accordance with local/ national policy, the impact on the adjoining area is considered further in this report.

### **11.5. Development Height**

11.5.1. The issue of height is one of the main issues of concern raised in the observations and by the elected members. From the site visit, it was apparent that there is a mix of building types/ heights in the area. The nearby Met Office, the adjacent convent and the DCU 'Alpha' Building further along Glasnevin Hill/ Old Finglas Road provide for building of five storeys. Whilst the greater Glasnevin area may be dominated by two-storey houses, this section of Glasnevin Hill is certainly characterised by higher buildings. These buildings are located on a higher point of Glasnevin Hill and the proposed development will not dominate.

11.5.2. The site is located within a 'Low Rise', 'Outer City' location and the maximum height specified in the Dublin City Development Plan 2016 – 2022 is 16 m. Proposed Block 1 has a maximum parapet height of 22.665 m/ maximum overall height of 24.265 m when measured to the top of roof plant/ structures, providing for seven storeys and Block 2 has a maximum parapet height of 19.05 m/ maximum overall height of 20.580 m when measured to the top of the roof plant/ structures, providing for six storeys. The heights of both blocks exceed the maximum standards set out in the Dublin City Development Plan 2016 – 2022.

11.5.3. Section 3.2 – 'Development Management Criteria' of the 'Urban Development and Building Heights – Guidelines for Planning Authorities', December

2018, sets out a number of considerations for developments with increased heights.

In the interest of convenience, I have set these out in the following table:

<b>At the scale of the relevant city/ town</b>	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	The site is directly served by the 83/A bus routes and is within 350 m of Mobhi Road which is served by the 4, 9 and 155 bus routes. Off peak frequency for the 83/A is a bus every 12 minutes and Mobhi Road provides a frequency of a bus every 4 to 5 minutes.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view.  Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	<ul style="list-style-type: none"> <li>No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection.</li> <li>Landscape &amp; Visual Impact Assessment – prepared by Dermot Foley Landscape Architects</li> </ul>
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	<p>The development will ensure that the streetscape is improved/ provide for a defined street line along Glasnevin Hill.</p> <p>A contribution in lieu will be provided for public open space, in accordance with the Dublin City Development Plan requirements.</p>
<b>At the scale of district/ neighbourhood/ street</b>	
The proposal responds to its overall natural and built environment and makes a positive	<ul style="list-style-type: none"> <li>This is a brownfield site with no trees or natural environment worthy of retention/ augmenting.</li> </ul>

<p>contribution to the urban neighbourhood and streetscape.</p> <p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> <li>The development consists of two separate blocks, one is at right angles to the street and provides for a suitable frontage. The other follows the curve of the street and through a combination of design, stepped height and materials, it will provide for a high-quality street frontage here at Glasnevin Hill. The elevations provide for a suitable void (windows) to solid (wall) ratio.</li> </ul>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> <li>No public spaces other than along the street/ Glasnevin Hill are proposed.</li> <li>The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with.</li> </ul>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>The proposal provides for an integrated development of this current brownfield site. The design is of a high quality and will enhance this section of Glasnevin.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>The development provides for apartments in the form of one-, two- and three-bedroom units and commercial development in the form of retail units and medical suites. An appropriate mix of development is proposed for this Z3 – Neighbourhood Centre site.</p>
<p><b>At the scale of the site/ building</b></p>	
<p>The form, massing and height of proposed</p>	<p>As outlined in the Assessment, the development demonstrates that compliance with BRE 209 and</p>

<p>developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<p>BS2008 is generally achieved, and the amenity of existing residents and future residents is satisfactorily addressed and maintained.</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.</p>	<p>As above.</p>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<p>As above.</p>
<p><b>Specific Assessment</b></p>	
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include</p>	<p>The proposed development is not considered to be a 'taller building' such that micro-climate issues arise, other than sunlight provision for communal open spaces, do not arise. Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable.</p>

measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.	
In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.	The development is not located in proximity to sensitive bird or bat areas, and AA screening has been submitted to demonstrate no likely adverse impact on a protected site/ species. No bat roosts are noted on site, and no protected birds or other mammals were observed on the site.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	N/A
An assessment that the proposal maintains safe air navigation.	N/A
An urban design statement including, as appropriate, impact on the historic built environment.	N/A
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	SEA not required/applicable.  EIA and AA screening reports submitted with the application.

11.5.4. The above table demonstrates that the development complies with SPPR 3 of the 'Urban Development and Building Height' guidelines and the relevant section states as follows:

'It is a specific planning policy requirement that where;

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

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

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

11.5.5. National and local policy is to provide for increased heights and density on suitable sites. The above table includes appropriate considerations for such development. While a number of submissions state that this development results in the introduction of a six/ seven storey development into an area defined by two/ three storey houses, this is not wholly true. From the site visit it was apparent that there is a mix of building heights in the area, and this established typology of mixed heights further facilitates the heights proposed in this application. The proposed development will provide for a mix of apartment types in an area that there is a requirement for such housing types.

## 11.6. Design and Layout

11.6.1. As reported, the site is located on lands that are zoned Z3 and are suitable for neighbourhood centre development. The focus is therefore to integrate a development into the existing established urban area, in this case Glasnevin Hill.

11.6.2. The development of this site will require the demolition of no. 38 Glasnevin Hill and a number of former car sales/ motor factors/ repair units. No. 38 is not of any architectural merit worthy of its retention/ incorporation into the development of this site. Similarly, the other existing units/ structures on site are not of any architectural importance and their removal would provide for a visual improvement in this area. Although the site is generally well maintained, where it interfaces with the public realm, it does provide for a negative visual appearance at present. An ‘Outline Construction and Demolition Waste Management Plan’ has been prepared and submitted with the application. This is a generic document but does outline best practice associated with this stage of development.

11.6.3. The development provides for two separate blocks, both of which are primarily six storeys, though part of Block 1 is seven storeys towards the south eastern corner and the 'stepped' nature of the development provides for sections that are four and five storeys. Adjacent to no. 44 is a four-storey block, which provides for an appropriate stepping along the streetscape. A basement car park is also provided with access from the eastern side onto Glasnevin Hill. Ground floor uses include a medical suite and retail unit in Block 1 and two retail/ medical suites in Block 2.

11.6.4. Although residential development is the primary form of use, there is an adequate mix of commercial development proposed that ensures that the site is not dominated by a single use. The provision of commercial uses at ground floor will ensure that there is a vibrancy at the street level. The applicant does not propose to provide retail uses on the entirety of the ground floor level, as to do so would change the character of the streetscape.

