

An
Bord
Pleanála

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

Inspector's Report ABP-309317-21

Strategic Housing Development

152 no. apartments and associated site works.

Location

Glebe House and Industrial Estate and former site of Coruba House, St Agnes Road, Crumlin, Dublin 12. (www.glebeshd.ie)

Planning Authority

Dublin City Council South

Applicant

Seabren Developments Ltd and Circle VHA CLG

Prescribed Bodies

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

Heritage Council

An Taisce – The National Trust for
Ireland

Dublin City Childcare Committee

Observer(s)

- 1) Aaron Byrne
- 2) Aaron Hartigan
- 3) Adam Smith
- 4) Aislinn McQuaid (Armstrong
Planning Limited)
- 5) Aitonean Andreea
- 6) Alan Murphy
- 7) Amanda Farrelly
- 8) Ann Farrelly
- 9) Anne Koenig
- 10) Aoife McCrum
- 11) Barry Cleary and Josephine
Healion
- 12) Belinda and Grace O'Brien
- 13) Bernard Christina Cullen
- 14) Bernard O'Toole
- 15) Brian Kelly
- 16) Carrie Wallace and Bernard
Hanna
- 17) Catherine Ardagh
- 18) Catherine Byrne
- 19) Christopher and Elizabeth
O'Brien
- 20) Cian McCarthy
- 21) Ciara Barnes
- 22) Claire and Mary Barnes
- 23) Claire Corrigan

- 24) Colette Hayden
- 25) Conall Nolan
- 26) Daithi Doolan
- 27) Damon Butcher
- 28) Daniel Paszko
- 29) Elizabeth Byrne
- 30) Elizabeth Nolan
- 31) Eoghan Keating
- 32) Fionnuala Moran
- 33) Gary Bradshaw
- 34) Geraldine Byrne
- 35) Gerald Dempsey
- 36) Greg Cleary
- 37) Greg King
- 38) Honor O'Donoghue
- 39) Jacqueline Craven
- 40) James and Anne Mulhall
- 41) Jason Byrne
- 42) Jennifer Nolan
- 43) Jennifer White
- 44) Joan Collins
- 45) John and Patricia Stone
- 46) John Bryne
- 47) John Connoll
- 48) June Cassoni
- 49) Kathleen Cunningham
- 50) Kathleen Finnerty
- 51) Kevin Dempsey
- 52) Kim Dempsey
- 53) Kira Farrelly
- 54) Laura Cullen
- 55) Lauren White
- 56) Linda Cassidy Smith

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- 57) Lisa Cleary
58) Luke Bryne
59) Lyndsay Farrelly
60) Marian and Paula Hanna
61) Marie Carlile
62) Marie Keogh
63) Mark Cassoni
64) Mary King
65) Mary O'Connell
66) Mary Reilly
67) Mary Seery Kearney
68) Moya May Kelly and Family
(Enable Ireland Dublin South
West Services)
69) Neasa Curran and Eoin
Nolan
70) Neil Stone
71) Niamh and Adam Redmond
72) Niamh Slack
73) Nicky Uzell
74) Noel McQuaid
75) P. Kelly
76) Pádraig Looby
77) Patricia McQuaid
78) Patrick Cullen
79) Patrick Finnegan
80) Patrick Whelan
81) Paul Brady
82) Paul Brodwin
83) Paul Cullen
84) Pauline Minsky
85) Peter Dooley
86) Philip Callanan

- 87) Philip Farrelly (Somerville Drive)
- 88) Philip Farrelly (Cedar Park)
- 89) Rebecca Parkin
- 90) Samantha and Michael Palmer
- 91) Samantha and Patrick Butler
- 92) Seamus Smith
- 93) Sharon Dempsey
- 94) Siobhán Jordan
- 95) Theresa Reilly and Barry O'Hehir
- 96) Walkinstown Residents Association
- 97) WSAF Community Hall

Date of Site Inspection

7th April 2021

Inspector

Rachel Gleave O'Connor

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located in Crumlin, to the west of Dublin City. The site is accessed from Crumlin Village off St Agnes Road and is located immediately to the north west of a parade of commercial properties that form the focus point of Crumlin Village itself. The area surrounding the site is characterised by single and two storey residential dwellings and commercial properties. Directly opposite the site are a series of semi-detached bungalows. To the rear of the site, the residential estates of Somerville Green and Somerville Drive are situated to the north west and south east. The open space areas associated with these residential areas adjoin the subject site boundary. Moeran Hall, a community centre adjoins the site immediately to the south.
- 2.2. The subject site itself is currently formed of an extensive area of hardstanding as it fronts St Agnes Road and occupied by Glebe House, Registered Protected Structure no.7560 (Former Glebe House). Glebe House is a 5 bay, two storey over basement 18th century house. A number of industrial / workshop buildings are also located to the rear of the subject site. The site lies within the Crumlin Architectural Conservation Area and a number of Protected Structures are located in the conservation area.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of:
- 152 no. residential apartments comprising 75no. one beds, 73no. two beds and 4no. three bed units, with an overall gross floor area of 15,144sqm;
 - Two apartment buildings are proposed ranging in height from 4 to 6 storeys and linked by a pedestrian walkway at first floor level comprising:

- Block A is 5-6 storeys and consists of 81 apartments and includes 36no. one beds and 45no. two bed units with provision of ESB substation/switch room/metering room of 88sqm;
- Block B is 4-5 storeys and consists of 66 apartments and includes 8no. one beds, 25 no. two beds and 3no. three bed units, together with 81sqm of residential amenity space at ground floor level. It also provides for a ground floor car park with 49no. car spaces, beneath a podium, plant rooms of 74sqm, ESB substations/switch room/metering room/telecoms of 89sqm, 200no. secure bicycle storage, 6 no. motorbike spaces and bin storage of 75sqm. Communal open space is provided at podium level above the car park.
- Two no. three storey pavilion buildings either side of Glebe House to accommodate:
 - One number two storey duplex 2 bed apartment above one number 1 bed apartment at ground floor in the north west pavilion; and
 - One number two storey duplex 2 bed apartment above a 55sqm ground floor café, in the south east pavilion.
- Refurbishment of Glebe House, a protected structure, into two apartments one number 2 bed unit and one number 3 bed unit. The works include the removal of extensions to the rear and sides of the building, restoration of the façade, repair of the roof, replacement of pvc windows with sliding sash windows and associated works to the interior and to the curtilage of Glebe House.
- Demolition of all workshops, offices and sheds to the rear and side of Glebe House (1,636sqm).
- Vehicular access is provided from St Agnes Road to the car park between Blocks A and B. Four parking spaces (two visitor and two Club car) are proposed adjacent to the public accessible areas of the site. 5 car parking spaces are provided on the eastern side of Block B with access from Somerville Drive.

- The development delivers 920sqm of Public Open Space in front of Glebe House, and to the south east and in excess of 1,600sqm of Communal Open Space at podium level, ground level and to the rear of Block A.
- Works include the removal of the boundary wall to Somerville Drive and provision of a new footpath along the south-eastern boundary, a new pedestrian access onto St Agnes Road, boundary treatment, landscaping, Solar Panels on roof of blocks A, lighting, services and connections, waste management and all other ancillary site development works to facilitate the proposed development.
- Glebe House lies within the Crumlin Architectural Conservation Area.

Key Figures

Site Area	0.88ha
No. of units	152
Density	172.72 units per hectare
Plot Ratio	1.72
Site Coverage	43%
Height	20.1m maximum 3 to 6 storeys in height
Dual Aspect	58%
Commercial Floorspace	Café 55sqm
Communal Amenity Space	920sqm of public open space 1,600sqm of communal open space
Part V	15 units (10%)
Vehicular Access	From St Agnes Road
Car Parking	58 car parking spaces (54no. residents equates to 0.36 per unit, of which 3no.

	accessible bays) 2no. car share spaces and 2no. visitor bays. 6 motorcycle spaces.
Bicycle Parking	200 spaces in carpark area, additional 74 in open space areas for visitors.
Creche	None.

Apartment Type	1 bed	2 bed	3 bed	Total
No. of Apartments	75	73	4	152
As % of Total	49%	48%	3%	100%

4.0 Planning History

4.1. No significant planning history relating to Glebe House, below is an extract of the applicants summary of planning history relating to lands of the former Coruba House:

- 3415/05 Unit 6, Coruba House – permission granted in September 2005 for the demolition of existing office block and raising of roof level of existing warehouse to accommodate new first floor offices with windows to north, east and west elevations and new cladding to entire building.
- 3062/98 Coruba House – permission granted in March 1999 for the demolition of the existing single storey industrial units and for the construction of 37no. terraced, single-aspect residential dwelling units on 3 levels, expressed as 2.5 storeys high, laid out in 2 interconnecting courtyards. Car parking for 37no. cars will be underground with ramp access. The development was not carried out.

4.2. Other planning decisions in the vicinity are highlighted by the applicant and extracted below:

- 2572/20 relates to a recent refusal of permission for development on lands to the rear of St Agnes Convent, Captains Place, St Agnes Avenue, within the Primary Care and Sheltered Housing development currently being completed for the construction of 2no. infill residential buildings of 3-4 storeys in height each accommodating 10no. one bedroom independent living units (total 20 units) with associated balconies/winter gardens, associated site works and services. The reason for refusal considered that the development would seriously injure the residential amenities of occupants and visual and residential amenity of existing units by reason of the height, scale, mass and design and narrow circulation space for the communal space between blocks.
- 2881/12 (ABP Ref.29S.241889) Saint Agnes Convent, Armagh Road, Crumlin – Permission granted following third party appeals for development of:-
 - 1) Renovation and change of use of the existing convent building from convent use to use for medical and health services;
 - 2) Construction of a new 3-storey building (c.2,598sqm) connected to the convent building to accommodate a medical Primary Care Centre with incorporated Pharmacaare Centre (including Pharmacy and Optician); café; GP suites; medical treatment rooms; HSE administration and ancillary service areas and staff facilities;
 - 3) Surface level car parking for 51 cars.

The development is now completed and in operation.

- 2882/12 (ABP Ref.29S.241890) was a concurrent planning application granted in March 2013 to the Sisters of Charity for the playing fields located to the south for a new residential care facility comprising a four storey, 122 bedroom nursing home building and for 120no. independent living units in 6no. sheltered accommodation 3-4 storey buildings, with surface level car parking for 59 cars. The permission granted reduced the number of independent units to 97 by a reduction in the height of the buildings.

- 2019/11: The Dispensary, Cashel Road, Kimmage, Dublin 12 – Permission granted subject to conditions for the partial demolition, conversion and reconstruction of the former dispensary building into 2no. one bedroom ground floor and 1 no. two bedroom first floor self-contained apartments, and the construction to the rear of the site of 2no. single and two storey semi-detached houses, including on-site support accommodation.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 7th October 2020 in respect of a proposed development of 154 no. apartments, cafe and residents amenity / facilities floorspace, alongside refurbishment works of Glebe House.
- 5.2. Copies of the record of the meeting and the Inspector's report are on file. In the Notice of Pre-Application Consultation Opinion dated 12th February 2020 (ABP Ref. 307476-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. It was noted that further consideration and/or justification of impact upon residential amenity was required in this regard. Specifically in relation to the impact upon dwellings in Somerville Green and Somerville Drive. Specific information was also requested.
- 5.3. **Applicant's Statement**
- 5.4. The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- **Residential Amenity**

The submitted Architectural Response Report and Design Report provides justification and detail of the design rationale. Photomontage views are also included in the application submission.

In relation to the specific information requested:

- Item 1:

A Community and Social Infrastructure Audit is submitted with the application.

- Item 2:

A Creche Demand and Needs Assessment report is submitted with the application.

- Item 3:

An Operational Waste Management Plan is submitted with the application.

- Item 4:

Landscape drawings, reports and the conservation report submitted with the application, address the proposed approach to boundary treatments.

- Item 5:

A Preliminary Construction Waste Management Plan is submitted with the application.

- Item 6:

Reference to drawings, reports and letter of consent for the proposed works on the site included with the application.

- Item 7:

A Materials and Finishes report refers to proposed screening to balconies and terraces.

- Item 8:

Works to historic structures described in drawings, reports and Heritage Impact report, with correct references and methodology.

- Item 9:

The submitted Landscaping report describes proposals for communal open space to the rear of Block A and treatment of the mounding in the podium area.

- Item 10:

A Traffic Impact Assessment report and Mobility Management Travel Plan are submitted providing rationale for proposed car parking provision.

- Item 11:

A Design Report and associated Response to ABP Pre-Application Consultation Opinion architectural report describe the dual aspect provision in the proposal.

- Item 12:

The submitted Landscape Plan and detailed drawings indicate the provision of public open space, communal open space and play provision.

- Item 13:

An updated Daylight and Sunlight study is submitted with the application.

- Item 14:

A micro-climate study is submitted with the application.

- Item 15:

A schedule of accommodation and Housing Quality Assessment has been submitted with the application.

- Item 16:

The submitted TIA report, drawings and design statement, alongside the Statement of Response to ABP Opinion, specifically address the comments raised by Dublin City Transportation Planning Department.

- Item 17:

Phasing is detailed in the submitted Preliminary Construction Management Plan, with reference to works to Glebe House.

- Item 18:

A Material Contravention Statement is submitted.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

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

6.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR)

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin City and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.

- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.
- RPO 4.3 -Consolidation and Re-Intensification- seeks to support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 4.3 – Dublin City and Suburbs, Consolidation and Re-intensification- Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.
- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.
- Section 9.2 Diverse and Inclusive Region, notes that changing household formation trends will require a range of housing typologies including student housing, smaller units, shared living schemes and flexible designs that are adaptive for people’s full life cycle to meet their housing needs today and into the future.

6.3. Local Policy

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

- 6.4. Land-Use Zoning Objective Z1: To protect, provide and improve residential amenities. The vision for residential development in the city is one where a wide

range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres. The policy chapters, especially Chapters 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development.

- 6.5. Development Plan section 11.1.5.3 Protected Structures – Policy Application, regarding protected structures. The site includes a registered Protected Structure, the former Glebe House. In addition, section 11.1.5.4 Architectural Conservation Areas and Conservation Areas, section 11.1.5.6 Conservation Area Policy Application are relevant. Of particular note are policy CHC2 regarding ensuring that the special interest of protected structures is protected, CHC4 regarding protecting the special interest and character of conservation areas and CHC5 demolition of protected structures and buildings in architectural conservation areas.
- 6.6. Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation.
- 6.7. Crumlin Village Architectural Conservation Area (ACA): The Crumlin ACA report describes how the special character of the ACA is defined. The report also describes how new building intervention can be sensitive to the ACA.

7.0 Statement of Consistency

- 7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of National Planning Framework, Section 28 Guidelines and the City Development Plan and I have had regard to same. The following points are noted:

- The maximum height of the proposed development is 20m or 6 storeys, which exceeds the Development Plan limit of 16m. A Material Contravention Statement is submitted in this regard;
- The site coverage is 42%, which is below the indicative site coverage range of 45%-60% for Z1 zoned land;
- An analysis of childcare facilities supported by demographic data is submitted with the application. This is to evidence the proposed approach in the development that does not include childcare provision;
- The proposed car parking provision is below the maximum standard of the Development Plan.

8.0 Third Party Submissions

- 8.1. 97no. submissions on the application have been received from the parties as detailed at the front of this report. The issues are summarised below:

General / Principle / Nature of Development

- Dublin in general is being developed into a city of high rise apartment blocks that are not well designed.
- SHD process is flawed and the constitutionality of SHD was ruled against in the Premier Dairies Site Finglas.
- Proposal is unsustainable and unaffordable.
- Profiteering from public money. No disclosure of the funding or meetings between the council and the developer.
- Proposed apartments should be managed by the council.
- There is no local area plan or village improvement plan / design statement to guide development for the area or allow community input into.
- Disproportionate high number of developments taking place in Dublin 12.

Infrastructure

- Lack of basic facilities / services / infrastructure for the size of development proposed.

- Concern regarding the capacity of water and drainage facilities. No proof that existing drainage system can handle additional load.
- Water pressure is low in the area.
- No improvement to local amenities proposed.
- Pressure on local amenities.
- Increased pressure on, doctor's surgeries, schools, community centres and public services.
- Question the data used in the childcare demand assessment. The additional childcare demand created by the proposal will place additional pressure and oversubscribe the system.
- Flawed logic assumes a lack of children in the development that has led to a lack of provision for open space amenities and childcare provision.

Residential Amenity

- Overlooking into windows and into the back gardens of existing dwellings.
- Security concerns.
- Adverse impact on the privacy of existing residents.
- Overshadowing from proposed development.
- Inaccuracies in drawings (separation distance to surrounding dwellings) mean loss of daylight / sunlight will be worse than described.
- Loss of sunlight to solar panels.
- Loss of light to existing residents.
- Adverse impact from overlooking and noise from balconies in the proposed development.
- Increased disruption / footfall as a result of opening up of route from Somerville Drive to the village.
- The 5 car parking spaces shown on Somerville Drive should be removed from the plans, all car parking should be contained within the site.
- Additional noise and activity in a quiet neighbourhood – noise pollution.

