



An
Bord
Pleanála

Inspector's Report

ABP-311688-21

Development	Demolition of 3 no. existing dwellings and construction of a 3-4 storey development, comprising of 21 apartments
Location	15, 16 & 16A Camac Park, Dublin 12
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	3006/21
Applicants	Number Three Red Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Mark O'Byrne
Observers	None
Date of Site Inspection	6 th April 2022
Inspector	Margaret Commene

1.0 Site Location and Description

- 1.1. The area surrounding the site, at Nos. 15, 16 & 16A Camac Park, Dublin 12, features a mix of residential, commercial, and industrial land uses. From a residential perspective, Camac Park is generally characterised by single and double storey detached and semi-detached houses and some more recently developed 2 and 3 storey infill/backland residential developments. The subject site is located c. 700 metres north of the Kylemore Luas Stop and proximate to Dublin Bus Route No. 18, running along Kylemore Road, and Dublin Bus Routes No. 13, 68 and 69x, running along Naas Road.
- 1.2. The site comprises a 0.21ha irregular shaped site (made up of 2 no. land parcels) on the western side of Camac Park, south-west of the junction with Bluebell Avenue in Dublin 12. The northernmost of the 2 land parcels currently contains a double storey semi-detached dwelling, No. 15 Camac Park, which forms a pair with No. 16A Camac Park which is located in the southernmost of the 2 no. land parcels. The garden surrounding the dwelling at No. 15 Camac Park is currently very overgrown. The southernmost land parcel also features a double storey detached dwelling and associated garden, No. 16 Camac Park, built immediately south of No. 16A Camac Park. Each of the 3 dwellings is provided with a separate vehicular access off Camac Park.
- 1.3. Directly to the north-east of the site, there is a small area of open space that demarcates the entrance to the residential estate of Camac Park. To the south of the site, lies 4 two storey detached dwellings, Nos. 17, 17A, 34 and 35 Camac Park. To the west, north-west and east (on the opposite side of Camac Park) of the site, there are a number of commercial and industrial units, some of which form part of the Bluebell Industrial Estate.

2.0 Proposed Development

- 2.1. Planning permission was sought for: - demolition of Nos. 15, 16 and 16A Camac Park and construction of a three to four storey contemporary apartment building (of brick/render finish) with 21 no. apartments (7 no. 1-bed units; 13 no. 2-bed units and 1 no. 3-bed unit) centrally on the site, a 128sqm communal open space area to the front (east) of the site and a 305sqm public open space area to the rear (west) of the

site. The development was to be served by 13 no. surface level car parking spaces and 22 no. resident bicycle parking spaces accessible off Camac Park via a vehicular access in the south-eastern corner of the site.

2.2. The proposal was revised in response to a further information request. The revisions made resulted in the following amendments to the proposed development:

- The public amenity space proposed to the rear of the building was changed to communal amenity space to serve the development.
- The finish of the north-west elevation was amended to buff brick with solider coursing (previously proposed to be render finish).
- The cycle store building was increased in size so as to accommodate 22 no. secure resident cycle parking spaces (Sheffield stands) and 12 no. visitor cycle parking spaces were introduced to the front of the site adjacent to the building entrance.

2.3. A summary of the key site statistics/details of the proposed development (as amended by a further information response) are provided in the table below:

Site Area	0.21ha
Demolition Works	453sqm
No. of Residential Units	21 no. apartments (7 no. 1-bed units; 13 no. 2-bed units and 1 no. 3-bed unit)
Part V Provision	2 no. Part V apartments (1 no. 1-bed unit and 1 no. 2-bed unit).
Total Gross Floor Area	1,928sqm
Open Space	433sqm of communal open space (comprising of 128sqm to the front (east) of the site and 305sqm to the rear (west) of the site)
Car Parking	13 no. in total
Bicycle Parking	34 no. in total (22 no. resident bicycle parking spaces and 12 no. visitor bicycle parking spaces)
Density	100 units per hectare

Height	3-4 storeys
Site Coverage	28%
Plot Ratio	0.93
Dual Aspect Apartments	52%

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council granted planning permission subject to 13 conditions. These conditions are generally of a standardised format and relate to issues including surface water drainage, construction hours and development contributions/levies.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

Initial Planners Report (17th August 2021)

- The subject site has the Land Use Zoning Objective Z1 and residential use is permissible under this land use zoning site. An entirely residential scheme in this location is considered acceptable, subject to meeting policy objectives in respect of design and development standards, neighbouring amenity, transport and environmental impacts. It is considered that the redevelopment of this infill site that is zoned for residential development for a more efficient use is welcomed.
- It is noted that a third party submission from BOC highlights that the site is located within close proximity to a Seveso Site. Appendix 12 of the Development Plan identifies the BOC site within the Bluebell Industrial Estate, as being outside of the County Boundary but within the consultation distances within the City. The BOC site located within the county boundary of the neighbouring authority of South County Dublin and 700 metres from the Dublin City County boundary. The Health and Safety Authority have been consulted and have raised no objection to the proposed development.
- The application results in a density of 102 units per hectare, which is high compared to the existing density of the surrounding low scale residential development within Camac Park. There are a number of higher densities

developments to the north east of the site at the junction of the Kylemore Road and Bluebell Avenue. Higher densities can be supported where a proposed development relates successfully to its surroundings, provides good quality residential accommodation, protects neighbouring amenity and is acceptable with regard to transport and environmental impacts.

