



An  
Bord  
Pleanála

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

### Inspector's Report ABP-309318-21

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#### Strategic Housing Development

169 apartments, crèche and associated site works.

#### Location

Rathborne Avenue, Pelletstown,  
Ashtown, Dublin 15.  
([www.rathborne2bshd.com](http://www.rathborne2bshd.com))

#### Planning Authority

Dublin City Council.

#### Applicant

Castlethorn Construction Unlimited  
Company.

#### Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Waterways Ireland
5. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

6. Córas Iompair Éireann
7. Commission for Railway Regulation
8. Dublin City Childcare Committee

**Observer(s)**

Robert McAuliffe.

John Raeside.

**Date of Site Inspection**

16 April 2021.

**Inspector**

Stephen Rhys Thomas.

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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. The application was made by Castlethorn Construction Unlimited Company and received by the Board on 29 January 2021.

## 2.0 Site Location and Description

- 2.1. The subject site is located in Pelletstown, Ashtown, approximately 5.5km north-west of Dublin City Centre. Pelletstown is an extensive new outer-city mixed-use neighbourhood located between the Royal Canal and Tolka Valley Park. The area is well served by public transport: Ashtown Train Station (150m to the SW of the site), Buses along River Road, Navan Road QBC (500m to the south) and construction underway for a new station at Pelletstown 1.2km to the east accessible along the canal towpath.
- 2.2. The application site with a stated area of 1.44 hectares, is occupied by a number of low level buildings which have had various uses including the former Castlethorn Marketing Suite, and use by the Pelletstown Educate Together National School and extensive surface parking. For the most part the site is currently in use as a construction storage yard. There are a number of semimature trees at the middle of the site.
- 2.3. The site is bounded to west by Ashtown Road, to the north by River Road and the Tolka Valley Park, to the east and south by Rathborne Avenue. To the south is The Village (retail/commercial uses) with predominantly 6 storey blocks and a 10 storey block at the southern end. Further to the south is the Royal Canal. The site boundaries comprise palisade fencing. The site slopes down from south (Rathborne Ave) to north (River Road). To the south east is an undeveloped site that has permission for 725 units.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development on a site of 1.44 hectares will consist of 169 apartment units in two blocks ranging in height from 4 to 10 storeys and a crèche, the detail is as follows:

<b>Parameter</b>	<b>Site Proposal</b>
<b>Application Site</b>	1.44 hectares
<b>No. of Units</b>	169 units (apartments and duplex units)
<b>Density</b>	117 units per hectare
<b>Dual Aspect</b>	117 units (75%)
<b>Other Uses</b>	Crèche (221.9 sqm), accommodates up to 25 children
<b>Private Communal Space</b>	2,408 sqm
<b>Public Open Space</b>	1,487 sqm
<b>Residential Amenity Space</b>	301 sqm
<b>Height</b>	4-10 storeys
<b>Parking</b>	102 car spaces (57 surface, 9 setdown/visitor and 36 undercroft)  424 bicycle spaces (108 surface and 316 undercroft).
<b>Vehicular Access</b>	Rathborne Avenue and River Road
<b>Part V</b>	19 (two bed units)

Housing Mix

Unit Type	1 bed	2 bed	3 bed	Total
<b>Apartments</b>	9	78	12	99
<b>Duplex</b>		5	65	70
<b>Total</b>	<b>9</b>	<b>83</b>	<b>77</b>	<b>169</b>
<b>% of Total</b>	<b>5%</b>	<b>49%</b>	<b>56%</b>	<b>100%</b>

Demolition of the former marketing suite building and prefab building (previously used on a temporary basis as a school).

New signalised junction at the junction of River Road and Rathborne Avenue and new toucan crossing across Rathborne Avenue to the south of the site, with associated tactile paving.

## 4.0 Planning History

### 4.1. Subject site:

DCC Reg. Ref. 2352/19 - permission/retention permission for a further temporary period for use of the former Castlethorn Construction Marketing Suite, Rathborne, River Road, Ashtown, Dublin 15 to a temporary Primary School for the Department of Education & Skills incorporating 4 classrooms and ancillary works. 27th May 2019

DCC Reg. Ref. 3433/17 - permission for the construction of a single storey temporary prefabricated style school building for Pelletstown Educate Together National School. The development will be retained for a period of 3 years. The development will provide 4 general classrooms with toilet & other ancillary facilities. 11th October 2017

DCC Reg. Ref. 2657/15 - permission for the temporary conversion of the former Castlethorn Construction Marketing Suite, Rathborne, River Road, Ashtown, Dublin 15 to a temporary Primary School for the Department of Education & Skills incorporating 4 classrooms and ancillary works. 17th September 2015

DCC Reg. Ref. 6764/06 (An Bord Pleanála Ref. PL29N.225861) - permission for the construction of a mixed use residential and commercial scheme. The proposed development consisted of 252 residential units, demolition of existing marketing suite and 1,312.2 sq.m of commercial floor area. The proposed development was to be laid out in five blocks with two levels of basement car parking with a building height generally of seven storeys and 1 fifteen storey feature. Following appeal The Board decided to uphold the decision to grant on 9th May 2008.

#### 4.2. **Nearby sites:**

ABP-307656-20 - 725 apartments, crèche and associated site works.

PL 29N.246373 – 318 dwellings, crèche and associated site works.

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

5.1. A pre-application consultation with representatives from An Bord Pleanála, the applicants and the planning authority took place on 8 June 2020 in respect of a proposed development of 168 apartments and crèche. A Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-306992-20. An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations, required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

#### 1. Zoning and site context:

The quantum of residential development proposed at this specific location having regard to the following:

- a) The requirements of objective Z14 zoning relating to mix of land uses.
- b) The requirements of the Ashtown Pelletstown LAP.
- c) The requirements of the Core Strategy and the allocation of units under the Pelletstown Ashtown LAP.

## 2. Design and Layout:

a) Consider the impact of the height, massing and scale on the amenities of existing and future residents, specifically sunlight-daylight analysis, overshadowing within the development as well as on existing buildings and proposed buildings, and wind microclimate analysis.

b) Interface of the development with the adjoining roads and the wider Rathborne development in terms of design and activity.

c) Dual aspect design of the apartments, including clarification as to what apartments are being classified as dual aspect and justification for number of dual aspect apartments being proposed, having regard to Sustainable Urban Housing: Design Standards for New Apartments (2018), specifically SPPR4.

d) Extent of surface parking on the eastern portion of the site.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments.

2. A report that addresses issues of residential amenity specifically with regards to overlooking, overshadowing, overbearing and noise, with drawings including levels and cross-sections between the proposed development and adjoining residential development.

3. Details of the proposed materials and finishes to the scheme including the treatment of balconies, landscaped areas, podium design, pathways, and all boundary treatments. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

4. Detailed drawings, cross-sections, elevations and additional CGIs of the site to demonstrate that the development provides an appropriate interface with the adjoining streets, provides for a quality public realm and integration with the existing Rathborne development.



5. Traffic Impact Assessment
  6. Details relating to the provision of pedestrian/cycle links to the existing infrastructure along River Road to northwest and southeast of the site and consideration of the legal consents, where required, to achieve this.
  7. A report detailing the extent of car parking proposed, having regard to the location of the site and its proximity to public transport services. This should also include a Carparking Strategy.
  8. Community Audit, including Childcare Demand Analysis.
  9. Response to issues raised in report from Transportation and Engineering Division dated 7th May 2020 in Addendum B of the PA Opinion dated 11th May 2020 and received by An Bord Pleanála on the 12th May 2020.
  10. Response to Parks issues raised in report from DCC Parks and Landscape Services dated 5th May 2020 in Addendum B of the PA Opinion dated 11th May 2020 and supplementary report dated 7th May 2020 and received by An Bord Pleanála on 15th May 2020.
  11. A draft Construction & Environmental Management Plan and a draft Waste Management Plan.
  12. Material contravention statement in the required format if necessary.
- 5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:
1. Irish Water
  2. Transport Infrastructure Ireland
  3. National Transport Authority
  4. Waterways Ireland
  5. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
  6. Córas Iompair Éireann
  7. Commission for Railway Regulation
  8. Dublin City Childcare Committee

## 5.4. Applicant's Statement

5.4.1. Under section 6(7) of the Act of 2016, the Board issued a notice to the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, the application includes a statement of response to the pre-application consultation (Response to An Bord Pleanála Opinion), as provided for under section 8(1)(iv) of the Act of 2016, that may be summarised as follows:

### 1. Zoning and site context:

Zoning - The overall plan approach to the area is a concentration of commercial and retail uses at the western end of the LAP lands. After research, it is considered that there is adequate provision of commercial uses already in place within The Village to cater for the needs of the proposed development. In addition, there are significant commercial/employment uses both existing and permitted in the overall lands of Ashtown-Pelletstown, together with the provision of dwellings and as such the Z14 zoning requirement of residential and Z6 uses being the predominant uses is met. The proposed development is mostly residential, but also provides a crèche and other facilities in the form of open spaces and play areas. The proposal development meets the height criteria of the plan and a robust urban edge.

LAP - The proposal meets the development intent of the Ashtown-Pelletstown LAP delivering primarily residential with related services. Good active and attractive frontage is delivered at street level, with enhanced Public Realm, active ground floor uses, residential amenity and public open space area. The proposed development therefore meets the requirements of the Ashtown – Pelletstown LAP ( a number of objectives area listed).

Core Strategy - The Core Strategy identifies 1,000 units for Ashtown-Pelletstown over the lifetime of the Plan. The LAP identifies 96 -120 units for the Rathborne 2B lands and 1,022-1,075 units for the entire LAP lands as yet undeveloped. As such, the Core Strategy figure of 1,000 is actually lower than the actual number provided for in the LAP for the area. The number of units proposed, when taken together with the adjoining sites (remaining 92 units under Reg. Ref. 3666/15 and Rathborne

Phase 3), the 435 units recently permitted on the site of the former Ormond print works (ABP Ref. 306167-19) and the 725 units recently permitted on the Rathborne SHD site (ABP Ref. 307656-20) exceeds the Core Strategy provision for the LAP area. As such, it appears that an issue arises in relation to material contravention of the Core Strategy of the City Development Plan.

## 2. Design and Layout:

**Amenities – A Daylight, Sunlight and Overshadowing Report** has been prepared and concludes that overall the impact of overshadowing would be classed as a negligible adverse impact. The development as a whole has 100% of rooms achieving the recommended minimum average daylight factors. In terms of any wind impacts the development will produce a high-quality environment that is attractive and comfortable for pedestrians of all categories. The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings.