- Children will no longer be able to play in the streets.
- Impact upon disabled residents with limited mobility.
- Noise pollution from heat pumps in the proposed development.
- Vehicle access in close proximity to existing residents will generate overlooking and noise impacts.
- Antisocial behaviour.
- Daylight/sunlight in Somerville Green will be adversely impacted in winter months for approximately 6 hours per day.
- Overshadowing could lead to negative impact on mental health, loss of vitamin D (associated impact on those with underlining health conditions) and ability to work from home.
- Somerville Drive have windows that will fall below BRE minimum recommended levels and do not have larger than conventional windows as suggested in the submitted report.
- The submitted daylight analysis is incorrect, suggesting darkness falls at 8pm on a June evening, when it is actually 21.57pm on 21st June.
- Five hours of overshadowing over the front of existing houses in summer evenings.
- Development will block morning sun to adjacent properties.
- Many properties in Somerville Drive use front garden as amenity space as back gardens are small.
- Block the current view of the Dublin Mountains.
- There are two senior citizen complexes in the village, residents daily lives will be put at risk from increased movements associated with the development.
- The proposed plaza areas will encourage congregation that will generate noise.
- Insufficient amenities for the proposed occupiers.

- Light pollution from the apartments to the detriment of the health of residents and wildlife.
- Mistakes in the drawings showing surrounding residential properties further away from the proposed development than they would really be. Don't take into account side extensions, distance to boundaries in Somerville Green is wrong.
- Demolition of structures on the site will weaken boundary wall connected to existing residents dwelling, as will increased traffic.

Transport

- Currently heavy traffic on St Agnes Road which will be exacerbated by the proposed development.
- Errors in the submitted TA and Auditors of Roadplan in relation to the speed limit in the area. Related impact on sight line splays.
- Proposed car parking inadequate and will lead to on street car parking in the area.
- Inadequate consideration of existing residents with mobility problems who would be adversely impacted by on street parking which would obstruct footpaths.
- Not enough designated disability parking spaces.
- Excess number of cycle parking spaces.
- Use of the community centre adjacent to the site attracts extensive car parking, which is not considered in the application.
- Greater reliance on car parking in the area and from target occupiers of the development than represented in the data included in the application.
- Parking already overcapacity in the village and Walkinstown.
- Outdated CSO figures given in relation to transport use. Recent CSO findings suggest greater reliance on car use.
- Residents believe that delivery trucks will use the new pedestrian route for additional access to the back yard delivery bays of the shops.

- Flawed methodology in the TIA submitted to justify low parking levels, as comparison developments are close to major parking facilities, Luas or Dart services.
- The submitted TA does not account for vehicles turning in and out of the laneway.
- Dublin Bus routes will be removed under the new Bus Connects scheme and the new service will run every 30mins.
- Somerville Drive will be used as a park and walk route to the village due to opening up of the cul-de-sac.
- Increased volume in traffic in surrounding streets could lead to inability to turn, accidents and danger for families, with obstruction to footpaths and to drop offs from day care services.
- Concern regarding ambulance access to the area (particularly in light of large number of elderly residents).
- Insufficient public transport services in the area which will be overcrowded as a result of the proposed development, limiting access by vulnerable citizens.
- Reliance on cycle storage in lieu of car parking is utopian in light of the dangers of cycling in the area and into the city.
- The increased traffic will negate the right of our community's children to play, which is a fundamental right.
- All site access, egress, deliveries etc. should be managed.
- Construction traffic will cause severe impact on the road network.
- Object to vehicular entrance to development from Somerville Drive.

Height / Density / Design

- The proposed development is incompatible and lacks harmony with existing dwellings.
- Out of character with the area.
- Excess height and scale.

- Height contravene Dublin City Development Plan.
- Development will be monstrous, overbearing and incongruous in the area.
- The height of Block A & B would adversely impact the character of both Somerville Drive and Somerville Green.
- No precedent in the area for a development of this type and applications recently refused by Dublin City Council by Treslam Ltd.
- Too high, over-crowded and intrusive development.
- No images in the submitted Landscape and Visual Impact Assessment demonstrating the impact on Glebe Houses or from the main road.
- No photomontage submitted illustrating the impact upon no. 1 Somerville Green.
- Minimum density of 50 uph in SRDUA applies to cities and town centres, not suburban areas such as the subject site.
- No overriding policy justification for the excessive density proposed for this location.
- Contradictory to approve current application in light of recent refusals in the area on scale and mass (ref.PL29S.224143 at St Agnes Church).
- Contrary to the Building Height Guidelines, no access to high capacity public transport and does not successfully integrate with ACA or character of the area.
- Over dense, over population of the area.
- Density higher than existing densities in the area.
- No separation to the rear, between proposed six storeys and existing house.
- The proposed 2 blocks are incompatible architecturally with the area.
- Area more suited to duplex apartments.
- Design should bring the café closer to the village.
- Inaccurate images of the development in context of trees in the submission.

- 4th floor should be set back more to avoid the bulk effect on neighbouring houses.
- Should include the same number of units but reduce the height.
- Inadequate detail on boundary treatment, drawing P19171D notes wall to be contained, but building on boundary to be demolished, note clear what will replace this.
- High density developments are not compatible with the requirements in response to the pandemic.

Heritage

- There are many historical structures within this heritage village that would be adversely affected by the development.
- Glebe House will be overshadowed by the proposed apartment blocks.
- Proposed apartment blocks are out of context with Glebe House and will diminish the importance of Glebe House in views. Glebe House is a landmark.
- The development will create a precedent for treatment of protected structures in the area.
- Development of the site should be with a view to encourage tourists into the area.
- Object to the demolition of structures adjacent to Glebe House, which are artifacts of the ACA.
- Adverse impact on archaeology and insufficient consideration of this in the application documentation.
- Object to the removal of boundary treatment on the site which is an artifact of the ACA.
- The proposed development contravenes principles in the ACA report and the character of the ACA.
- Application documents fail to mention height recommendations for the ACA.
- Proposals conflict with the advice in the Conservation Area Report.

- A number of protected buildings in the historic village and development not in keeping.
- Crumlin is an Architectural Conservation Area (ACA) just 1 of 22 in Dublin.
- Development should be in keeping with the history and architectural style of the village, similar to developments at Inishmore off Agnes Road and St Agnes Hall.
- The current highest point of the village is the apex of St Agnes' Church, it is important that this remains the highest point and so the height of development does not dominate the skyline of the village.
- The Crumlin Village ACA report notes that views of Glebe House and it's setting including the terrace of brick houses to the north, are key to the character of the ACA. The proposed development has negative impact on these views.
- One of the proposed apartment blocks is in the ACA boundary.

Open Space

- Outdoor gym equipment should be incorporated into the open space.

Material Contravention

- The proposed development contravenes the Development Plan policies relating to protected structures. The applicant's Material Contravention Statement has not addressed this contravention, therefore the Board is precluded from granting permission.

Mix and Tenure

- The proposed mix is inappropriate for sustainable and progressive family life.
- Circle VHA plan to use the housing for 50% social housing and 50% cost rental, one category in each block, segregating by socio economic status contrary to the Development Plan.
- Proposal should be 100% public housing and rents relative to income.
- Lack of housing for purchase and family homes is not in keeping with the Rebuilding Ireland initiative.

- Crumlin needs step-down housing for older residents.
- No family homes. Apartments are not conducive to family living.
- Apartments are associated with illegal activity and anti-social behaviour.
- Already high levels of unemployment and social housing in the area, the development will add to the burden of the area and further drive its 'deprived area' status.
- Query what evidence has been used to support the proposed housing mix as responding to the needs of the area.

Construction

- Construction of 1-2 years will cause serious noise pollution in the area (specifically in light of home schooling / homeworking with covid-19).
- Concern regarding impact upon structural soundness of existing properties.
- Working hours must be kept to 9am-5pm Monday to Friday and no weekend/Bank Holiday activities.
- No indication of the construction management plan and delivery and spoil routes proposed as a result of the proposed development.
- Concern regarding footway damage and wear and tear as a result of construction traffic.
- Concern regarding location of parking facilities during construction or transport provision for construction workers.

Property Values and Finance

- Property values of surrounding dwellings will depreciate as a result of the development.
- Request for compensation for the stress of noise, disruption and devaluation of properties for surrounding residents.
- Loss of workspace and earnings will result to adjacent residents as a result of inability to work from home, with increased noise and disturbance resulting from the development.

Biodiversity, Flooding and Climatic

- Balfe Road East currently floods in heavy rain.
- Flooding concerns.
- Increase in air pollution.
- The number of high rise developments with minimal green space and lack of infiltration type drainage systems are all causing issues in relation to Water Quality and pushing poor quality untreated water into river systems in particular in the Camac River, which is home to Newts and Fresh Water Shrimp.
- Light and noise pollution.
- Issue with recent developments assessing localised impact in relation to drainage and not adequately addressing impact upon surrounding areas, generating increased flooding and drainage issues for existing residents.
- No mention of a petrol interceptor to be installed, without which there could be contamination into the existing drainage system.

Other

- High rise buildings have a detrimental effect on existing communities.
- Lack of thorough environmental impact assessment.
- Utility pole and cable absent from drawings.
- Application refused at Ashleaf Shopping Centre due to amenity impact concerns, overdevelopment of the site and shortfall of car parking.
- Concern that Crumlin will become the new Ballymun or Tallaght.
- Application refused for 4 storey development in 2017 at The Hub Pub.
- Limited timeframe to examine documents.
- No engagement with Moeran Hall (WSAF Community Hall) and concern regarding potential damage to the structure of the hall.
- The covid-19 pandemic has negatively impacted people's ability to engage with consultation / access files / discuss as a community.

- Drawings show laneway with regular width, which is inaccurate.
- Absence of community consultation.
- Residents of Somerville Drive do not view the opening up of the cul-de-sac as a public gain and have not been consulted.
- Opening up of cul-de-sac close to the laneway at the back of houses on Moeran Road and Balfe Road East, will increase risk of accidents, antisocial behaviour and illegal dumping, and residents attached to the laneway are liable which is unfair.
- Activity from balconies in the proposed development will upset an existing resident's dog, causing barking and distress.
- Disrupt the work from an at-home recording studio in vicinity of the site.
- Lack of childcare provision is a discriminatory matter which will adversely impact future women tenants the most.
- Query how participation in the management company will be managed to ensure equality.
- Locals should be prioritised for the accommodation.
- Highlight fire safety should be prioritised in the development.
- The population increase as a result of the development will mean this area is no longer a village.
- Cost savings prioritised over good design, with lack of parking and childcare.
- Financially the development doesn't add up compared to valuation of property in the area.
- Corruha House Site has not be transferred to the applicant so application shouldn't proceed.
- DCC should purchase the site and build the development employing local people.
- A Crumlin Village Architectural Conservation Area Report was prepared in 2013 by Lotts Architecture and Urbanism, the study was commissioned by DCC, this development affects that agreement made.

Enclosures: Extract from timeanddate.com; photos showing front gardens used for amenity; map extract illustrating laneway to rear of Moran Road and Balfe Road East; photos and extract of drawings illustrating perspective of the development in context with Agnes Terrace; boundary of Crumlin Village ACA map; photos of Glebe House; diagrams illustrating noise breakout; extract showing view from Somerville Green; photos of existing sunlight and daylight into residential properties adjacent to the site; photos from existing residents home showing proximity of the site and new proposed walkway; photos showing reliance on street car parking in the area; photos of parking on Dowland Road; extract from the National Travel Survey 2019 in relation to car usage; drone photos showing context of dwellings around the site; photo of handwritten letter from P.Kelly detailing objections to the development which are reflected in the summarised points above; photos and drawing extracts to illustrate errors in dimensioned distances to boundaries / properties; aerial photo of site to illustrate boundary concerns; google map direction extracts to illustrate close proximity of example developments in TIA to public transport; extract from submitted daylight and sunlight report; extract of submitted drawings and imagery.

9.0 Planning Authority Submission

- 9.1. Dublin City County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.
- 9.2. Zoning
- 9.3. Residential and café (restaurant) uses are 'permissible' within the Z1 zoning category and the proposed development is considered acceptable with regard to land use.
- 9.4. Plot Ratio and Site Coverage
- 9.5. It is considered that the site coverage and plot ratio are acceptable. The site is considered suitable for high density, subject to the provision of a high quality scheme.

9.6. Layout

9.7. The distribution of blocks and open space on the site responds to the existing context and through the provision of a pedestrian and cycle route between St Agnes Road and Somerville Drive, will improve connectivity. Sufficient natural surveillance of the route is also provided.

9.8. Height and Visual Impact

9.9. The development plan sets 16m as the maximum height permissible for residential developments in this area. As the proposed development would have a maximum height of 20.1m it represents a material contravention of the development plan. With reference to national planning policy which supersedes the development plan, the principle of a high density residential development in this area is considered acceptable and necessary to achieve national objectives as set out in the National Planning Framework. Although the proposed blocks would be of greater height and mass than those in the immediate context, it is considered that the height of the proposal can be successfully integrated into the area without causing undue harm to the setting of the protected structure, character of the ACA or visual amenities of the wider area. Material specification should be reserved by condition.

9.10. Conservation

9.11. Given the present condition of Glebe House, the removal of later additions, refurbishment of the building and its conversion to residential use, are supported for securing the future use of the building. In relation to the proposed blocks, it is considered that an appropriate balance has been struck between providing a sensitive backdrop to the protected structure, whilst also making the most efficient use of land in a sustainable location.

9.12. Archaeology

9.13. Note the recommendations of the submitted Archaeology Desktop report and that the Department of Culture, Heritage and the Gaeltacht has raised no objection to the scheme, subject to conditions.

9.14. Landscaping and boundary treatment

9.15. Generally, the proposed scheme is considered to indicate a good quality, appropriate response to the site which will assist in enhancing the setting of Glebe House,

providing appropriate amenity space for occupiers and contribute to the public realm in Crumlin.

9.16. Housing quality

9.17. The proposed housing mix complies with policy. The schedule of floor areas, room size and storage, indicates compliance with policy. The proportion of dual aspect, number of units to a core and floor to ceiling heights of units is acceptable. All units have in excess of minimum private amenity space standards. It is likely that some balconies facing the podium courtyard will have limited sunlight however, provided that the communal spaces are provided to a high standard, the scheme is considered acceptable. The submitted Daylight report finds that proposed units will meet the guideline targets.

9.18. In relation to privacy, there are a small number of incidences of overlooking within the scheme. Between the living room of a 3 bed unit in Block B on first floor level (and units above on levels 2, 3, 4) and bedroom of a 2 bed unit in Block A. As the living room is dual aspect, this can be resolved by obscure glazing. Also, screening to a balcony of a south facing 1 bed unit in Block A at 4th floor level needs to be relocated to the edge of the balcony to prevent overlooking of a bedroom (east facing) window in a 3 bed unit in the same block. This may be an error in the drawings and can be resolved by condition.

9.19. No concerns raised in relation to security, with natural surveillance and defensible space provided for in the development. Communal amenity space considered acceptable in terms of quantum, play provision and sunlight. Internal communal facilities are also noted.

9.20. Public open space

9.21. The quality of space is considered to be good and will contribute to the permeability and visual amenity of the area.

9.22. Impact on neighbouring properties

9.23. There is no direct overlooking between facing rear windows under 22m distance arising from the apartment blocks. Balconies facing private rear gardens are shown screened. Although some increased overlooking of existing neighbouring properties will occur, it has been demonstrated in the submitted drawings that it is limited to

levels which are typically acceptable within urban areas and in the context of policies which seek to increase housing densities in appropriate locations. The massing has been arranged so as to provide separation distance to existing surrounding dwellings.

- 9.24. In terms of daylight, sunlight and overshadowing impact, the majority of windows are shown to pass the BRE test. In Somerville Drive, 6no. windows fall below the BRE standard levels, however the degree of variance is limited and it would be expected that these properties would retain good levels of daylight. The overshadowing diagrams show shadow cast on the rear of the parade of shops to the north east of the application site (1-6 Agnes Road), which contain residential use at upper levels. No assessment of daylight impact on these properties is included in the daylight report and no reason for their exclusion is provided. The units would be predominantly south-facing and therefore impacts may be limited, however this should be addressed in the report. Existing public open spaces on Somerville Drive and Somerville Green would retain high levels of sunlight. No concerns regarding significant noise, air or light pollution from the occupation of the units, with the exception of the operation of heat pumps, and a condition is recommended in this regard.
- 9.25. Community and social infrastructure
- 9.26. Note the findings of the submitted Social and Community Audit and concur that the area is well served by community and social infrastructure. The proposed café will add to social infrastructure.
- 9.27. Childcare facilities
- 9.28. Given the characteristics of the area and the development, while the findings of the submitted Creche Demand and Needs Assessment is noted, it is considered by the Planning Authority that a creche should be provided in the development. The proposed residential amenity facility of 81sqm would be of adequate size for a creche of 20no. spaces and can be required by condition. However if a further review of childcare facilities in the area at the time of occupation of the development demonstrates adequate capacity, alternative uses for this space can be considered.
- 9.29. Transportation

9.30. The Transport Division is concerned that there is high risk of overspill car parking resulting from the scheme. Concerns are also raised in respect of the design of the vehicular entrance to St Agnes Road.