- The proposed development varies in height from three to four storeys. The proposed building would have a maximum height of 14.1m which is in accordance with the height limit for residential developments in the inner city as set out in Section 16.7.2 of the City Development Plan (which is for up to 24 metres for residential developments).
- In terms of visual amenity, the proposed development is contemporary in design and the bulk and scale is broken up by a staggered height on the southern end of the building. External finishes proposed include render to the sides and rear and a brick finish to the front elevation. Given the site's prominent location, the applicant will be requested to provide a brick finish to the north-west elevation as this side will be highly visible from Bluebell Avenue.
- Section 16.2.2.2 of the Development Plan supports infill development that demonstrates a positive response to context where these contribute positively to the character and appearance of the area. In this regard, the site is located on a prominent corner of Bluebell Avenue and the entrance to Camac Park, the surrounding area is mostly industrial and would be considered a harsh industrial environment in terms of its visual appearance. The proposed development will replace three dwellings and a boundary wall that are in poor condition, the Planning Authority welcomes the redevelopment of the site and the introduction of a residential block that will address this prominent corner in a positive way. The highest part of the building is on the north-east corner, the existing landscaping outside of the site and the landscaping proposed within provide a buffer from the edge of the street.
- The proposed development was deemed to comply with the development standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018.

- The submitted Daylight and Sunlight Report indicates that all proposed units will meet the BRE standard in respect of daylight to units. An assessment of 11 neighbouring properties highlights that the proposed development will not result in significant harm to existing neighbouring properties. One window within No. 35 Camac Park will experience a small reduction in VSC. With regards to the proposed new units, all 21 units meet the required ADF of 1.5% for living/kitchen areas and 17 units will achieve over 2% of the ADF target. With regards to amenity space, the proposed open space to the rear of the building meets the BRE requirements of 50% of the area receiving at least 2 hours of sunlight on March 21st.
- It is unlikely that the proposed development would result in any harm to the residential amenity of No. 35 Camac Park given this site's angled nature, the setback adopted from the common boundary and the absence of windows on the south west gable; of No. 34 Camac Park given it is located 16 metres to the south, is obscured by No. 35 Camac Park and the south-west elevation is devoid of windows or balconies; and Nos. 17 and 17A Camac Park as there are no buildings proposed at this end of the site that would harm either of these properties.
- With regards to the omission of communal amenity provision, the Planning Authority considers that the applicant should be requested to provide some form of communal space either within the building or as an outdoor space. This can be requested by way of Further Information.
- The Planning Authority notes the concerns of the Transportation Department in respect of parking (13 no. car parking spaces to serve the 21 no. apartments provided equating to a ratio of 0.61 spaces per unit) but considers that the parking provision of 13 spaces to serve a development of 21 units is acceptable for a development that is located less than 1km from the Kylemore Luas stop. A parking ratio of 0.6 spaces per unit while it does not meet the requirements of the development, is considered to be in keeping with similar residential developments within close proximity to a QBC or Luas.
- Given the proposed low level of parking, and the concerns raised by the Transportation Department regarding the lack of cycle parking and detailed

plans of the cycle parking, further information is appropriate in this instance to ensure that there is an acceptable cycle parking provided on site.

- The Planning Authorities acknowledges that the NPF promotes the redevelopment of infill sites within residential areas of the city to achieve higher residential densities. The proposed development, at this corner location, is considered to be generally acceptable in terms of its density and scale. The Planning Authority notes that the proposal will deliver 21 residential units with generous floor areas that is within walking distance of Kylemore Luas stop. There are concerns that the proposed development is not providing any communal amenity space for future residents. There are also concerns that the proposed development does not provide sufficient cycle parking as per the requirements of the Apartment Guidelines, that would contribute to supporting the low level of parking put forward. Further information is recommended.

The report recommends a request for further information in respect of the following:

- Item 1: The applicant is requested to change the open space area provided to the rear of the proposed apartment block from public to communal open space and outline how the proposal complies with the provisions of development standard 16.10.3 relating to public open space.
- Item 2: In response to concerns raised in relation to the finish of the north-western elevation, the applicant is requested to provide a brick finish to the applicable façade.
- Item 3: In response to concerns raised in relation to the number, location, design and lack of information provided with regard cycle parking, as well as service vehicle access, the applicant is requested to review the level of cycle parking provided, re-examine the design and layout of the proposed cycle parking stores, provide details of the type of cycle parking proposed, re-examine the periphery location of the cycle parking store and submit revised plans which provides for the necessary turning area within the site to allow for service vehicles.

Planners Report (21st September 2021)

The Planners report dated 21st September 2021 recommends a grant of permission subject to conditions. The following provides a summary of the points raised:

- In the context of FI Item 1: - The Applicant submitted a revised layout plan (Drawing No. 2106 PLN 002 Rev A) and Landscape Plan (Drawing No. 21141_LP_01_A) that showed the amenity area to the rear as being communal open space. The applicant also confirmed that they are in agreement with the Planning Authority, to provide a financial contribution towards the provision and enhancement of appropriate public open space in the area in accordance with Section 16.10.3 of the Development Plan. The further information submitted was deemed a satisfactory response to this item.
- In the context of FI Item 2: - The applicant submitted revised elevation drawings (Drawing No. 2106 PLN 006 Rev A) that showed the north-west elevation finished in buff brick with soldier coursing. The further information submitted was deemed a satisfactory response to this item.
- In the context of FI Item 3: - The applicant has submitted revised plans providing 22 no. secure resident cycle parking spaces (Sheffield stands) and 12 no. visitor cycle parking spaces in a cycle store building (Drawing No. 2106 PLN 011) and swept path analysis for servicing vehicles. The further information submitted was deemed a satisfactory response to this item.
- Given the location of the site and the surrounding context, the proposed apartment scheme is deemed to be acceptable. Overall, the development provides for 21 apartments which will add to the quality of the housing stock in the area. The proposal accords with the Z1 zoning objective and is considered to be an efficient use of the lands. The proposed development accords with both the Dublin City Development Plan and with the proper planning and sustainable development of the area.