**Interface –** the applicant has prepared a detailed architectural design report prepared by O'Mahony Pike Architects. It is explained that the proposed development responds well to the site and its surroundings.

**Aspect -** The proposed development has been designed to deliver 117 units (75%) which have a window on more than one elevation. Therefore, the proposed development comfortably exceeds the minimum standards for dual aspect. This is outlined in the enclosed Housing Quality Assessment prepared by O'Mahony Pike Architects.

**Parking -** 42 surface parking spaces are provided at the eastern portion of the site. The eastern edge has been reorganised into clusters of parking, broken up by planting areas and pedestrian connections to improve the visual and pedestrian amenity of this part of the site. A cluster of landscaping to the north east corner of the parking area has now been included. This has created a stronger landscape buffer between the parking spaces and the interface with the eastern boundary with Rathborne Ave and River Road.

## 5.5. Applicant's Material Contravention Statement

- 5.5.1. A Material Contravention Statement has been prepared that sets out the rationale as to why the development could be permitted even when the proposal would represent a material contravention of the following objectives of Dublin City Council as expressed in Section 16.10.1 'Residential Quality Standards – Apartments', in its City Development Plan 2016-2022 or the Ashtown - Pelletstown Local Area Plan 2014 (as extended) specifically relating to:
- 5.5.2. • Core Strategy - Dublin City Development Plan 2016-2022
- 5.5.3. The Core Strategy identifies 1,000 units for Ashtown-Pelletstown in the lifetime of the City Development Plan 2016-2022. The LAP identifies 96 -120 units for the Rathborne 2B lands and 1,022-1,075 units for the entire LAP lands as yet undeveloped. As such, the Core Strategy figure of 1,000 is actually lower than the actual number provided for in the LAP for the area.
- 5.5.4. The LAP confirms that in 2014, the extant dwellings amounted to 2,121 units (source: Table 2.2, p. 12) and that the re-development of the Ormond Print Works now formed part of the LAP. As such, combining the existing unit numbers with the expected Core Strategy figure results in approximately 3,100 units. In the event of permission being granted for this development and other permissions, that figure would increase to 4,086 units.
- 5.5.5. The LAP sought to present a lower density form of development, recent changes in national planning policy, in particular, through the National Planning Framework, the Regional Spatial and Economic Strategy, the Apartment Guidelines and the Urban Development and Building Height Guidelines, better use of urban land must take place. The LAP area is situated in the area designated by the RSES as 'City Centre within the M50' where higher densities and more compact urban form is required in order to meet the objectives of the MASP for Dublin, the RSES generally and, by extension, the National Planning Framework. The proposed development of 169 apartment units and a creche reflect the overarching objectives of the Core Strategy. The proposed scheme provides a sustainable solution for the city's growing population, by providing a high-density development on a vacant site which is in proximity to high capacity, high frequency public transport services.

- 5.5.6. • Residential Density & Housing Allocation - Ashtown-Pelletstown LAP 2014
- 5.5.7. The proposed development materially contravenes the Core Strategy of the Residential Density and Household Allocations of the LAP. The LAP sought to provide a balanced approach to housing mix by favouring a more housing/family unit bias. In line with new national policy the proposed development will increase the residential density of the site and provide one and two bedroomed units.
- 5.5.8. • Building Height – Ashtown-Pelletstown LAP 2014
- 5.5.9. Section 16.7.2 of the Development Plan states that “mid-rise” heights of up to 50m are acceptable at Pelletstown, a maximum height which the proposed development falls below; being 10 storeys at its highest (Block 01), or approximately 33.3m. As such, the heights are compliant with the City Development Plan provisions with regard to height. The application site is predominantly located in a ‘Village Centres’ designation of the LAP, identified in Section 4.5.4 of the Ashtown – Pelletstown Local Area Plan (LAP) as being capable of accommodating taller buildings. The LAP sets out a general maximum of 8 storeys in the Village Centre, with the possibility for a single 10 storey building provided for. There is no 10-storey building in the Village Centre currently, and it is proposed that a single 10 storey building will be provided as part of this development proposal.
- 5.5.10. However, the LAP’s height strategy diagram shows the Village Centre zone not extending all the way to River Road. It could therefore be contended that the entirety of the proposed 10-storey building does not fully fit within the designated Village Centre zone, and so may constitute a material contravention of the LAP on building height. In light of national planning guidance, the Urban Development and Building Height Guidelines (2018) advises that taller buildings can provide higher density and better use of serviced urban land. The applicant have set out a comprehensive assessment of the criteria set out under SPPR 3(A) which presents a the case as to why the current proposals should be considered acceptable.
- 5.5.11. The applicant sets out the reasons why permission can be granted in the context of Section 37(2) of the Planning and Development Act 2000 (as amended). The proposed development is of strategic or national importance, matters have changed

since the adoption of the statutory plans for the area in terms of national guidance, core strategy objectives and regional guidelines.

## 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').
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

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

### 6.2. Project Ireland 2040 - National Planning Framework

The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to

both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights.

### 6.3. **Regional Policy**

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

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3 of May 2019. Pelletstown is located within the area covered by the MASP. Pelletstown is located within two 'Strategic Development Areas and Corridors' as identified within the MASP, they are: the 'City Centre Within the M50' and the 'North-West Corridor'. The 'Ashtown-Pelletstown' area is specifically mentioned as a residential strategic development area in the MASP (within the 'City Centre within the M50' area).

Broadly, Regional Policy Objective (RPO) 5.4 which sets out that: - "Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing; Design Standards for New Apartments' Guidelines, and 'Urban Development and Building Heights Guidelines for Planning Authorities'".

### 6.4. **Local Policy**

#### 6.4.1. **Dublin City Development Plan 2016-2022**

6.4.2. The Dublin City Development Plan 2016-2022 is the operative Development Plan.

6.4.3. The land-use zoning objective is Objective Z14- Strategic Development and Regeneration Area which seeks 'the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and 'Z6' would be the predominant uses'. Residential, live-work units, buildings for the health, safety

and welfare of the public, offices, restaurant/café, cultural/recreational building, open space and shop (neighbourhood) are permissible under this zoning objective.

6.4.4. The subject site is located with 'SDRA 3: Ashtown-Pelletstown' (Strategic Development and Regeneration Area) of the operative City Development Plan- areas identified as being 'capable of delivering significant mixed-use development'.

6.4.5. The policy chapters, include Chapters 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development (Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation).

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

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

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



analysis, and particularly because there is capacity in excess of the required population and housing figures, it is concluded that the policies and objectives of this Dublin City Development Plan remains consistent the high-level national and regional policies.

**6.4.7. Ashtown-Pelletstown LAP 2014 (extended to December 2023).**

6.4.8. The Ashtown-Pelletstown LAP 2014 (extended to December 2023) provides guiding principles for the development of the Ashtown-Pelletstown area in section 3.2. Map 4.1 identifies the western part of the site to be designated as 'Mixed Use' and the eastern part is designated for 'residential'.

6.4.9. Regarding the 'mixed use' designation, this section notes that the mixed use area at the western end of the LAP includes the existing Village Centre area and also some undeveloped lands further north (i.e., the subject site.) All new mixed use areas should contribute to active streets and quality public realm. Ground floor shops, cafes and restaurants in particular can add vitality to an area. Local level shopping is envisaged, with the possibility of neighbourhood level facilities.

6.4.10. Section 4.5.4 Height Strategy - As per this section (p. 31-32 of the LAP), the majority of this site falls within the 'village centre' with a small part to the north falling under the 'main area' designation of the LAP. The LAP notes that the village centres at either end of the plan (closest to the existing and proposed train stations) will have a general maximum of 8 storeys, with one mid-rise building of 10 storeys in each village location. The plan notes that the existing buildings built at Rathborne village already provide for this single mid-rise building. The height limits set out for the main area are 6 storeys (either office or commercial), with the following proviso: "the approach is to allow for a stepping down of height to housing developments averaging between 4 and 2 storeys generally in the central area, with an extra storey, plus the option of a setback floor allowable (6 storeys) to turn corners or mark the end of long terraces".

6.4.11. Section 4.6.3 Residential Density - This section (pp. 36-37 of the LAP) sets out the density for the subject site, with an indicative residential density of 80-100 units per hectare. The lower end of the density range will only be considered in exceptional circumstances. It is also noted that existing developments at the time of writing were in the range of 75 – 150 units per hectare.

## 7.0 Observers

- 7.1. Two valid submissions were received from local residents, one a resident of a bungalow along Dunsinea Lane to the north and one from a resident of The Waxworks, an apartment development immediately to the south of the proposed development. John Raeside of Junar along Dunsinea Lane simply objects to the height of the development. Robert McAuliffe has prepared a more detailed submission that broadly supports the principle of the site being developed but raises some concerns and these can be summarised as follows:
- 7.1.1. Visual impact – the view to the north will be impacted by the development of apartments on the site, unavoidable, but it is hoped that proposed building finishes and materials will be of a high quality and applied to all external surfaces, including lift overruns. The provision of a green roof to Block B2, raises a concern that the absence of a proper and regular maintenance regime will result in an unsightly view from the Waxworks.
- 7.1.2. Streetscape and amenity – concerns raised that the proposed open space between Block B1 and B2 will not function to its fullest potential, because pedestrian linkages through this site are not directly between The Village and Tolka Valley Park. The public open space could have a more engaging format and contribute more to the public realm. Spaces along the western boundary are not usable as open space and proposed finishes are not inviting. The boules area is welcomed, but its use is questioned. The central garden space of Block B2 is closed off with no through route and may not be well used by residents, as in other spaces throughout Rathborne Village. Given Dart proposals and level crossing removal, it may be possible to pedestrian streets around The Village and this should be considered as part of the current proposal. There should be greater connections between the current proposal and recently permitted developed at the Capel Site (ABP number 307656), particularly along Rathborne Avenue, where shops have been permitted.
- 7.1.3. Dropped kerbs – there does not seem to be coordination between existing pedestrian crossing facilities and what is proposed.
- 7.1.4. Zoning and retail – more retail/commercial units would be welcomed in the area. A previous permission on the site included retail units. Current levels of vacancy are noted, however, so too is a pattern of recent applications to change the use of units

that shows market demand for retail/café uses. As population increases, so too will demand for services. It is considered that the proposed development does not provide retail/commercial services in line with the zoning objective, that seeks mixed use development. In addition, the LAP identifies the western portion of the site for mixed uses, whilst the provision of a crèche is noted it is not enough.