11.6.5. The primary elevational treatment consists of brick which is relieved by the use of stone cladding to the commercial unit facades, extensive areas of glazing and the use of glazed cores along the street edges to provide for a suitable breaking up of the mass of Block 1 when viewed from the street. The top floor is finished in polyester powder coated aluminium cladding and this lighter colouring reduces the visual impact when viewed from a medium distance/ away from the site. The proposed material finishes are considered to be appropriate in this location. Brick is used throughout the Glasnevin area and therefore is correctly proposed for this location. In the event that permission is granted, the developer can agree the final material colours/ textures etc. with the Planning Authority.

11.6.6. The elevation of Block 1 is designed to be at a consistent/ level such that the roof remains level and does not step up/ down and in turn the floor levels continue this format. This does create a somewhat unusual situation, and which is made more obvious through the use of the stone cladding to the façade, in that the shopfronts seem to 'sink' into the footpath/ street. This is particularly noticeable in the case of the unit to the north western edge of Block 1/ adjacent to no. 40. The visual impact of this may be changed if the stone cladding were raised slightly/ stepped on this unit. This revision may be done by way of condition/ revised elevations.



11.6.7. The development will make a positive contribution to the streetscape, providing for a defined building line, where currently it is broken by the existing form of development. The car parking/ display area to the front of the former car sales building, between no. 54 Glasnevin and the Washerwoman restaurant, breaks/ weakens the building line and more so at present as this area does not have an active use. Comment was made in the observations that the design will give rise to a monotonous form of development. I disagree with this as the design provides for a more vibrant form of ground floor uses. In contrast to the proposed development street frontage, I note the boundary wall to the front of the convent grounds on the Old Finglas Road, which does present a monotony of development.

11.6.8. **CE Report comments:** The CE report comments that it is the preference of the Planning Authority that the two units in Block 2 be used as retail rather than medical units. These could be provided as two separate or one amalgamated unit. I note the concern here and agree with the Planning Authority that a vibrant street frontage should be provided to increase the vitality along this section of Glasnevin Hill Road. The detailed design and use of these units can be conditioned to be subject to agreement with the Planning Authority.

11.6.9. The Planning Authority raised no particular concerns in respect of the layout/ design of the development. The development is very similar to that previously approved under ABP Ref. 304700-19 other than for the increase in height and unit numbers.

## 11.7. Visual Impact

11.7.1. In addition to the layout and material finishes, some other important design features are proposed which define the developments visual impact.

11.7.2. Block 2 is on a north east to south west axis and as such only a relatively narrow elevation addresses the public street. This integrates with the neighbouring no. 58 and the Washerwoman restaurant to the west. Block 1 appears in some of the submitted photomontages/ views as a large structure from some angles. The mix of materials breaks up the bulk, as already described, as does the use of the ground floor for retail/ commercial uses. The ground floor will be designed with colonnades and this results in the perception that the footpath is significantly wider when viewed from ground level.

11.7.3. The submitted elevations and photomontages also indicate that the block is designed to appear as a group of plots when viewed from the street. An alternative design of Block 1 could have resulted in a curved elevation onto Glasnevin Hill, following closely the curve of the street. Instead, the design is of a group of flat fronted elevations in plots such that the width of the plot is defined by the columns of the colonnade. This vertical design feature is continued on the upper levels by where the flat elevations meet following the location of the column. Concern was raised in a number of the observations about the block appearing as a monolithic structure; I consider that the design features used will ensure that this concern does not have a negative impact on the visual amenity of the area.

11.7.4. The Planning Authority were generally satisfied that the proposed heights were acceptable in this location and note that 'The proposed development comes into view incrementally as one travels northwards'. The overall design is considered to be acceptable. I note the comments regarding the issue of height and material contravention of the city development plan, and this issue will be addressed later in this report.

## 11.8. Residential Amenity – Future Occupants

11.8.1. **Unit Mix:** A total of 44 one-bed units, 51 two-bed units and six three-bed units are proposed. The total of 44 one beds provides for 43% of the total of 101 apartments and this is compliant with Specific Planning Policy Requirement 1 (SPPR 1) of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.8.2. **Quality of Units – Floor Area:** A 'Housing Quality Assessment' submitted with the application provides a detailed breakdown of each of the proposed apartment units. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. Room sizes and storage provision are in accordance with the minimum required standards.

11.8.3. The majority of the one-bedroom units are provided with a single storage area though some of the one-bedroom units have the storage areas spread throughout the apartment. The two- and three-bedroom units have a number of

different storage areas within the floor plan, which is appropriate having to support the needs of multiple occupants.

11.8.4. The submitted 'Housing Quality Assessment' indicates that most single bedrooms have a southerly or westerly aspect and that there are no north facing single aspect apartments in the development within 17 degrees of north. 55% of the units are dual aspect, this exceeds the requirements of SPPR 4.

11.8.5. Floor to ceiling heights within the apartments are stated to be 2.75 m and this is acceptable. The proposed development provides for a layout such that a maximum of three to five apartments per floor are served by a stair/ lift core, this is well within the range of SPPR 6. The cores in Block 1 allow for access from the podium level and from the street/ Glasnevin Hill. The use of glass for the cores of Block 1 in addition to the access arrangements will ensure that there is a good level of activity and vitality at street level.

11.8.6. **Quality of Units – Amenity Space:** All units are provided with adequate private amenity space in terms of quantity of area. Access is generally from the living room and the balconies are of the inset type. The majority of units are provided with private amenity areas in excess of the minimum required and there are some units that will have significantly more than the minimum. Unit 101 is an extreme example of generous private amenity space, this two-bedroom unit is provided with 110 sq m of private amenity space. The proposed balcony/ terraced depths meet or exceed 1.5 m.

11.8.7. No public open space is provided on the site and the applicant is willing to make a contribution in lieu of this and the CE report makes clear that this is necessary in the event that no public open space is to be provided. This is noted and it is considered to be acceptable. The provision of public open space would not serve any useful purpose as the area would be too small. The area is well served with public open space and I refer again to the proximity of the site to the Botanic Gardens, a significant open space amenity within walking distance of the site.

11.8.8. Section 16.10.3 of the Dublin City Development Plan 2016 – 2022 states 'In new residential developments, 10% of the site area shall be reserved as public open space'. Public open space will normally be located on-site, however in some instances it may be more appropriate to seek a financial contribution towards

its provision elsewhere in the vicinity. This would include cases where it not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g., a neighbourhood park or pocket park) or the upgrading of an existing park. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the Dublin City Council Parks programme, in fulfilment of this objective.

11.8.9. A total of 1,248 sq m / 28% of the site area is to be provided as communal open space serving the future residents of this scheme. This easily exceeds the requirements set out in Appendix 1 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities', the guidelines require a minimum of 631 sq m. The CE report queries the total of 1,248 sq m and considers that a true total of 756 sq m is provided.