3.2.2. *Other Technical Reports*

Drainage Division (08/07/2020): No objection, subject to conditions.

Transportation Planning (30/07/2021): Recommended that further information be requested regarding cycle parking provision and service vehicles turning areas within the site. It also raised concerns regarding car parking provision.

3.3. Prescribed Bodies

Health & Safety Authority (13/07/2021): Provided the following comments (in summary):

1. *The application is covered by Regulation 24(2) (c) of S.I. 209 of 2015.*
2. *Following receipt of a technical advice request on the 8th July 2021 and based on the information supplied, the Authority Does not advise against the granting of planning permission for this particular application in the context of the Major Accident Hazards Directive.*
3. *In order to provide the technical advice, the Authority has updated the generic advice originally issued in 2010 to reflect the current inventory and risk profile of BOC Gases Bluebell, which relates to this particular application. A copy of the updated generic advice is attached with this letter.*

Irish Water: None received

3.4. Third Party Observations

3 third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Insufficient cycle spaces and insufficient detail on cycle parking.
- Cycle parking does not meet requirements of Apartment Guidelines for a development of this scale.
- Insufficient drawings/information submitted regarding the proposed development.
- Insufficient no. of three bed units proposed.
- The application will become social housing and Bluebell/the surrounding area have an over provision of social housing already. Social housing needs to be more evenly distributed across the city.

- The site is located approximately 160 metres from a 3.5ha BOC Gases site (identified as a Seveso site in the South Dublin and Dublin City Development Plans) which handles flammable/toxic substances which can cause fatality in certain instances.
- The site is fully located within the Inner-Risk Based Land Use Planning Zone.
- Risk to the application site as a result of major accidents arising in the future and question regarding the suitability of a residential development given proximity to an existing COMAH site.
- Lack of acoustic assessment to protect the amenity of future occupiers from adjacent BOC business.

4.0 Planning History

4.1. Subject Site

4.1.1. The following previous application pertaining to the subject site (part thereof) is of relevance:

PA Reg. Ref. 2882/18

Permission was granted by Dublin City Council in June 2018 for demolition of a single storey gable structure attaching to the side of the existing dwelling and the remodelling and addition of a part single storey, part two storey extension to rear of the existing house at No. 15 Camac Park, Bluebell, Dublin 12, and construction of 2 no. two-storey, three bedroom houses with part single storey, part two-storey return sections to rear, to the north to create a terrace with the existing dwelling.

4.2. Adjacent Sites

4.2.1. There have been no recent applications on the sites immediately adjacent to the subject site that are pertinent to the current proposal.

4.3. Sites in the Vicinity

4.3.1. There has been a no. of recent applications in the vicinity of the subject site that are pertinent to the current proposal. These are summarised below.

PA Reg. Ref. 3468/17 (Appeal Reference ABP-300999-18)

This application related to a proposal for the demolition of two vacant semi-detached cottages (222sqm) and the construction of a part-4 to part-6 No. storey over undercroft apartment development (6,367sqm) in two blocks comprising 52 no. units (17 no. 1 bedroom, 26 no. 2 bedroom and 9 no. 3 bedroom apartments). The applicable site is located to the north-east of the current application at Nos. 489 and 490 Bluebell Avenue, Bluebell, Dublin 12.

Permission was granted by Dublin City Council in January 2018. The Planning Authorities decision was appealed to An Bord Pleanála by a third party (Appeal Reference ABP-300999-18). The Board granted permission in August 2018.

PA Reg. Ref. 3856/16

Permission was granted by Dublin City Council in June 2017 for the demolition of the existing garage, a widening of the existing vehicular access, and the construction of five, three-bedroom houses, four of which are two storey and the fifth is part two and part three storey together with associated site and landscaping works. The applicable site is located to the north-east of the current application at the rear of No. 486 Bluebell Avenue, Bluebell, Dublin 12.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

5.1.1. Land Use Zoning

The site is zoned 'Z1' - Sustainable Residential Neighbourhoods in the Dublin City Development Plan 2016-2022 with a stated objective '*to protect, provide and improve residential amenities.*' The land to the immediate north-west and east of the subject site is zoned 'Z6' - Employment/Enterprise in the Dublin City Development Plan 2016-

2022 with a stated objective *‘to provide for the creation and protection of enterprise and facilitate opportunities for employment creation’*.

5.1.2. Other Relevant Sections/ Policies

The land to the east of the subject site, on the opposite side of Camac Park, falls within Key District Centre 6 (Naas Road) and Strategic Development & Regeneration Area 5 (Naas Road lands), as identified in the Dublin City Development Plan 2016-2022. Further to this, this land forms part of a 700 hectare parcel of land located in the Naas Road, Ballymount and Park West areas comprising the City Edge Project Area. The City Edge Project is a large urban regeneration proposal.

The following policies are considered relevant to the consideration of the subject proposal:

Section 4.5.3.1 – Policy SC13:

‘To promote sustainable densities, particularly in public transport corridors, which will enhance the urban form and spatial structure of the city, which are appropriate to their context, and which are supported by a full range of community infrastructure such as schools, shops and recreational areas, having regard to the safeguarding criteria set out in Chapter 16 (development standards), including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture. These sustainable densities will include due consideration for the protection of surrounding residents, households and communities.’

Section 5.5.2 – Policy QH8:

‘To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area.’

Section 5.5.2 – Policy QH22:

‘To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.’

Section 16.2.2.2 Infill Housing:

‘Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development; however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and under-utilised land in the inner and outer city is developed.