9.31. Construction related impacts

9.32. Some disturbance is to be expected during construction works, however it is temporary in nature and various measures can be employed to mitigate it to an acceptable level. Conditions recommended.

9.33. Infrastructure

9.34. Irish Water comments noted and condition should be used to secure arrangements.

9.35. Environmental considerations

9.36. Findings and recommendations of the submitted Bat Assessment noted and considered acceptable, conditions recommended. In relation to flood risk and drainage, the Drainage Division has no objection to the development subject to conditions. In the context of the scheme overall, which includes new tree planting, it is considered that the removal of trees is acceptable. Conditions recommended. No concerns raised regarding wind conditions or energy efficiency in the development.

9.37. Other matters

9.38. Concerns have been raised in third party submissions with regard to inaccuracies in the drawings. These are considered below:

- It is noted that an extension to No.1 Somerville Green is not indicated on the plans (Dwgs. 100 & 302), however as there are no windows in the side elevation of the extension no issues arise in terms of neighbouring amenity and sufficient separation distance is provided to the proposed units to ensure no overbearing impact on them

- The diagonal measurement from No. 1 Somerville Green to the closest apartment differ between ground and fourth floors because the building is set back at upper level (Dwgs. 100 & 104)

9.39. Concerns have been raised with regard to the impact of the development on nearby structures. This would be a matter for the developer at construction stage.

9.40. Part V

9.41. Proposals have been discussed with the Council's Housing Division, no objections raised.

9.42. AA and EIA

9.43. Matters for the Board to consider.

9.44. Conclusion

9.45. The proposed development is acceptable in principle in the context of the Z1 zoning objectives of the City Development Plan and objectives for making efficient use of brownfield land in sustainable locations. The Planning Authority remains concerned in relation to transport, child care facility provision and daylight and sunlight as follows:

- 1) It is considered that there is a high risk of overspill car parking resulting from the scheme, given the low level of proposed car parking provision, the inner-suburban location, history of high car ownership locally and lack of controlled parking on adjacent residential streets. Concerns are raised also in respect of the design of the vehicular entrance to St Agnes Road.
- 2) It is not considered that adequate justification has been provided for the non-provision of child care facilities as part of the proposed development. It is considered that the provision of a crèche within the proposed development should be required by condition in line with the policy position.
- 3) It has not been demonstrated that the proposed scheme will be acceptable with regard to daylight, sunlight and overshadowing impacts on residential units over the parade of shops to the north east of the application site (1-6 St Agnes Road).

9.46. Notwithstanding these concerns, it is recommended that a grant of permission should issue, and in the event of An Bord Pleanála deciding to grant permission, the Planning Authority requests that 22no. conditions be attached. The following conditions are noted:

9.47. Condition 1 and 2 development contribution and bond; condition 3 requesting amendments, specifically inclusion of childcare facility, obscure glazing to windows in block B facing south and screening of western side of balcony in block A at 4th floor; Condition 5 traffic details, including details of vehicular entrance, pedestrian entrance; and condition 8 concerning works to protected structure.

9.48. Departmental Reports

9.49. Drainage Division

- No objection to the development, subject to the developer complying with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. conditions recommended in relation to public surface water sewer connection, surface water infrastructure, SUDs and attenuation tanks.

9.50. Transportation Planning Division

- Not tree / shrub planting results in pinch point along pedestrian route.
- Condition requiring demarcation of car park recommended.
- Proposed footpath should be designed in accordance with council standards.
- Note restricted visibility at vehicular entrance and 4 car parking spaces. Concern that detailed vehicular entrance design has not been submitted. Condition requested requiring submission of a drawing detailing proposals to improve visibility to and from the vehicular entrance.
- Revised dishing proposals along Somerville Drive are requested.
- Condition requiring submission of swept path analysis drawings for emergency vehicles recommended.
- Quantum of cycle parking considered acceptable. However drawings do not demonstrate that proposed provision can be accommodated in the design. Condition recommended to secure details of this.
- A car parking management plan should be conditioned. Concerns regarding the proposed car parking provision for an inner-suburban location such as the proposed site. The applicant has not adequately addressed the variance between proposed provision and the census data nor has the applicant demonstrated how the proposed development would not lead to overspill parking on Somerville Drive and Somerville Green which are not subject to controlled parking.
- Noted that the Traffic Impact Assessment trip generation has not taken account of census data which is likely to result in a higher estimated trip generation from the proposed development. Concerns in relation to the impact

the proposed development will have on the surrounding road network in terms of overspill car parking due to the 0.36 car park ratio.

- Mobility management plan requested.
- A final construction management plan and construction traffic management plan should be conditioned.
- Conditions recommended.

9.51. Housing and Community Services

- Confirm that Doyle Kent Planning Partnership Ltd. on behalf of Seabren Developments Ltd. has engaged with the Housing Department in relation to the development and are aware of the Part V obligations pertaining to the site.

9.52. Parks, Biodiversity & Landscape Services

- Demolition works may involve disturbance to breeding bats and birds.
- Retention of trees welcomed, however positioning of car parking in root zone area of T1575 is not suitable. These car parking spaces should be removed if possible. Conditions requesting tree protection measures and bond requested.
- Conditions safeguarding public use of areas requested. Green roofs should be secured by condition.
- Note that the site potentially can provide links to surrounding green infrastructure and this is not acknowledged in application documents.
- Note no evidence of bat roosts on the site, however there is potential for roosts. Presence of bats should be rechecked prior to removal of trees and demolition works. Specific measures for mitigation for bats are contained in the submitted report, however not clear how this has informed the design.
- Survey of nesting birds required.
- Request conditions that measures for biodiversity, habitat provision and bat mitigation being provided in the development.
- Noted that changes in Dublin Bay that result in an increased cover of opportunistic macroalgae may impact on those Species of Conservation

Interest which are herbivores and which feed on green plants and green algae that are impacted by such change in vegetation cover. Thus, the cumulative impacts of additional effluent may cause indirect impacts to both SACs and SPAs, depending on the relevant SCIs. The Precautionary Principle must be applied in concluding any indirect impacts.

- Conclusion: No overall objection to the application subject to appropriate conditions. Conditions are recommended.

9.53. Noise and Air Quality Division

9.54. Conditions recommended concerning noise control and air quality control during construction and operation.

9.55. **Elected Members**

9.56. A summary of the views of elected members as expressed at the South Central Area Committee Meeting at the meeting on 17th February 2021 is included in the Chief Executive's Report and summarised below:

- Mixed views of the acceptability of height, density, design and layout.
- Concern expressed about the height of the proposed development and shadowing of adjacent houses on Sommerville Drive and Sommerville Green.
- Daylight/sunlight analysis requires careful review.
- Out of context with Crumlin Village due to height and massing.
- Need for social and affordable housing could be satisfied without that imposition of height in the application.
- 4-6 storeys could not be considered overdevelopment.
- Aesthetically one of the more pleasing developments before members.
- Lack of 3 beds makes it unsuitable for families.
- Concern regarding opening up of the cul-de-sac.
- Concern at lack of car parking.
- Query applicant mitigation to prevent overspill parking.

- Inadequate cycle infrastructure in the vicinity / Crumlin Village for number proposed.
- SHD process is undemocratic, anti-community and anti-consultation.
- Concern at lack of consultation prior to application.
- Concern at lack of consultation as part of SHD process.
- Applicant urged to engage with local community.
- Query absence of local area plan.
- Reference to the Crumlin ACA and query whether the proposed development would negatively impact the ACA.
- A view that the development is within the spirit of the ACA.
- Welcome that the model here is social and affordable cost rental housing.
- Concern at stigmatisation if tenant types segregated to different blocks.
- Issues with water pressure in the area.
- Query whether the proposed café would be a social enterprise.

10.0 Prescribed Bodies

10.1. Irish Water

The development has been issued a confirmation of feasibility for connections to Irish Water networks subject to the following:

- Upgrade works required to the Irish Water network, approximately 110m of 200-ID new main has to be laid to replace the existing 4" CI. Irish Water does not have any plans to extend its network in this area therefore the applicant will be required to fund this network expansion. Delivery of the extension will be by Irish Water within the public domain.
- The applicant has engaged with Irish Water in respect of design proposals for which they have been issued a Statement of design Acceptance for the development.

- Conditions requested with respect to connection agreement, that works are carried out in compliance with IW standards and that no IW does not grant permission to build over its assets.

10.2. Transport Infrastructure Ireland

Confirm that there are no observations to be made on the application.

10.3. An Taisce

- The proposed development due to excess scale, bulk, density and mass is not in keeping with the character of the village and would detrimentally impact on the protected structure Glebe House.
- Crumlin is one of the few remaining historic villages in Dublin and warrants protection. It is also an ACA and the application site falls partially within this.
- The proposed development should be in proportion to its surroundings and not have an overbearing impact, particularly on the protected structure.
- The proposed six-storey heights are wholly excessive for the historic village context and location within the curtilage of the protected structure.
- Somerville Drive will be significantly adversely impacted through loss of privacy and overshadowing, and negatively change the fabric of community lives.
- Refurbishment and reuse of Glebe House and proposed residential uses welcomed in principle, however application documents suggest the setting and views would be overwhelmed by the size of the new development.
- The proposed development is in conflict with the policy of the current City Development Plan that 'Development will conserve and enhance Protected Structures and their curtilage' (CHC2), which further requires that 'the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.' The proposed development in its current form does not do this.
- The proposal represents serious overdevelopment. It is recommended that the proposed development is revised to better assimilate into the location in

historic Crumlin Village and having regard to the need to protect the character, special interest and setting of the protected structure Glebe House.

10.4. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

- Archaeology: Agree with the archaeological mitigation suggested in submitted application documents, recommend a condition pertaining to archaeological testing across the development site and monitoring of demolition works.
- Nature Conservation: Note a limited amount of bat activity recorded over the subject site, recommend that conditions be imposed concerning the incorporation of bat boxes and that lighting design be signed off by a bat specialist.

11.0 Oral Hearing Request

11.1. Two formal requests for an Oral Hearing were received in relation to this application. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

11.2. Having regard to the circumstances of this case, to the issues raised in the observations received by the Board, and the assessment set out in section 12.0 below, I consider that there is sufficient information available on the file to reach a conclusion on the matters arising. I do not consider therefore that there is a compelling case for the holding of an oral hearing in this instance.

12.0 Assessment

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

- Principle of Development

- Density, Height, Scale, Mass and Design
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Material Contravention
- Screening for EIA and AA
- Other Issues

12.2. Principle of Development

- 12.2.1. The application site is zoned Z1 'To protect, provide and improve residential amenities'. Residential is a permissible uses and restaurant is open for consideration in this land use zoning. The Planning Authority have confirmed that café (restaurant) use is permissible in the land use zoning. As an ancillary function to the primarily residential use on the site in the proposed development, I consider the proposed café use to be permissible under the land use zoning Z1 for the site. A residential amenity space is also proposed and the applicant has described the intended operation of this space to include access by the wider public with a range of amenity and support facilities provided for. In consideration of this amenity space, I note that community facility is also a permissible use under the Z1 zoning. The site is also located within the designated Crumlin Village Architectural Conservation Area and includes Glebe House, Registered Protected Structure no.7560 (Former Glebe House).
- 12.2.2. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, such as that proposed on this site.
- 12.2.3. The vision for Z1 is for residential development in the city, where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

- 12.2.4. The principle of the proposed development on the site is therefore consistent with the land use zoning under the City Development Plan.
- 12.2.5. Third parties and Elected Members have raised concerns relating to the SHD process. I can confirm that the SHD process is defined under a legislative framework forming the legitimate process for determination of this application. I note third party comments in relation to the financial context of the proposed development. I can confirm that this does not form a planning consideration in my assessment, which is confined to adopted planning policy. I also note third party objections to the proposed development in the absence of a local area plan / village improvement plan, however there is no requirement for such a plan in the area in which the site is located.
- 12.2.6. I note third party concerns regarding a lack of consultation and difficulties participating in the planning process during the current pandemic. I can confirm that all consultation obligations as part of this SHD application have been satisfied and that full availability of documentation has been facilitated both in hardcopies at the offices of the Board and online via the dedicated website for the application.
- 12.2.7. I note a third party suggestion that as the Coruba House site has not been transferred to the applicant, the application cannot proceed. I can confirm that the applicant has complied with obligations with respect to confirming interest in the site, with copy provided of a letter of consent to Circle Housing VHA CLG from Dublin City Council (DCC) providing for inclusion of the former Coruba House site (under DCC ownership) in the application. A strip of grass land between the Coruba site and Somerville Drive contained within the site redline boundary is within the ownership of South Dublin County Council and a letter of consent is also provided with respect to this strip. The remainder of the site is in the ownership of the applicant.
- 12.2.8. Demolition and Archaeology
- 12.2.9. I note that concerns have been raised in third party responses regarding the extent of demolition works proposed on the site, including to Glebe House a Protected Structure, removal of its ancillary structures / other structures on the site and partial removal of the existing boundary wall. Concerns are raised in the context of the archaeological significance of the site and regarding the accuracy / extent of detail in the submitted drawings of boundary treatment. I also note that An Taisce has raised concern that the proposed development would not respect the need to protect the

character, special interest and setting of the protected structure Glebe House, however specific objections to demolition works are not included. I address the proposed demolition and internal alteration works to the site in this section below, while I consider the proposed buildings/works and associated impact on the Protected Structure subsequently in section 12.3.

- 12.2.10. Policy CHC2 of the City Development Plan states that it is council policy to ensure that the *'special interest of protected structures is protected'* and asks for the restoration of fabric/features that contribute to the special interest, while not causing harm to the curtilage of the structure.
- 12.2.11. An Architectural Heritage Impact Assessment is submitted with the application. This identifies the historical background of the area and the structures on the subject site. Glebe house dates from 1791 and is one of the few 18th century houses to survive in the area. The report confirms that Glebe House has been divided into a number of bedsit flats, a process which damaged the historic fabric and spatial legibility of the building. A number of storage and light industrial sheds have also been added to the rear of the building, along with single storey side extensions. It is proposed to undertake internal alterations to Glebe House to facilitate residential occupation in the form of 2 apartments and remove the extensions and rear storage / sheds. This involves minimal alteration to original historic fabric, however much of the more recent mid to late 20th century internal alterations will be removed. New features will also be incorporated, such as replacement fenestration, entrances, stairs, new plumbing, bathroom and kitchenware.
- 12.2.12. In terms of the boundary wall, the report notes extensive sections of historic rubble stone wall. These are proposed to be retained with the exception of a section to be demolished on St Agnes' Road, including a more recent pillar addition, that is formed of masonry faced with cement. This section of wall is proposed to be replaced. A section of wall is also proposed to be lowered. The two brick columns bookending the vehicular entrance to the site are also proposed to be demolished and replaced with new cut stone columns at 2m in height. Works to boundary walls are proposed to be carried out using skilled masons and under the supervision of Conservation Architect using rubble stone to match the existing wall.

12.2.13. In relation to the demolition works to Glebe House and within the curtilage of the Protected Structure, these are in the vast majority of cases, isolated to the removal of mid to late 20th century additions, that do not contribute to the special interest of Glebe House. Removal of the side extension and rear storage / sheds will be beneficial to the setting of the Protected Structure, returning the building to a footprint that is much closer to the original plan form. Replacement of fenestration, entrance door, roof tiles and other exterior features to the building, is also an opportunity to remove previous additions that failed to enhance the special interest of the building, and replace these with more appropriate conservation type fabric. Internal alterations focus largely on the removal of mid to late 20th century additions and creation of new additions that will facilitate residential occupation. In my view, given the previous scale of internal alteration to the building, there is little impact upon the historic fabric and related special interest of the building as a result of the proposed internal alterations. I consider that facilitating a better quality residential use of the building, will encourage long term protection of the building through its occupation.

12.2.14. In relation to the boundary wall, the proposed alterations will improve the consistency in appearance of the wall, and as a result will be beneficial to the special interest of the Protected Structure in my view. I note however that the extent of demolition to the boundary onto St Agnes Road, maybe required to marginally increase the access/egress, to improve visibility from the vehicular entrance to the site. Such alterations will be essential and necessary to facilitate the functionality of the site for an increased density of residential occupation. These works will facilitate the use of the site for residential occupation, to the benefit of the long-term preservation of Glebe House. I am content that the proposed demolition and internal alteration works to Glebe House, alongside alterations to the boundary wall, are sensitive to the historic fabric and will restore its special interest in accordance with relevant policies under the City Development Plan, including policy CHC2. A condition can also be used to secure final detail of boundary treatments should the Board be minded to grant planning permission and can include reuse of stone/rubble resulting from site demolition where feasible.