11.8.10. This reduced figure includes for the exclusion of the open space to the west of Block 2 and this area is to be integrated into the private amenity space of the adjoining units. There is merit in this, in that the depth between the back of the terrace and the boundary wall to the west is only three metres in places. The open space to the west of Units 35 to 46 should be incorporated as part of their open space. I also note an area to the west of the Retail/ Medical unit at the north western end of Block 2 and this area should be incorporated as an outdoor storage area or bicycle parking area but is not suitable as private or communal open space. The revision of the open space allocation may reduce the overall open space provision but not below the required 631 sq m.

11.8.11. **Daylight and Sunlight:** The submitted 'Sunlight, Daylight and Shadowing Assessment', prepared by Parkbourne Consulting Engineers, considers the potential daylight/ sunlight provision within the scheme and the potential for overshadowing. The analysis was undertaken using 'IES Virtual Environment' software. This assessment is undertaken based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).

- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

11.8.12. From the information provided in the 'Sunlight, Daylight and Shadowing Assessment', I am satisfied that the target 'Average Daylight Factor (ADF)' of 1.5% is appropriate and is met and that the requirements of sunlight for open space areas is within the required standards. Compliance with these targets/ standards will ensure that all units are provided with suitable residential amenity.

11.8.13. Table 2 of BS8208 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/ living and dining areas are effectively the one room and I accept that the higher figure may not be achieved for the kitchen area in all cases.

11.8.14. The table included in Section 3.1.3 – 'Analysis Results', provides a breakdown of the achieved results and it is demonstrated that all units meet the minimum standards. The breakdown only provides details on the individual bedrooms and living areas. Section 3.1.4 includes 'Analysis Results – Diagrams' for each of the units and demonstrates the high/ low points of light penetration. I note that living rooms, which all include kitchens, that provide an ADF of less than 2%, will have kitchens that do not meet the required ADF of 2%. Those units that are below 2% include: Unit 6 (1.99%), Unit 8 (1.74%), Unit 15 (1.74%), Unit 19 (1.80%), Unit 20 (1.76%), Unit 28 (1.72%), Unit 30 (1.98%), Unit 37 (1.61%), Unit 39 (1.64%), Unit 42 (1.64%), Unit 44 (1.69%), Unit 47 (1.72%), Unit 52 (1.54%), Unit 53 (1.56%), Unit 56 (1.63%), Unit 57 (1.59%), Unit 60 (1.83%), Unit 65 (1.56%), Unit 66 (1.89%), Unit 69 (1.61%), Unit 70 (1.59%), Unit 73 (1.81%), Unit 77 (1.96%), Unit 78 (1.75%), Unit 80 (1.89%), Unit 81 (1.71%) and Unit 84 (1.82%). The majority of these units are close to 2% and all units easily exceed the 1.5% requirement for a living room. I am satisfied in respect of daylight, as measured by the % of rooms meeting ADF

standards, that the proposed development adequately meets residential amenity levels for future residents.

11.8.15. The submitted analysis includes an assessment of the communal open space area. The BRE requirement is that a minimum of 50% of the space shall receive two or more hours of sunlight on the 21<sup>st</sup> of March. The submitted analysis demonstrates that the BRE requirement is met and exceeded at greater than 90% and the communal amenity spaces will be of a high quality, suitable for residential use.

11.8.16. The narrow depth of space between the western side of Block 2 and the boundary results in this area being in shadow for significant parts of the day. Whilst the private amenity for these apartments will meet all standards, the reallocation of the communal space as private amenity space would not impact negatively on the overall communal open space provision.

11.8.17. **Additional Residential Amenity:** The proposed development provides for a number of ancillary rooms for the use of the residents of this scheme. The ground floor of Block 1 includes a concierge, post room and an office space and the lower ground floor includes a lounge of 255 sq m, a bookable conference room and a media/ function room. The provision of such additional space/ amenity is to be welcomed. The development can therefore accommodate the amenity needs of residents indoors, perhaps during periods of poor weather/ in the evening.

11.8.18. A 'Site Specific Apartment Management Strategy' has been included with the application. This outlines the management of the site and how the site will be managed.

11.8.19. **CE Report comment on residential amenity:** The CE report assesses the quality of residential amenity and overall, the development will comply with the relevant Specific Planning Policy Requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. I have already referred to the comments made in relation to the communal open space and the area of land to the west of Block 2.

11.8.20. The CE report states 'Overall the quantity and quality of private amenity space is considered to be very good in the scheme with good orientation in all cases. This quality of private amenity space, combined with the quality of the

apartments, will ensure that the overall development will provide for a good quality of residential amenity for future occupants.

### 11.9. Residential Amenity – Existing/ Adjacent Residents

11.9.1. **Existing Site:** The redevelopment of a brownfield site/ an area within an established urban setting will give rise to a level of nuisance and disturbance especially during the construction phase. I note all of the comments made in the observations in this regard, however I am satisfied that any development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site. The current site is vacant and although it is very well secured, there are signs of anti-social activity on site and the overall appearance of the site is not going to improve over time especially through minimum maintenance. The provision of a residential scheme here is more appropriate to the character of the area than the former car dealership and its associated activities.

11.9.2. **Potential Overshadowing:** To the west of the site is the Holy Faith Convent lands and the rear of the 'Washer Woman' restaurant. I do not foresee any impact on the restaurant site as this site is mostly in commercial use. As already referred to, the submitted 'Sunlight, Daylight and Shadowing Assessment', prepared by Parkbourne Consulting Engineers, considers the potential daylight/ sunlight provision within the scheme and the potential for overshadowing. Shadow Diagrams have been prepared/ included in the analysis. These are prepared for the 21<sup>st</sup> of March, June, September, and December and provide a comparison between the current and proposed situations. Revisions to the development have been made in an attempt at reducing the potential impact. Overshadowing of the convent lands will only occur in the morning and will not be significantly greater than is the case at present. The unit on the convent lands to the east of the site/ adjacent to the subject site, appears to be a single storey building and will not suffer from direct overlooking from the proposed apartment block. An internal roadway separates this building from its boundary to the east/ the subject site.

11.9.3. **Sunlight to adjoining gardens/ sites:** In designing a new development, it is important to safeguard the availability of sunlight to adjoining sites/ buildings. Diagram 4.1.1 of the 'Sunlight, Daylight and Shadowing Assessment' indicates the suncast of the adjoining gardens on the 21<sup>st</sup> of March, with respect to

the gardens of 44, 46, 48 and 50 Glasnevin Hill. The BRE minimum requirement is for 50% of the area shall receive two hours or more of sunlight on this date. The analysis indicates that over 90% of the gardens will receive two hours or more of sunlight. Restricted areas are located to the southern ends of the gardens and this can be assumed to be due to boundary treatments restricting the available sunlight.