Infill housing should:

- *Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings.*
- *Comply with the appropriate minimum habitable room sizes.*
- *Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.’*

Section 16.5 Plot Ratio

For ‘Z1’ zoned lands, the development plan sets indicative requirements of 0.5-2.0 for plot ratio

Section 16.6 Site Coverage

For ‘Z1’ zoned lands, the development plan sets indicative requirements of 45%–60% for site coverage.

Section 16.7.2 Building Heights

In the case of the low rise outer city, a maximum height of 16 metres is specified for residential development and commercial development.

Section 16.10.3 Residential Quality Standards – Apartments and Houses

This section contains standards under the following headings that shall apply to proposed residential development: - public open space, safety and security and acoustic privacy. In the context of public open space, it states that *‘the design and quality of public open space is particularly important in higher density areas’* and requires that, in the context of new residential developments, 10% of the site area shall

be reserved for public open space provision. Section 16.3.4 goes on to state that in the event that the site is considered by the planning authority to be too small or inappropriate (because of site shape or general layout) to fulfil useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required (having regard to the City's Parks Strategy).

Section 16.38 Car Parking Standards

A maximum car parking rate of 1 space per residential unit is specified for sites located within Area 2 as identified within Map J of the Dublin City Development Plan 2016-2022.

Section 16.39 Cycle Parking Standards

A minimum bicycle parking rate of 1 one space per residential unit is specified for residential developments.

5.2. Dublin City Development Plan 2022-2028

Dublin City Council has started the preparation of a new Dublin City Development Plan for the period 2022 to 2028. It is understood that Stage 2 of public consultation on the draft Development Plan concluded on 14th February 2022.

5.3. Regional Policy

5.3.1. Regional Spatial and Economic Strategy for the Eastern and Midlands Area, 2019

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area (adopted June 2019) provides a framework for development at regional level. The RSES encourages promotes the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint. The following Regional Policy objectives are noted in particular:

RPO 3.2 Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of

Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

5.4. National Policy/Section 28 Ministerial Guidelines

5.4.1. Project Ireland 2040 National Planning Framework

The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

NPO 3(a) - Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

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

NPO 35 - To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.4.2. Housing for All – A New Housing Plan for Ireland to 2030 (2021)

A multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price.
- built to a high standard and in the right place.
- offering a high quality of life.

5.4.3. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DoEHLG 2009), and the accompanying Urban Design Manual

These guidelines encourage higher densities on residential zoned lands, particularly on inner suburban and infill sites and along public transport corridors, identifying

minimum densities of 50/ha in such corridors, subject to appropriate design and amenity standards. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

Section 4.21 encourages a more flexible approach to quantitative open space standards with greater emphasis on the qualitative standards. Close to the facilities of city and town centres or in proximity to public parks or coastal and other natural amenities, a relaxation of standards could be considered. Alternatively, planning authorities may seek a financial contribution in lieu of public open space within the development.

5.4.4. Regulation of Commercial Institutional Investment in Housing - Guidelines for Planning Authorities (2021)

These guidelines seek to address the regulation of commercial institutional investment in certain housing developments. These guidelines set out planning conditions to which planning authorities and An Bord Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost rental housing. They require that planning conditions be attached to restrict new houses and duplexes to first occupation and use by individual purchasers and those eligible for social and affordable housing including cost-rental, in order to ensure an adequate choice and supply of housing. The guidelines are relevant in this instance as they relate to residential development that includes 5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage.

5.4.5. Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)

These guidelines provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes.

In terms of identifying the types of locations within cities that may be suitable for apartment development the guidelines note the following:

Central and/or Accessible Urban Locations - such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

These guidelines provide a range of requirements in the context of apartment developments, including the following which are relevant to the subject proposal:

- **Specific Planning Policy Requirement 1:** Developments may include up to 50% one bed/studio units. Studio units to not exceed 20-25% of the total. No minimum requirements for three or more units. Mix to be in accordance with evidence-based Housing Need and Demand Assessment.
- **Specific Planning Policy Requirement 2:** The housing mix specified under Specific Planning Policy Requirement 1 of the Apartment Guidelines, is relaxed where 10 to 49 residential units are proposed in building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha.

- Specific Planning Policy Requirement 3:** The following minimum apartment floor areas are specified: - Studio apartment - 37sq.m; 1-bedroom apartment - 45sqm; 2-bedroom apartment (4 persons) - 73sq.m; and 3-bedroom apartment (5 persons) 90sq.m. 2-bedroom apartment (3 persons) may also be considered, particularly in the context of certain social housing schemes such as sheltered housing. They must have a minimum floor area of 63sq.m. Minimum floor areas are also outlined at Appendix 1 in relation to minimum aggregate floor areas for living/dining/kitchen rooms, and minimum widths for the main living/dining rooms; minimum bedroom floor areas/widths; and minimum aggregate bedroom floor areas. Pursuant to paragraph 3.8, the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%). For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, where between 10 to 49 residential units are proposed, it shall generally apply, but in order to allow for flexibility, may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality.
- Specific Planning Policy Requirement 4:** Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- Specific Planning Policy Requirement 5:** Specifies minimum ground level apartment floor to ceiling heights of 2.7 metres. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality.