12.2.15. In relation to the impact upon archaeology, I note that there are designated sites of archaeological interest and a zone some distance from the subject site to the north west, north east and south east. The site itself is not located in a zone of

archaeological interest and is not an identified site of archaeological interest. An Archaeological Assessment (Desktop) report has also been submitted with the application. This identifies the history of the area, the subject site and Glebe House. The report concludes that while there are no recorded monuments on the site, there is archaeological potential, and as a result it recommends that a qualified Conservation Architect oversee the recording and preservation of all architectural features relating to the former Glebe House, and that test trenching is undertaken. I note that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, agree with this suggested mitigation. I am satisfied with the conclusions of the submitted report and the suggested recommendations.

12.2.16. I note third party concerns that the proposal results in the removal of archaeological artifacts from the site, however I am content that the proposed works serve to enhance the special interest of the Protected Structure. Should the Board be minded to grant planning permission, conditions can secure appropriate mitigation in relation to archaeology.

12.3. Density, Height, Scale, Mass and Design

12.3.1. Density

12.3.2. A number of representations have been received regarding the proposed density of the development. Concerns centralise around the appropriateness of the density level proposed for the location. Concern is also expressed regarding the amount of development occurring in this part of the city and consequential impact upon the designation of Crumlin as a 'village'. I also note that An Taisce have raised concerns regarding overdevelopment of the site.

12.3.3. The proposed density is 172.7 units per hectare. Policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance are objectives 27, 33 and 35 of the NPF, which prioritise the provision of new homes at locations that can support sustainable development encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Apartment Guidelines define the types of location in

cities and towns that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. Locations that are within walking distance (up to 15 mins or 1,000-1,500m) of principal city centres, or significant employment locations, that may include hospitals and third-level institutions are considered to be central and/or accessible locations.

12.3.4. The site is approximately 750m or a 10min walk to Crumlin Children's Hospital. The Apartment Guidelines specifically state that sites within 15mins walk (1,000-1,500m) distance to a significant employment location such as a hospital, are considered to be 'Central and/or Accessible Urban Locations'. Other categories are also listed, including distance to the city centre, high-capacity urban public transport and high frequency urban bus routes, but the list is described as 'a range of locations' under the guidelines and not an exhaustive list of descriptors to be achieved by any one site before being categorised as central / accessible. Therefore, the proximity of the subject site to Crumlin Children's Hospital, is sufficient for the purposes of the guideline definitions of central / accessible locations. I do however also note that the site is located on the edge of Crumlin Village and therefore accessible to a range of amenities and services there. The site is also situated proximate to bus routes on St Agnes Road and I note that the Planning Authority has stated that the site is suitable for higher density development.

12.3.5. As such, I consider that the site can be described as a central / accessible location as defined under the Apartment Guidelines and sustainably support the density level proposed. However, the overall acceptability of this density is subject to appropriate design and amenity standards, which are considered in the relevant sections below. In terms of the amount of development taking part in this part of the city, I have described above why this site is a sustainable location for development with reference to its locational characteristics. In relation to the Sustainable Residential Development Guidelines 2009, I note paragraph 5.6 which identifies the desirability of preserving protected buildings and their settings, and preserving or enhancing the character or appearance of an Architectural Conservation Area (ACA). I consider in detail below the impact of the proposed development upon the Protected Structure and ACA and there is nothing to preclude a higher density on the site with reference to those guidelines, which promote a qualitative assessment, as set out in my report.

12.3.6. In relation to potential consequential impact upon the status of Crumlin as a 'village' with the increased population resulting from the proposed development, no evidence has been submitted to support this suggestion. I am not aware of any special protection afforded to a 'village' status and as outlined above, I have identified that the site is located in an accessible / central location where higher density development can be sustainably supported. Furthermore, I note the circular advising of 'sustainable settlement' guidance to be published later this year, as an update of the Sustainable Residential Development Guidelines. This will define settlement hierarchies in the context of suitable densities, including cities, towns and villages, however I do not consider Crumlin Village to be a 'village' in the context of that guidance given its location in a built-up urban area and specifically, Dublin City.

12.3.7. Height, Scale, Mass and Design

12.3.8. Concerns have been raised regarding the height, scale, mass and design of the proposed development in many of the representations received. Concerns centralise around the scale of the development in context of the established built environment in the Crumlin Architectural Conservation Area (ACA) and upon residential estates to the rear of the site in Somerville Drive and Somerville Green. Concern is also raised regarding the impact upon Glebe House a Protected Structure and An Taisce have objected to the application on this basis, alongside concern about impact on the ACA and surrounding residential amenities. An Taisce consider the application to be contrary to policy CHC2 of the City Development Plan.

12.3.9. My assessment of the impact upon surrounding residential amenity and the residential quality of accommodation is undertaken in section 12.4 and 12.5 below. This section of my report appraises the acceptability of the proposed height, scale, mass and design in relation to relevant planning policy and in light of concerns raised.

12.3.10. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under

section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

12.3.11. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan indicates a maximum height of 16m, while the proposed development has a height of approximately 20m (6 storeys). I address the material contravention of the development plan in section 12.7 below and I will provide further assessment against the criteria in section 3.2 of the Height Guidelines here.

12.3.12. The first criterion relates to the accessibility of the site by public transport. The subject site is located a short walk (2 or 3mins) away from bus stops on St Agnes Road. These bus stops serve routes 18 and 150 which have a frequency of every 15 to 25mins. The subject site is also situated approximately 8mins away from bus stops on Crumlin Road which form part of the Quality Bus Corridor (QBC) network, with access to 5 routes at a frequency of 15 to 25mins. I note concerns raised in third party responses that the site is not accessible to a Luas or Dart line and that capacity of bus routes is questioned; however, no evidence has been presented to suggest that there is insufficient capacity on these bus routes serving the site. I also note that there are no observations from Transport Infrastructure Ireland on the application. While the site is not a short walk to rail or light rail infrastructure, the proximity of the site to the bus routes I have described, is sufficient in my view to demonstrate good access to public transport.

12.3.13. The second criterion relates to the character of the area in which the development is located. The subject site is located in Crumlin Village Architectural Conservation Area (ACA) and the area around the site is characterised by single and 2 storey residential dwellings, alongside 2 storey commercial properties in the village. Located on the site itself and subject to the application, is Glebe House a Protected Structure. There are also a number of other protected structures in the wider ACA area and recorded

monuments. The immediate setting of the site is characterised by a mixture of architectural styles and ages, with 20th century buildings alongside more historical properties which are pocketed throughout the area. Of note are the red brick 2 storey residential dwellings immediately adjacent to the site on St Agnes Road and the Georgian properties proximate to the site. There are also a number of Protected Structures within the ACA area.

12.3.14. I consider potential impacts upon views from the Somerville estate areas further below, however my assessment firstly focuses on potential impacts upon the ACA (including historical buildings and protected structures in the ACA) and the former Glebe House Protected Structure located on the subject site.

12.3.15. CHC4 of the City Development Plan states that it is council policy 'To protect the special interest and character of all Dublin's Conservation Areas', this includes through the replacement, improvement, re-instatement and repair of features, including open space. In addition, development should not harm buildings, features, spaces, involve the loss of historic forms / features, or harm the setting of the Conservation Area, including creating visually obtrusive or dominant forms. The Crumlin ACA report describes that the special character of the ACA can be defined by layout, socio-economic functions, building types / materials and quality / treatment of open spaces. The report describes how new building intervention can be sensitive to the ACA. This includes use of prevailing materials and following the eaves heights, roof pitches, building lines which predominate in the surrounding context. In relation to the ACA report, note third party concerns that there is a conflict with the Crumlin Village ACA Report and interested parties in this development proposal. I am not aware of any issue in this regard.

12.3.16. Approximately the front two thirds of the subject site as it faces St Agnes Road, is within the designated ACA. In any case, development across the entire redline boundary extent, would in my view effect the setting of the ACA. Views are provided in the submitted Visual Impact Assessment Report of the proposed development as would be perceived in views around the ACA. This is alongside a Landscape and Visual Impact Assessment in the application, which describes visual analysis to accompany the photomontages. A large number of viewpoints are provided to illustrate the appearance of the proposed development in the ACA, these are taken from within or immediately on the edge of the ACA boundary. None of these views

identify any significant, long-term, negative impacts as a result of the proposed development upon the ACA. I have also undertaken my own assessment of the submitted views. I am satisfied that the proposed development has been arranged to be sympathetic to the ACA, locating the taller elements to the rear of Glebe House. This ensures that these elements would only be viewed in the backdrop to the ACA from St Agnes Road. Block B is located within the ACA boundary to the rear of Glebe House. This proposed apartment block is between 4 and 5 storeys in height. This transition in height serves to reduce visual impact upon the ACA in views from St Agnes Road and Crumlin Village, which form the heart of the conservation area. Block A is situated to the rear of Block B and is proposed to be 6 storeys in height. This will be visible as part of the setting of the ACA in some viewpoints around the conservation area. I have assessed these views closely, and also considered that some of these views are shown with trees in foliage, and therefore my consideration includes recognition that these trees will not be in leaf in winter to screen views. In any case, I am content that the proposed apartment blocks are clearly perceived in these views as forming a backdrop to the area and therefore would not appear as a dominant presence in the ACA.

12.3.17. I note third party concern that the proposed development exceeds the height of St Agnes Church, however as described above, I do not consider the proposed apartment blocks to be overdominant in views. The blocks will be perceived in the backdrop of the ACA and will not detract from St Agnes Church in my view.

12.3.18. As outlined in section 12.2 of this report above, policy CHC2 of the City Development Plan states that *'Development will conserve and enhance Protected Structures and their curtilage'* and requires that *'the design, form, scale, height, proportions, siting and materials of new development should relate to and complement the special character of the protected structure.'*

12.3.19. The proposed development includes the refurbishment of Glebe House and removal of additions to its footprint, which in my view will benefit the special character and interest of the Protected Structure. Two new 'pavilion' buildings are proposed either side of Glebe House. These proposed buildings are 2 storey with roof level accommodation, with fenestration giving a three storey appearance in the gable end view presented to St Agnes Road. The ridge height of these proposed buildings match Glebe House at 8.8m (approx.) and the eaves height is slightly below the

eaves height for Glebe House. The proposed 'pavilion' buildings follow the building line for Glebe House, and they are laid out to present their narrowest end adjacent to the protected structure. These measures ensure that the proposed 'pavilion' buildings will not overdominate Glebe House in views from St Agnes Road. The submitted Architectural Heritage Impact Assessment describes precedent schemes for the type of relationship formed between the Protected Structure and the 'pavilion' buildings. I also note the use of materials to reference Glebe House, using a light grey render to the 'pavilion' buildings, alongside a light grey brick base to the opposing bottom right hand corners of the blocks, referencing the darker base of the Protected Structure. I note third party concerns at the lack of images in the submitted Visual Impact Assessment Report, however I am satisfied that view 4 and 6 provide sufficient illustration of the visual appearance of the proposal from St Agnes Road, alongside CGI images submitted illustrating the front appearance of the proposal. Overall, I am satisfied that the symmetrical arrangement, use of materials, fenestration and proposed form of the proposed pavilion buildings, will serve to enhance the setting of Glebe House and form a striking visual impact from St Agnes Road.

12.3.20. In terms of visual impact to the rear of the site from the Somerville estate areas, these roads are located outside of the ACA. Views are provided of the proposed development from locations on Somerville Drive, Somerville Park and Somerville Green. The proposed development will be most visible from these areas and will significantly alter the visual environment from these vantage points.

12.3.21. The existing built environment in these areas to the rear of the site are not particularly sensitive to new development in my view. These areas are located outside of the ACA and do not exhibit any specific historical interest or architectural appearance that contributes positively to the ACA, beyond a low-rise appearance that reduces visual effect. That is not to suggest that visibility has a negative effect per se, as an assessment of the quality and appropriateness of additions to the built environment is first required. The subject sites existing character is formed of various neglected buildings, sheds and industrial type uses, and in my opinion does not contribute positively to the built environment around the Somerville areas. In my view, the redevelopment of the subject site is therefore an opportunity to improve the contribution to the streetscape here and I consider that the proposed predominately residential use would be beneficial to the character of the area. The proposed

development will be of increased scale compared to both the existing character of the subject site and the wider established form for dwellings in the Somerville streets. This increased scale will alter the backdrop to the ACA and therefore its setting, however as outlined above, I consider this impact to be acceptable. This is specifically in light of the quality of design for the proposed development, including the detailed appearance to blocks (considered further below) and transitions in scale away from the ACA area (as outlined above).

- 12.3.22. I am cognisant of its visibility from the Somerville streets where the proposed development would be a prominent addition to the area. The proposed blocks will be visible from public streets, over the top of existing dwellings and in the backdrop to the Moeran Community Hall on Somerville Drive. However, this visibility is not harmful in my view and is appropriate for the urban location of the site, where a varied skyline would be expected. The increased visibility and prominence of the site would also assist in place-making and legibility in my view, in accordance with the section 3.2 criteria in the guidelines. I also note the creation of a new street and public open spaces in the site that will be beneficial to the area.
- 12.3.23. In terms of an assessment of the contribution of the proposed development to the urban neighbourhood (a 3.2 criterion), I note viewpoints 10, 11 and 20, which demonstrate the extensive visibility of the proposed development from the Somerville street areas. The submitted Landscape and Visual Impact Assessment concludes that viewpoints 10 and 20 will have a moderate and negative impact, and viewpoint 11 will have a moderate and neutral impact in the operational phase. This impact is considered in the submitted report to be consistent with emerging trends. In my opinion, while there is a significant alteration to the visual physical environment as a result of the proposed development, on balance there are significant benefits as a result of the proposal that mitigate the perception of negative effects on the streetscape. This includes the redevelopment of an underutilised site for a more compatible and appropriate use (residential) for the area. The efficient use of land at an appropriate density for the location is also a significant consideration in my view. I also agree with the report that the proposed development would alter the character of the built environment in this location in a manner that is consistent with emerging trends, with new development in the city generally being at increased scale, as a more appropriate scale for the urban context of the area. While I note third party

comments regarding the refusal of applications in the surrounding area and the planning history section of this report acknowledges these decisions, each case must be considered on its own merits, and I have described in detail in my assessment why the subject site can support the scale, height and density proposed in my view.

12.3.24. In terms of the detailed appearance of the blocks (3.2 criteria including avoidance of uninterrupted walls, contribution to space and materials), the design incorporates variation in height to create visual interest and transition scale away from the more sensitive environment of the ACA. All facades incorporate fenestration and balconies ensuring that there are no extensive areas of uninterrupted wall, with the exception of a section of the western elevation of Block B which is designed to prevent overlooking of adjacent areas. Despite the lack of fenestration in this section of elevation, the incorporation of oblique windows set in solid spandrel panels assists in creating some interest. The blocks also have bay arrangements and incorporate projection variations along the vertical plane. These measures assist in breaking down the mass of the blocks, avoiding a monolithic appearance. Materials and finishes are also described in a submitted report. A consistent material palette is proposed to the apartment blocks, formed of a predominately light buff brick to facades, articulated with large fenestration, steel frames and railings to balconies. There are also areas of white brick with white mortar, dark and light grey render and zinc cladding. These materials are appropriate for the residential character of the Somerville streets, and serve to compliment the materials for the proposed pavilion blocks, whilst being sensitive to the former Glebe House Protected Structure.

12.3.25. The proposed development will provide increased diversification of housing typology in the area which is currently predominately self-contained dwelling houses. The incorporation of apartments on the site will therefore be a positive contribution to the mix of typologies in the area (a 3.2 criterion). Lastly, the section 3.2 criteria under the Building Height Guidelines refers to considerations on daylight and overshadowing. In relation to Building Research Establishments (BRE) criteria for daylight, sunlight and overshadowing, I discuss this in detail below in sections 12.4 and 12.5 of this report. The submission of specific assessments is also referenced in the guidelines, and reports sufficient to assess a development of the scale proposed have been submitted. I have noted reports throughout my assessment, including the landscape and visual impact assessment, architectural heritage impact assessment, design

report and material / finishes report. I also note the submitted micro-climate report which demonstrates that the wind environment as a result of the proposal is acceptable. I address biodiversity considerations below in section 12.9.

12.3.26. I note a third party objection stating that a utility pole and cable are absent from submitted drawings, however I can confirm that the absence of this utility equipment in the drawings does not impact my assessment of the proposed development. Should utilities require relocation as a result of the development, separate obligations will apply to the developer in that regard.

12.3.27. Overall, I consider that the proposed development satisfies the criteria described under section 3.2 and therefore SPPR3 of the Building Height Guidelines. This follows the complete assessment set out in my report and particularly sections 12.3, 12.4, 12.5 and 12.9, including consideration of the 2009 Residential Density Guidelines in the context of density and the Protected Structures / ACA.

12.4. Neighbouring Residential Amenity

12.4.1. The representations received raise a number of concerns relating to the potential impact of the proposed development upon surrounding residential amenity, particularly for the neighbouring areas around the Somerville streets. I also note comments from An Taisce in this regard. I address potential impacts in detail below.

