



An
Bord
Pleanála

Inspector's Report

ABP-314313-22

Development	Construction of a 5-storey mixed-use building accommodating 1 no. commercial unit and 15 no. apartments
Location	Land located at intersection of Main Street & Parnell's GAA Club access road, Coolock, Dublin 5.
Planning Authority	Dublin City Council North
Planning Authority Reg. Ref.	4108/21
Applicant	KTPCC Development Company Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission
Type of Appeal	First against Conditions & Third Party
Appellants	KTPCC Development Company Limited Coolock Residents Association
Observers	Seán Haughey TD Marie Henvey Padraig Kent

Date of Site Inspection

16th January 2024

Inspector

Margaret Commene

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1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Main Street in Coolock Village, Dublin 5. The surrounding area is primarily characterised by a mix of commercial, residential, institutional and recreational land uses. In terms of built form, the immediate area features a mix of two storey dwellings and retail/commercial buildings, in a variety of architectural styles, interspersed with more recent higher density residential infill developments. With regards to public transport, the subject site is proximate to Bus Stop No. 1200, on Malahide Road, which is served by Bus Routes No. 15, 27, 42 and 43 and Bus Stop No. 1001, on Oscar Traynor Road, which is served by Bus Route No. N6.
- 1.2. More specifically, the appeal site is a 0.07ha corner site located to the south-west of the intersection of Main Street and the Parnell's GAA Club access road. The site previously formed part of the Parnell's GAA Club lands (the site of its former club house) but has since been cleared. The majority of the site (the easternmost part) is enclosed with hoarding and is in use currently as a site storage area for the development currently under construction to the immediate south. The remainder of the site (westernmost part) is in use as car parking and sits beyond the entrance gates to the Parnell's GAA Club (within the club grounds). The subject site is relatively flat, with a c. 1 metre drop from the rear (west) to the front (east) of the site.
- 1.3. To the immediate south of the subject site is a large landholding on which a residential development, approved under Reg. Ref. 3245/15/Reg. Ref. 3301/19 & ABP Ref. ABP-305367-19, is currently under construction. To the immediate west is the Parnell's GAA Club grounds. To the north, on the opposite side of the Parnell's GAA Club access road, is No. 3 Main Street which comprises a double storey end of terrace dwelling orientated to front the access road. This dwelling forms part of a row of 8 no. terraced/semi-detached dwellings (Nos. 3-17 Main Street). To the east, on the opposite side of and set back from Main Street, is a parade of two-storey commercial premises.

2.0 Proposed Development

- 2.1. Planning permission was sought for: - construction of a 1,233sqm 5-storey mixed-use building, accommodating 1 no. 95sqm commercial unit and 15 no. apartments (13 no. 1-bed units and 2 no. 2-bed units), served by 10 no. car parking spaces and 25 no. bicycle parking spaces. More specifically, ground floor level consists of 1 no. commercial unit and 1 no. 2-bed apartment and 1st to 4th floor levels consist of 13 no. 1-bed apartments and 1 no. 2-bed apartment.
- 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 omission of 1 no. car parking space (9 no. car parking spaces proposed) and an increase in the size of the commercial unit to 98.7sqm.
- 2.3. The proposed development will be contemporary in design and materials/finishes will consist of brick, render, metal cladding and stone.

3.0 Planning Authority Decision

3.1. Decision

Dublin City Council issued a Notification of Decision to Grant Permission on 14th July 2022 subject to 13 no. conditions, including Condition No. 3 which reads as follows:

3. *The height of the development shall be reduced to four storeys with the fourth storey recessed and pulled southwards away from the adjacent two storey housing to the north. Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing by the Planning Authority.*

Reason: In the interests of residential amenity

3.2. Planning Authority Reports

3.2.1. Initial Planning Report (18th February 2022)

- The proposed development would be permitted in principle under zoning objectives Z1 and Z12 and is open for consideration under zoning objective Z15, subject to compliance with the relevant provisions of the Development Plan. The footprint of the proposal is reduced from that sought under Reg. Ref. 2620/20 but

remains in a similar location within the site with the structure to the front of the site on mainly Z1 zoned land with a small section on Z12 and parking to the rear on mainly Z15 zoned lands. No residential element of the proposal shall be located on Z15 lands.