- **Specific Planning Policy Requirement 6:** Specified a maximum of 12 apartments per core. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations.
- The following minimum requirements for storage areas are set out in Appendix 1: - Studio apartment - 3sq.m; 1-bedroom apartment - 3sqm; 2-bedroom apartment (3 persons) - 5sq.m; 2-bedroom apartment (4 persons) - 6sq.m; and 3-bedroom apartment - 9sq.m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, the storage requirement may be relaxed in part, on a case-by-case basis, subject to overall design quality.
- The following minimum requirements for private amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 7sq.m; and 3-bedroom apartment - 9sq.m. Further to this, paragraph 3.37 of the Apartment Guidelines states that balconies should have a minimum depth of 1.5 metres. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , private amenity space requirements may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- The following minimum requirements for communal amenity space are set out in Appendix 1: - Studio apartment - 4sq.m; 1-bedroom apartment - 5sqm; 2-bedroom apartment (3 persons) - 6sq.m; 2-bedroom apartment (4 persons) - 76sq.m; and 3-bedroom apartment - 9sq.m. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality.
- The following requirements regarding bicycle storage are set out at paragraph 4.17: - 1 cycle storage space per bedroom (for studio units, at least 1 cycle storage space shall be provided) and 1 visitor cycle parking space per 2 residential units.

5.4.6. Urban Development and Building Heights - Guidelines for Planning Authorities (2018)

These guidelines set out national planning policy guidance on building heights in relation to urban areas. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. Building height is identified as an important mechanism to delivering compact urban growth and Specific Planning Policy Requirements (SPPRs) of the building height guidelines take precedence over any conflicting policies and objectives of the Dublin City Development Plan.

There is therefore a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

5.5. Natural Heritage Designations

- 5.5.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and South Dublin Bay SAC (Site Code 000210) located c. 9 kilometres east.

5.6. EIA Screening

- 5.6.1. Having regard to the nature and scale of the proposed development and its location in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants grounds of appeal are as follows: - *the grant of planning from Dublin City Council is supported by Circle Housing Association and ultimately this development will become social housing. Bluebell and surrounding area have a high density of social housing already and this development will only add to that high number. In principle I have no objection to social housing, but this needs to be evenly distributed around the city.*

6.2. Applicant Response

- None received.

6.3. Planning Authority Response

The Planning Authority, in a letter dated 2nd November 2021, requested that if permission is granted that the following condition (regarding a management company) be applied in addition to the conditions already specified on the notification of the grant of permission:

‘Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas where not otherwise taken in charge by the Local Authority.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity.’

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

Notwithstanding the fact that the third-party relates only to housing tenure, pursuant to Section 37(1)(b) of the Planning and Development Act 2000 (as amended), the application must be considered de novo. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the main planning issues in the assessment of the proposed development are as follows:

- Principle of Development.
- Density, Layout and Height.
- Visual Amenity.
- Residential Amenity.
- Access, Traffic and Parking.
- Open Space Provision.
- Inclusion of Additional Condition Requested by Dublin City Council.
- Appropriate Assessment.

7.1. Principle of Development

7.1.1. As previously discussed, the development site lies within an area of suburban residentially zoned land. Under this land use zoning objective, residential development is generally acceptable in principle subject to the proposed development being acceptable in terms of its impact on the visual amenities of the area and the established residential amenities of properties in its vicinity. These matters are considered in turn below.

7.1.2. The third party appeal received contains a single ground of appeal which can be summarised as follows: - the proposed development will become social housing and Bluebell/the surrounding area has an overprovision of this housing tenure type.

Planning permission has not been sought for a residential development which when completed would be used in its entirety as social housing. Condition No. 7 of the grant of permission requires that prior to commencement of development the applicant, under Section 96 of Part V of the Planning and Development Act 2000 (as amended), shall enter into an agreement with the Planning Authority in relation to the provision of social and affordable housing. Such Condition is a requirement under Part V of the Planning and Development Act 2000 (as amended). As provided for under Section 94 of the Act, not more than the 20% of residential zoned land shall be used for the provision of social housing. Irrespective of this, in terms of planning considerations the nature of use, tenure and function of the proposed apartments as 'social and affordable' housing does not give rise to any different substantive planning considerations that would require additional consideration to that of an apartment that was in private tenure when being determined as a proposed residential development. There are no differentiating local, regional or national planning standards or guidance that Planning Authority's in their determination of a multi-unit residential schemes being provided as 'social and affordable' housing or is tenure referred to under planning legislation in the given definitions of a house or habitable house. Further to this, there is no material difference to the internal or external layout/appearance of each of the apartments whether considered individually or in combination with one another whether in private or social/affordable tenure.

- 7.1.3. The Regulation of Commercial Investment in Housing - Guidelines for Planning Authorities (2021) were issued under Section 28 of the Planning and Development Act, 2000 (as amended), and seek to address the regulation of commercial institutional investment in certain housing developments. The proposed development falls within the scope of the Guidelines as it includes *'5 or more houses or duplexes that are not specified as 'build to rent' development at planning stage'*. Therefore, I recommend that a planning condition be attached to restrict the new apartments to first occupation and use by individual purchasers and those eligible for social and affordable housing, including cost rental.

7.2. Density, Layout and Height

- 7.2.1. With regards to density, National Policy Objective 35 contained in the National Planning Framework seeks an increase in residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. National policy, including the Sustainable Residential Development in Urban Areas (2009), promotes residential densities in urban areas in close proximity to services and public transport. This sentiment is echoed in the Dublin City Development Plan, 2016–2022, with Policy SC13 promoting sustainable densities particularly in public transport corridors. In this regard, the appeal site is currently well served by public transport being proximate to the Kylemore Luas Stop (9 minutes walking distance) and multiple bus routes. In light of this, under the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, (the Apartment Guidelines), the site would be categorised as a ‘Central and/or Accessible Urban Location’. Such locations are deemed to be suitable for small-to-large-scale (will vary subject to location) and higher density development that may wholly comprise apartments.
- 7.2.2. The 21 apartments proposed on this 0.21Ha site equates to a density of 100 units per hectare. Given the site’s location in a serviced residential area, its proximity to public transport services and the infill nature of the subject site, the proposed density is considered appropriate in this instance. The proposed density for the application site complies with the provisions of the Development Plan and Government policy seeking to increase densities and, thereby, deliver compact urban growth.
- 7.2.3. Sections 16.5 and 16.6 of the Dublin City Development Plan outlines ‘Plot Ratio’ and ‘Site Coverage’ standards. Based on the plans/information submitted with the application, the proposed development equates to a plot ratio of 0.93 and a site coverage of 28%. Therefore, the proposed development is compliant with Development Plan policy regarding plot ratio. The proposed site coverage falls slightly short of the applicable development plan standards. This is considered appropriate in this instance given the irregular shape of the subject site and its context.