12.4.2. Daylight and Sunlight

12.4.3. I note that the criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

- 12.4.4. I note third party concerns regarding the accuracy of drawings in relation to separation to surrounding existing properties, which would have consequential impacts for the daylight and sunlight assessment. The submitted drawings are based upon Ordnance Survey Ireland data (O.S Sheet Numbers 3263-07/3263-08). Having visited the site, I observed the street layout and general arrangement to be accurately reflected in these drawings, with the exception of a side extension to no. 1 Somerville Green. While this side extension does not feature in submitted drawings, it is accounted for in the submitted daylight and sunlight assessment. I am therefore content to base my assessment (as set out below) on the submitted information.
- 12.4.5. A Daylight and Sunlight Report has been submitted with the application. This describes the performance of the development against BRE criteria (The Building Research Establishment guidelines on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice). The analysis provided describes the results of testing for the proposed development compared to the existing condition on the site.
- 12.4.6. The report identifies the neighbouring properties tested on Somerville Green, Somerville Drive and Crumlin Village (St Agnes Road). All other properties in the immediate area surrounding the site have either an orientation or a distance from the application site, which would ensure that daylight and sunlight impact will not result from the proposed development.
- 12.4.7. In relation to the properties analysed, the majority of windows retain an acceptable level of daylight with the development in place, with no perceivable reduction in daylight levels. There are however 6 windows in Somerville Drive that will experience a perceptible change in daylight as a result of the development in place compared to the existing situation of the site. However, all of these windows are only marginally below a VSC of 27%, with VSCs between 26.34% and 26.94%. I note third party comments in relation to the size of these windows, which are stated in the submitted report to be larger than conventional size. However, my assessment has not been influenced by this assertion in the report and I have based my assessment upon the VSC results only. I consider that the alteration to daylight levels to these windows on Somerville Drive are on the edge of the minimum target VSC value recommended in the guidelines. In my opinion, this impact can be considered negligible, and having regard to the urban location, need for housing on zoned and serviced lands and the overall acceptability of the layout and design of the site, this impact is acceptable.

12.4.8. I note the Planning Authority comments in relation to the omission of daylight analysis to 1-6 St Agnes Road, a terrace comprised of first floor residential units above commercial uses in the village. The closest element in the proposed development to these addresses would be the pavilion building to the south east of Glebe House. On my visit to the site, I observed a window within the side elevation at first floor in this terrace. I also observed windows to the rear at first floor for these properties. To the rear of the St Agnes Road properties, the proposed apartment blocks on the site are set back approximately 35m from the first floor of no.'s 1-6 St Agnes Road. I also note that only the very start of no.1-6 St Agnes Road is situated parallel to proposed apartment block B. The remainder of the terrace would not directly face the proposed buildings on the subject site. I agree with the Planning Authority that analysis for this terrace of dwellings at first floor above the commercial units in Crumlin Village on St Agnes Road should have been included, or an explanation should have been provided as to why it was not required. However, I do not consider the omission of this data fundamental to my assessment, as I am still able to undertake an evaluation of likely potential impacts to these properties.

12.4.9. In terms of the side elevation window facing the site, it is likely in my view that this would experience perceptible reduction in daylight in the proposed development condition. However, given the distance of the proposed development and arrangement of windows to the rear of this existing terrace to the subject site, I do not consider there to be any likely substantial obstruction to the daylight levels to these rear windows. A small section of proposed block B would intersect the rear line from a first floor window for the terrace in the village. This part of the proposed development is largely formed of the side on view of balconies, and therefore a solid obstruction would not result. In light of the distance of the proposed block, the small number of windows potentially impacted and the minimal potential for obstruction, it is my opinion that the proposed developments impact upon the daylight levels in 1-6 St Agnes Road would not be significant.

12.4.10. Notwithstanding my above assessment, even if a significant reduction in daylight did result to these windows, it is my view on balance, that this impact would be acceptable. As part of my consideration of this aspect of the proposal, I note that the BRE Guidelines state that the described target values are purely numerical, and that different criteria may be used based on the location of a development (appendix F

paragraph F1). It is my view that daylighting conditions for properties in a city location should logically be expected to experience less daylight and sunlight access in general, than more lower density suburban or rural environments. This is in reflection of the need for higher density development in city locations, and as such, it will be expected that new development will have some degree of impact upon existing properties daylight levels. This is in light of the strategic importance of housing delivery in the state and particularly within an accessible urban area in Dublin which is suitable for higher density development, such as the subject site.

12.4.11. In relation to sunlight, the submitted report does not provide analysis of annual probable sunlight hours (APSH). However, I note that the Building Height Guidelines does not explicitly request such analysis, with reference to daylight and overshadowing, or loss of light in general, but no specific reference to sunlight. As such there is no specific planning policy requirement for such an assessment of APSH levels, and I do not consider the omission of this analysis to be significant in this instance. An assessment of overshadowing is however required and overshadowing diagrams are provided as part of the application. These give an indication of the extent of any reduction in sunlight levels to adjacent properties. This shows increased overshadowing of properties to the west of the site in the morning period in spring and in the morning and early afternoon period in winter. Summer sunlight will not be significantly altered to properties to the west, with only some additional shading in the evening for properties to the east. I also consider that within city locations, sunlight conditions should be expected to reflect the urban character of the area and it will be expected that new development will have some degree of impact upon existing properties sunlight levels. Overall, I am satisfied that impact upon sunlight levels to adjacent properties will be acceptable given the urban character of the site.

12.4.12. In relation to overshadowing of amenity areas, BRE target values are that over 2 hours of sunlight is achieved over a minimum of 50% of existing amenity areas on the 21st March. I note third party comments in relation to the time of darkness in June, and the extent of overshadowing in the morning and summer, however my assessment is focused on overshadowing recommendations in the BRE guidelines. The submitted report includes analysis of both front and rear garden areas for properties that could be potentially impacted on Somerville Green, Somerville Drive

and Crumlin Village (St Agnes Road), as well as existing public open spaces on these streets. This analysis demonstrates that all areas will exceed the minimum BRE target and therefore overshadowing of external amenity areas is within acceptable limits.

12.4.13. Overlooking (Privacy)

12.4.14. My assessment of the potential for overlooking of adjacent areas considers the location of windows, balconies and terrace areas within the proposed development, to habitable room windows in surrounding residential dwellings. Objections have been received from residents in properties adjoining the boundaries to the site. Objections include concern regarding overlooking of private garden areas, which I have also given consideration of.

12.4.15. To the north west adjacent to the site, is a laneway and back land area. Adjacent to the laneway are the rear gardens for the 2 storey red brick dwellings at St Agnes Terrace. To the north east adjacent to the site, is the terrace of ground floor commercial with first floor residential uses fronting St Agnes Road. The forecourt areas and rear areas for the terrace are also situated here. To the east and south east adjacent to the site, is the road for Somerville Drive and its pedestrian areas, along with the front of properties and gardens for 2 storey dwellings facing the road. An informal public amenity area is also situated here opposite the dwellings, with the community hall directly abutting onto the rear of the subject site. To the south west adjacent to the site, is an informal grassed public amenity space. To the west adjacent to the site is Somerville Green, with 2 storey dwellings running perpendicular to the subject site. The side of no. 1 Somerville Green and its front and rear garden directly bound the subject site boundary.

12.4.16. I note concerns raised in third party responses concerning the accuracy of the submitted drawings, with the laneway adjacent to the site shown to have a regular width, a matter disputed by the residents. The submitted drawings are based upon ordnance survey Ireland data (O.S Sheet Numbers 3263-07/3263-08). Having visited the site, I observed that the boundary line to the laneway as it abuts the subject site featured walls, rubble and buildings, situated at varying points. In my view, these features are not necessarily representative of the actual boundary line, and I have no reason to doubt the ordnance survey data that has informed the submitted drawings.

I am therefore content to base my assessment (as set out below) on the submitted information. I also note the Planning Authority comments in relation to the varying separation distances shown to no.1 Somerville Green, which alter as a result of projections in the proposed development above ground level, and I concur with this view. This existing property also has a two storey side extension that is not indicated on the submitted drawings, however I have considered this extension as part of my assessment.

12.4.17. The closest element of the proposed development to the side and rear laneway for the red brick St Agnes Terrace is the pavilion building A and apartment Block B. At the closest point, the proposed pavilion A building is situated approximately 6m away from the boundary to the laneway, this increases to over 9m to the boundary with no.1 St Agnes Terrace. The only windows looking directly towards the property in the proposed pavilion building A serve a bathroom and stairwell area. Secondary windows to a living room at ground and first floor look toward the rear garden areas of the existing terrace properties. Apartment Block B is situated approximately 4.7m away from the boundary with the laneway and back land area. In my assessment I have considered the future development potential that could be negatively impacted from overlooking in the proposed development, of this back land area with a residential zoning. There are no windows in this proposed block looking towards these adjacent areas, with oblique windows included in the design to prevent potential overlooking. There are two balconies that side on to these areas, however they are fully enclosed in the brick frame of the building at this end. The upper level of Block B is then set further back over 22m from this end. A first floor podium exterior communal amenity area is also included to proposed Block B and is situated closest to the side boundary with no.1 Somerville Green and the back land area. This proposed podium is enclosed with a 1.2m high wall and intended landscaping at the edge includes dense planting that would provide screening of views. Proposed apartment Block A is situated closest to the public road area, front gardens and informal amenity area on Somerville Green. The closest windows in the proposed block are oblique and set in solid spandrel panels. Balconies in the proposed block also incorporate screens to prevent potential overlooking. The areas in Somerville Green situated closest to Block A at this point are all public in character, and therefore less sensitive to overlooking in my view in any case.

12.4.18. To the rear of the site, the proposed development abuts the Moeran community hall building on Somerville Drive. This is a public building that is not a sensitive use when considering overlooking. In any case, there are no windows or areas that would be unduly overlooked in my view. However, the community building is located on lands zoned residential, and therefore I have considered any future development potential of these lands that could be negatively impacted from overlooking in the proposed development. The proposed development is situated 2.8m away from the boundary with the community building at its closest point. Windows in the proposed block feature on an elevation that is approximately 14m in width, serving 2 apartments repeated on 5 floors on this end of the site. The proposed windows are formed of two windows to bedrooms, one high level secondary window to a living room and a balcony with window/door to living room. The apartments are all dual aspect. The upper 6th storey level of the block is set further away from the boundary. It is not expected or planned for the community hall building site to come forward for development in future, however I give this due consideration to cover all potential eventualities. If this neighbouring site were to come forward for development in future, development of that site would need to accommodate these windows which rely upon light and privacy across the community hall building site. However, I consider that there is sufficient space on this neighbouring site to make such an accommodation, particularly as the proposed development only situates part of the elevation (across 14m) in close proximity to this boundary, with the rest of proposed Block A set further away from the boundary edge.

12.4.19. Separation to windows in properties on Somerville Drive is well over 20m to the east of the site. Front gardens / driveways for Somerville Drive are situated closer to the development site, however these are publicly overlooked and separated from the site by the roadway. To the north east, the subject site immediately abuts the building line of the ground floor commercial with first floor residential at no.1-6 St Agnes Road. Proposed pavilion building B is situated 7.6m away from the terrace at its closest point. However, the existing building line follows an oblique angle and therefore no direct overlooking occurs between windows in the proposed development and this existing property.

12.4.20. With respect to the foregoing assessment, overall I am satisfied that the proposed development does not result in unacceptable overlooking or adversely impact the privacy of adjacent properties / lands or occupiers.

12.4.21. Security

12.4.22. A number of concerns have been raised by third parties relating to security, with particular focus on potential consequential impacts following the opening up of the cul-de-sac on Somerville Drive. Concerns are also raised regarding access to the laneway at the rear of Moeran Road and Balfe Road. General concerns regarding anti-social behaviour and the encouragement of congregation in the area are also raised. I note that the Planning Authority consider the opening up of the cul-de-sac to be a benefit in the proposed development.

12.4.23. Currently Somerville Drive features a series of terraced houses, with front garden / driveway areas facing onto the road. To the opposite side of the road, is an existing high, imposing, concrete, boundary wall for the subject site and grass verge. It was apparent from my visit to the site that the grass verge area is utilised by residents for planting, as well as use of the informal grassed open area adjacent to the community hall for children's play. The ability to continue to use existing streets surrounding the site for play by children in the area was a frequent concern in third party responses. I observed during my site visit that the existing character of the cul-de-sac is currently quiet in terms of footfall.

12.4.24. The proposed development intends to create an opening at the top of Somerville Drive through the subject site and with a public plaza connecting onto St Agnes Road. This public plaza area will be overlooked by the proposed residential amenity area within Block B and café in pavilion B of the proposed development. In my view, the redevelopment of the subject site will have inherent consequences for the character of Somerville Drive. These consequences will include, in my view, the improvement of the aesthetic appearance of the road along the edge of the subject site. The existing imposing, high, concrete, boundary wall will be replaced with a good quality residential development and associated landscape treatment. This will no doubt increase the population and associated footfall in this area. The opening up of the cul-de-sac at the top of Somerville Drive will further increase footfall, but with significant benefits for both existing and future occupiers of the area. Providing

increased connectivity through the area and onto the village with its range of amenities and facilities. The provision of the proposed café in pavilion B will also be readily accessible to residents as a result of opening up this link.

12.4.25. The new plaza area and route will be overlooked and surveilled by the residents amenity area and café in the proposed development. The incorporation of benches in this area will ensure that it is only pedestrians and cyclists that frequent the new route, and there is no intention for service vehicles or any other vehicles to pass through the route between Somerville Drive and St Agnes Road. I see no reason why the proposed landscape treatment and opening up of the cul-de-sac to pedestrian and cyclists would alter the ability of children to play in the areas that they currently do around the site. It is likely that there will be increased congregation in the plaza areas, but as these areas will form part of the setting to the café and residential amenity area, I see no reason to assume that anti-social behaviour would be encouraged through the arrangement of the development, or indeed tolerated by future occupiers of the proposed development who will overlook these areas.

12.4.26. Overall, while I accept that the proposed development will alter the existing quiet nature of Somerville Drive, with increased footfall and population of the areas around the street, I do not consider this to be a negative consequence of the development. I consider the opening up of the cul-de-sac and creation of public plaza, external seating areas and public café, to be beneficial elements of the proposed development for both existing and future occupiers of the area.

12.4.27. Lighting

12.4.28. I note a third party representations in relation to possible disturbance from the proposed development as a result of lighting from the new apartments and landscape areas. A lighting luminance report and external lighting plans have been submitted with the application, these describe the location and luminance level of exterior lighting to be included as part of the development. Luminance levels are appropriate for a residential urban area. I am satisfied that there will be no disturbance to adjacent residents from lighting at the proposed development. I address biodiversity considerations in relation to lighting in section 12.9 below.

12.4.29. Noise

12.4.30. I note third party concerns regarding noise from the proposed occupation of the development. This includes a concern around the change in the quiet character of the area, as well as noise from plant in the proposed development. I address construction impacts and related noise below. I have set out in my assessment above (primarily relating to security) why I do not consider the increased footfall in the area and associated change in character to be a negative consequence of the development. I consider this to be the same in relation to the occupation of the proposed development and its balcony areas, which in my view should only be expected to reflect noise at a standard residential level and not unusual for an urban area.

12.4.31. In relation to noise from plant as part of the operation of the proposed buildings, I note comments and recommended conditions from the Planning Authority in relation to this. I am satisfied that the proposed plant (including heat pumps) are of a standard form for a residential development that can be operated without adverse impact upon either existing residents or future occupiers of the development. I have included a condition in my recommended draft order regarding the same.

12.4.32. Concern is also raised by third parties in relation to the increased noise and disturbance that will result to existing residents adjacent to the proposed vehicular access to the site. This is located in the same location as the current vehicular access to the site. The access route is over 5m in width and a laneway provides further separation to the adjacent St Agnes Terrace properties. As a result, I do not consider that undue noise or disturbance will result to those adjacent occupiers as a result of the use of the proposed access.

12.4.33. Construction

12.4.34. Representations have been received regarding the potential for noise, dust, traffic disruption and damage to the highway as a result of construction works on the site. A Preliminary Construction Environmental Management Plan has been submitted with the application. Measures for the management of noise and suppression of dust are described. Vehicle site access and traffic management is also addressed. A condition is recommended to secure these arrangements and the submission of a final construction management plan for approval. With the application of these mitigation

measures, I have no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development.

12.4.35. I note the concerns raised by operators of the community hall to the rear of the site, in relation to potential for damage or land disturbance to that property during construction of the proposed development. I also note concern regarding the potential for weakening boundary walls that might adversely impact existing residents or traffic. The submitted Preliminary Construction and Environmental Management Plan states as part of its method statement for demolition of the buildings and wall, a dilapidation survey of the neighbouring properties will be carried out to ascertain existing conditions. I am satisfied that measures to be incorporated as part of construction management will ensure appropriate arrangements for demolition works without undue damage to adjacent properties or boundaries.