- 7.1.5. Public Infrastructure – the provision of a shared cycle lane along River Road (to the front of Block B2) is noted, a segregated lane is preferred and can be accommodated. A cycle lane should be included along Rathborne Avenue to accommodate likely routes towards recently retail uses. Engineering and landscape drawings appear to show different details along Rathborne Avenue. A relocated bus stop from River Road to Rathborne Avenue will displace some on street car parking spaces that are well used and useful. The new bus stop will attract antisocial behaviour and the noise of idling bus vehicles will be a noise and odour nuisance. The proposed car parking spaces on the River Road should be replaced with a bus terminus/stop and no new bus stop should be installed on Rathborne avenue.

Clarity is required in relation to the ability of the site to be served by water services as some correspondence from Irish Water has been omitted.

- 7.1.6. Construction – as more and more people work from home, it is hoped that construction activity will take this into account if permission is granted.

- 7.2. The submission is augmented by drawings, sketches, maps and photographs. I have considered all submissions and the documentation included with the above observations.

- 7.3. In addition to the submissions received from local observers, Inland Fisheries Ireland lodged an observation that highlights the site is located within the catchment of the Tolka River, that supports Atlantic salmon, Lamprey (Habitats Directive Annex II species) and Brown trout populations in addition to other fish species. The following points are noted:

- All works should be completed in line with the Construction Management Plan (CMP).
- There can be no direct pumping of contaminated water from the works to a watercourse at any time. Any dewatering of ground water during excavation of

basement area must be pumped into an attenuation area before being discharged offsite.

- Precautions must be taken to ensure there is no entry of solids, during the connection or stripping of old pipework to the surface water system.
- Mitigation measures such as silt traps and oil interceptors should be regularly maintained during the construction and operational phase. If permission is granted we suggest a condition to require the owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor.
- It is noted that Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023. Also, a High Court judge has recently ruled planning permission must be quashed for a proposed €500 million wastewater treatment plant at Clonshaugh, intended by Irish Water to supplement the Ringsend waste water treatment plant. Local infrastructural capacity should be available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

## 8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 25 March 2021. The report states the nature of the proposed development, the site location and description, submissions received and details the relevant Development Plan policies and objectives. A summary of the views of elected members as expressed at the Central Area Committee Meeting on Thursday 25 February 2021 is appended to the Chief Executive's Report and summarised below.

- Disappointing to note that the LAP will once again be materially contravened and that the proposal is over development of the site.

- The site already has an extant planning permission and it seems that there is too many planning applications and not enough actual development.
- Additional population will put pressure on the existing train service.
- Concern that all Part V units are located in one block.
- There is an existing shortfall in school places and this development will place additional strain on places. The calculation of school places should not include Deis schools.
- Can the proposed development be part of a community heating scheme.
- Build to rent model encourages annual rent increases.

8.2. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is summarised as follows.

Principle – Zoning and Site Designations - Residential is a ‘Permissible Use’ under the Zoning Objective Z14, as is the crèche use (childcare facility). However, it has not been satisfactorily demonstrated that more retail/commercial space could be viable at this location or that the proposed development complies with the land use requirements of the LAP.

Height, Scale and Design – Section 4.5 of the LAP sets out the height strategy for the area. In this western village node area the majority of the application site is designated within the village centre (see Map 4.12 of the LAP) as a location where buildings with a maximum of 8 storeys may be permitted and 1 ten storey may be considered. The eastern part of the site is designated as being within the ‘main area’ with up to 6 storeys permitted.

The proposed development comprises Block 1 and Block 2. The proposed height of the development ranges from 4 to 10 storeys (circa 13.5 metres to a maximum 33 metres). The planning authority considers the location may be acceptable for a building of greater height, such as Block 1, the scale of Block 2 however raises concerns. The palette of materials proposed is considered broadly acceptable, although there are some concerns regarding the durability of the proposed render to the courtyard elevations. The planning authority apply the criteria set out in the

Height Guidelines and accept that the heights proposed are acceptable and accord with the guidelines at the scale of the city/town and district/neighbourhood/street level.

Density, Site Coverage and Plot Ratio – While the site is not central, it is an accessible site, and while it would not be considered an inner suburban location, its context in the wider Greater Dublin Area is noted. As such, in line with national and Development Plan policy, a higher density is to be encouraged on the site. The Local Area Plan specifies an indicative density of 80-100 units per hectare on this site. National policy notes a minimum of 50 units per hectare adjacent to high capacity rail. The proposed development is stated as having a density of 117 units per hectare.

For site coverage, Dublin City Development Plan indicative standard is 50% for Z14 lands. The proposal for 27% site coverage is below the quantitative standard.

Regarding plot ratio, Dublin City Development Plan standard is 0.5 - 2.0 for Z14 lands. The proposal has a plot ratio of 1:1.14.

#### Residential Quality Standards

Mix - The Development (5% one-beds, 49% two-beds, and 46% three-beds) approaches the LAP standard and the provision of three-bed units is welcomed.

Aspect - This site is not central, although it is accessible. While the accessible nature of the site makes it appropriate for higher density development, the local authority notes that this site does not have the design constraints that would curtail the delivery of dual aspect apartments, and considers that a figure in excess of 50% dual aspect apartments should be delivered. The proposed development has a stated 74.6% of dual aspect apartments, as per the Housing Quality Assessment, and p 66 of the Architect's Design Statement, with a mix of straight through and corner units. Some units do face norther, given the elevation, the outlook and views over Tolka Park, the level of daylight achieved, and the floor areas provided, this small number of predominantly or wholly north-facing units would achieve acceptable residential amenity, and would be acceptable to the planning authority.

Daylight/sunlight – on the whole most units achieve good levels of sunlight/daylight levels in accordance with BRE guidance. However, given the modest levels achieved

to some recessed bedroom windows on courtyard elevations on level 1 (for example, rooms 95, 96, 104, and 105), it is not clear that the similarly recessed kitchens underneath them would meet the required standards.

Pedestrian and Cycle Permeability - The development proposes a pedestrian route through the site to River Road. Clarity is required regarding the safeguarding of public access through the site, including the part to the north which does not form part of the public open space, but the car park vehicular access. Improved segregated pedestrian access is required into and within the site at the proposed vehicular access junctions and should be addressed by condition in the event of a grant. The proposed toucan crossing to the south-west of the site is welcomed.

Private Communal and Public Open Space – Private amenity space in form of balconies or terraces is acceptable. A public open space of 1,487 sqm is provided between Block 1 and Block 2, which corresponds to 10% of the site area. The daylight and sunlight analysis submitted indicates that the public open space will be adequately sunlit. The Wind Analysis report indicates that it would be suitable for long-term sitting. It is noted that due to the changing levels on the site, and the function of the public open space as a link to the Tolka Valley Park, ie a circulation route, its functionality would be limited. Communal amenity space is generous, however, in terms of design and usability, more detail is required.

Resident Facilities - A condition is requested to ensure resident facilities are available to residents and not occupied as separate commercial facilities.

Part V - The applicant has previously engaged in relation to the development and is aware of obligations under Part V. It is proposed to provide 19 units.

Childcare Facility – Given the number of three bedroom units and limited availability of spaces in nearby childcare facilities, the proposed crèche could be enlarged. The dedicated creche play space has a mostly northern orientation and this should be relocated. Set down spaces for the crèche should be properly managed in order to avoid conflict with residents, an updated Car Parking Management Strategy could address this issue.

Social Audit and School Capacity Assessment – The contents of the applicant's Community Infrastructure Audit are noted.

Transportation – Conditions are recommended in relation to agreeing details of works to the public realm; amendments to the site layout to amend cycle parking and demonstrate pedestrian priority; an updated Mobility Management Strategy, and a Construction Traffic Management Plan. The Transport section had no objection to the relocation of the bus stop. The reversion to the Rathborne Avenue location would appear more convenient to a larger number of bus users, being less peripheral.

Built and Natural Heritage - There are no impacts anticipated to the built heritage of the area. The location of the site near the Tolka River and the contents of the Ecological Impact Assessment are noted.

Archaeology - The site does not contain, and is not adjacent to any National Monuments, or any archaeological sites or zones as designated in the Dublin City Development Plan 2016-22.

AA and EIA - the Board are the competent authority for such matters.

### Conclusion

While residential development is welcome in principle under the Z14 zoning, as is the building-out of this significant site, the lack of mixed use is disappointing, as is the lack of enlivenment of the interface with the public realm. While there is no objection to the height per se, the quantum of development and the number of residents in Block 1 who would be poorly served with communal outdoor space is of concern. It is not recommended to refuse permission but to address these concerns through conditions if permission is granted.

The planning authority is of the opinion that there are number of outstanding issues that should be addressed. Accordingly, it is recommended that revisions should be considered to address these issues as follows:

- Given the very small number of available childcare places in the Rathborne area, and the number of three-bed units, the crèche should be increased in size to accommodate a larger number of children, and have an appropriate outdoor play area, that receives some sunlight;
- A greater quantum and variety of internal residential amenity spaces should be provided in Block 1, given the limited useability of the roof garden due to wind, and the benefits of enlivening the public open space at ground level



- Legal provisions should be attached to ensure access for residents of Block 1 to the communal courtyard.

These three items are addressed in recommended conditions along with standard and technical conditions from the various departments of the Council. In addition, specific conditions are recommended with regard to a bond, a section 48 development contribution and a section 48(2)(c) Pelletstown residential development contribution.

### 8.3. Departmental Reports (City Council)

#### DCC Parks & Landscape Services

- No objection subject to conditions.

#### Transportation Planning Division

- Full details of all potential works to the public road and the public realm, including the upgraded junctions at River Road/Rathborne Avenue and pedestrian crossings.
- Concern regarding crèche drop space and resident's parking request the submission of revised Mobility Management Plan and Car Parking Strategy to manage this.
- No objection subject to conditions.

#### DCC Drainage

- No objection subject to conditions.

#### Housing & Community Services

- The applicant has previously engaged and is aware of Part V obligations.

#### Environmental Health Officer

- No objection subject to conditions.

#### Waste Regulation and Enforcement Unit

- No objection subject to conditions.

## 9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant is required to notify prior to making the SHD application to ABP, issued with the section 6(7) Opinion and included the following:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Waterways Ireland
5. Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
6. Córas Iompair Eireann
7. Commission for Railway Regulation
8. Dublin City Childcare Committee

9.2. The applicant notified the relevant prescribed bodies listed in the Board's section 6(7) opinion. The letters were sent on the 29 January 2021. A summary of those prescribed bodies that made a submission are included as follows:

- **Irish Water** - confirm that subject to a valid connection agreement between IW and the developer, the proposed connections to the IW network can be facilitated. Standard conditions are recommended.
- **Transport Infrastructure Ireland (TII)** – No observations.