7.2.4. The proposed development extends to a maximum height of 14.1 metres. In terms of building height, Section 16.7.2 of the Dublin City Development Plan sets out policy and identifies areas in which low-rise, mid-rise and high-rise structures are permissible. In the case of the outer city, low rise is indicated as being up to 16 metres for residential and commercial development. The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, also promotes increased heights in urban areas and require that, general building heights of at least three to four storeys, coupled with appropriate density, in locations which include suburban areas must be supported. The height of the structure proposed is consistent with Development Plan policy and national policy in relation to building heights and is considered to appropriately respond to the adjacent residential dwellings, with the proposed development dropping to 3 storey adjacent to the site's southern boundary.

7.3. Visual Amenity

- 7.3.1. Consideration is needed in relation to the proposed developments potential visual impact on the immediately surrounding area. At present, the subject site comprises 3 no. double storey dwellings and associated amenity/parking areas. The proposed development would be orientated to front Camac Park to the east. The question that arises is whether the proposed development can be comfortably integrated with the development currently featuring on adjoining sites. The area surrounding the subject site currently features a variety of residential, commercial and industrial land uses. Immediately south of the site, lies 4 no. two storey detached dwellings, Nos. 17, 17A, 34 and 35 Camac Park. To the west, north-west and east (on the opposite side of Camac Park) of the site, there are a number of commercial and industrial units, some of which form part of the Bluebell Industrial Estate.
- 7.3.2. The proposed building at three to four storeys will be the highest building along this stretch of Camac Park, however, having examined the building in the context of the built form/architectural styles of the surrounding area and given its position within the site and within the street adjacent to the intersection of Camac Park and Bluebell Avenue, I am of the view that the proposed building will provide for a modern insertion in this streetscape, which given its position adjacent to the junction/adjacent to industrial units and orientation on site, is of a scale and design appropriate to the site and will not significantly detract from the visual amenity of this area. As previously discussed, the land to the east of the subject site falls within Key District Centre 6

(Naas Road), Strategic Development & Regeneration Area 5 (Naas Road lands) and the City Edge Project Area. The proposed development will also sit comfortably in the context of the extensive change envisaged for this surrounding area moving forward.

- 7.3.3. As previously discussed, the appeal site is highly accessible and well served by public transport, while also being within walking distance of a range of services and employment opportunities. The proposal is in line with National policy guidance in relation to density and utilising infill sites to support the growth of cities versus their outward expansion, which must be balanced against the evolving character of an area and the existing community. I consider that this three to four storey building can be accommodated without detrimentally impacting to the character and visual amenity of the area. The potential impact of the proposed development on residential amenity of the surrounding area is subsequently considered in Section 7.4.

7.4. Residential Amenity

Proposed Development

- 7.4.1. Having regard to the standards within the New Apartment Guidelines (2020), I am satisfied that the proposed development would provide for a suitable and acceptable form of accommodation for future occupants of the proposed apartments.
- 7.4.2. The proposal would entail the provision of 21 no. apartments (7 no. 1-bed units; 7 no. 2-bed (3P) units; 6 no. 2-bed (4P) units and 1 no. 3-bed unit). As detailed in the accommodation schedule/ floor plans accompanying the application, the 1-bed units would have a floor area of between 50sqm and 61sqm, the 2-bed (3P) units would have a floor area of 73sqm, the 2-bed (4P) units would have a floor area of 79sqm and 85sqm and the 3-bed unit would have a floor area of 97sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in the Apartment Guidelines as well as complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement under Section 3.8 for *‘the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3*

bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)’.

In this case this standard is also met. Further to this, having reviewed the proposed floor plans, I am satisfied that the apartments are suitably laid out internally to provide an adequate level of residential amenity to future residents, save for in one regard. It is noted that there are some discrepancies between the side elevations submitted in response to further information request and the floor plans submitted with the application (more specifically windows indicated on the side elevations are absent from the floor plans). In the interest of clarity and to ensure sufficient daylight is provided to the associated rooms, it is recommended that the Board, include a condition requiring that the floor plan/elevations be updated accordingly.

7.4.3. Specific Planning Policy Requirement 4 requires that a minimum of 33% of apartments proposed are dual aspect units in more central and accessible urban locations and Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres. 52% of the proposed apartments are dual or triple aspect (with all single aspect apartments proposed being east or west facing) and the floor ceiling height at ground floor level would be 3.225 metres, thus complying with the applicable standards.