- The proposed block adjoins a 87 no. apartment development currently under construction to the south of the subject site. It is noted that this neighbouring permitted scheme does, to an extent, set a precedent within Coolock Village in terms of density, form and volume for the proposed scheme with the remaining immediate area comprising of low rise residential housing.
- The proposed site coverage and plot ratio are broadly in line with the requirements set out in the Development Plan. The gross residential density is calculated to be 214 units per hectare. Existing housing in the surrounding area is low rise. The density on the adjoining site (currently under construction) to the south is approximately 100 units per hectare (inclusive of 16 no. permitted houses). The Development Plan does not set out an upper limit in terms of density.
- The current proposal (17.8 metres in height) is the same height as the development currently under construction to the immediate south. Whilst the proposal has been reduced from 21.225 metres, as proposed under Reg. Ref. 2620/20, and visually ties in with the adjoining permitted apartment scheme much of the Planning Inspector's concerns remains true for this proposal. Due to the proximity of existing and proposed developments, the proposal gives the appearance of being overbearing to the houses to the north. More consideration however still needs to be given towards a step down approach for the subject site – noting the previously permitted 3-storey baseline.
- It is considered that a proposal at approximately three storeys, akin to that previously permitted on this site (under Reg. Ref. 3563/09), or four storeys with a set back at the fourth storey, would integrate more successfully with the existing character of the original streetscape of Coolock Village.
- It is noted that the current scheme and the adjoining apartment development are in separate ownership. However, it would appear that the end user shall be the same organisation. In the interests of the end users and future occupants, it would

be more efficient and logical for both sites to be interlinked whether that be internally or externally.

- In the context of the Apartment Guidelines, whilst the applicant has indicated that the proposal would not fall within the SPPR1 mix parameters as the units will be taken on by an AHB, the scheme has not been specifically set out for sheltered housing. Therefore, the requirements of SPPR1 apply having regard to SPPR2. It is contended that the proposed unit mix is contrary to SPPR2. In terms of minimum floor area, the majority of all apartments (80%) exceed the minimum floor area standard by a minimum of 10% in accordance with the Guidelines (2020). The standards in relation to minimum storage size, floor to ceiling height, refuse storage and lift and stair core have been complied with. The ratio of dual aspect meets the minimum 33% requirement as per SPPR4 of the Guidelines (2020). The Daylight and Sunlight Assessment submitted with the application states that all the rooms assessed exceed the minimum recommended Average Daylight Factor (ADF) values.
- The private open space proposed is quite generous in most instances and above the minimum required for all units. However, there is some concern in relation to the level of privacy afforded to the ground floor apartment (Unit No 1). Whilst the terrace width has been achieved, the terrace itself, which serves as the unit's private open space has a lower finished floor level than the communal open space thus compromising the privacy of the space. In addition, this unit is single aspect west facing, with a significant overhang overhead thus further reducing residential amenity for any future occupant. It is recommended that the applicant seek to maximise the privacy for this unit or alternatively that the use of this unit is reimagined say as concierge type space and/or a caretaker unit depending on the future tenure of the building and its relationship to the development under construction.
- With regards to communal open space, whilst a site this size does not have a minimum size requirement for communal open space, it will be important that the space is as well sunlit as possible in order that a derogation is not required under these circumstances. The Daylight and Sunlight Assessment provided with the application includes diagrams of shadow casting for the March Equinox, which appear to show the communal area in shadow for the majority, if not all of the

day. A written analysis would be useful in terms of the assessment of the communal area under these aspects.

- The subject site size is below the Part V threshold of 0.1ha. The applicant has advised that they are in the process of applying for a Part V exemption.
- The subject application is devoid of public open space and it is recommended that a payment in lieu should be sought as there is no derogation for the non-provision of public open space.
- In terms of impact on residential amenities, the block of houses to the north of the proposal are approximately 13m from the proposed building and are at most risk of overlooking and overshadowing as a result of the proposal. In terms of overlooking, the applicant has outlined that the windows on the north elevation shall be fitted with opaque glass. The rooms that are affected by this arrangement all also have a secondary window in order to ensure adequate outlook and daylight for future occupants. There are no balconies on the north facing elevation. 1.8m high frosted screens featuring on the northern edge of western balconies will restrict undue overlooking.
- In terms of outlook from No. 3 Main Street, it is acknowledged that the applicant has taken steps to significantly reduce the potential impact from the proposal outlined in application Reg. Ref. 2620/20. However, it is still contended that the close proximity of the proposed building at over 17m high from No. 3 Main Street (approximately 13m distance), of which the front aspect of No. 3 faces directly onto the proposal, will potentially result in an overbearing impact on the residential amenity of the neighbouring dwelling's occupants.
- A retail unit measuring 95sqm is proposed on the ground floor facing onto Main Street. The unit is located on Z1 (residential) and un-zoned land and faces onto 'Z3 - Neighbourhood Facilities' land. The proposal represents a reduction in retail space to that approved under an extant permission for a 211sqm ground floor retail pharmacy unit, under Reg. Ref. 3563/09.
- The proposed development is located within Zone 3, which sets out a maximum of 1.5 spaces per residential unit as per Section 16.38 of the Development Plan. It is considered that the 10 car parking spaces proposed is adequate given the central location of the site within Coolock Village and its close proximity to a