12.4.36. Other Amenity Concerns

12.4.37. I address other concerns raised in third party representations on amenity here. In relation to the obstruction of light to solar panels on existing properties, this is not a planning policy consideration and there is no measurement or standard that I can apply in this regard. I have described the impact from the proposed development upon overshadowing of surrounding areas, which is within acceptable parameters as described in planning guidelines. In relation to the impact that loss of sunlight would have upon the health of existing occupiers, again, I have described impacts according to planning parameters above, and these are within an acceptable range in my view.

12.4.38. Concern is raised in relation to the loss of views of the Dublin Mountains and I can confirm that these are not formally protected views. I also note concern that the movement of existing elderly occupiers or those with disabilities / limited mobility could be adversely impacted by the development. There is nothing intrinsic to the design of the proposed development in my view that would necessarily adversely impact these existing occupiers/visitors to the area. I address concerns regarding overspill parking separately below in section 12.6 of this report.

12.5. **Proposed Residential Standards**

12.5.1. I note third party concerns that there are insufficient amenities within the proposed development for residents. In this section of my report, I address the range of applicable standards guiding an appraisal of the quality of proposed accommodation.

12.5.2. Daylight, Sunlight and Overshadowing

12.5.3. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

12.5.4. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the development against BRE guidelines in relation to daylight and sunlight. The analysis is for selected rooms in the development that are considered to be the rooms representative of the 'worst case scenario' for access to daylight, due to their orientation and the presence of obstructions. BRE guidelines describe ADF targets of 2% for kitchens, 1.5% to living rooms and 1% to bedrooms. As kitchens in the proposed development form part of living areas, a default ADF of 1.5% is referenced in the submitted report. I accept this as being an acceptable approach for this application given its urban location and in light of BRE recommendations that kitchens are attached to well day-lit living areas. On this basis, the analysis demonstrates that all selected units comply with BRE minimum target daylight levels. In my view, as the 'worst case scenario' rooms achieve target ADF values, it can therefore be logically assumed that all rooms in the proposed development will achieve satisfactory daylight levels.

12.5.5. In relation to sunlight, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The submitted assessment does not provide analysis in this regard; however I note that the Building Height Guidelines do not explicitly refer to sunlight in proposed accommodation. The Building Height Guidelines state in criteria 3.2 that *'The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light'*. Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally 'light'. I describe

the predicted overshadowing of amenity areas within the proposed development below, and I have set out my assessment of daylight impact above. While there is no analysis provided in the submitted report with respect to potential sunlight levels to proposed units (following the APSH methodology in the BRE guidelines); I note the orientation of the site, with many units in the proposed development facing south east or west and therefore potential for good sunlight exposure. I also note that there is no specific requirement in relation to sunlight levels to proposed residential accommodation. As a result, I do not consider the omission of APSH data for units in the proposed development to be significant.

12.5.6. In relation to overshadowing, the submitted assessment shows that all public and communal external amenity areas receive at least 2 hours of sunlight over more than 50% of the area on 21st March, complying with BRE target levels.

12.5.7. Overall, I am satisfied that the proposed accommodation in the development will receive acceptable daylight and sunlight to units, and minimises overshadowing of communal external amenity areas.

12.5.8. Dual Aspect

12.5.9. The Apartment Guidelines state that in central, accessible and some intermediate locations, at least 33% of units should be dual aspect. These types of location are defined in light of their public transport accessibility and walking distance to surrounding centres. I have described in section 12.3 of my report why I consider the subject site to be an accessible location. As a result, I consider that the application site can accurately be described as a central / accessible location, as defined under the guidelines. Therefore, a minimum 33% for dual aspect units applies.

12.5.10. The applicant has stated that the number of dual aspect units is approximately 58%, which exceeds the policy requirement set out in the Apartment Guidelines. I have checked the submitted plans and can confirm that the units making up the minimum level of dual aspect provision benefit from a true dual aspect. There are no single aspect units facing due north. I therefore conclude that the proposed development is acceptable in relation to aspect.

12.5.11. Private Amenity Space

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

12.5.13. Communal and Public Open Space

12.5.14. The proposed development includes over 1,600sqm of communal amenity space, including play space in the podium courtyard area, this exceeds the minimum requirement for a scheme of this size. Public Open Space is also provided to the front of Glebe House amounting to 920sqm, this is in addition to new plaza areas adjacent to the café and forming the new pedestrian / cycle link from Somerville Drive to St Agnes Road.

12.5.15. Mix

12.5.16. I note third party concerns regarding the mix of dwellings proposed and the lack of family size units. The proposed mix is acceptable and conforms with SPPR 1 of the Apartment Guidelines: 1 bed 49%; 2 bed 48%; 3 bed 3%. In my view, both the 2 and 3 bedroom units can accommodate families in the development.

12.5.17. I note inconsistencies between the drawings and the schedule of accommodation with respect to the unit mix. There are instances of incorrect labelling of some units with respect to bedroom number in the drawings, however the schedule and description of development is correct with respect to these units. I also note that the 3 bedroom unit identified within the converted Glebe House is correctly detailed in 'Apartment Typologies – Sheet 02' drawing number 402 rev.P01, although the third bedroom is omitted in the first floor layout plan for the proposed development as a whole. These inconsistencies do not alter the policy compliance of the proposal or impact my assessment of the application.

12.5.18. Floor Area

12.5.19. The individual floor area for apartments meet the standards outlined in the Apartment Guidelines and 50% are greater than 10% larger than minimum standards, also complying with minimum standards in the guidelines.

12.5.20. Floor to Ceiling Height

12.5.21. The proposed development provides for a ground floor height of 3.14m and upper floors of approximately 2.55m, exceeding the minimum standards for ceiling heights

of at least 2.7m at ground floor and 2.4m on upper floors as described in the Apartment Guidelines.

12.5.22. Number of Apartments to a Core

12.5.23. The proposed development has a maximum of 8 apartments per core in accordance with policy standards described in the Apartment Guidelines.

12.5.24. Privacy

12.5.25. In relation to the potential for overlooking and associated privacy impacts within the proposed development itself, I am content that sufficient separation is achieved between all proposed apartments in the development.

12.5.26. I note that the Planning Authority raise concerns regarding the separation between a living room in Block B and bedroom in Block A (over 1st to 4th floors). I have identified the proposed units referenced by the Planning Authority and can confirm a separation distance of approximately 13.6m between these windows. In my view this is an acceptable separation distance between apartment units in the proposed development. This degree of separation is reflective of the typical across street separation in many parts of Dublin, with houses on such existing streets often situated on the back edge of pavement. Therefore, I do not consider there to be any opportunity for adverse impact from the 13m separation detailed in the proposed development for these particular units and this separation distance is not unusual in the city, in my view.

12.5.27. I also note the Planning Authority comments regarding the screening to a balcony of a south facing 1 bed unit in Block A at 4th floor level, which it is suggested should be relocated to the edge of the balcony. I concur with the Planning Authority in relation to this screening, which is necessary to prevent overlooking of an east facing bedroom in the same block. I also note that this same east facing unit is erroneously labelled as a three-bed unit in the drawings over all floors, while it actually has 2 bedrooms. The schedule of accommodation is however correct with respect to these units and this inconsistency does not impact my assessment.

12.5.28. Residential Amenity Areas

12.5.29. A residential amenity room is provided to the ground floor of apartment Block A in the proposed development and comprises approximately 80sqm of flexible space.

The applicant describes the intention of Circle as the owner / operator of the proposed development, to utilise the residential amenity space as a community based facility that is accessible to both residents and the wider community alike under the management of Circle. The access of this space by the wider community means that it should not be considered to form a purely residential amenity in my view. However, in my opinion, as there is no planning policy requirement for a residential amenity space in this type of application, there is no reason to restrict access to residents only. I note that the Planning Authority request that this area should be altered to accommodate a childcare facility. I address the potential need for a childcare facility in the proposed development in section 12.9 below.

12.6. Traffic and Transport

- 12.6.1. I note third party objections to the application related to existing congestion on the surrounding road network, which could be exacerbated by the proposed development.
- 12.6.2. A Traffic Impact Assessment, Road Safety Audit and DMURS Compliance report has been submitted with the application. This describes the potential impact of the proposed development during operation upon the local road network to be very limited. It is noted that the submitted Traffic Impact Assessment does not take into account census data which could result in a higher estimated trip generation from the proposed development. Given that the predicted impact upon the local road network is very limited, I am content that even with a higher trip generation, the road network surrounding the site would operate within capacity following operation of the proposed development.
- 12.6.3. Vehicle Access
- 12.6.4. The proposed vehicular entrance for the site is from St Agnes Road and located at the existing vehicular access point for Glebe House. This entrance is approximately 5m in width and is proposed to be bookended by two new cut stone columns at 2m in height, to replace the existing brick columns. The Transport Planning Department at Dublin City Council (hereafter referred to as the Transport Division) have highlighted concerns regarding the visibility and operation of this entrance. I also note third party concerns that the submitted report with the application contains an

erroneous speed limit for the area that would have consequential impact on sight lines at the vehicle access.

12.6.5. The submitted Road Safety Audit with the application identifies the entrance as currently designed to lack adequate inter-visibility between a driver exiting the site and pedestrians or cars on St Agnes Road. The Audit recommends that adequate visibility is provided for. Additional matters identified in the Audit include the lack of junction control and inter-visibility with go-car and visitor spaces located proximate to the entrance. Similarly, it is recommended in the Audit that these matters be resolved. It is possible that resolution of these matters will require alteration to the design of the vehicular entrance and / or removal or relocation of the car parking bays proximate to the entrance. I have considered the matters identified in the Road Safety Audit and the Transport Division / third party concerns. Overall, I consider it appropriate to secure further details, which may include amendments, of the vehicular entrance design. This may or may not include further alteration to boundary treatment, removal or relocation of go-car / visitor bays, inclusion of vehicular gate and junction control. I am satisfied that submission of these further details will ensure appropriate visibility splays and operation of the vehicular entrance proposed.

12.6.6. A secondary point of entry for service vehicles attending the switch rooms and sub station for the proposed development, is indicated off Somerville Drive. Removable stainless steel socket bollards and a security gate are shown to restrict and control entrance at this point. 5no. resident car parking bays are also shown adjacent to Somerville Drive, within the red line site boundary for the site. The Transport Division have requested that revised details of vehicle dishing should be submitted to limit the potential risk of vehicles mounting the footpath. Conditions are also requested concerning swept path analysis and details of areas to be taken in charge. I have included conditions in my recommended order below regarding the same, should the Board decide to grant permission for the development.

12.6.7. I note concerns from third parties that vehicles will access the new link through the site from Somerville Drive to St Agnes Road. This is a pedestrian and cycle link only, with measures incorporated into the landscape design to prevent vehicular access.

12.6.8. Car Parking

12.6.9. Third parties have raised objections to the level of car parking proposed and related consequential on-street parking that could occur on roads adjacent to the site. The Transport Division also highlight concern regarding car parking and the Planning Authority have concluded that there is a high risk of overspill parking from the proposed development onto surrounding roads that do not have any controls or restrictions around on-street parking. I note that the Transport Division describe the location of the site as inner suburban where high car ownership is indicated in census data at around 70%. However, the Planning Authority does not recommend that the application be refused on this basis and although highlighting this concern, a recommendation to grant planning permission is concluded in the Chief Executive Report. I also note that third parties are concerned with the data to support the car parking proposals, including issues around the characteristics of the site and that car parking associated with the adjacent community use to the site has not been considered in the submitted application reports.

12.6.10. The proposed development has a car parking ratio of 0.36 for the proposed residential units on the site. Spaces are proposed beneath a podium courtyard in apartment Block B, with 5 additional spaces located adjacent to the street on Somerville Drive. 3no. accessible designated disabled car parking bays are also included, and this conforms with required levels. Car parking management for the proposed development will be undertaken by Circle Voluntary Housing Association, as the owner of the proposed development. Parking management measures are described in the application and include the allocation of spaces and display of signage to assist control of use. Circle Voluntary Housing Association have confirmed that the proposed car parking quantum is sufficient for the future occupiers of the development, and this is based upon their experience managing or owning 5 existing residential developments in Dublin City Council. The subject site is located in Crumlin Village, with immediate access to the amenities and facilities located there. Bus stops are also situated immediately proximate to the site on St Agnes Road, with additional high frequency bus services located a short walk from the site on St Marys Road. A Quality Bus Corridor is also situated approximately 8mins walk from the site on Crumlin Road. The future Bus Connects scheme is also proximate to the site, and while I note third party concerns in relation to this, I can confirm that it will not reduce the accessibility of the site by public transport.

12.6.11. I note that the census data for the area suggests a higher ratio of private car ownership in the area, than reflected in the proposed car parking provision for the development. However, I consider that the operation of the development for a particular tenure of housing is a material consideration in the assessment of this matter. In my view, the census data for the general population of the area or the locality will not necessarily reflect the level of car ownership exhibited by occupiers in the proposed housing units under the management of a housing association. The application documents confirm that Circle Voluntary Housing Association currently own or manage residential developments in the City with a car parking ratio of between 0.13% and 0.55%, and that they consider the proposed parking to probably be in excess of their requirements given the particular characteristics of the subject site. I am satisfied with the data submitted to support the assessment of car parking provision in the development. Furthermore, I note that census data relates to car ownership among those primarily living in traditional housing formats, and does not reflect the future aspirations or trend for car ownership and usage. Current trends are unsustainable and planning policy is encouraging a modal shift in appropriate locations towards less reliance on private car ownership, and upon more sustainable transport modes. Continuing to reflect current CSO data for future car parking provision would not support this modal shift. Given the characteristics of the site as I have already described, with good access to public transport, and in light of the cycle storage provision included, I am content that this application can support lower levels of car parking than suggested in CSO data.

12.6.12. I do not agree with the Planning Authority that the proposed development is likely to generate a high risk of overspill parking onto surrounding streets. The Apartment Guidelines states that in central and / or accessible locations (such as the subject site location), the default policy for car parking is to be minimised, substantially reduced or wholly eliminated in certain circumstances. This Section 28 Guidance takes precedence over the Development Plan Standards for Car Parking and aims to encourage the reliance of future occupiers upon more sustainable travel modes compared to the private car. I have outlined in section 12.3 of this report the good accessibility of the site to both public transport and a significant employment centre at Crumlin Children's Hospital, which will disincentivise reliance on car transportation. In addition, I note the provision for cycle parking and a mobility management travel plan

as part of the development, which will further encourage alternatives to private car ownership. In light of the site specific and tenure specific considerations for this application, I am content with the quantum of car parking provision provided for the residential units proposed.

12.6.13. Visitor parking bays and go-car parking is also accounted for in the proposed landscape design. The provision of a car club scheme will be beneficial and contribute to discouraging private car ownership associated with the development. I acknowledge that alterations required to improve visibility and operation of the vehicular entrance may result in the reduction in visitor or go-parking bays for the development. I consider these arrangements to be acceptable.

12.6.14. There are 4no. spaces noted to be e-charging bays for electric vehicles on the ground floor plan submitted. A minimum of 10% is required and I have included a recommended condition in my draft order below, all spaces should also be future proofed for adaption to include electric charging points. I also note that 6 motorcycle spaces are also proposed for resident use and this is an acceptable provision in my view.

12.6.15. I note third party concerns that overspill parking onto surrounding streets will hinder access by emergency vehicles and the ability of the mobility impaired, users of wheelchairs and people pushing children in buggies to use footpaths, creating safety concerns. As outlined above, I do not consider that the proposed development will be likely to generate significant overspill parking onto surrounding streets. As a result, I do not perceive there to be any significant harm in relation to the usability of surrounding footpaths as a consequence of the proposed development.

12.6.16. Cycle Parking

12.6.17. The proposed development includes 274 cycle parking spaces, of which 200 are intended for use by residents, with 74 dedicated visitor cycle spaces. I note that the Transport Division highlight that the submission does not demonstrate that the proposed cycle parking provision can be accommodated within the storage area identified in the plans. The Transport Division also suggest that the quantum of visitor cycle spaces be reduced to accommodate non-standard cycle parking for both residents and visitors, it is also noted that no staff cycle parking is shown.

12.6.18. The proposed cycle parking provision exceeds Development Plan Standards, however I note that the submitted Traffic Impact Assessment suggests that the provision exceeds Apartment Guidelines recommendations – which it does not. However, the provision of 1.8 cycle spaces per a residential unit (including visitor spaces), is an acceptable quantum of cycle storage for this development in my view and is appropriate given the level of car parking proposed. Details are not provided of the type of cycle storage to be incorporated, which is contributing to the queries raised by the Transport Division concerning the adequacy of storage space to accommodate these spaces. However, from the submitted drawings, I consider it likely that stacked cycle storage is proposed, as this appears to be the type indicated in the drawings. Conditions can secure further detail of this and the minimum provision detailed in the application documents. I do not consider it necessary to reduce the quantum of visitor spaces to facilitate non-standard bike types which by definition are less likely to be owned by residents, and as Sheffield type stands are provided in the proposed landscape of the site, which will accommodate a range of cycle types.