7.4.4. The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. The BRE standards state that numerical targets should be applied flexibly (specifically average daylight factor values of 1% to bedrooms, 1.5% to living rooms and 2% to kitchens) and that natural light is only one factor to be considered in layout design. The application was accompanied by a Daylight, Sunlight & Overshadowing Report, prepared by Avison Young, which includes a daylight and sunlight assessment of the proposed apartments. In the context of living/dining spaces, it concluded that all 21 no. will achieve an ADF of at least 1.5% or more and that 17 of the 21 no. living/dining spaces will achieve an ADF of 2% or more. The daylight received by the 4 no. applicable living/dining spaces (associated with Apartments No. 05, 11, 17 and 20) is considered appropriate in this instance as the shortfall is minimal, these rooms achieving ADF values of between 1.6% and 1.8%, and these rooms are also served by a clerestory glass block window in the kitchen area which has not been factored

into the assessment. In the context of bedrooms, it concluded that 32 of the 36 no. bedrooms assessed will achieve an ADF of 1% or more. The daylight received by the 4 no. applicable bedrooms (associated with Apartments No. 05, 11, 17 and 20) is considered appropriate in this instance as the shortfall is minimal, these rooms achieving ADF values of between 0.84% and 0.93%. Further to this, as previously discussed, 52% of the proposed apartments are dual or triple aspect and single aspect apartments proposed are east and west facing, maximising available light and ventilation to each apartment.

7.4.5. As detailed in the schedule of accommodation accompanying the application/application drawings, the 1-bed units would be provided with between 3.1sqm and 4sqm of storage, the 2-bed (3P) units by 5.6sqm of storage, the 2-bed (4P) units by 6.2sqm of storage and the 3-bed unit by 9sqm of storage which complies with the storage requirements specified in Appendix 1 of the Apartment Guidelines, 2020.

7.4.6. Turning to private amenity space. As detailed in the schedule of accommodation accompanying the application/application drawings, the 1-bed units would be served by balconies of between 5.4sqm and 7.7sqm, the 2-bed (3P) units by balconies of 6.8sqm and 6.9sqm, the 2-bed (4P) units by balconies of between 7.7sqm and 15sqm and the 3-bed unit by a 24.2sqm balcony, all of which have a minimum depth of or exceeding 1.5 metres, thus complying with the requirements set out in relation to private amenity space.

7.4.7. Pursuant to Specific Planning Policy Requirement 2, the housing mix specified under Specific Planning Policy Requirement 1 of the Apartment Guidelines, is relaxed where 10 to 49 residential units are proposed in building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha. Similarly, as outlined in Paragraph 4.12 of the Apartment Guidelines, a relaxation in standards pertaining to communal amenity space can be granted to urban infill schemes on sites of up to 0.25ha, which I consider the subject site to constitute. Irrespective of this, the proposed development complies with the housing mix specified, with only 33% of the proposed apartments comprising 1-bed units, and the communal amenity space requirements, providing 433sqm (307sqm in excess of the requirement) of communal amenity space.

7.4.8. In conclusion, subject to the aforementioned conditions, I am satisfied that the proposed development would provide quality apartments, meeting the relevant design standards and providing a suitable level of amenity and services for future residents.

Adjoining Properties

7.4.9. The subject site's north-eastern boundary is flanked by a small area of open space demarcating the entrance to the Camac Park residential estate; north-western boundary is flanked by Bluebell Tyre Service, a commercial premises; and eastern boundary is flanked by Camac Park. The subject site's southern boundary is flanked by the rear gardens associated with Nos. 17, 17A, 34 and 35 Camac Park. Consideration of potential impacts on the residential amenity of these 4 no. adjacent residential properties is required in the context of the subject proposal.

7.4.10. Currently one of the existing dwellings on site, No. 16 Camac Park, is developed within c. 1.5 metres of the common boundary with No. 35 Camac Park. The proposed development adopts a minimum separation distance of 6.654 metres from the common boundary and also steps down to 3 storeys adjacent to the common boundary. Given the existing context, the height/scale of the proposed development, the stepped nature of the proposal and the separation distances that exist between the proposed development and the common boundary, I do not consider the proposed development would result in any negative impacts on the residential amenity of the southern abutments by way of overbearing.

7.4.11. With regards to potential overlooking, due to angled nature of the dwellings featuring at Nos. 34 and 35 Camac Park and the positioning of the dwellings at Nos. 17 and 17A Camac Park relative to the proposed development, there are no opportunities for overlooking of directly opposing first floor windows. Windows proposed on the south-eastern façade are clerestory in nature which limits potential overlooking of the private amenity spaces associated with these properties.

7.4.12. Given the orientation of adjacent dwellings to the south of the proposed development and the separation distances that exist between the proposed development and these dwellings, I do not consider the proposed development would result in any negative impacts on the residential amenity of adjacent properties by way

of overshadowing. The Daylight, Sunlight & Overshadowing Report, prepared by Avison Young, which accompanies the application found that no such overshadowing would occur and that all neighbouring amenity areas comply with the BRE Guidelines.

7.4.13. With regards to potential impacts on daylight/sunlight received by the dwellings to the south, the application was accompanied by a Daylight, Sunlight & Overshadowing Report, prepared by Avison Young, which includes a daylight, sunlight and overshadowing assessment of the neighbouring properties. It concludes that Nos. 17, 17A and 34 Camac Park will comply with BRE Guidelines pertaining to daylight (Vertical Sky Component and No Sky Line) and sunlight (Annual Probable Sunlight Hours) irrespective of the proposed development being introduced. In the context of No. 35 Camac Park, all windows assessed meet the NSL (daylight distribution) criteria and 6 no. of the 7 no. windows assessed meet the VSC criteria. One of the 7 no. windows assessed will experience a slight reduction in VSC (from 15.6% to 11.9%, a 23.5% change). On balance, the proposed impact on No. 35 Camac Park is considered appropriate as the applicable window is understood to be one of 2 no. windows serving this room and in light of the existing context.