11.9.4. **Direct sunlight to windows of adjoining properties:** Vertical Sky Component (VSC) is a measure of how much direct sunlight a window is likely to receive. The assessment in this case included nos. 17, 19, 21, 23, 25, 27, 29, 31, 49, 53, 55, 57, 59, 61, 63, 48 and 54 Glasnevin Hill. A new development may impact on an existing building and this is assessed through a vertical section of the new structure being perpendicular to an existing main window wall, from the centre of the lowest window, subtends an angle of more than 25 degrees to the horizontal, then the diffuse daylighting of the existing building may be adversely impacted upon. This is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

11.9.5. The analysis of the above listed units found that only no. 54 demonstrated a reduction to below 27% (Current is 31.07 VSC, Development gives 25.87%), however the reduction is 16.74% from the current or 0.83 times the former value. Two units, nos. 25 and 27 see a reduction to less than 0.8% the former value (20.48% and 20.62%) but the VSC is in excess of 27% in both cases (29.64% and 28.93%). The assessment indicates that good compliance with BRE guidance is achieved.

11.9.6. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines and within the Dublin City Development Plan 2016 - 2022 to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin city area, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents from such development is not significantly negative and is mitigated in so far as is reasonable and practical. Existing units and their private amenity spaces will receive adequate sunlight, in accordance with the BRE Guidance.



11.9.7. **Potential overlooking:** I do not foresee any significant impact from the proposed development on no. 30 or the existing apartments to the south in 'River Gardens'. Overlooking will not be significant and as subject site is north of these existing units, overshadowing is not an issue of concern. Impacts to the houses/ properties to the northern/ eastern sides of Glasnevin Hill will be minimal. Private amenity spaces are not overlooked. I accept that a number of the residents use their front gardens as their primary amenity space, however areas to the front of houses are not afforded the same level of protection as private amenity spaces located to the rear. I note that a number of the properties to the north of the site have paved over their front garden for use as car parking spaces, no amenity is retained in these cases.

11.9.8. I will now focus on nos. 44 to 52 Glasnevin Hill. No. 52 is part of the subject development and is to be used as an office. This will ensure the retention of the building and protection of the terrace of four houses which it forms the western end. No. 44 is (normally) in use as a 'Hair & Beauty' salon and I am not aware if the upper floors are in residential use or otherwise. The other three units, 46 to 50, appear to be in residential use. The layout of Block 1 and 2 is such, that there will not be direct overlooking of first floor windows to the rear of these units.

11.9.9. I note the comments made in the CE report and how 'block 1 is largely as permitted under plan no 3780/18 /ABP Ref 304700-19' and that the zoning of the subject site and units 44 to 52 is Z3. In general, the CE report considers that the increased level of overlooking would be acceptable in such an urban location and in the context of national policy, which is to increase building heights/ density in such urban areas.

11.9.10. The CE report suggests that the provision of vertical screens on the north side of the balconies serving units no. 21, 27 and 31 in Block 1 would reduce the potential of overlooking and I concur that this would be acceptable as it would reduce the perception of overlooking and would not negatively impact on the residential amenity of these apartments.

11.9.11. Having regard to the zoning for the area, and the established uses on neighbouring sites, that in my opinion the proposed use, (comprising commercial at ground floor and residential/ homes above) is more appropriate in this location and

that generally it is considered that the former uses as a car sales area with associated maintenance activities would have created a significant level of nuisance (over and above residential use). I am satisfied that the proposed use is more compatible and sympathetic to its residential neighbours. The proposed play area is located immediately to the south of the gardens of nos. 44 and 46, on average over 46 m away from the house and this play space is unlikely to impact on the amenity of the residents of these houses.

11.9.12. **CE Report comment on residential amenity:** I note again the comments in the CE report and in particular, 'The proposed development would not result in excessive overshadowing, overlooking or have an overbearing impact on any adjoining properties.'. The CE report has not raised any concerns in relation to the impact of the proposed development on the adjoining properties on Glasnevin Hill.

#### 11.10. Transportation, Traffic and Parking

11.10.1. The submitted 'Traffic and Transport Assessment – prepared by Muir Associates Ltd. Consulting Engineers was carried out on the 12th of November 2020. This was during a period of Covid 19, Level 5 restrictions when traffic levels would be low. However, it is accepted by the Dublin City Council Traffic Planning Division that the development will not generate significant volumes of traffic. The commercial element is likely to be used by local residents who can walk/ cycle to the site.

11.10.2. Car parking was raised as an issue of concern by a number of the observers and the Dublin City Council Traffic Planning Division also noted the shortfall in parking provision, which has reduced from that permitted under 3780/18 /ABP Ref 304700-19, even though the number of units has increased. The applicant has provided information in relation to the setting up of a car sharing club – YUKO Toyota Car Club is the name of this club, and two parking spaces will be allocated for this. The residential development will be provided with 40 parking spaces, two for the car club and one space for each of the three-bedroom units. That leave 32 spaces for 95 apartments.

11.10.3. Much comment is made on the public transport provision in the area. The application includes an 'Outline Travel Plan' and this outlines the current

transport provision in the area in addition to proposed measures specific to this site. The Dublin City Council Traffic Planning Division mention Luas stops and railway stations, but these are not relevant to the current situation as they are over 1.5 km from the site. I do note that a large railway station with Metrolink interchange is proposed on the junction of Withworth Road and the Phibsborough/ Prospect Road and which will be within 1.15 km of the site. I will dismiss reference to Bus Éireann services, none serve Glasnevin Hill or Mobhi Road and any in the area (Finglas Road/ Drumcondra Road) are only useful for journeys northbound and not into the city. Whilst the front of the site is served only by the 83/A, this does provide a regular service to the city and Mobhi Road, within short walking distance of the site, and provides for a frequent/ high-capacity service. The bus routes along this road, provide for links to the City Centre and for large areas of the south city. Under Bus Connects, the number of services is due to increase though there may be a reduction in the number of destinations possible in comparison to at present.

11.10.4. Bus service provision is therefore good and a development of 101 apartments is unlikely on its own to significantly impact on the available capacity of the existing network. The development makes generous provision for bicycle parking on site. A significant number of bicycles can be accommodated on site and provision is made also for the parking of cargo bikes. The development is therefore promoting itself as a sustainable urban scheme and the need for car parking is therefore reduced. Residents of the scheme will be well aware that car parking is limited and that alternative forms of transport will be required. The nature and location of the development is therefore acceptable in terms of reduced car parking provision.

11.10.5. The site layout provides for good permeability/ access from the Glasnevin Road. I do not foresee that the access/ exit for the car parking area to be an issue of concern and it should not negatively impact on traffic in the area. It is probable that the former use of this site, generated a significant volume of traffic at times, comparable to what is now proposed.