12.6.19. Pedestrian and Cycle Routes through the Site

12.6.20. A new pedestrian and cycle link from Somerville Drive to St Agnes Road is incorporated into the proposed development and will enhance connections through the area to the benefit of both existing and future occupiers in the area. I note that the Transport Division suggest that landscaping along the route may result in pinch points and I have incorporated a condition in my draft recommended Order to request final details of the landscape finish of the route. This is adequate in my view to ensure an acceptable design should the Board be minded to grant planning permission for the proposal. Overall the design of the proposal provides for safe and adequate movements for both pedestrian and cyclists. I have addressed third party concerns regarding the operation of this route separately in section 12.4 above.

12.6.21. I also note third party concerns that the new link will encourage on street parking on Somerville Drive by visitors to the village shops and services. There are a number of parking spaces currently located in the village that serve visitors by car. I am satisfied that the provision of this link will be beneficial to the area and will not generate significant on-street parking in the area.

12.6.22. Servicing

12.6.23. I note third party concerns regarding service vehicles accessing the site from Somerville Drive and potentially using the pedestrian link to St Agnes Road. As detailed above, the landscape treatment of this pedestrian / cycle link will prevent vehicular access. Servicing for the site will be limited to refuse collections and occasional deliveries to the café use.

12.6.24. An Operational Waste Management Plan has been submitted with the application and I note the ground floor drawings indicating the refuse storage area for residents at the base of proposed apartment Block B within the undercroft parking area. The Plan states that this is a shared waste storage area for residents and that the non-residential use on the site will be required to facilitate refuse storage separately within the unit itself. I consider the proposed arrangements for storage of refuse to be acceptable.

12.6.25. The submitted Plan also describes waste collection arrangements which will require a managed arrangement. All storage of bins is proposed to be undertaken within the boundary of the site on collection days. A condition can secure final details of the arrangements for waste collection.

12.6.26. Public Transport

12.6.27. I note third party concerns regarding the capacity and adequacy of the surrounding public transport network to serve the proposed development. The proposed development is accessible to a range of bus stops. No concerns have been raised by the Planning Authority or TFI, and no response has been received from the NTA, regarding capacity of the public transport network to support the future population of the development. Overall, I am content that the proposed development is acceptable in relation to public transport.

12.7. **Material Contravention**

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

- 12.7.2. I have considered the issue raised in the applicants submitted statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).
- 12.7.3. I draw the Boards attention to the height of the proposed development which exceeds the DCP height strategy for this area of 16m for residential development, while the proposed development has a maximum height of approximately 20m (6 storeys).
- 12.7.4. I have considered the Statement of Material Contravention submitted with the application which describes the justification for the proposed height. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities. Particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to public transport services, character of the location, the contribution of the proposal to the street, the avoidance of uninterrupted walls, contribution to public spaces, compliance with flood risk management guidelines and improvement of legibility. In addition, I have had regard to the quantitative performance of the proposed development against BRE daylight, sunlight and overshadowing criteria. My assessment has provided a complete appraisal of impacts in this regard and described the balance in that assessment required for a city site such as the proposal site. My assessment of the development against the section 3.2 criteria in the Building Height Guidelines is set out in detail in section 12.3 above, including related assessments in section 12.4, 12.5 and 12.9 of this report. Specific assessments have also been provided to assist my evaluation of the proposal, specifically a landscape and visual impact assessment, architectural heritage impact assessment, design report, material / finishes report and micro-climate report.
- 12.7.5. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant a permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).
- 12.7.6. Under section 37(2)(b) (i) the proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing

development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

- 12.7.7. Under section 37(2)(b)(iii) permission for the development should be granted having regard to the Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy 2019-2031, which seeks to increase densities on appropriate sites within Dublin City and Suburbs. In addition, permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines. I refer the Board to section 12.3 and other related sections of this report (12.4, 12.5 and 12.9), that address these criteria in detail.
- 12.7.8. Following reflection of the above, I am satisfied that a grant of permission, that may be considered to materially contravene the Dublin City Development Plan is justified in this instance. I have incorporated specific reasoning and justification having regard to s.37(2)(b) of the 2000 Act (as amended) into the Conclusion and Recommended Order for the Board's consideration at the end of this report.
- 12.7.9. I note a third party representation that the proposed development contravenes Development Plan policies relating to protected structures and that the material contravention statement does not address this. I have provided a comprehensive assessment of the impact of the proposed development upon the Protected Structure on the site in sections 12.2 and 12.3 of this report. I do not consider there to be a material contravention of the Development Plan in this regard, and therefore I consider the submitted statement acceptable in addressing the matter of height only.

12.8. Screening for Environmental Impact and Appropriate Assessment

12.8.1. Environmental Impact Assessment

12.8.2. I note third party comments regarding the lack of a thorough environmental impact assessment of the application. The application is accompanied by an EIA Screening report which has regard to Schedule 7A of the regulations. I have completed a screening assessment as set out in Appendix A and 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 assessment is as follows:

12.8.3. Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Z1 'To protect, provide and improve residential amenities' where residential is a permissible uses and restaurant is open for consideration in this land use zoning. The proposed café (restaurant) use is permissible in the land use zoning.

(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).

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Preliminary Construction and Environmental Management

Plan, The Operational Waste Management Plan, the Traffic Impact Assessment Report and the Flood Risk Assessment.

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

12.8.5. Appropriate Assessment

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

12.8.7. *The Project and Its Characteristics:*

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

12.8.9. *The European Sites Likely to be Affected - Stage 1 Screening:*

12.8.10. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity predominantly comprise residential and commercial along with transport arteries and a community use to the rear of the site. There are no watercourses in the immediate vicinity of the site with natural drainage pathways ultimately leading to the River Liffey in Dublin City Centre.

12.8.11. I have had regard to the submitted Appropriate Assessment (AA) Screening Report, which identifies that the site is not located within or directly adjacent to any Natura 2000 areas, however surface water and wastewater pathways ultimately lead to Dublin Bay and water supply for the development will originate from a reservoir. The report therefore identifies the following Natura 2000 sites as being located sufficiently proximate or linked to the site to require consideration of potential effects.

- North Dublin Bay cSAC (0206);
- South Dublin Bay cSAC (0210);
- South Dublin Bay and River Tolka Estuary SPA (4024);
- North Bull Island SPA (4006);

- Poulaphouca Reservoir.

12.8.12. The specific qualifying interests of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

Table 12.8.1 Natura 2000 Sites Qualifying Interests

Site (site code)	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
North Dublin Bay cSAC (0206)	4.5km	Mudflats and sandflats not covered by seawater at low tide (1140) Annual vegetation of drift lines (1210) Salicornia and other annuals colonizing mud and sand (1320) Atlantic salt meadows (1410) Mediterranean salt meadows (1410) Embryonic shifting dunes (2110) Shifting dunes along the shoreline with <i>Ammophila Arenaria</i> (white dunes) (2120) Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130) Humid dune slacks (2190) <i>Petalophyllum ralfsii</i> (Petalwort) (1395)
North Bull Island SPA (4006)	4.5km	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>) Teal (<i>Anas crecca</i>)

		<p>Pintail (<i>Anas acuta</i>)</p> <p>Shoveler (<i>Anas clypeata</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Curlew (<i>Numenius arquata</i>)</p> <p>Redshank (<i>Tringa tetanus</i>)</p> <p>Turnstone (<i>Arenaria interpres</i>)</p> <p>Black-headed Gull (<i>Larus ridibundus</i>)</p> <p>Wetlands and Waterbirds</p>
South Dublin Bay cSAC (0210)	4.5km	<p>Mudflats and sandflats not covered by seawater at low tide (1140)</p> <p>Annual vegetation of drift lines (1210)</p> <p>Salicornia and other annuals colonising mud and sand (1310)</p> <p>Embryonic shifting dunes (2110)</p>
South Dublin Bay / Tolka Estuary SPA (4024)	4.5km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p>

		Knot (<i>Calidris canutus</i>) Sanderling (<i>Calidris alba</i>) Dunlin (<i>Calidris alpina</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Redshank (<i>Tringa tetanus</i>) Black-headed Gull (<i>Larus ridibundus</i>) Roseate Tern (<i>Sterna dougallii</i>) Common Tern (<i>Sterna hirundo</i>) Arctic Tern (<i>Sterna paradisaea</i>) Wetland and Waterbirds
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12.8.13. Table 12.8.1 above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for each SAC / SPA area.

12.8.14. *Potential Effects on Designated Sites:*

12.8.15. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'.

12.8.16. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013), the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.

12.8.17. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA (NPWS, 2015a & b) the conservation objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.

12.8.18. Generic conservation objectives have been published by the NPWS for the Poulaphouca Reservoir and comprise the maintenance or restoration of the favourable conservation condition of the Annexed species for which the SPA has been selected.

12.8.19. The site is approximately 7km from the boundary of the closest Natura 2000 areas within Dublin Bay. In reality however, this distance is likely to be greater when

following the hydrological pathway through the drainage network. There is no direct pathway to Dublin Bay / Tolka Estuary from the site, however indirect connection may exist via wastewater and surface water run-off. I note third party comments in relation to potential impact upon water quality due to lack of infiltration drainage systems. Because of the distance separating the site and the SPAs/SACs noted above, including the distance to hydrological pathways (rivers / canal), there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs.

12.8.20. During the construction phase of the development, the main potential impact relates to the escape of sediment and pollution. A Preliminary Construction and Environmental Management Plan has been submitted with the application and describes the incorporation of best practise measures during works on the site. This includes standard operational procedures to control the possibility of potential pollutants exiting the site during construction. These measures are not designed or intended specifically to mitigate any putative potential effect on a Natura 2000 site. They constitute the standard approach for construction works in an urban area. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a site whether or not they were explicitly required by the terms or conditions of a planning permission.

12.8.21. During the operational phase of the development, the main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any Natura 2000 site. I note comments by DCC Parks, Biodiversity and Landscape Division with respect to potential impact upon Dublin Bay. In terms of pollution arising from wastewater discharge, it is detailed that additional loading to the Ringsend Wastewater Treatment Plant arising from the development is not considered to be significant having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation objectives of Natura 2000 sites in Dublin Bay and furthermore, that the upgrading works at the plant will address future capacity.

12.8.22. There is no evidence that abstraction is resulting in negative ecological effects to the Poulaphouca Reservoir SPA and there are no effects which can occur due to abstraction of freshwater.

12.8.23. *In Combination or Cumulative Effects:*

12.8.24. 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 WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Dublin City Council 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 areas.

12.8.25. *AA Screening Conclusion:*

12.8.26. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

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

12.9. Other Issues

12.9.1. Trees and Biodiversity

12.9.2. An Arboricultural Assessment and Impact Report has been submitted with the application. There are 5 trees located within the site, all towards the front of the site closest to St Agnes Road. The trees have been assessed to of moderate or low quality, with 4no. category B trees and 1no. category C tree. I note that the submitted report contains erroneous numbers for these categorisations in table 1, however the submitted tree survey plans clearly identify the individual categorisation of trees on the site. It is proposed to remove the category C tree fronting onto St Agnes Road

due to its poor condition with limited long-term potential due to poor management and decay. It is also proposed to remove a category B tree to the western boundary which has been assessed to be growing too close to the boundary wall and would cause damage as a result in the long-term. The remaining 3no. category B trees are identified for retention with measures described for the protection and maintenance of the trees. A Tree Protection Strategy and Arboricultural Method Statement have been submitted alongside a tree protection plan to describe measures to protect trees during construction. These measures can be secured by conditions should the Board be minded to grant permission for the development, and I have included conditions related to this in my draft recommended order below.

12.9.3. A bat assessment report has been submitted with the application. This describes the results of surveys undertaken on the site that recorded the Leisler's bat species feeding and commuting across the area. The report makes a number of recommendations, including that semi-mature trees and shrubs be incorporated to provide adequate replacement habitat, measures to be incorporated during construction, recommendations for lighting, incorporation of bat boxes and precautions to be taken during tree and fascia removal. I note that the landscaping proposals incorporate semi-mature tree planting at the front and rear of the site. In terms of total avoidance of disturbance to bats, I am satisfied that this is not achievable whilst providing an appropriate density of housing on these serviced and zoned lands. Any reasonable/sustainable density on site would result in some disturbance, that the development of zoned urban lands in lieu of urban sprawl into greenfield lands is of a lesser impact and appropriate, and as mitigation is proposed I am satisfied that there is no undue adverse impact on bats. The incorporation of planning conditions can appropriately secure the recommended mitigation measures in the report and will ensure that no significant harm is likely to occur to the overall bat population as a result of the development. Should the Board be minded to grant planning permission I have incorporated conditions regarding the same, in my draft recommended order below.

12.9.4. Social and Community Infrastructure

12.9.5. I note third party concerns regarding a lack of existing social infrastructure in the area to support the proposed development. Including a lack of community facilities,

healthcare provision, school places and public services. Responses also object on the basis of the lack of childcare provision, which I address separately below.

12.9.6. A Social and Community Audit has been submitted with the application and describes existing facilities / amenities in the area. Health facilities, education, childcare, open spaces / sports & recreation and other relevant community and cultural facilities are all considered within the audit. The proposed development also includes new public open space, a new flexible amenity facility (described in more detail in relation to childcare below), a café and a new public pedestrian / cycle route creating greater connection through the area and onto the amenities / facilities in Crumlin Village. I am satisfied that the submitted audit identifies a range and adequate number of existing facilities / amenities in the area, including primary and secondary schools, open spaces, health and social care services, community facilities and cultural / religious facilities. The proposed development also incorporates additional amenities and facilities to the benefit of both future occupiers and the wider community.

12.9.7. Childcare

12.9.8. Third party responses have raised concern regarding the lack of childcare provision as part of the proposed development. The Planning Authority have also stated that they consider that a childcare facility should be provided in the proposed development. The Planning Authority recommends a condition requiring the conversion of the proposed residential amenity space on the ground floor of proposed apartment Block A into a childcare facility.

12.9.9. The Guidelines for Childcare Facilities requires the provision of childcare facilities for new housing for 75 or more dwellings unless there is justification to exclude such provision. This may include the existing provision of childcare facilities in the area and/or the exclusion of 1 bedroom units that are unlikely to generate any associated child yield.

12.9.10. A Creche Demand and Needs Assessment has been submitted with the application. This describes that the proposed development generates a requirement for 20 childcare spaces in accordance with The Guidelines for Planning Authorities on Childcare Facilities. It is suggested in the report that a childcare facility for 20 spaces would not be commercially viable and that as only the minimum threshold is triggered by the proposed development, it was determined to incorporate a residential amenity

flexible space in lieu of a childcare facility. The report describes the existing childcare provision in the area around the site within a 1.5km radius. This amounts to 19 creche/childcare facilities with a total capacity of 775no. places. While there is no indication of the available space in these facilities at this time, I accept that such a survey is of limited use when considering the future requirements generated by the proposed development, which would be some years into the future.

12.9.11. Having reviewed the childcare facilities identified in the area, I note that 7 of these facilities are sized for between 15 and 24 children. I take this as indication that a facility to serve 20 children as part of the proposed development should not be considered an unviable proposition on face value. No evidence has been submitted to support this suggestion by the applicant and therefore I do not agree with this assumption. I also note the planning precedent schemes referenced in the applicant's report, two of which did not trigger the need for a childcare facility under the criteria in the guidelines (with less than 20 spaces required). The third was located in Donnybrook and was judged on its own merits, on the basis of evidence submitted, to not require a childcare facility.

12.9.12. I note that appendix 13 of the Dublin City Council Development Plan 2016-2022 states that: *"For new residential schemes, one childcare facility will be required unless there are significant reasons to the contrary. A benchmark provision of one childcare facility per seventy-five dwellings is recommended (and a pro-rata increase for developments in excess of seventy-five houses). Regard shall be given to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas."*

12.9.13. In relation to the childcare facilities identified in the area surrounding the site, this does amount to a significant provision and would likely support the childcare demand associated with the proposed development. Demographic data for the area is also provided in the report. Notwithstanding the lack of a survey of capacity levels within the facilities, it is clear that significant childcare provision exists in close proximity to the site. Furthermore, I note the letter from Circle Voluntary Housing Association appended to the report, which is a material consideration in my view. This describes the intention of Circle as the owner / operator of the proposed development, to utilise the residential amenity space as a community based facility for mother and toddler groups, coffee mornings, homework club, residents activities and workshops, along

with residents / community meetings. It is intended that the facility be accessible to both residents and the wider community alike under the management of Circle. It is highlighted that Circle operate similar facilities at Sean Tracy House and Peadar Kearney House in Dublin City. In my view, the provision of such a facility would be of significant benefit to residents in the proposed development. While the facility would also be open to the wider community, this would not decrease its value to future occupiers of the proposed development in my view, with open access to the type of community focused and support activities described assisting in building relationships between both existing and future occupants of the area. In light of the existing childcare facilities identified in the area and the specific intentions around the use of the resident amenity space on the site, I am satisfied that this amounts to 'significant reason' as described in appendix 13 of the Development Plan, to permit the proposed development without a childcare facility.