## 10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on national policy and the relevant section 28 guidelines. I examine the proposed development in the context of the statutory

development plan and the local area plan. In addition, the assessment considers and addresses issues raised by the observations on file, the contents of the Chief Executives Report received from the planning authority and the submissions made by the statutory consultees, under relevant headings. The assessment is therefore arranged as follows:

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

## 10.2. Principle of Development

10.2.1. Land Use Zoning - The application site is primarily zoned Z14 'Strategic Development and Regeneration Areas' (SDRA 3 Ashtown/Pelletstown) under the Dublin City Development Plan 2016-2022. The land use objective in Z14 is to "To seek the social, economic and physical development and / or rejuvenation of an area with mixed use of which residential and 'Z6' would be the predominant uses." Residential and crèche are permissible uses in this land use zoning.

10.2.2. Observers support the development of this site and no objections to residential uses are raised. I note that the planning authority support the principle of residential development across the subject site and the provision of a crèche is welcomed. However, the planning authority would prefer to see more commercial/retail uses in accordance with the Z14 zoning. The applicant has prepared a Real Estate Consultancy Report to demonstrate the level of demand for commercial floorspace in the area and identifies recent permissions such as a supermarket nearby and vacant units. I note the findings of the applicants report regarding the viability of the area to sustain higher order retail or office uses, the prevalence of mixed use permissions and vacant units in immediate vicinity. I am satisfied that the predominantly residential scheme proposed by the applicant will not adversely impact on the mixed

use objectives of the LAP and in fact will support and sustain existing and permitted development. Given the foregoing, I am of the opinion that the proposed development cannot be considered to materially contravene the Development Plan in relation to the zoning of the land and permission can be granted.

### 10.3. Material Contravention

10.3.1. The location of the site is noted, so too are the policies and objectives of the operative City Development Plan and Local Area Plan, together with national guidelines, which apply in this instance. Specifically, the following policies and objectives are highlighted:

1. The Core Strategy of the Development Plan that identifies 1,000 units for Ashtown-Pelletstown, and the local LAP that identifies 96-120 units for the Rathborne SHD lands and 1,022 -1,075 units for the entire LAP lands undeveloped at the time the LAP was adopted (2014).
2. Residential Density is in excess of that planned for in the Ashtown-Pelletstown LAP 2014, 117 units per hectare as opposed to the planned 80-100 units per hectare in the LAP. Dwelling Mix - Dublin City Development Plan 2016-2022 and Ashtown-Pelletstown LAP 2014 - Section 16.10.1 of the Dublin City Development Plan 2016 – 2022 sets out the requirements in relation the mix of dwellings provided as part of new apartment developments, which are as follows: maximum of 25-30% one-bedroom units and a minimum of 15% three- or more bedroom units. Similar standards are set in the LAP. The proposed dwelling mix provides for 46% (one bed or studio), 52% (two bed) and 2% (three bed).
3. Building height - Section 16.7.2 of the Development Plan states that “mid-rise” heights of up to 50 metres are acceptable at Pelletstown. The site lies outside the area marked out for a general maximum of 8 storeys in the Village Centre, with the possibility for a single 10 storey building. The proposed building height exceeds the maximum heights specified for this area in Section 4.5.4 of the LAP by the inclusion of a building up to 10 storeys.

I note that the applicant has submitted a material contravention statement in relation to the matters outlined 1-3 above, and in all cases the reasons put forward relate to the relevant section 28 guidelines issued by the minister, regional guidelines or

national frameworks. The applicant has advertised that a material contravention statement has been submitted as part of the application, within their newspaper notice, as required under the legislation.

- 10.3.2. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.
- 10.3.3. Paragraph (b) of same states 'The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land'.
- 10.3.4. Paragraph (c) states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'.
- 10.3.5. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows:
- (i) the proposed development is of strategic or national importance,*
  - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*
  - (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or*

*(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

- 10.3.6. Should the Board be minded to invoke Article 37(2)(b) in relation to this current proposal, I consider that they can do so, having regard to the relevant criteria contained therein, and as set out below.
- 10.3.7. In relation to the matter of strategic or national importance, the current application has been lodged under the strategic housing legislation and the proposal is considered to be of strategic importance. In addition, the subject site is located within a Strategic Development and Regeneration Area (SDRA 12), that in itself implies strategic importance that elevates it above other residentially zoned lands contained in the development plan. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 which fully support and reinforce the need for increased residential density in settlements such as that proposed on infill development sites, National Policy Objective 35 of the NPF refers. I consider this to be one such site. Ultimately higher densities, result in greater numbers of people living at the right location, as well as taller buildings that should all be delivered with greater unit mix and higher quality accommodation. The applicant has successfully demonstrated all of these factors in the documentation submitted.
- 10.3.8. In relation to the matter of conflicting objectives in the development plan, and specifically in relation to Core Strategy, Density and Height. It is stated by the applicant that taken together with permitted and planned development, the total number of units would result in the provision of 4,087 dwellings in the overall LAP area, at a density of approximately 100 units per Ha. The applicant acknowledges that this is in excess of the requirement of density in the remaining undeveloped lands in the LAP to be between 54 – 74 units per hectare, as confirmed in Table 4.8 of the LAP. The LAP lands are situated in the area designated by the RSES as ‘City Centre within the M50’ where higher densities and more compact urban form is required in order to meet the objectives of the MASP for Dublin, RSES Regional Policy Objective (RPO) 5.4 sets out that: - Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential

Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities’. This is achieved by the proposed development in accordance with these guidelines.

10.3.9. In my view, National Planning Framework objectives are met in relation to Objective 27 that seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. 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 Objective 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-base regeneration and increased building heights. The applicant asserts that the proposed development achieves all of these national policy outcomes and I agree. The proposed development accords with advice on increasing residential densities in the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, 2009, the National Planning Framework - Ireland 2040 and Regional Economic and Spatial Strategies for the Eastern & Midlands and other ministerial guidelines, such as the Apartment Guidelines and the Building Height Guidelines. This application meets the parameters of population growth and density set out by Variation 7 of the Dublin City Development Plan (adopted March 2020), that aligns national, regional and local policy objectives. However, there are conflicting objectives between the Dublin City Development Plan 2016-2022 and the Ashtown-Pelletstown Local Area Plan in relation to building height objectives for the application site, I intend to invoke section 37(2)(b)(ii) of the Act in this regard.

10.3.10. In relation to regional planning guidelines for the area, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs.

10.3.11. In relation to Section 28 Guidelines, of particular relevance are the Urban Development and Building Heights 2018 that supports increased densities and taller buildings in appropriate locations, and I have assessed the proposal in relation to same, and found it compliant. The proposed development meets the development

management criteria set out by section 3.2 of the Urban Development and Building Height Guidelines as required by SPPR 3. In terms of dwelling mix, the proposal meets the requirements set out in SPPR 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines and the planning authority support the dwelling mix proposed.

10.3.12. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan/Local Area Plan, I am aware of a recent planning permission granted immediately east of the subject site. The Board granted permission (Ref. ABP-307656-20) for 725 no. apartments, crèche, retail and associated site works. Further east in the Pelletstown area, permission has also been recently granted for another large housing scheme under SHD legislation. The current proposal is similar in height terms to existing apartment development to the south and recently permitted development, the proposal meets with the planned objectives for the area and so section 37(2)(b)(iv) of the Act could be invoked in this instance.

10.3.13. I am of the opinion that given its zoning, the delivery of residential development on this well located and serviced site, in a compact form comprising well-designed, taller, high density apartment units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a highly accessible location; it is within easy walking distance of public transport and in an existing serviced area. The proposal seeks to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The principle of a greater population, higher residential densities, taller buildings are all considered acceptable. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands. As it can be seen, the proposed development meets or exceeds the advice issue by the 'Urban Development and Building Heights Guidelines for Planning Authorities', 'Sustainable Urban Housing: Design Standards for New Apartments' and the 'Sustainable Residential Development in Urban Areas Guidelines'.

10.3.14. Finally, I consider that the greater residential densities and taller buildings proposed have been accompanied by high qualitative standards of design and layout and these are addressed in the remainder of my planning assessment. I therefore



consider that the development is in accordance with the provisions of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) as is required by the Height Guidelines. Section 37(2)(b) of the 2000 Act sets out four criteria, to allow the Board to consider permitting a development that poses a material contravention of the operative plan other than in relation to the zoning of the land. Should the Board be minded to initiate the material contravention procedure, as it relates to Development Plan policies pertaining to building height, I consider that the provisions of Section 37(2)(b)(i), (iii) and (iv) have been met, and in this regard I consider that the Board could grant permission for the proposal.

#### 10.4. **Height, Design and Density**

10.4.1. Some concerns have been raised regarding the height, scale and design of the proposed development. Specific issues from a local resident revolve around the detailed design of the public realm and the maintenance aspects of the completed project and another local resident raises the overall scale of the development as an item of concern. The planning authority are broadly supportive of the height, design and density of the proposed development. There would not appear to be significant levels of concern locally regarding the development, including issues of height, design or density. However, the two observers who made submissions on this proposal have expressed comments regarding the urban scale of the development. The following sections set out my analysis of the proposed development with respect to height, design and density.

10.4.2. Height and Design - Firstly, I appraise the acceptability of the proposed height and design in relation to relevant planning policy. 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 contained in these section 28 guidelines and specifically the Development Management Criteria under section 3.2 of the height 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.

- 10.4.3. 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 50 metres in mid-rise areas which specifically includes Pelletstown. However, the Ashtown-Pelletstown Local Area Plan (LAP) 2014, states that building heights should be a maximum of 6 storeys in general, with heights above this focused in 'village' locations, with one building acceptable at 10 storeys. The proposed development has a maximum height of approximately 33 metres or 10 storeys and is located, for the most part, in an area identified in the LAP for buildings up to eight storeys with a ten storey building considered (Village Centres). To be cautious, the applicant has highlighted the potential for a material contravention of the development plan, this is explored in the context of the Building Height Guidelines.
- 10.4.4. The first criterion relates to the accessibility of the site by public transport. The site is located in very close proximity to Ashtown Rail Station, with distances varying given the size of the site. From the corner of the site on Ashtown Road and Rathborne Avenue, the site is approximately 150 metres or a 1 minute walk to the station. In addition, the site is located on a bus stop along the River Road. The proposed development includes works to create linkages through the site that would shorten walking distances. In any case, it is clear that the subject site is proximate to the station. From a planning policy perspective, the rail line is considered a high capacity, frequent public transport service, with links to other modes of public transport. Which satisfies this criterion under section 3.2 of the Building Height Guidelines. I also note that there are no concerns raised in relation to capacity of the line by Transport Infrastructure Ireland and there was no response from the National Transport Authority on the application.
- 10.4.5. The site is also a 30 minute walk (7 minute cycle) along the canal to Broombridge Luas station. I note that the application site is proximate to future transport upgrades, including a new rail station at Pelletstown (currently under construction) and the

upgrade to the rail service to DART status. Notwithstanding future transport proposals, it is clear to me that the site has excellent existing public transport accessibility to high frequency rail services and good access to the wider network via bus, and further afield via Luas services.