11.10.6. The collection of refuse by trucks was raised as an issue by the Dublin City Council Traffic Planning Division, though it was accepted that there would be a temporary impact on traffic on Glasnevin Hill during collection times. The division

also seek an agreed Construction Management Plan and full details of any areas to be taken in charge. These matters can be agreed at condition stage.

11.10.7. The CE report only repeats the report of the Dublin City Council Traffic Planning Division and although the issues of parking/ traffic are not specifically commented on, no negative comment is made either.

### **11.11. Infrastructure and Flood Risk**

11.11.1. Irish Water and Dublin City Council Drainage Division have reported no objection to this development in relation to the connection to public foul drainage and water supply systems. The applicant has engaged with Irish Water and has submitted design proposals. Irish Water has issued a Statement of Design Acceptance and conditions are recommended in the event that permission is granted. Similarly, the Dublin City Council Drainage Division have provided conditions. No capacity constraints have been identified by either body, though I do note the comments of Inland Fisheries Ireland (IFI) in relation to the capacity constraints at the Ringsend Wastewater Treatment Plant.

11.11.2. A 'Site-Specific Flood Risk Assessment' – prepared by Muir Associates Ltd. Consulting Engineers has been included with the application. The mixed use nature of the development puts it into the category of Highly Vulnerable development and the site is located within an area designated as Zone C for fluvial and tidal flooding. The River Tolka is located 110 m to the south of the site. The flood risk from the proposed drainage infrastructure is negligible and no further mitigation measures are therefore required.

11.11.3. In summary the proposed development will be adequately protected from flooding, the development will not give rise to increased flood risk to other lands/ third parties and meets the requirements of the OPW Guidelines in relation to flood risk. No addition comment is made in the CE report. I am satisfied that the development as proposed will not be impacted by flooding and will not increase flooding in the area.

### **11.12. Childcare, Social Infrastructure and Part V Social Housing Provision**

11.12.1. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' states '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'. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' was for one facility for every 75 units. The proposed development is for 101 units and would have previously required such a facility, however the omission of the one-bedroom units of which there are 44, brings the number of qualifying units down to 57 and is below the threshold. No childcare facility is therefore required.

11.12.2. The applicant has submitted a 'Childcare Demand Audit' and this provides information on the likely demand for childcare and usefully it also outlines where existing childcare is available and an estimate of the available capacity. A total of 26 such facilities are within the local area. It is also estimated that a total of 23 no. pre-school children are likely to be resident in the development once completed.

11.12.3. A 'Social Infrastructure Audit' was also submitted with the application. This outlines available childcare facilities, schools, community/ cultural facilities, healthcare facilities, sport/ recreation and retail in the area. Generally, a radius of 1 km from the site is drawn and the number of facilities within this area is identified. Overall, the area appears to be well served by social, education, community and retail facilities.

11.12.4. A separate 'Schools Demand Assessment' has been submitted and this indicates that there are 21 primary and 8 post primary schools in the area. The proposed development is likely to be resided by 32 primary school age children and 24 post primary school age children. The local schools will be able to accommodate these pupils.

11.12.5. A letter has been submitted by Dublin City Council Housing & Community Services, indicating that the applicant is aware of their requirements in relation to the provision of Part V housing. The submitted 'Housing Quality Assessment' indicates that Part V housing types/ units are not distinguishable from the proposed private units.

11.12.6. The CE report notes that adequate childcare is available in the area and that the area is well served by community and social infrastructure. I concur with this assessment. The applicant has provided a number of documents in support

of the application and they demonstrate that the site is located within an area that will provide for a range of services for the future residents of this apartment scheme. I noted from the site visit that the Botanic Gardens are in close proximity and that public parks are also easily available on foot in the area.

### **11.13. Comment on Submission/ Observations of Central Area Committee**

11.13.1. The views of the elected members were submitted alongside and included in the CE report. They are generally similar to those raised by third parties and dealt with under the relevant heading above. However, having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below. I have also noted and considered all of the issues raised in the observations, most of these varied issues have been addressed already in this report. There is no doubt that the development will change the character of the area, however the scale of impact is a matter of opinion. This part of Glasnevin Hill is characterised by a mix of uses including the convent lands, the Met Office, the DCU 'Alpha' building further along the Old Finglas Road and the Bon Secours Hospital. In addition, there are houses, retail units, restaurants/ public houses. The proposed development will ensure that the area is of a primarily residential use and as reported, it will integrate with its surroundings in an acceptable manner.

11.13.2. The issue of height has been addressed in this report. Taller buildings are a feature of the area and a similar scale of development has already been permitted on this site. The design proposes a high quality of finish and the design is not monolithic as suggested in a number of the submissions. Careful regard has been had to the topography and layout of the site. The two blocks provide for an integrated scheme, yet they will appear as two separate developments as they are split by the existing houses on Glasnevin Hill.

11.13.3. Public transport is available, primarily in the form of a number of bus routes and it can be considered to be generally good. The development is proposing a significant move towards sustainable transport (bicycles/ walking in addition to the bus) and this is adequately provided for on site. The occupants of this development will be aware of the availability of car parking spaces. The majority of the residents will not be dependent on having a car.

11.13.4. The area is very well served with social, community and commercial infrastructure. The application has demonstrated that childcare, schools, retail, community, and medical facilities are available in the area. Similarly, a range of sporting and recreational facilities are available for those who wish to avail of such services.

11.13.5. Overall, the development will provide for a high-quality residential scheme in this established urban area, meeting the housing needs of those who will live here, and the development is in accordance with local, regional and national guidelines/ policies.

#### 11.14. Other Issues

11.14.1. **Retail Units:** As already reported, I note the comment in the CE report, that the two medical suites in Block 2 be used as retail units. The exact use of these unit can be addressed by way of condition. Final details on signage, uses, opening hours etc. can be agreed with the Planning Authority by way of condition, but it would be desirable if the use would provide for an active frontage, i.e. a shopfront that is not fitted with opaque glazing/ some other form of screening.

11.14.2. There are significant changes underway in the retail sector and end users may not necessarily be identified at this stage. The Glasnevin area does not have a significant retail provision at present and demand for these units may be high.

11.14.3. **Archaeology:** The submitted archaeological assessment by IAC does not give rise to any concern but does note that the site is located within the zone of notification for the recorded monument – DU018-005, an ecclesiastical site. It is recommended that a programme of archaeological testing should be carried out following the demolition of the structures on site. The report/ recommended condition of the Development Applications Unit is noted, and a suitable condition will be provided in relation to this.

11.14.4. **Japanese Knotweed:** Japanese Knotweed, is a highly invasive species, listed under regulation SI 477 of 2011, and the presence of is has been confirmed on site. A survey, assessment and report for the control of this species have been submitted by SAP landscapes Ltd on behalf of the applicant. SAP Landscapes Ltd, Certified Surveyor for Japanese Knotweed, Niall Keenan, carried out a site inspection on the 25<sup>th</sup> of June 2019 and subsequently submitted a Site

Survey Report (dated 15.07.19, updated 02/12/2020) confirming the presence of Japanese Knotweed (*Fallopia japonica*) at two locations on site; in one of the smaller yards bordering Glasnevin Hill road, and on the site of no. 38 Glasnevin Hill, which is included within the development site boundary.