quality bus corridor. Sufficient bicycle storage is also indicated. The car parking spaces are located behind the gates of Parnell's GAA Club, which raises concerns in terms of the functionality and operability of the parking spaces.

- The proposal results in a building and balcony overhang of the upper floors over the proposed new public footpath. This element raises serious concerns for the Planning Authority.
- The proposed scheme for 15 residential units on a 0.07ha site does not trigger a mandatory Environmental Impact Assessment. Having regard to the nature of the development on a serviced infill site in an urban area and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. Therefore, the need for an environmental impact assessment be excluded at preliminary examination. A screening determination is not required.
- It has been found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

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

- Item 1: The applicant is requested to review the proposed mix in order to comply with Specific Planning Policy Requirements 1 and 2 of the Apartment Guidelines.
- Item 2: The applicant is requested to reduce the proposed height to four storeys (potentially with the fourth storey recessed and pulled southwards away from the adjacent two storey housing to the north) to address concerns regarding the transition provided by the proposed development and the adjoining permitted apartment block and the adjacent two storey housing/potential overbearing.
- Item 3: The applicant is requested to seek to maximise the privacy of the ground floor apartment (Unit No 1) or alternatively consider whether the unit may be better served as a concierge space / caretaker unit or alternative ancillary use depending on the future tenure of the building to address concerns regarding privacy.

- Item 4: The applicant is requested to consider/explore whether there is potential to functionally and physically interlink the subject site and the adjoining permitted apartment block site immediately south.
- Item 5: The applicant is requested to submit further information ensuring that the following issues related to surface water management are addressed: - Sustainable Drainage Systems (SuDS) devices proposed for the management of surface water runoff; how the 4 main categories of benefits of SuDS are to be achieved; and how 5mm-10mm of interception storage is to be provided.
- Item 6: The applicant is requested to indicate their willingness or otherwise to making a contribution in lieu for the non-provision of on-site public open space in line with the requirements of the Development Plan.
- Item 7: As the proposed development is within the Zone of Archaeological Constraint for the Recorded Monument DU015-084 (church chapel), the applicant is requested to consult with the City Archaeologist/prepare a full Archaeological Assessment, including an Archaeological Impact Statement.
- Item 8: The applicant is requested to outline lands, if any, that are proposed to be taken in charge and demonstrate that no part of the proposed development overhangs the existing path.
- Item 9: There are concerns regarding the proposed car parking layout and on-street linear design. The applicant is requested to address concerns regarding the proposed car parking layout and on-street linear design by way of a revised layout.
- Item 10: The applicant is requested to demonstrate they have a right of way/provide clarity regarding access to the gated access road.
- Item 11: The applicant is requested to provide details as to the type of bicycle stands proposed and drawings demonstrating sufficient space to accommodate the required number of bicycles.
- Item 12: The applicant is requested to submit the following: a) Mobility Management Plan, including a Parking Strategy; b) Servicing and Operations Plan; and c) Preliminary Construction Management Plan.