10.4.6. The second criterion relates to the character of the area in which the development is located. The site is located in a designated regeneration area which has experienced significant redevelopment in recent years and the establishment of a new local centre (The Village) with a variety of commercial uses located along Ashtown Road to the north of Ashtown Station and south/east of the subject site. The character of the immediate areas surrounding the site is predominately residential, with a strong influence upon this character from the green and waterway edge along the Royal Canal and its towpath and Tolka Valley Park to the north. The site itself sits across the road from the Tolka Valley Park and faces across the main spine and river of this designated open space.

10.4.7. As would be expected of a strategic regeneration area, the character of built form in the area is variable and has capacity to accommodate new higher density development. The subject site is located on lands that have had variable use over the years and are a logical extension of the Village Centre. A taller building at the corner of the site provides a logical gateway to the Village Centre and also provides a marker for the edge of the settlement. I therefore agree with the principle of locating higher density and taller buildings on the site. However, I note that an observer has raised an issue about visual impact from the rural location of Dunsinea Lane. The applicant has prepared verified photomontages and CGIs, that show a variety of viewpoints in the area, including view 9 and 10 from the north of the site. As can be seen from the images prepared by the applicant the proposed development will be noticeable from the north of the site along Dunsinea Lane. Currently the tallest building in the area is located adjacent to the station and is 8 storeys in height when viewed from the canal. This building provides a distinct form here, characterised by a material palette that differs to other blocks in the area and with large projecting glazed balconies defines the corner of the block. The materials appear to have weathered well and this existing building creates a good quality marker for the station and the entrance to the village. I note that the LAP indicates that the 'village' is the location where heights above 6 storeys would be expected and one building at 10

storeys might be considered acceptable. This is a logical approach in my view, creating a legible urban environment, with the tallest elements marking the most active parts of the village, and this is the function that the aforementioned existing 8 storey building performs closest to the station. The proposed buildings will act as a counterpoint to existing and permitted development along the canal and I am satisfied that the visual impact will be a positive one and help mark out this northern urban edge of the site. Given the upward sloping nature of the site, the position of the ten storey element on the lower side of the lands results in a comfortable positioning for the moderate height proposed. This in effect, enables the ten storey element to signpost the urban edge of the Village and not unduly dominate the skyline in the wider area. Finally, the design and materials used in the overall scheme assist to merge the development into the overall view of existing apartment buildings located at The Village.

10.4.8. The third criterion relates to the contribution of larger redevelopment sites to place-making, incorporating new streets and public spaces. As indicated above, I consider that the proposed development would make a positive contribution to place-making by redefining the urban character of the townscape and emphasising the location of a new public open space for the Village. I have also reviewed the submitted photomontages to assist in my assessment. Photomontage Views View 3, 4, 5, 10, 12 and 13 show the proposed development as it would appear in views around the Village centre. It is my view that these images demonstrate sufficient variety in the mass of blocks. The mass is modulated through elevational treatment that incorporates balconies and variation in materials. Overall, I consider the proposed height, scale and mass of the blocks to be acceptable for the area.

10.4.9. I note the following criterion under section 3.2 *'at the scale of the district / neighbourhood / street'* that *'the proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure...'*. It is my view that this is a key criterion in the assessment of the proposed development and the analysis I set out above directly responds to this. It is my view that the proposed development will enhance the sense of scale and enclosure to the Tolka Valley Park and provides sufficient contribution to the area through the creation of a new public open space

with north-south link to the park, as well cycle ways around the site. The development will also increase passive surveillance of the park area, which would be to the benefit to all users. This allows increased height upon the site to be viewed favourably in my view.

- 10.4.10. The remaining pertinent criteria under section 3.2 of the Building Height Guidelines relate to the following: contribution to the streetscape; the avoidance of uninterrupted walls; improvement of legibility; contribution to mix / typologies in the area; and daylight performance against BRE criteria as well consideration of overshadowing / ventilation / views. Specific assessments are also required depending on the scale of the building proposed.
- 10.4.11. As outlined above, I consider that the proposed development contributes positively to the streetscape, specifically with the incorporation of new public spaces, but also through the use of a consistent refined material palette. The use of brick, render, metal cladding and glazed balconies is in keeping with the established material character of the area. The submitted Design Statement provides specific information on the internal courtyard render proposed, examples of its use and measures to ensure that it weathers well in the long term. Elevational treatment in the proposed development ensures large expanses of uninterrupted walls are generally avoided. There are some areas at ground floor adjacent to vehicular access points, where there is less activity in the facade, as might be expected of such locations. However, this factor is not unduly harmful in terms of impact upon the streetscape.
- 10.4.12. The proposed development would create a distinctive landmark building next to the Tolka Valley Park and a new public open space along Rathborne Avenue. This will contribute positively to legibility in the area. The proposal is formed of mainly apartment units with a ground floor crèche unit and will contribute to the overall mix of housing in the wider area. I find that the design solution for the site is well mastered and devised in the context of the requirements of the Urban Development and Building Heights Guidelines and the Design Standards for New Apartments Guidelines. I note the planning authority's view in relation to the overall mix of uses and a wish for more. However, given the forgoing, I hold a different view and I am satisfied that the development is acceptable without amendment of any type.

10.4.13. In relation to specific assessments, the applicant has prepared reports on Daylight and Sunlight, Landscape and Visual Impact with associated verified views and biodiversity. The submitted Wind Microclimate Modelling Report demonstrates that the majority of public open space area and communal courtyards will be suitable for long term sitting. In relation to private balcony areas, as would be expected, lower level balconies have a more comfortable wind environment than upper level balconies. However, these spaces are still usable and in light of the large extent of ground level communal and public open space available to residents, I consider this to be acceptable. I therefore find that the proposed development satisfies the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines.

10.4.14. The applicant has prepared a scheme that responds positively to the surroundings and satisfactory complements existing and permitted development in the vicinity. The design of apartment units takes advantage of both aspect, in terms of south light and views in terms of looking out over the Tolka Valley Park. The overall scale and massing of the development is entirely appropriate to the context of the site and the ten storey marker building at the corner of River Road and Ashtown Road is a good piece of urban design and highlights the urban edge to the park. The provision of surface car parking in two distinct areas is not overly dominant and is well landscaped and divided out. The distribution of public open space towards the south western corner of the site takes advantage of natural light and the provision of a suitably dimensioned communal open space at the heart of Block 2 will be a pleasant place to be. I am entirely satisfied that the proposed development will be a positive addition to the area and provide an excellent living environment for existing and future residents.

10.4.15. Density - The planning authority are satisfied that the proposed density is acceptable at this location, given the requirements of the LAP and already permitted development. The proposed density is 117 units per hectare based upon a site area of 1.44 hectares where the apartment blocks are located. Policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance, objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development encouraging increased densities in settlements where appropriate. Section 28

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

10.4.16. The Apartment Guidelines define central and/or accessible urban locations as including sites within a reasonable walking distance (up to 10 minutes) to/from high capacity urban public transport stops (such as DART or Luas). Such locations are identified as suitable for higher density development. The application site is a short walk (less than 5 minutes) to Ashtown Station, an existing high capacity rail line. As such, I consider that the site can be described as a central / accessible location as defined under the Apartment Guidelines and can sustainably support the increased density level proposed. However, the overall acceptability of this density is subject to appropriate design and amenity standards, which are considered in the relevant sections below.

## 10.5. Neighbouring Residential Amenity

10.5.1. Very little opposition to the proposed development is raised by observers and this is in no small part due to the design and configuration of the proposed development. However, some minor concerns are raised, and they relate to visual impact and building finishes, green roof and maintenance, streetscape and amenity, car parking and the potential for a repositioned bus terminus.

10.5.2. The proposed development comprises two blocks, Block 1 is located more than 45 metres north of the Waxworks apartment building and the projecting wings of Block 2 are located 22 metres north. Block 2 is four storeys along Rathborne Avenue and further north Block 2 is seven storeys. Given the significant separation distances involved and the height, scale and massing of the proposed development I do not anticipate any adverse impacts from overlooking, overshadowing or overbearing appearance. The applicant has submitted a Daylight, Sunlight and Overshadowing Study that has been prepared in accordance with BRE – Site Layout Planning for Daylight and Sunlight (2nd edition). The report considers the impact from the proposed development upon neighbouring residences, and I am satisfied that all

relevant sensitive points have been tested and have returned acceptable results. The data submitted is extensive and provides a good range of representative values across vertical sky component (VSC) and overshadowing analysis. I anticipate no negative impacts upon residential amenity from the proposed development and the applicant's reports adequately demonstrate this.

10.5.3. Impacts During Construction – Observations note the potential for noise and dust as a result of construction works on the site, especially as more and more people will likely work from home once Covid 19 restrictions ease. An Outline Construction Management Plan has been submitted with the application. Measures for the management of noise and suppression of dust are described and a condition is recommended to secure these arrangements. With the application of these measures, there are no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development.

10.5.4. Anti-social behaviour and new bus stop - I note that public realm improvements around the site may necessitate the re-position of a bus stop from River Road to Rathborne Avenue. I consider these matters in greater detail in the traffic and transport section of my report and I note the correspondence on file from Dublin Bus regarding acceptance of a bus terminus relocation. I note that the proposed development, whilst indicating new public realm, no new bus stop is proposed or included within the red line boundary of the application site. Therefore, the operational requirements of bus stops, idling buses and car park management would form the basis of some future planning application. There is nothing specific about the proposed development that would in my view compound existing anti-social behaviour problems in the area, and indeed, I have concluded that the proposed development will be beneficial in this regard by opening up and activating new street frontages.

10.5.5. Building maintenance – I note that an observer has raised some concerns about the maintenance of roof terraces and green roofs in particular. The fear is that if not properly cared for green roofs can become unsightly over time. I note that the applicant has prepared a Property Management Strategy Report and Building Life Cycle Report. Section 4.0 of the Building Life Cycle Report outlines the external building fabric schedule and includes the required maintenance regime and specifically discusses green roofs. It is stated as follows: that *quarterly maintenance*



*visits to include inspection of drainage layer and outlets and removal of any blockages to prevent ponding. Inspection of vegetation layer for fungus and decay. Carry out weeding as necessary. No irrigation necessary with sedum blankets.* I am satisfied that the applicant has adequately addressed the maintenance needs of the external envelope of the buildings so that unsightly or visual obtrusive maintenance lapses should not occur. The issue of building maintenance and upkeep is adequately addressed by the applicant.