11.14.5. Site Management Objectives are provided as follows in the report:

- 'Given the site will be used for development purposes the areas currently infested with Japanese knotweed (*Fallopia japonica*) the material will have to be removed from site and disposed under licence at Landfill under deep burial regulations – a dig and dump method of eradication.
- There is very little scope for keeping material on site for future treatment post development and there is a lot of hard surface material including bitumen to be disposed as part of infested material'.
- Actions are to comply with European Communities (Birds & Natural Habitat) Regulations 2011 which states : - 'Save in accordance with a licence granted under paragraph (7), any person who plants, disperses, allows or causes to disperse, spreads or otherwise causes to grow in any place specified in relation to such plant in the third column of Part 1 of the Third Schedule, any plant which is included in Part 1 of the Third Schedule, shall be guilty of an offence'.

11.14.6. 'Under Regulation 49(2) any person who plants, disperses, allows or causes to disperse, spreads or otherwise causes to grow Japanese knotweed or any of the other invasive plants listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No. 477 of 2011) shall be guilty of an offence. Furthermore, Sections 52(7) and (8) of the Wildlife Act, 1976, as amended, make it an offence to plant or otherwise cause to grow in a wild state exotic species of plants'.

11.14.7. It should be noted that the applicant's requirement is for Japanese Knotweed to be eradicated from the site. Herbicide treatment and control of plants on the subject site commenced in July 2019 and has continued on site to date. It is proposed that contaminated soil will be removed from site under licence. Mitigation and priority control measures are clearly stipulated in the report submitted, and I am satisfied that subject to their implementation that this matter can be satisfactorily resolved. I am satisfied that the measures proposed are known and consistent with



best practice and are therefore considered to be effective. I note the report of the Dublin City Council Parks and Landscape Services and the report of the Development Applications Unit (DAU); no concerns are raised, and suitable condition is recommended to ensure that this matter is adequately addressed. I am satisfied that this matter can be conditioned, as the mitigation measures proposed are considered to be clearly outlined and deemed to be effective.

11.14.8. **Ecology:** I note again the comment of Inland Fisheries Ireland. If best practice is followed, which clearly it should be, there will be no impact on the River Tolka etc. The site is in close proximity to the Tolka but does not immediately adjoin it. The agreement with the Planning Authority of a suitable Construction Management Plan will be important in this regard.

11.14.9. There is no requirement for a tree survey as there are no significant trees located on site. A number of trees are located to the sides of no. 38 Glasnevin Hill; however, these are not of any significance to be worthy of their retention. The 'Landscape & Visual Impact Assessment' states under Section 3.3 that 'There is limited vegetation within the site boundary'. The report lists a coniferous hedge and remaining vegetation is of a self-seeded nature.

11.14.10. It is considered that an ecological assessment would not be worthwhile as the current site layout consists of extensive hardstanding and semi-derelict buildings, with very little land that would support viable habitats. Evidence of dumping was apparent on the day of the site visit; however, I saw no sign of rats/rodents on site. In addition, there are no apparent bat roosting or foraging opportunities on site, having regard to the nature of the former industrial type use on site, and the site now devoid of trees and buildings which would not be generally suitable for bat roosting. The matter was not raised as an issue having regard to the features of the site, and I am satisfied that it is not a material consideration in the assessment.

#### 11.15. **Material Contravention**

11.15.1. The applicant has submitted a Statement of Material Contravention of the Dublin City Development Plan 2016 - 2022 with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There is

one issue raised in the applicant's Material Contravention statement, it relates to building height.

11.15.2. The site is located within a 'Low Rise', 'Outer City' location and the maximum height specified in the Dublin City Development Plan 2016 – 2022 is 16 m. Proposed Block 1 has a maximum parapet height of 22.665 m/ maximum overall height of 24.265 m when measured to the top of roof plant/ structures, providing for seven storeys and Block 2 has a maximum parapet height of 19.05 m/ maximum overall height of 20.580 m when measured to the top of the roof plant/ structures, providing for six storeys. The heights of both blocks exceed the maximum standards set out in the Dublin City Development Plan 2016 – 2022.

11.15.3. I have considered the issue raised in the applicant's submitted Material Contravention Statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).

11.15.4. I consider that the subject site is appropriate for increased height in light of guidance in the 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (DoHPLG, 2018)'. Having fully considered the Development Management Criteria in section 3.2 of these guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the public street, compliance with flood risk management guidelines, improvement of legibility and daylight and sunlight considerations alongside performance against BRE criteria. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations and a Visual Impact Assessment.

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

11.15.6. Under section 37(2)(b)(i) I consider the proposed development to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended and its potential to contribute to the

achievement of the Government’s policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) I also consider that permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines, national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).

11.15.7. I am satisfied that a grant of permission, is justified in this instance. Regard being had to the foregoing, I am of the opinion, that provisions set out in Section 37 (2)(b) (i) and (iii) could be relied upon in this instance.

## 12.0 Appropriate Assessment

### 12.1. Stage 1 – Appropriate Assessment

12.1.1. The applicant has engaged the services of Altemar, Marine & Environmental Consultancy, to carry out an appropriate assessment screening; the report is dated December 2020. 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.

12.1.2. A description of the site is provided in this Appropriate Assessment Screening Report; I have already outlined the development description under Section 3.0 of this report.

12.1.3. A list of Natura 2000 sites is provided in Table 1 and 2 in the Altemar Appropriate Assessment Screening report and includes the following:

Name	Site Code	Distance from Site
South Dublin Bay and River Tolka Estuary SPA	(004024)	3.2 km
South Dublin Bay SAC	(000210)	5.7 km
North Dublin Bay SAC	(000206)	6.0 km
North Bull Island SPA	(004006)	6.0 km
Baldoyle Bay SPA	(004016)	9.6 km

Baldoyle Bay SAC	(000199)	9.1 km
Malahide Estuary SAC	(000205)	10.7 km
Broadmeadow/ Swords Estuary SPA (Malahide Estuary)	(004025)	10.9 km
Howth Head SAC	(000202)	11.4 km
Rockabill to Dalkey SAC	(003000)	12.0 km
Irelands Eye SPA	(004117)	13.5 km
Irelands Eye SAC	(002193)	13.7 km
Howth Head Coast SPA	(004113)	14.2 km
Rye Water Valley/ Carton SAC	(001398)	14.8 km
Rogerstown Estuary SPA	(004015)	14.9 km

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

12.1.5. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during construction phase with minor localised noise and light impacts during this stage of development.