3.2.2. ***Planning Report (19th July 2022)***

The Planners report, dated 19th July 2022, 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 has indicated a preference to retain the current unit mix but has included a supplementary drawing with an option to alter the arrangement of the third floor in order that 2 no. 1 bedroom units would be merged into a 1 no. 2 bedroom unit, which is also interchangeably described as a 3 bedroom unit. Reference is made to a letter submitted by the Approved Housing Body, which advises of a strong demand for one beds units based on the Housing waiting list as at Q1 2022.
- In the context of FI Item 2: - it is proposed to retain the building height as proposed with the applicant submitting that the building height is appropriate for the site location and meets the BRE, DEHLG Urban Design Manual and Urban Development and Building Height Guidelines.
- In the context of FI Item 3: - a planting buffer has been added between the front of the terrace for the ground floor unit (Unit 1) and the communal space.
- In the context of FI Item 4: - the applicant advises that a link between the two sites will not be possible at this stage.
- In the context of FI Item 5: - supplementary information has been provided in relation to the proposed rainwater system.
- In the context of FI Item 6: - the applicant confirms their willingness to accept a condition in relation to the provision of a financial contribution in lieu of providing public open space within the subject site.
- In the context of FI Item 7: - an Archaeological Impact Assessment report has been submitted.
- In the context of FI Item 8: - the applicant confirms that the proposed development will not be taken in charge and amended drawings have been submitted eliminating the overhang of the terrace for apartment type B over the existing footpath.
- In the context of FI Item 9: - the applicant has submitted details in relation to the layout and use of the car parking spaces.

- In the context of FI Item 10: - the applicant has confirmed that there is an unrestricted right of way to pass over the access road to the proposed car park area.
- In the context of FI Item 11: - a bicycle store floor plan and related drawings have been submitted outlining space for 18 no. spaces using a two tier mechanism.
- In the context of FI Item 12: - the applicant submitted a Mobility Management Plan, including Parking Strategy, a Servicing and Operations Plan and a Preliminary Construction Management Plan.
- In terms of the overall height and bulk of the proposed development, the Planning Authority's concerns remain. In order to overcome these concerns, a condition shall be attached reducing the proposed height of the development to four storeys with the fourth storey recessed and pulled southwards away from the adjacent two storey housing to the north. In addition, this condition will address concerns raised in request item 1 relating to unit mix.
- The information submitted in relation to Items 3, 4, 6 are considered to be satisfactory.
- There is potential to amalgamate, in the future, the ground floor unit with a 1st floor unit overhead to form a duplex unit – which would then be served by a 1st floor balcony thus avoiding potential conflict at the external ground floor interface.
- The Council's Drainage Division raises no concerns in relation to request item 5 and raises no objection to the proposed development subject to conditions.
- In relation to request Item 7, the Archaeology Section has accordingly noted that it concurs with the mitigation suggested in the report submitted and raises no further objection to the proposed development subject to conditions.
- The Transport Planning Division has made the following comments in relation to Items 8 to 12 (in summary): - in the context of Item 8, the response submitted is considered appropriate; in the context of Item 9 (a-e), having regard to the information provided and changes made (the erection of signage and a reduction of 1 no. car parking space), this Division considers the response appropriate; in the context of Item 10, the solicitor's letter confirming the applicant has an unrestricted right of way to pass over the access road is noted and the response is considered appropriate; in the context of Item 11, the details submitted

regarding bike storage are considered appropriate in this instance; and in the context of Item 12 (a-c), the Mobility Management Plan submitted, including Car Parking Management Plan, the principal of the servicing is off-main street and within the private road of the applicant and the Preliminary Construction Management Plan submitted are considered appropriate in the context of the application site. Conditions should be attached in the event of a grant of permission regarding car parking allocation, preparation of a Servicing and Operational Plan and preparation of a more detailed Construction Management Plan.

- Having regard to the nature and scale of the proposed development, it is considered that the proposal would not have an adverse impact on the surrounding area. It is considered that the proposal subject to conditions attached below will meet the relevant development standards as set out in the 2016-2022 Dublin City Development Plan.

3.2.3. ***Other Technical Reports***

Drainage Division (13/01/22): Recommended that further information be requested regarding surface water management.

Environmental Health (28/01/22): No objection, subject to compliance with the relevant code of practice.

City Archaeologist (09/02/22): Recommended that further information be requested seeking preparation of a full Archaeological Assessment in consultation with the City Archaeologist, including an Archaeological Impact Statement.

Transportation Planning (03/02/22): Recommended that further information be requested regarding: - lands to be taken in charge; a revised layout addressing concerns regarding the pedestrian route to the car park, proximity to existing/permitted road junctions, the accessible parking bay, reverse movements and car sharing vehicles; access to the gated access road; bicycle parking provision; and provision of a Mobility Management Plan including a Parking Strategy, Servicing and Operations Plan and Preliminary Construction Management Plan.