## 10.6. Proposed Residential Standards

10.6.1. The proposed development comprises 169 apartments and as such the Sustainable Urban Housing: Design Standards for New Apartments 2020 has a bearing on design and minimum floor areas associated with the apartments. In this context, the guidelines set out Specific Planning Policy Requirements (SPPRs) that must be complied with. The apartments are arranged in 2 distinct blocks, sitting on lands between Rathborne Avenue, Ashtown Road and River Road. The building heights range between four and ten storeys in height. Apartment units of differing sizes are uniformly distributed throughout the site and are provided with adequately scaled public or semi-private open space.

10.6.2. Sections 7 and 9 of the Planning Report and Statement of Consistency deals with apartment design and compliance with the relevant standards. The Architect's Design Statement and Schedule of Accommodation shows in detail that apartment units are a combination of single aspect (25% - 52 units) and dual aspect (75% - 117 units - 57%). This exceeds the requirements of SPPR4 of the Apartment Guidelines. The planning authority are broadly satisfied with the ratio and configuration of dual aspect units. They highlight that a small number of units have living areas that face north whilst bedroom areas have a southerly aspect and others have a northerly aspect across Tolka Park. I agree with the planning authority's conclusion that given the elevation, the outlook and views over Tolka Valley Park, the level of daylight achieved, and the floor areas provided, the small number of predominantly or wholly north-facing units would achieve acceptable residential amenity, and area acceptable. I am satisfied that there is high proportion of well-designed dual aspect units and combined with the open space amenities on site and the proximity of a very large public park to the north and the village centre and Royal Canal to the south, the proposed units will enjoy good levels of light.

- 10.6.3. The proposed development provides 9 one bed units (5%), 83 two bed units (49%) and 77 three bed units (56%). The amount of one bed units is significantly below the upward amount of 50% allowed for in the guidelines, with only 5% of the total proposed development as one bed units. Specific Planning Policy Requirement 1 is therefore met. I note that the planning authority welcome the mix of units and especially the provision of three bed units. Ground floor, floor to ceiling heights are all 2.7 metres. No more than 10 units are served per lift and stair core. Specific Planning Policy Requirements (SPPRs) 1, 4, 5 and 6 are therefore met.
- 10.6.4. Under the Guidelines the minimum GFA for a 1 bedroom apartment is 45 sq.m, the standard for 2 bedroom apartment (3-person) is 63 sq.m and the standard for a 2 bedroom (four-person) apartment is 73 sq.m. The guidelines state that majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%). The accommodation schedule shows that this has been exceeded by more than the minimum 10% in 132 units and works out as 78% of all units. The majority of the proposed apartments are in excess of the minimum floor area standards (SPPR 3), with few close to the minimum requirements. Given, that all apartments comprise floor areas in excess of the minimum, I am satisfied that the necessary standards have been achieved and exceeded. I am satisfied that the location and internal layout of the apartments are satisfactory from a residential amenity perspective.
- 10.6.5. I note that Apartment Guidelines, require the preparation of a building lifecycle report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application. In addition, the guidelines remind developers of their obligations under the Multi-Unit Developments Act 2011, with reference to the ongoing costs that concern maintenance and management of apartments. A condition requiring the constitution of an owners' management company should be attached to any grant of permission.
- 10.6.6. According to the Architectural Design Statement and the Architect's Response to ABP Report, the apartment buildings have a combination of extensive use of brickwork, metal cladding and stone paving. A full schedule of materials and finishes is detailed in the Architect's Response Statement, note sections on Elevation

Strategy and elevations to public roads. The majority of the finishes proposed are durable, attractive and suitable for the area in terms of visual amenity. In addition to external amenity space comprising ground floor courtyard area and roof terrace 2,404 sqm, a central dividing public open space of 1,487 sqm; internal amenity areas such as resident sitting rooms and large lobby areas have been provided.

10.6.7. The applicant suggests that the increased height of the apartment blocks will not adversely affect the comfort levels of people at ground level and on balconies, though roof terraces are susceptible to higher wind speeds. The planning authority broadly agree with the applicant's analysis but point out that the function of the main public open space as a route between River Road and Rathborne Avenue limits its usability. The observer on this aspect of the proposal notes similar concerns. Given that the subject site sits between the commercial core of the Village, the Royal Canal amenity and Tolka Park, I am satisfied that the conventional use of the public open space can be maximised and provide an attractive linkage between these amenities. There is an abundance of good and high quality public amenity spaces in the vicinity and I am satisfied that the public open space provided in this scheme is functional, adaptable and safe.

10.6.8. I note that a Wind Microclimate Modelling study has been submitted. The combination of a favourable southerly aspect to all the open spaces and the sheltering impact of each fringelike block projection, will provide well lit spaces. Wind analysis shows that, according to the Lawson Scale, short term sitting and standing can be sustained without planting, with planting long term sitting will be entirely possible. With respect to apartment balconies, impacts at upper levels will be felt, however it is not anticipated that long term sitting will take place in these spaces during inclement weather. The applicant states that the proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings. In addition, areas around the development can all be considered suitable for long term sitting, apart from a small area on the north-side of the development. I am satisfied that the findings of the study in relation to wind analysis/pedestrian comfort have informed the open space landscaping plans and a satisfactory level of comfort is afforded to make these spaces pleasant spaces to be.

10.6.9. The proposed development also includes some resident's facilities (large sitting rooms, dining space and kitchens, management office, meeting room, bin stores and bike stores), a childcare facility and all blocks have large foyer/lobby areas at ground floor level. The planning authority seek a greater quantum and variety of internal amenity spaces. Given the limited number of overall apartments proposed (169 units), I am satisfied that the proposed provision of internal amenity spaces is commensurate with what can be borne financially by future occupants. In light of all these on-site facilities, included under this application, I am satisfied that a comprehensive suite of facilities and services will accompany this conventional residential apartment development and enhance this site, close to existing commercial and community services and a railway station.

10.6.10. The applicant has submitted a Daylight, Sunlight and Overshadowing Study that has been prepared in accordance with BRE – Site Layout Planning for Daylight and Sunlight (2nd edition). The study has comprehensively assessed all units at lower ground, ground level, level 01 and level 03 of block 1 and most if not all units at lower ground level, ground level, level 1 and level 3 of block 2. The report notes that the 'worst' case locations have been tested i.e. those looking into elevations with obstructed views. In the context of such representative data, I note that 100% of rooms tested achieved and exceeded average daylight factors in accordance with BRE guidelines. The applicant's report concludes that the development as a whole has 100% of rooms achieving the recommended minimum average daylight factors. Since these can be viewed as good overall representative locations throughout the development, it can be expected that the results from of the development as a whole would perform to the same high level. I agree with these findings and I am satisfied that an appropriate level of daylight will light all apartment units adequately.

10.6.11. Overall, I am satisfied that the internal standards have been met by the applicant and each apartment unit, on its own, is of a high quality. The separation distances between each block are satisfactory and the intervening amenity spaces are enough to ensure a high quality living environment for all apartment units, including those that rely on single aspect outlook and therefore the principle objectives of the Apartment Guidelines are met.

## 10.7. **Traffic and Transport**

- 10.7.1. The proposed development will provide 102 car spaces (57 surface, 9 setdown/visitor and 36 undercroft) and 424 bicycle spaces (108 surface and 316 undercroft). In addition, there will be major improvements to the public realm by the provision of wider footpaths, cycleways, new junctions and pedestrian crossing points. Specifically, a new signalised junction at the junction of River Road and Rathborne Avenue and a new toucan crossing at Rathborne Avenue to the south of the site, with associated tactile paving. The planning authority are broadly supportive of all aspects of the development from a traffic and transport perspective, a number of conditions are proposed, including agreeing details of works to the public realm; amendments to the site layout to amend cycle parking and demonstrate pedestrian priority; an updated Mobility Management Strategy, and a Construction Traffic Management Plan. All of these issues can be addressed by a suitable condition in the event of a grant of permission.
- 10.7.2. A local observer, a resident of The Waxworks, south of the site, has raised concerns about the reposition of car parking spaces along Rathborne Avenue and their replacement with the bus terminus from River Road. The main concern is that idling buses will create a pollution nuisance and the area could encourage antisocial behaviour. I note that a letter from Dublin Bus, who operate services to the area, raise no objection to the terminus relocation and will discuss design details in the future. In this respect, whilst indicating new public realm, no new bus stop is proposed or included within the red line boundary of the application site. Therefore, the operational requirements of bus stops, idling buses and car park management would form the basis of some future planning application.
- 10.7.3. I can however, see the sense in relocation the current bus stop from River Road and thus bring and collect passengers from a more central location. I can also understand that the current change in circumstance will bring a new pattern of use, both from a traffic perspective and from an increase in pedestrian activity. However, I am satisfied that when considered in tandem with wider improvements to the public realm, an increase in general pedestrian footfall along Rathborne Avenue and the open design of the proposed development, the change in traffic patterns will be welcome. I do not anticipate any greater levels of antisocial behaviour, quite the reverse, I anticipate a better designed street with greater passive supervision. In terms of idling buses and the potential for noise and pollution nuisance, this is a

matter for the operator of a public transport service to manage and control and would form the basis for a future consent application. However, in an environmental context, it is my understanding that the practice of idling buses has been discontinued and it is quite likely that bus transport in the future will convert to cleaner and quieter sources of propulsion.

- 10.7.4. As already mentioned the planning authority are not opposed to the proposed development from a traffic and transport perspective. A Mobility Management Plan and Car Parking Management Strategy have been submitted. The Transport Planning division of the Council have identified areas where amendments or improvements are necessary and they include: details of works outside of applicants control, universal access and pedestrian safety, priority and connectivity onsite, bicycle parking quantum and quality, visitor parking provision locations, residential mobility management, crèche mobility management and operational servicing. A number of detailed conditions are recommended and these factors can be addressed with the agreement of the planning authority.
- 10.7.5. The applicant has submitted a Transport Assessment, it concludes that the overall impact of the proposed development on the transportation infrastructure in the local area will be minimal. It is quite likely that the development at the scale proposed will impact upon local traffic volumes. It is also likely that if permitted schemes in the vicinity were to be built out, they too would add to traffic congestion in the area. I am satisfied that the applicant's studies are reliable, and the planning authority agree. The current traffic situation in the area may be problematic in terms of occasional parking pressures, but this is more symptomatic of the unsustainable traffic patterns already in place and practiced by local residents and visitors alike. I note that proposed cycle infrastructure is criticised by an observer with respect to pedestrian/cyclist conflict especially along River Road. I am satisfied that this matter can be addressed and rectified in consultation with the planning authority and with all works in compliance with the national cycle manual.
- 10.7.6. In terms of car parking and national guidance, parking has been given particular prominence. In this respect, the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria. At central or highly accessible locations,

significant reductions in car parking or complete elimination is recommended. The subject site is situated in such a location and a reduced number of car parking spaces are proposed – 102 spaces in total or approximately 0.5 per unit. The planning authority have no particular issue with this amount. The management of the car parking spaces to be provided will be key to addressing any problems that arise and the planning authority have recommended the production of an updated Mobility Management Strategy together with a Car Parking Management Strategy, I agree.