12.9.14. Overall, I consider the proposed development to trigger the need for a childcare facility, in accordance with the criteria described under The Guidelines for Planning Authorities on Childcare Facilities (2001). However, based upon the evidence submitted (as described above) and in light of the intention to use the residential amenity space for valuable community focused and support activities, I consider the omission of a childcare facility in the proposed development to be acceptable in this instance.

12.9.15. I note that a third party representation suggests that the lack of childcare provision on the site is discriminatory towards women. However, as outlined above, I consider that sufficient evidence has been submitted with the application to support the lack of provision, and I do not consider that significant harm will result to any specific sectors of the community. I also suggest that a condition can be used to secure further detail of the operation and management of the resident's amenity / community facility space; and I have included a condition requiring the same in my draft recommended Order below.

12.9.16. Flood Risk / Surface Water Run-Off / drainage

12.9.17. Third parties have raised concerns regarding existing flooding in the area. I note that criteria under section 3.2 of the Building Height Guidelines includes that proposals

are to be in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009) (the ‘Guidelines’).

12.9.18. A Water Services report and Flood Risk Assessment has been submitted with the application. I note that the Planning Authority Drainage Division has not raised any concerns regarding the submitted details and suggests a number of conditions related to SUDs, drainage, attenuation and flood risk. The subject site is located in Flood Zone C and therefore has a low probability of flooding. A possible flood risk from Pluvial Sources is noted and mitigation has been incorporated in the design of the proposed development in the form of permeable paving. The development's drainage design includes for a 30% climate change allowance and it will not increase surface water run-off when compared to the existing site. I am satisfied that the proposals are in line with the requirements of the flood risk management guidelines and that the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere. I have incorporated conditions to secure appropriate mitigation in relation to flood risk and drainage in my recommended draft Order below.

12.9.19. I note third party representations in relation to water and drainage services in the area and concern regarding the additional strain the proposed development would place on these. Irish Water have confirmed feasibility for the development. I am satisfied that with the incorporation of conditions, the proposed development is acceptable in relation to drainage and water infrastructure.

12.9.20. Energy

12.9.21. An Energy Statement is submitted with the application. This describes the incorporation of low and zero carbon energy sources for the development. Solar photovoltaics are included along with green roofs on selected roof areas in the proposed development.

12.9.22. Property Values

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

12.9.24. I also note third party objections requesting financial compensation and suggesting that loss of earnings would result due to the inability to work from home as a result of the proposed development and associated works to construct the development. These would be private matters, not addressed in planning legislation or policy.

12.9.25. Part V and Tenure

12.9.26. The applicant has submitted Part V proposals as part of the application documents. 15 no. apartments are identified in compliance with Part V of the Planning and Development Act 2000 (as amended). The Planning Authority Housing Department have confirmed that Doyle Kent Planning Partnership Ltd. on behalf of Seabren Developments Ltd. has engaged with the department and are aware of the Part V obligations pertaining to this site if permission is granted. The Part V units are located across both the proposed apartment blocks.

12.9.27. I note third party representations regarding the proposed tenure of the scheme. The proposed tenure will support the provision of affordable housing types in the area under the management of Circle Voluntary Housing Association. There is no obligation under planning policies to prioritise local people for this accommodation and occupation will be managed by the housing association.

12.9.28. Concerns are raised regarding the existing quantum of social housing in the area and the segregation of tenure types into different apartment blocks in the proposed development. However, I note that the Planning Authority have not highlighted any concerns with the tenures proposed and that the arrangement of the tenures in the two blocks will assist in ongoing management requirements. Third party comments also suggest that apartment developments are associated with illegal or anti-social behaviour, however in my view there is no evidence to support this proposition.

12.9.29. Fire

12.9.30. I note third party concerns regarding proper fire safety risk management. I can confirm that risk management is considered as part of Building Regulations that will be applicable to the proposed development. Compliance with fire safety requirements is a separate, parallel, regulatory requirement.

13.0 Conclusion

- 13.1. The proposed residential development with café and flexible residential amenity space is acceptable in principle at this site with regard to the relevant zoning Z1 'To protect, provide and improve residential amenities'.
- 13.2. The proposed development with a maximum 6 storey height and including the refurbishment of the former Glebe House Protected Structure, will in my view, be sensitive to, and protect the special interest of, both the Crumlin Village ACA and Protected Structures located on and in proximity to the site. The proposed development brings back into viable residential use a building of historic significance and importance in the ACA. I consider that the two 3 storey pavilion buildings proposed either side of Glebe House are designed to enhance the visual significance of the Protected Structure. The proposed apartment buildings to the rear of the Glebe House have heights ranging from 4-6 storeys, mitigating impact to the lower rise residential estates to the rear and the setting of the ACA. The proposed development will enhance and bring back into use a site that in its current condition, detracts from the special character of the ACA in my view. New pedestrian / cycle links through the site and public open space on the site, will benefit both existing and future occupiers of the area.
- 13.3. I am also satisfied that the development would not have any unacceptable adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at an unacceptable risk from flooding, and the proposal will not increase the risk of flooding elsewhere.
- 13.4. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

14.0 Recommendation

Planning and development Acts 2000 to 2019

Planning Authority: Dublin City Council

14.1. 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 29th Day of January 2021 by Seabren Developments Ltd and Circle VHA CLG care of Doyle Kent Planning Partnership Ltd, 71 Carysfort Avenue, Blackrock, Co. Dublin.

Proposed Development

14.2. The proposed development will consist of:

- 152 no. residential apartments comprising 75no. one beds, 73no. two beds and 4no. three bed units, with an overall gross floor area of 15,144sqm;
- Two apartment buildings are proposed ranging in height from 4 to 6 storeys and linked by a pedestrian walkway at first floor level comprising:
 - Block A is 5-6 storeys and consists of 81 apartments and includes 36no. one beds and 45no. two bed units with provision of ESB substation/switch room/metering room of 88sqm;
 - Block B is 4-5 storeys and consists of 66 apartments and includes 8no. one beds, 25 no. two beds and 3no. three bed units, together with 81sqm of residential amenity space at ground floor level. It also provides for a ground floor car park with 49no. car spaces, beneath a podium, plant rooms of 74sqm, ESB substations/switch room/metering room/telecoms of 89sqm, 200no. secure bicycle storage, 6 no. motorcycle spaces and bin storage of 75sqm. Communal open space is provided at podium level above the car park.
- Two no. three storey pavilion buildings either side of Glebe House to accommodate:
 - One number two storey duplex 2 bed apartment above one number 1 bed apartment at ground floor in the north west pavilion; and
 - One number two storey duplex 2 bed apartment above a 55sqm ground floor café, in the south east pavilion.

- Refurbishment of Glebe House, a protected structure, into two apartments one number 2 bed unit and one number 3 bed unit. The works include the removal of extensions to the rear and sides of the building, restoration of the façade, repair of the roof, replacement of pvc windows with sliding sash windows and associated works to the interior and to the curtilage of Glebe House.
- Demolition of all workshops, offices and sheds to the rear and side of Glebe House (1,636sqm).
- Vehicular access is provided from St Agnes Road to the car park between Blocks A and B. Four parking spaces (two visitor and two Club car) are proposed adjacent to the public accessible areas of the site. 5 car parking spaces are provided on the eastern side of Block B with access from Somerville Drive.
- The development delivers 920sqm of Public Open Space in front of Glebe House, and to the south east and in excess of 1,600sqm of Communal Open Space at podium level, ground level and to the rear of Block A.
- Works include the removal of the boundary wall to Somerville Drive and provision of a new footpath along the south-eastern boundary, a new pedestrian access onto St Agnes Road, boundary treatment, landscaping, Solar Panels on roof of blocks A, lighting, services and connections, waste management and all other ancillary site development works to facilitate the proposed development.
- Glebe House lies within the Crumlin Architectural Conservation Area.

Decision

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

Matters Considered

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

15.0 Reasons and Considerations

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

- 15.1. (a) the location of the site in the established urban area of Dublin City in an area zoned for residential (under zoning objective Z1 'To protect, provide and improve residential amenities');
- (b) the policies and objectives of the Dublin City Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history of the site, including its partial location in Crumlin Village Architectural Conservation Area and the Glebe House Protected Structure on the site and other protected structures in the ACA;

(l) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;

(m) The submissions and observations received;

(n) The Chief Executive Report from the Planning Authority recommending that permission be granted and highlighting matters of concern; and

(o) The report of the inspector.

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

Appropriate Assessment Screening

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

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by

the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Z1 'To protect, provide and improve residential amenities' where residential is a permissible uses and restaurant is open for consideration in this land use zoning. The proposed café (restaurant) use is permissible in the land use zoning.

(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).

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Preliminary Construction and Environmental Management Plan, The Operational Waste Management Plan, the Traffic Impact Assessment Report and the Flood Risk Assessment.

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

Conclusions on Proper Planning and Sustainable Development

Having regard to the zoning objective for the site as set out in the Dublin City Development Plan 2016-2022, the planning history of the site, the location in Crumlin Village ACA, the protected structure on the site / in proximity to the site and the pattern of development in the area, it is considered that 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 of urban design, scale, height, mix of uses and quantum of development and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dublin City Development Plan 2016-2022 in relation to height. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and consideration.

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

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) supporting National Policy Objectives in Project Ireland 2040 National Planning Framework, in particular National Policy Objective 33 that 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", and its potential to contribute to the achievement of the Government's policy to increase

delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

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

Permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines.

16.0 Conditions

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

Reason: In the interest of clarity.

2. The 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.

3. 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.

4. The proposed development shall be amended as follows:

(a) screening shall be added to the western side of the balcony of the 1bed B unit on the south elevation of Block A at fourth floor level.

(b) the vehicular entrance on St Agnes Road to demonstrate sightlines in accordance with DMURS and improved inter-visibility between cars using the access / egress and parking spaces, pedestrians and vehicles on the road.

(c) final details of the landscape finish to the new pedestrian / cycle link to include a minimum, unobstructed width of 3m through the site from Somerville Drive to St Agnes Road.

(d) revised Taking in Charge Plan and swept path analysis to meet the design specifications of the Planning Authority.

(e) details of revised vehicle dishing on Somerville Drive and demarcation of the car park located north of the pedestrian / cycle link.

(f) final detail of all boundary treatments as a result of the above amendments, to incorporate reuse of rumble / stone resulting from demolition works.

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.

5. 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:

- Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- Location of areas for construction site offices and staff facilities;
- Details of site security fencing and hoardings;

- Details of on-site car parking facilities for site workers during the course of construction;
- 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;
- Measures to obviate queuing of construction traffic on the adjoining road network;
- Hours of working;
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- 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;
- Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- 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;
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- Mitigation measures as described in the bat assessment approved part of the application.

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

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

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out

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

(c) Excavations in preparation for foundations and drainage shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

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

(e) All engineer works, service lines and pathways shall be compatible with tree and root protection measures, with details amended if required.

(f) Shrubs and trees identified for removal from the site, shall only take place outside of main bird nesting season (September to February).

(g) A NPWS-licensed bat worker to survey the site for bats prior to commencement of site clearance works. Felling of mature trees (identified for removal) on the site which might harbour bat roosts shall only take place in September or October where bat roost and bat activity surveys of such trees have been carried out before any felling takes place.

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

7. Bat roosts shall be incorporated into the site and the recommendation of the Bat Assessment report (including lighting specifications) shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

Reason: To ensure the protection of the natural heritage on the site.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of five years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

9. The landscaping and earth works scheme as submitted to An Bord Pleanála as part of this application shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. 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. Landscape details shall include final boundary treatments for the development.

Reason: In the interest of residential and visual amenity

11. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

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

12. Works to the carriageway to facilitate the development, including footpaths and kerbs (and vehicle dishing), shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

13. 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.

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

14. 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.

15. A minimum of 10% of all communal 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.

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

16. 274 no. bicycle parking spaces shall be provided within the site, with the incorporation of functioning electric charging stations/points to a limited number of spaces to be agreed with the planning authority. 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.

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

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

The assessment shall address the following issues:

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

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

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any

archaeological remains that may exist within the site.

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. All works to the protected structure, shall be carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht, and under the supervision of a qualified professional with specialised conservation expertise (RIAI Grade 2 or higher).

Reason: To secure the authentic preservation of this [protected] structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

20. 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. Glazing to the café use shall be kept free of stickers / advertisements.

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

21. 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.

22. The applicant shall comply with the following requirements of the Air Quality Monitoring & Noise Control Unit:

i) The LAeq level measured over 15 minutes (daytime) or 5 minutes (night time) at a noise sensitive premises when plant associated with the development is operating, shall not exceed the LA90 (15 minutes day or 5 minutes night), by 5 decibels or more, measured from the same position, under the same conditions and during a comparable period with no plant in operation.

ii) Any stack emitting fumes/odours from the proposed development shall be positioned in an area from which the emissions will cause the minimum nuisance.

Reason: In the interests of orderly development and residential amenity.

23. 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.

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

Reason: In the interest of urban legibility.

25. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The management scheme shall also provide final details of the operation and management of the residents amenity / community facility space. The development shall be carried out in accordance with the agreed scheme.

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

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

agreement to An Bord Pleanála for determination.

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

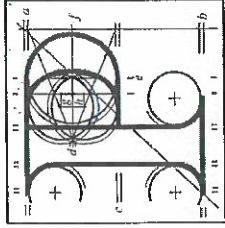
27. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

28. (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.

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

17.0 Appendix A: EIA Screening Form



An Bord Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference

ABP-309317-21

Development Summary

152 no. apartments and associated site works.

Yes / No /
N/A

1. Has an AA screening report or NIS been submitted?

An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application

<p>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>No</p>	
<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>SEA undertaken in respect of the Dublin City Council Development Plan 2016-2022</p>

<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			

<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The residential use proposed and the size and design of the proposed development would not be unusual in the context of a city residential area. While heights exceed the established context in the immediate surroundings, the scale is commensurate to other developments in the wider city area and is not significantly different in character relative to the context.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding city area.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan and Construction Traffic Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

DECISION

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

DECISION

DRAFT

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan and Construction Traffic Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

DECISION

GRANTED

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development, comprising renewal of a site. The Dublin City Development Plan 2016-2022 plans for the expansion of the city and has been subject to SEA. This application and those developments in the vicinity are catered for in the plan through land use zoning. Other developments in the wider area alongside the proposed development, are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <p>1. European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>No</p>	<p>No ecological conservation sites located or immediately adjacent to the site. An AA Screening Assessment accompanied the application which concluded no significant adverse impact on any European Sites.</p>	<p>No</p>

DECISION

<p>2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>No</p>	<p>No such uses on the site and no impacts on such species are anticipated.</p>	<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>The application includes the alteration and refurbishment of the Former Glebe House Registered Protected Structure no. 7560 (including demolition works). Part of the application site is also located within the Crumlin Village Architectural Conservation Area (ACA) and the remainder of the site is in the setting of this conservation area. There are also other Protected Structures proximate to the site in the ACA. Crumlin Village contains a number of Recorded Monuments and the overall area is considered to have archaeological potential. A Landscape and Visual Impact</p>	<p></p>	<p></p>	<p></p>

DECISION **REJECTED**

<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>Assessment, Architectural Heritage Impact Assessment and Archaeology Report have all been submitted with the application. The proposed development rejuvenates the site with a development at an appropriate scale, and with a design that is sensitive to the historic significance of the site in this urban city area. The proposed development will not harm the special characteristics of the protected structure or ACA. Implementation of archaeological mitigation will ensure no significant adverse affects arise as a result of the works.</p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site has no history of flooding and mitigation measures are to be implemented to manage flood risk as set out in the submitted Flood Risk Assessment.</p>	<p>No</p>	<p>No</p>

DECISION OVERLAP

<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion and the topography of the area is flat.</p>	<p>No</p>
<p>2.7 Are there any key transport routes (eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is accessed from St Agnes Road and Somerville Drive. A Transport and Traffic Assessment has been submitted with the application and describes that limited impacts are expected on vehicular routes as a result of the development. Future occupiers are anticipated to rely upon public transport and other sustainable transport forms, including cycling and walking given the city location of the site and proximity to Crumlin Village and the significant employment site at Crumlin Hospital. Implementation of a Construction Traffic Management Plan will mitigate impacts during construction stage.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>There is a community hall located immediately to the south and adjoining the site boundary. Crumlin Hospital is also located proximate to the site. A public open green space is also situated a short walking distance to the site. No significant impacts are anticipated.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Developments have been identified in the vicinity, however these are all of a scale and nature that would be anticipated under the Dublin City Development Plan 2016-2022 and would not give rise to significant cumulative environmental effects alongside this development.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

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

D. MAIN REASONS AND CONSIDERATIONS	
Having regard to: -	

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

(b) the location of the site on lands zoned Z1 'To protect, provide and improve residential amenities' where residential is a permissible uses and restaurant is open for consideration in this land use zoning. The proposed café (restaurant) use is permissible in the land use zoning.

(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),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Preliminary Construction and Environmental Management Plan, The Operational Waste management Plan, the Traffic Impact Assessment Report and the Flood Risk Assessment.

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