Transportation Planning (28/06/22): Upon review of the material submitted with the further information response request, no objection subject to conditions.

Drainage Division (06/07/22): Upon review of the material submitted with the further information response request, no objection subject to conditions.

City Archaeologist (07/07/22): Upon review of the material submitted with the further information response request, no objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

6 no. third party observations were submitted to the Planning Authority. The main issues raised therein are as follows:

- Overlooking/overbearing/overshadowing impacts on and a reduction in level of daylight received by surrounding dwellings/developments, in particular No. 3 Main Street to the immediate north.
- Excessive height and density/overdevelopment of the site.
- Traffic hazard and insufficient car parking.
- Negative impact on character and amenity of Coolock Village.
- No. of 1-bed apartments contrary to the apartment guidelines requirements.
- This development in conjunction with the site to the south do not provide appropriate facilities/open space for residents, in particular children. Further to this, there are insufficient facilities in the area to serve new residents in terms of schools, childcare spaces, GPs, public transport etc.
- The Chanel Lands Masterplan referred to has long since expired.
- The overhang along the northern side of the building would cause problems for a double-decker bus trying to access the sports facilities and its bus park.
- Residents of the proposed development will have a poor level of residential amenity.

4.0 Planning History

4.1. Subject Site

4.1.1. The following 2 no. previous applications pertaining to the subject site, or the subject site as part of a larger development parcel, are of relevance:

PA Reg. Ref. 2620/20 (ABP Ref. ABP-307911-20)

This application related to a proposal on the appeal site for (in summary): - construction of a six storey apartment building comprising 24 no. apartment units (18 no. 1-bed apartments, 5 no. 2-bed apartments, and 1 no. 3-bed apartment) and a 120sqm retail unit at ground floor level, served by 10 no. car parking spaces and 24 no. bicycle parking spaces.

Permission was refused by Dublin City Council, on 16th July 2020. The Planning Authorities decision was subsequently appealed to An Bord Pleanála by the applicant (ABP Ref. ABP-307911-20). The Board refused permission for this application in December 2020 for the following reason:

Having regard to the limited area of this constrained corner site, the nature and layout of the proposed development and the provisions of the Dublin City Development Plan 2016-2022 including Policy SC13, it is considered that the proposed development, by reason of its design and massing would constitute overdevelopment of the site and would significantly detract from the amenities of adjacent property to the north in terms of overlooking and overbearing given the proximity of the northern windows and balconies of the proposed development to the existing terraced dwellinghouses and their attendant private rear gardens, and would, therefore, seriously injure the residential amenities of properties in the area. Furthermore, the high proportion of north facing apartments, and the proportion of dual aspect apartments proposed, as submitted with the appeal documentation which is below 33% minimum required by the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018 and would seriously injure the residential amenities of future occupants. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

PA Reg. Ref. 3563/09 (ABP Ref. PL29N.235606)

Permission was granted by the Board in April 2010 for the following proposal (in summary) on the Marist Lands (Chanel College) & Parnells GAA Clubhouse, Coolock Village, Dublin 5 (inclusive of the appeal site): - (a) GAA sports facilities, including replacement clubhouse and three playing pitches; (b) a two-storey day-care centre for St. Michael's House; (c) a residential development to the front of Chanel College, containing 53 no. apartments in an L-shaped four-storey block and 16 houses along the southern boundary; and (d) a medical centre and shop unit on the site of the former Parnell clubhouse on Main Street. The 3-storey medical centre and shop unit (pharmacy) proposed as part of this development were to be located on the subject appeal site.

This permission was subsequently extended by Dublin City Council for 5 years, under Reg. Ref. 3563/09x1 until June 2020 (a subsequent extension of duration application was refused). Condition No. 21 included in the Board's Order, relating to the retail pharmacy, is of particular note. It reads as follows: -

21. The premises designated as a pharmacy shall be restricted to Class 1 retail use as set out in Part 4 of Schedule 2 to the Planning and Development Regulations 2001 (as amended). The remaining floors of the medical building shall be restricted to Class 8 use as set out in Part 4 of Schedule 2 to the said Regulations.

Reason: *In the interests of orderly development.*

It is worth noting that the medical centre/shop unit (pharmacy) permitted as part of this development were not constructed on the subject site.