10.7.7. High quality public transport is located close by, the walk to Ashtown Train Station is no more than a comfortable two or three minute walk, local bus services are also available and pedestrian/cycle permeability and networks will be enhanced. A wide range of community and commercial services are located nearby. All of these factors lead to my conclusion that car parking, cycle parking and sustainable transport options have all been adequately provided for in this scheme. There are no other traffic or transport related issues to address in this application.

#### 10.8. **Other Matters**

10.8.1. Community/commercial Facilities - In terms of community and commercial facilities, I note the location of the site close to all the commercial facilities at The Village to the west, the proximity of schools, playing fields and childcare facilities too, all within walking distance of the site. Unlike the planning authority, I am satisfied that there are sufficient community and commercial facilities in the vicinity to sustain the development and vice versa.

10.8.2. Flood Risk – The applicant has prepared a Flood Risk Assessment (FRA). The FRA concludes that there is no significant risk of flooding to the site, the planning authority highlight no special measures to manage flood risk and accept the applicant's surface water management strategy subject to technical and standard conditions. I note standard and technical conditions are required by the planning authority with regard to surface water management and these can be dealt with by condition.

10.8.3. Crèche play area – The applicant has proposed a childcare facility at the north western tip of the site and its outdoor play area is located on the northern elevation of block 1. The planning authority raise some concern about this scenario and would prefer a more favourable orientation. The pattern of outdoor play of such a space will be dictated by the timetable of the childcare facility, with not all children using the

space all of the time. In addition, I note that direct sunlight will hit a portion of the play area for a portion of the morning, a time when children may be outside. Plan view 4.1.1 of the applicant's Daylight/Sunlight and Overshadowing Report, shows the passage of direct sunlight to the children's play space, in this respect the 10am slot in March should be noted. I am satisfied that the crèche play space will receive adequate levels of direct sunlight for a portion of the day, whilst other areas of the space will remain in shadow these areas will provide shelter from the harmful aspects of sunlight and allow the space to be used all year round.

10.9. I am satisfied that there are no other aspects to the proposed development that present any conflicts or issues to be clarified, the documentation submitted by the applicant is sufficiently detailed. The site can be facilitated by water services infrastructure and the planning authority and Irish Water have confirmed this. The site is located close to train and bus services and there are no extraordinary traffic or transportation issues that cannot be dealt with by condition as necessary. The planning authority support the proposed development and have recommended a number of conditions that should be attached in the event of a grant of permission. For the most part, I agree with the planning authority's recommended attachment of conditions where relevant.



## 11.0 Appropriate Assessment

### 11.1. Introduction

11.1.1. The applicant has submitted an 'Appropriate Assessment Screening Report', prepared by Scott Cawley and dated January 2021.

### 11.2. AA Screening

- 11.2.1. The subject site is not located within any Designated European site. The nearest Natura 2000 site is c. 7 km to the east of the application lands. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. A habitat survey was undertaken of the proposed development site in November 2018 and March 2020 by Colm Clarke (Senior Ecologist). There are no non-native invasive plant species on the site. There are no surface water features located within the site. However, surface and foul waters from the proposed development will ultimately drain to Dublin Bay, which contains European sites. Other sites within 15km of the lands can be excluded because there are no other hydrological connections to other sites in the vicinity, note Figure 2 *European sites in the vicinity of the proposed development*, contained within the applicant's Appropriate Assessment Screening Report.
- 11.2.2. In terms of zone of interest the following Natura 2000 sites are within 15 km of the application site: Glenasmole Valley SAC/Rye Water Valley/Carton SAC/Malahide Estuary SAC/Malahide Estuary SPA/Baldoyle Bay SAC/Baldoyle Bay SPA/Howth Head SAC/Howth Head Coast SPA/North Dublin Bay SAC/North Bull Island SPA/South Dublin Bay SAC/South Dublin Bay and River Tolka Estuary SPA.
- 11.2.3. In applying the 'source-pathway-receptor' model to all Natura 2000 sites within 15 km of the application site I consider that the following sites could potentially be affected due to connections via surface water drainage: North Dublin Bay SAC/South Dublin Bay SAC/North Bull Island SPA/South Dublin Bay and River Tolka Estuary SPA. I am satisfied that the potential for impacts on the other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

11.2.4. The Qualifying Interests (QIs) and Special Conservation Interests (SCIs) of the European sites in the vicinity of the proposed development site are detailed at Appendix 1 of the AA Screening Assessment and those that cannot be excluded are listed below:

South Dublin Bay SAC [000210]	North Dublin Bay SAC [000206]
[1140] Mudflats and sandflats not covered by seawater at low tide	[1140] Mudflats and sandflats not covered by seawater at low tide
[1210] Annual vegetation of drift lines	[1210] Annual vegetation of drift lines
[1310] Salicornia and other annuals colonising mud and sand	[1310] Salicornia and other annuals colonising mud and sand
[2110] Embryonic shifting dunes	[1330] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> )  [1395] Petalwort <i>Petalophyllum ralfsii</i>  [1410] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> )  [2110] Embryonic shifting dunes  [2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)  [2130] Fixed coastal dunes with herbaceous vegetation (grey dunes)  [2190] Humid dune slacks

South Dublin Bay and River Tolka Estuary SPA [004024]	North Bull Island SPA [004006]
[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i>	[A046] Light-bellied Brent Goose <i>Branta bernicla hrota</i>
[A130] Oystercatcher <i>Haematopus ostralegus</i>	[A048] Shelduck <i>Tadorna tadorna</i>

[A137] Ringed Plover <i>Charadrius hiaticula</i>	[A052] Teal <i>Anas crecca</i>
[A141] Grey Plover <i>Pluvialis squatarola</i>	[A054] Pintail <i>Anas acuta</i>
[A143] Knot <i>Calidris canutus</i>	[A056] Shoveler <i>Anas clypeata</i>
[A144] Sanderling <i>Calidris alba</i>	[A130] Oystercatcher <i>Haematopus ostralegus</i>
[A149] Dunlin <i>Calidris alpina</i>	[A140] Golden Plover <i>Pluvialis apricaria</i>
[A157] Bar-tailed Godwit <i>Limosa lapponica</i>	[A141] Grey Plover <i>Pluvialis squatarola</i>
[A162] Redshank <i>Tringa totanus</i>	[A143] Knot <i>Calidris canutus</i>
[A179] Black-headed Gull <i>Croicocephalus ridibundus</i>	[A144] Sanderling <i>Calidris alba</i>
[A192] Roseate Tern <i>Sterna dougallii</i>	[A149] Dunlin <i>Calidris alpina</i>
[A193] Common Tern <i>Sterna hirundo</i>	[A156] Black-tailed Godwit <i>Limosa limosa</i>
[A194] Arctic Tern <i>Sterna paradisaea</i>	[A157] Bar-tailed Godwit <i>Limosa lapponica</i>
[A999] Wetland and Waterbirds	[A160] Curlew <i>Numenius arquata</i>
	[A162] Redshank <i>Tringa totanus</i>
	[A169] Turnstone <i>Arenaria interpres</i>
	[A179] Black-headed Gull <i>Croicocephalus ridibundus</i>
	[A999] Wetlands & Waterbirds

11.2.5. The Conservation Objectives for the sites are to maintain or restore the favourable conservation condition of each qualifying species/habitat. The potential effects on the above sites arise from the hydrological connection between the development site and those Natura 2000 sites in the form of surface water drainage connection. There is a possibility of contaminated surface water run-off, or an accidental pollution event during construction or operation, that could lead to habitat degradation. Surface

waters from the proposed development will drain via existing infrastructure to the River Tolka that is located c. 50 metres to the north of the site. The River Tolka flows easterly and enters Dublin Bay via the Tolka Estuary c. 6 km from of the application site.

- 11.2.6. Surface water from the proposed development will pass through a range of SuDS including green roofs, permeable paving, swales and bio-retention systems. Waters from green roofs and permeable paving and all other surface water will be attenuated in an underground attenuation tank. All surface waters will pass through a hydrocarbon interceptor before discharge to the surface water network (See 'Engineering Assessment Report' and drawings by Waterman Moylan Consulting Engineers and for construction stage see 'Outline Construction Management Plan' prepared by AWN Consulting.).
- 11.2.7. These waters will ultimately drain to Dublin Bay via the Tolka River. These are not works that are designed or intended specifically to mitigate an 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 residential development on any brownfield site in order to protect the receiving local environment and the amenities of the occupants of neighbouring land regardless of 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 an urban site whether or not they were explicitly required by the terms or conditions of a planning permission.
- 11.2.8. I draw the Board's attention to a report on file from Inland Fisheries Ireland (dated 23/02/2021). The IFI report refers to the need to protect the habitats and ecology of the local area with specific reference to the Tolka River to the north of the site. That report focuses on the protection of the local environment and not the Natura 2000 sites some 7 km away. The IFI notes that all works should be in compliance with a Construction Management Plan and the proposed "good construction practices" therein in relation to ensuring the protection of the local receiving environment. The habitats and fauna referred to in that IFI report are not linked to the above mentioned 4 no. Natura 2000 sites. The good construction practices are required irrespective of the site's hydrological connection via the urban surface water drainage system to those Natura 2000 sites. There is nothing unique, particularly challenging or

innovative about this urban development on a brownfield urban site, either at construction phase or operational phase. It is therefore evident from the information before the Board that the proposed construction on the applicant's landholding would be not be likely to have a significant effect on the North Dublin Bay SAC/South Dublin Bay SAC/North Bull Island SPA/South Dublin Bay and River Tolka Estuary SPA. Stage II AA is not required.