7.5. Access, Traffic and Parking

7.5.1. The proposed development will utilise (and enlarge slightly) the existing vehicular access to No. 16 Camac Park, located in the south-eastern corner of the site. This will provide access to 13 no. surface car parking spaces and 22 no. resident bicycle parking spaces provided in a bike storage area to the rear of the site. An additional 12 no. visitor bicycle parking spaces will be provided to the front of the site, adjacent to the building entrance, accessed via a separate pedestrian entrance. Having regard to the standard of the road network in the area, the availability of public transport services, the relatively modest scale of the proposed development (21 no. apartments), the material submitted with the application, and the Planning Authority reports, it is my view that the proposed development will not endanger public safety by reason of traffic hazard or cause increased congestion. However, I do find the junction/stop signage and road marking proposed at the vehicular access to the development to be excessive in the context of such a small scale residential development. It is therefore recommended that the Board include a suitably worded

condition requiring these aspects of the proposal be omitted and revised plans be submitted and agreed with the Planning Authority in this regard. The raised table proposed is welcomed in the context of pedestrians traversing the adjacent footpath as it ensures pedestrian priority is maintained along this section of footpath.

7.5.2. In terms of car parking provision, the proposed development achieves a car parking rate of 0.6 car parking spaces per apartment. The site is located within Area 2, as identified within Map J of the Dublin City Development Plan 2016-2022, and a maximum of 1 car parking spaces per residential unit is outlined in Table 16.1 for this area. The proposed car parking rate is considered appropriate at this location given the subject site's central location and the proximity to the Kylemore Luas Stop and Dublin Bus Route No. 18, running along Kylemore Road, and Dublin Bus Routes No. 13, 68 and 69x, running along Naas Road.

7.5.3. With regards to bicycle parking provision, the quantum of bicycle parking provided is in excess of the standards set out in Table 16.2 of the Dublin City Development Plan 2016-2022, which require a minimum of 1 no. cycle space per unit. It falls slightly short of the Apartment Guidelines (2020) standards, which requires 1 no. resident cycle space per bedroom (generating a total requirement of 36 no. spaces) and 1 no. visitor cycle space for every 2 no. units (generating a total requirement of 10 no. spaces), in the context of resident bicycle parking provision. Bicycle parking provision is considered appropriate in this instance as the bicycle store is generously proportioned and capable of accommodating additional bicycle parking spaces if required as well as the site's proximity to public transport services and employment opportunities/services. The proposed visitor spaces are located adjacent to the development entry and the resident spaces are located within a designated bicycle store to the rear of the site, which are considered to be appropriate locations in terms of shelter, accessibility and passive surveillance.

7.6. Open Space Provision

7.6.1. Section 16.10.3 of the Development Plan requires that, in the context of new residential developments, 10% of the site area shall be reserved for public open space provision. Section 16.3.4 goes on to state that in the event that the site is considered by the planning authority to be too small or inappropriate (because of site shape or

general layout) to fulfil useful purpose in this regard, then a financial contribution towards provision of a new park in the area, improvements to an existing park and/or enhancement of amenities shall be required (having regard to the City's Parks Strategy).

7.6.2. In light of the amendments made in response to the further information request issued by the Planning Authority, the proposed development is devoid of public open space. This is considered appropriate in this instance given the small size/location/irregular shape of the subject site. It is recommended that the Board attach a suitably worded condition requiring payment of a financial contribution, including in lieu of public open space provision, in accordance with the Dublin City Development Contribution Scheme 2020-2023.

7.7. Inclusion of Additional Condition Requested by Dublin City Council

7.7.1. The Planning Authority, in a letter dated 2nd November 2021, requested that if permission is granted that the following condition (regarding a management company) be applied in addition to the conditions already specified on the notification of the grant of permission:

'Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas where not otherwise taken in charge by the Local Authority.'

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity.'

7.7.2. It is standard practice for the Board to include a condition requiring the establishment of a management company/implementation of a management scheme for developments involving apartment developments. It is recommended that the Board include such a condition in this instance.

7.8. Appropriate Assessment

7.8.1. Having regard to the nature and scale of the proposed development (a small infill apartment building within an established urban area), the availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

8.1. Following the assessments above, I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the residential zoning objective as set out in the Dublin City Development Plan 2016-2022, the design, layout and scale of the proposed development and the existing and emerging pattern of development in the vicinity, it is considered that subject to compliance with conditions below, the proposed development would appropriately intensify residential use on this suitably located infill site, would constitute an acceptable quantum and density of development in this accessible urban location, would be acceptable in terms of design, height, layout and scale of development, would provide a suitable level of accommodation and amenity for future occupants, would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety/parking provision and would comply with the provisions of the Dublin City Development Plan 2016-2022 and the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (Department of Housing, Planning and Local Government, 2020). The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on 30th August 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <ul style="list-style-type: none">a) The proposed floor plans shall be updated to include the windows indicated on the side elevations included on Drawing No. 2106 PLN 006.b) The stop signage and road marking proposed at the vehicular access to the development to be omitted. <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of residential and visual amenity.</p>
3.	<p>Prior to the commencement of development, details of the materials, colours and textures of all external finishes including samples, shall be submitted to and agreed in writing by the Planning Authority. This shall include details of the metal balustrades to proposed balconies.</p> <p>Reason: In the interests of orderly development and the visual amenities of the area.</p>
4.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall</p>

	<p>be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Proposals for an 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 house numbers, shall be provided in accordance with the agreed scheme.</p>

	<p>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).</p> <p>Reason: In the interest of urban legibility.</p>
10.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
11.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of sustainable transportation.</p>
12.	<p>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.</p>

	<p>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.</p>
13.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition</p>
16.	<p>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</p>

	<p>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.</p> <p>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.</p>
17.	<p>Prior to the commencement of any apartment in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all apartments to first occupation by individual purchasers i.e., those not being a corporate entity, and/or by those eligible for the occupation of social and / or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>

Margaret Commane
Planning Inspector

21st April 2022