12.1.6. Drainage from the site, in terms of foul and surface water, would be an external output during both the construction and operation phases. There is no direct hydrological connection to any Natura 2000 sites. There is an indirect connection available to the Dublin Bay Natura 2000 site via the public surface water network to the River Tolka and foul network via the Ringsend Wastewater Treatment Plant.

12.1.7. The designated area of sites within Dublin Bay, which includes South Dublin Bay SAC (approx. 5.7 km from the site), North Dublin Bay SAC (approx. 6.0 km from the site), South Dublin Bay and River Tolka Estuary SPA (circa 3.2 km from

the site, and North Bull Island SPA (located approximately 6.0 km from the site) are the sites in closest proximity to the development site and to the outfall location of the Ringsend Wastewater Treatment Plant. They could therefore 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.

12.1.8. 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 between them and the subject site.

12.1.9. Full regard/ consideration is had to the report by Inland Fisheries Ireland (IFI). I note in particular their comments regarding the Ringsend Wastewater Treatment Plant; however, I am not aware of there being any capacity or licencing issues that would prevent the connection of the subject development to public foul drainage network and in turn treatment of foul water at Ringsend. Improvement works are underway and will allow for the treatment of additional wastewater generated in the Greater Dublin Area. The scale and nature of the proposed development is unlikely to put any significant increased demand on wastewater treatment provision.

## 12.2. Screening Assessment

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

South Dublin Bay SAC (000210) - c. 5.7 km from the proposed development. c. 540 m south 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] / Embryonic shifting dunes [2110]
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North Dublin Bay SAC (000206) – c. 6.0 km north east of the proposed development; c. 2.3 km north east 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.

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 (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 5.7 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].

12.2.1. 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 of development, foul water will drain to the public system. The discharge from the proposed development would drain, via the public network, to the Ringsend Wastewater Treatment Plant 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 Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

### 12.3. In-Combination or Cumulative Effects

12.3.1. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend Wastewater Treatment Plant (WWTP). I note the submission from Inland Fisheries Ireland (IFI) in relation to current and future capacity of the Ringsend WWTP.

12.3.2. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Glasnevin area in accordance with the requirements of the Dublin City Development Plan 2016 - 2022. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 sites. I note also the development is for a relatively small mixed use development including provision for 101 apartment units and modest commercial development on serviced lands, with an appropriate Z3 zoning (for neighbourhood centre uses), in an established urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

12.3.3. Furthermore, I note that upgrade works have commenced on the Ringsend Wastewater Treatment works extension, permitted under ABP – PL.29N.YA0010, and the facility is subject to EPA licencing and associated Appropriate Assessment Screening.

12.3.4. While there are capacity issues associated with the Ringsend WWTP, the permitted major upgrade to the WWTP now underway will allow the Ringsend WWTP to treat the increasing volumes of wastewater arriving at the plant to the required standard, enabling future housing and commercial development in the Dublin area. The project will deliver, on a phased basis, the capacity to treat the wastewater for a population equivalent of 2.4 million while achieving the standards of the Urban Wastewater Treatment Directive. In February 2018, work commenced on the first element, the construction of a new 400,000 population equivalent extension at the plant. These works are at an advanced stage with testing and commissioning stages expected to be completed in the first half of 2021. Works on the first of four contracts to upgrade the secondary treatment tanks at the plant with Aerobic Granular Sludge (AGS) Technology is due to commence in November 2020. The



addition of AGS technology will allow more wastewater to be treated to a higher standard within the existing tanks. The second contract is at procurement stage and is expected to commence in Q3 2021, following the completion of the capacity upgrade contract. These contracts are phased to ensure that Ringsend WWTP can continue to treat wastewater from the homes, businesses, schools and hospitals of the Greater Dublin Area at current treatment levels throughout the upgrade works. The details of these upgrade works are available at [www.water.ie/projects-plans/ringsend](http://www.water.ie/projects-plans/ringsend)

12.3.5. Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

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

#### **12.4. AA Screening Conclusion:**

12.4.1. It is reasonable to conclude that on the basis of the information provided 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 these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the

development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

12.4.2. There is no requirement therefore for a Stage 2 Appropriate Assessment (and submission of a NIS).

## 13.0 Environmental Impact Assessment

13.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

13.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by Tom Phillips + Associates Town Planning Consultants, dated December 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.

13.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

13.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to

have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

13.5. The proposed development is for a mixed-use scheme of 101 apartments and commercial units in the form of retail units/ medical suites, which is not within a business district, on a state site area of 0.4496 hectares. 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 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

13.6. Environmental Impact Assessment 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, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

13.7. The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

13.8. Potential cumulative impacts are considered separately in the context of the screening exercise. I am satisfied that there is no requirement to carry out an EIAR based on ‘potential’ development for in excess of 500 units, as there is no such development proposed or planned.

13.9. I am satisfied that the applicants have provided sufficient information for a screening assessment to be carried out and that the screening correctly relates to the development proposal. I have completed a screening assessment which considers the development proposed under this current application (as per above/section 12.1. and as per EIA screening form attached separately). As a result of this assessment, I recommend to the Board 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. The conclusion of this is assessment is as follows:

13.10. 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 with a zoning Z3 in the Dublin City Development Plan 2016 - 2022 – the objective to “To provide for and improve neighbourhood facilities”, and part of the description states ‘Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level’, and compliance with objectives and development management standards outlined in the Plan,
- (c) The existing use on the site and pattern of development in surrounding area;
- (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
- (f) 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),
- (g) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (h) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Archaeological Impact Assessment, Construction Waste Management Plan, the Engineering Services Report, Flood Risk Assessment, and the Operational Waste Management Plan.

13.11. I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, 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.

## 14.0 Recommendation

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

- (a) grant permission for the proposed development.

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

14.1. In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is a suitably zoned for a mix of residential and commercial development, serviced site, where public transport, social, educational and commercial services are available. The proposed development is of a suitably high quality and provides for a mix of apartment types which are served by high quality communal open space and facilities for residents in the form of meeting rooms, lounge, conference room etc.

14.2. I do not foresee that the development will negatively impact on the existing residential and/ or visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with National Guidance and County Policy and is in accordance with the proper planning and sustainable development of the area.

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

## **15.0 Reasons and Considerations**

Having regard to

(i) the site's location on lands with a zoning objective for Neighbourhood Centre and the policy and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of mixed-use development,

- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development 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,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) the availability in the area of a wide range of social and transport infrastructure,
- (vii) to the pattern of existing and permitted development in the area, and
- (viii) Chief Executive’s Report and supporting technical reports of Dublin City Council,
- (ix) the comments made at the Central Area Committee meeting,
- (x) to the submissions and observations received,

it is 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, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **16.0 Recommended Draft Order**

16.1. Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and

particulars, lodged with An Bord Pleanála on the 16th day of December 2020 by Tom Phillips + Associates on behalf of Sanderly Holdings Ltd.