**11.3. AA Screening Conclusion:**

- 11.3.1. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC [000209], South Dublin Bay SAC [000210], North Bull Island SPA [004006] and South Dublin Bay and River Tolka Estuary SPA [004024] or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 12.0 Recommendation

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

## 13.0 Reasons and Considerations

Having regard to the:

(a) the site's location close to Dublin City centre, within an established built up area on lands with a zoning objective Z14, which is to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and Z6 would be the predominant uses, in the Dublin City Council Development Plan 2016-2022;

(b) The policies and objectives in the Dublin City Development Plan 2016-2022 and Ashtown-Pelletstown LAP 2014;

(c) the site's location within a Strategic Development and Regeneration Area (SDRA 3 Ashtown-Pelletstown);

(d) objectives 3a, 3b, 11, 13 and 35 of the National Planning Framework;

(e) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;

(f) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

(g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);

(h) 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;

(i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(j) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government 2020;

(k) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;

(l) the nature, scale and design of the proposed development;

(m) the availability in the area of a wide range of educational, social, community and transport infrastructure,

(n) the pattern of existing and permitted development in the area,

(o) The Report of the Chief Executive of Dublin City Council received from the planning authority;

(p) the submissions and observations received;

(q) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

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

## 14.0 Recommended Draft Board Order

### Planning and Development Acts 2000 to 2020

**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 29<sup>th</sup> day of January 2021 by Castlethorn Construction Unlimited Company, Usher House, Main Street, Dundrum, Dublin 14.

### Proposed Development

The proposed development on a site of 1.44 hectares will consist of 169 apartment units in two blocks ranging in height from 4 to 10 storeys and a crèche, the detail is as follows:

<b>Parameter</b>	<b>Site Proposal</b>
<b>Application Site</b>	1.44 hectares
<b>No. of Units</b>	169 units (apartments and duplex units)
<b>Density</b>	117 units per hectare
<b>Dual Aspect</b>	117 units (75%)
<b>Other Uses</b>	Crèche (221.9 sqm), accommodates up to 25 children
<b>Private Communal Space</b>	2,408 sqm
<b>Public Open Space</b>	1,487 sqm
<b>Residential Amenity Space</b>	301 sqm
<b>Height</b>	4-10 storeys



<b>Parking</b>	102 car spaces (57 surface, 9 setdown/visitor and 36 undercroft)  424 bicycle spaces (108 surface and 316 undercroft).
<b>Vehicular Access</b>	Rathborne Avenue and River Road
<b>Part V</b>	19 (two bed units)

### Housing Mix

<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>Total</b>
<b>Apartments</b>	9	78	12	99
<b>Duplex</b>		5	65	70
<b>Total</b>	<b>9</b>	<b>83</b>	<b>77</b>	<b>169</b>
<b>% of Total</b>	<b>5%</b>	<b>49%</b>	<b>56%</b>	<b>100%</b>

Demolition of the former marketing suite building and prefab building (previously used on a temporary basis as a school).

New signalised junction at the junction of River Road and Rathborne Avenue and new toucan crossing across Rathborne Avenue to the south of the site, with associated tactile paving.

### **Matters considered**

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

### **Reasons and Considerations**

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

- (a) the site's location close to Dublin City centre, within an established built up area on lands with a zoning objective Z14, which is to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and Z6 would be the predominant uses, in the Dublin City Council Development Plan 2016-2022;
- (b) The policies and objectives in the Dublin City Development Plan 2016-2022 and Ashtown-Pelletstown LAP 2014;
- (c) the site's location within a Strategic Development and Regeneration Area (SDRA 3 Ashtown-Pelletstown);
- (d) objectives 3a, 3b, 11, 13 and 35 of the National Planning Framework;
- (e) the provisions of the Dublin Metropolitan Area Strategic Plan (MASP), part of the Eastern & Midland Regional Assembly RSES 2019-2031;
- (f) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (2019);
- (h) 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;
- (i) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (j) 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' prepared by the Department of Housing, Planning and Local Government 2020;
- (k) the Guidelines for Planning Authorities on The Planning System and Flood Risk Management (including the associated technical appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (l) the nature, scale and design of the proposed development;

- (m) the availability in the area of a wide range of educational, social, community and transport infrastructure,
- (n) the pattern of existing and permitted development in the area,
- (o) The Report of the Chief Executive of Dublin City Council received from the planning authority;
- (p) the submissions and observations received;
- (q) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

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

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated Natura 2000 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 Environmental Impact Assessment Screening Information Report submitted by the developer which contains the information as set out in Schedule 7A of the Planning and Development Regulations 2001, as amended.

Having regard to:

(a) The nature and scale of the proposed development which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the site's location close to Dublin City centre, within an established built up area on lands with a zoning objective Z14, which is to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and Z6 would be the predominant uses, in the Dublin City Council Development Plan 2016-2022,

(c) the existing use on the site and pattern of development in the surrounding area,

(d) the planning history relating to the site,

(e) the availability of mains water and wastewater services to serve the proposed development,

(f) 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,

(g) the provisions of the guidance as 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),

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

(i) the features and measures proposed by the developer envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Environmental Management Plan and Construction and Demolition Waste Management Plan.

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

### **Conclusion on Proper Planning and Sustainable Development**

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

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Ashtown-Pelletstown Local Area Plan in relation to building height and residential density and the Dublin City Development Plan 2016-2022 in relation to core strategy unit allocation for SDRA 3. The Board considers that, having regard to the provisions of section 37(2)(b)(i),(ii), (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Local Area Plan and City Development Plan would be justified for the following reasons and consideration:

a) 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); its location within the 'Ashtown-Pelletstown' area identified as a strategic development area in the Dublin Metropolitan Area Strategic Plan (part of the Eastern & Midland Regional Assembly RSES 2019-2031); its location within an area designated as a Strategic Development and Regeneration Area (SDRA 3 – Ashtown-Pelletstown) in the Dublin City Development Plan 2016-2022, and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.

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

The conflicting objectives between the Dublin City Development Plan 2016-2022 and the Ashtown-Pelletstown Local Area Plan in relation to building height objectives for the application site.

c) 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 and the National Planning Framework, specifically: in relation to the matter of building height, 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 the Urban Development and Building Height Guidelines.

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

Permission has been granted recently (Ref. ABP-307656-20) for the construction of 725 apartment units in six blocks up to 14 storeys in height, a crèche, café and

foodstore and that the prevailing pattern of development of the area is similar in design and scale as that proposed.

## 15.0 Conditions

1. The proposed 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. 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.

3. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual amenity.

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

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

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.



8. The internal road and cycle network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual. Specifically:

a) Prior to commencement of the development full details of all potential works to the public road and the public realm, including the upgraded junctions at River Road/Rathborne Avenue and pedestrian crossings shall be agreed in writing with the Planning Authority. Materials shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council. Any works to the public road and the public realm including provision of an upgraded junction and pedestrian crossings, road and footpath modifications including location of on-street parking, lighting, drainage and materials considered acceptable to Dublin City Council shall be carried out at the developer's expense. All works shall be completed and operational prior to first occupation of the development.

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.

9. a) 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. Details to be agreed with the planning authority shall include the provision of centralised facilities within the childcare facility of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

b) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time and shall include a strategy for the crèche and any car-share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

Reason: In the interest of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.

10. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking 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, the development shall submit 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.

11. 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 revised surface water storage calculations to account for 20% Climate Change as per the “Dublin City Development Plan 2016-2022 Strategic Flood Risk Assessment”, 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.

12. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

13. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, 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. The public open space shall remain open and freely accessible and allow access at all times from River Road to Rathborne Avenue.

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

14. (a) All windows and roof lights shall be double-glazed and tightly fitting.

(b) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to,

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

Reason: In the interest of sustainable waste management.

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

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

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

18. 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.

19. 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.

20. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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

Reason: In the interest of public health.

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

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

23. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

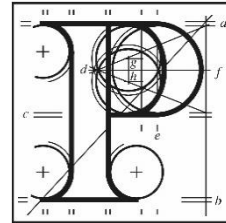
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Stephen Rhys Thomas  
Senior Planning Inspector

28 April 2021



## 16.0 Appendix A



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

#### A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-309318-21
Development Summary		169 apartments and a crèche.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
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	Yes	SEA undertaken in respect of the Dublin City Development Plan 2016-2022 and the Ashtown-Pelletstown LAP 2014 (extended to December 2023).

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

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The development comprises the removal of brownfield land and the demolition of temporary structures for the construction of residential units on lands zoned for residential purposes in keeping with the residential development in the vicinity.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposal includes construction of a residential apartment scheme which is not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

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

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

<b>1.10 Will the project affect the social environment (population, employment)</b>	<b>Yes</b>	The development of this site as proposed will result in an increase in residential units of 169 units which is considered commensurate with the development of a settlement identified as a Strategic Development Regeneration Area (SDRA).	<b>No</b>
<b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b>	<b>No</b>	A larger scale housing development (more than 700 units) is located to the immediate east, it was subject to EIA.	<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b> <ol style="list-style-type: none"> <li>1. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> </ol>	<b>No</b>	No conservation sites located on the site. An AA Screening Assessment accompanied the application which concluded no significant adverse impact on any European Sites.	<b>No</b>

<p><b>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</b></p>			
<p><b>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?</b></p>	<p><b>No</b></p>	<p>The loss of some bat roost habitats will occur, appropriate mitigation measures are recommended. No other sensitive or important flora/fauna species identified.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>There are no buildings or structures in the vicinity that could be affected.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>There are no areas in the immediate vicinity which contain important resources.</p>	<p>No</p>

<p><b>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?</b></p>	<p><b>No</b></p>	<p>A river is located 50 metres to the north, appropriate mitigation measures will be employed during construction. In addition, the development will implement SUDS measures to control surface water run-off to greenfield run-off rates and prevent entry of contaminants. The site is not at risk of flooding.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>There is no evidence in the submitted documentation that the lands are susceptible to land slides or erosion. The topography of the site is sloped.</p>	<p>No</p>
<p><b>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?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road network.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There are no existing sensitive land uses or substantial community uses which could be affected by the project.</p>	<p>No</p>



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

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

## 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 to protect and provide for residential uses and community infrastructure uses in the Ashtown-Pelletstown LAP 2014 (extended to December 2023), and the results of the Strategic Environmental Assessment of the plan;
- (c) The existing use on the site and pattern of development in surrounding area;
- (d) The planning history relating to the site
- (d) The availability of mains water and wastewater services to serve the proposed development,
- (e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (e) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- (f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- (g) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction Demolition Waste Management Plan and Outline Construction Environmental Management Plan.

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

Inspector: \_\_\_\_\_ **Stephen Rhys Thomas**

Date: \_\_\_\_\_ **28/04/2021**