#### 16.2. Proposed Development:

- The provision of 101 no. apartment units comprising 44 no. 1-bed units, 51 no. 2-bed units and 6 no. 3-bed units) within two separate blocks. Block 1 to the east of the site includes a retail unit and a medical suite. Block 2 to the west includes provision for two separate retail/ medical suite units. A range of residential rooms are provided in Block 1 including conference room, meeting room, media room, lounge and concierge. 45 no. car parking spaces are available at basement level and parking for 242 bicycles is provided throughout the site.
- Vehicular access is available to the car park to the south east corner of the site. Pedestrian access points are available at a number of locations along the Glasnevin Hill road. Communal open space is provided on the southern side of the site and this includes a play area for children.
- The application contains a statement setting out how the proposal will be consistent with the objectives and policies of the Dublin City Development Plan 2016 - 2022.

16.3. 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 Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas.

16.4. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.

16.5. Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location, which is within a 'Low Rise' area. The proposed development ranges in height from 7 storeys in Block 1 which has a height of 22.7 m to parapet, 24.3 m to

top of roof structure and Block 2 with 6 storeys and has a height of 19.35 m to parapet, 20.8 m to top of roof structure.

16.6. The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.

### **16.7. 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.

### **16.8. Matters Considered**

16.8.1. 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.

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

(i) the site's location on lands with a zoning objective for Neighbourhood Centre and the policy and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of mixed-use development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,

(iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development 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,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,



- (vi) the availability in the area of a wide range of social and transport infrastructure,
- (vii) to the pattern of existing and permitted development in the area, and
- (viii) Chief Executive's Report and supporting technical reports of Dublin City Council,
- (ix) the comments made at the Central Area Committee meeting,
- (x) to the submissions and observations received,
- (xi) the Inspectors report

### **16.9. Appropriate Assessment (AA)**

16.9.1. 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 suitably zoned and adequately serviced urban site, the information for the Screening Report for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file.

16.9.2. It is considered reasonable to conclude that on the basis of the information submitted in the Appropriate Assessment Screening report, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of European sites.

### **16.10. Environmental Impact Assessment (EIA)**

16.10.1. 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.

16.10.2. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 – Infrastructure Projects of the Planning and Development Regulations 2001 as amended,
- The location of the site on lands that are zoned for Neighbourhood Centre uses under the provisions of the Dublin City Development Plan 2016 – 2022, and the

results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site within the urban area of Glasnevin, which is served by public infrastructure and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- 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), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),
- the Schedule 7A of the Planning and Development Regulations 2001 as amended, information submitted with the application.

16.10.3. 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.

#### **16.11. Conclusions on Proper Planning and Sustainable Development:**

16.11.1. The Board considered that the development was compliant with the Dublin City Development Plan 2016 – 2022 which is the statutory plan for the area/ Glasnevin.

16.11.2. It is 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, would be consistent with national and local planning policy and would be acceptable in terms in terms of urban design, height and quantum of development and of pedestrian and traffic safety. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, 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) Vertical screening of a height of 1.8 m shall be provided on the northern side of the balconies serving Units no. 21, 27 and 31 of Block 1.
  - b) Vertical screening of a height of 1.8 m shall be provided between all adjoining terraces and balconies.
  - c) The area of communal open space to the west of Block 2 adjacent to Units 33, 35, 36, 38, 40, 41, 43, 45 and 46 shall be reallocated as private amenity space for these units. A suitable boundary shall be provided to the between the boundary wall to the west and Unit 35, and there shall be a suitable boundary provided between each of the areas of private amenity space.Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interests of residential amenity.

3. The proposed development shall be amended as follows:
- a) The use of the ground floor units in Block 2, described for Retail/ Medical uses, shall be submitted for the written agreement of the Planning Authority prior to first occupation. The proposed uses shall ensure that an active frontage is provided.
  - b) The northern facing elevation to the Medical Suite in Block 1 shall be revised such that the stone clad façade is stepped upwards to just below the floor line of the balcony of Unit 8.
  - c) The area of open space to the side of the western most retail unit in Block 2, shall be walled off to the rear/ south and form a side yard/ bicycle parking area for this retail unit.

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

**Reason:** In the interest of visual amenity.

4. The number of residential units permitted by this grant of permission is 101 no. units in the form of 44 no. one bedroom units, 51 no. two bedroom units and 6 no. three bedroom units.

**Reason:** In the interests of clarity.

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

**Reason:** In the interest of visual amenity.

6. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the Planning Authority prior to occupation of the commercial/retail units.

**Reason:** In the interest of the amenities of the area/visual amenity.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be visible from outside the buildings, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

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

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

9. Proposals for a development name, retail/ commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

**Reason:** In the interests of amenity and public safety.

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

**Reason:** In the interests of visual and residential amenity.

12. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

13. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Two of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.

(c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

14. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

15. A total of 242 no. bicycle parking spaces and room for six cargo bicycles shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this



application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

16. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the Planning Authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents /occupants /staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development, including the commercial units. Details to be agreed with the Planning Authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

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

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

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or

damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

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

**Reason:** In the interest of public health.

19. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

**Reason:** In the interest of residential and visual amenity.

20. The treatment of Japanese Knotweed, an identified invasive alien species, shall be fully in accordance with the requirements of the Department of Tourism, Culture, Art, Gaeltacht, Sport and Media – Development Applications Unit (DAU), the Planning Authority and in accordance with the European Communities (Birds and Natural Habitats) Regulations.

**Reason:** In the interest of ecological protection.

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

development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

22. (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.

23. 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.

**Reason:** In the interest of sustainable waste management.

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

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

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

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

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

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

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

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

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

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

28. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the

development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

29. 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.

30. 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 provision of public open space in the area. 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

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Paul O'Brien  
Planning Inspector

16<sup>th</sup> March 2021



## **Appendix 1: Third Party Submissions & Observations**

Blathnaid Farrell & Patrick Durkan

Colette Casey

David & Geraldine Gough

Pierce Gleeson

Siobhan Clifford

Carmel Greene

Marty Kelly

Martina Hayden

Teresa Hagan

Sheila McGilligan

June Elliot

Brian Lambert

David & Niamh Meagher

Graham Webb & Dorothy Kenny

Susan & Richard Dunne

Patricia McKenna

Susan Dunne, Secretary, on behalf of the Glasnevin Village Residents Association

Councillor Declan Meenagh

Councillor Cieran Perry

Councillor Joe Costello

Deputy Róisín Shortall

Deputy Gary Gannon and Councillor Cat O'Driscoll

Senator Marie Sherlock