4.2. Adjacent Sites

4.2.1. There has been a no. of recent applications on the subject site's southern abuttal that are pertinent to the current proposal. They are summarised below.

PA Reg. Ref. 3301/19 (ABP Ref. ABP-305367-19)

This application related to a proposal for (in summary): - construction of 2 no. 5-6 story apartment buildings over basement car park providing a total of 88 no. apartments,

comprising of 22 no. 1 bed apartments, 50 no. 2 bed apartments and 16 no. 3 bed apartments, served by 83 no. car parking spaces (accessible via the access road to Parnells GAA Club) and 88 no. bicycle parking spaces.

A notification of decision to grant permission was issued by Dublin City Council on 13th August 2019. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by third parties (ABP Ref. ABP-305367-19). The Board granted permission for this application in March 2020 subject to 21 no. conditions, including Condition No. 2 which required the adoption of a greater setback at fourth floor level from the eastern elevation resulting in the omission of 1 or 2 units.

PA Reg. Ref. 3245/15

This application related to a proposal for (in summary): - amendments to a previous permission granted under Reg. Ref. 3563/09 comprising replacement of previously approved Apartment Block 1, comprising 53 no. apartments, with 2 no. four storey apartment blocks providing 65 no. apartments (13 no. 1 bed, 38 no. 2 bed and 14 no. 3 beds) and served by 79 no. car parking spaces (accessible via the access road to Parnells GAA Club) and 65 no. bicycle parking spaces.

A notification of decision to grant permission was issued by Dublin City Council on 18th November 2015. The Planning Authority's decision was subsequently appealed to An Bord Pleanála by the applicant (ABP Ref. PL29N.245884). This appeal was subsequently withdrawn pursuant to Section 140(1)(a) of the Planning and Development Act, 2000 (as amended).

4.3. Sites in the Vicinity

- 4.3.1. There have been recent applications in the vicinity of the subject site that are pertinent to the current proposal. These are summarised overleaf.

'Former Chivers Site', Coolock Drive, Coolock, Dublin 17 (550 metres to the north of the appeal site)

ABP Ref. ABP-304346-19 - Parent Permission

This application related to a proposal for a strategic housing development comprising of (in summary): - demolition of the Chivers Factory and construction of a build-to-rent residential development, including 495 no. apartments (61 no. studios, 150 no. 1-bed units, 178 no. 2-bed units and 106 no. 3-bed units), a 412sqm gym, 34sqm café and

357sqm crèche in 5 no. blocks ranging in height from three to ten-storeys. Permission was granted by An Bord Pleanála in August 2019 subject to 26 no. conditions, including Condition No. 4 which required a reduction in the height of 2 no. blocks. This in turn reduced the no. of apartments to 471 no.

ABP Ref. ABP-305993-19

This application related to Section 146B application for alterations to the previously permitted development under ABP Ref. ABP-304346-19 involving (in summary): - revisions to the development layout to provide a 79 no. unit increase within the permitted scheme, bringing the total scheme to 550 units.

Permission was granted by An Bord Pleanála in December 2020.

5.0 Policy Context

5.1. Dublin City Development Plan 2016-2022

The subject application was originally assessed having regard to the Dublin City Development Plan 2016-2022. This has subsequently expired.

5.2. Dublin City Development Plan 2022-2028

In the intervening period since the subject application was determined, the Dublin City Development Plan 2022-2028 has been adopted by the elected members on 2nd November 2022 and came into effect on 14th December 2022. The relevant provisions are discussed in turn overleaf.

5.2.1. Land Use Zoning

There are 3 no. zoning objectives applying to the subject site under the Dublin City Development Plan 2022-2028. The central part of the site is zoned 'Z1 - Sustainable Residential Neighbourhoods' with a stated objective to '*protect, provide and improve residential amenities*', the western part is zoned 'Z15 - Community and Social Infrastructure' with a stated objective to '*protect and provide for community uses and social infrastructure*' and a small sliver featuring along the southern boundary is zoned 'Z12 – Institutional Land (Future Development Potential)' with a stated objective to

‘ensure existing environmental amenities are protected in the predominantly residential future use of these lands’. Further to this, there is a small portion of land to the front of the site which is ‘un-zoned.’ Section 14.3.2 of the Dublin City Development Plan 2022-2028 includes the following discussion regarding unzoned lands: - *‘certain small areas of land within the city are unzoned or not covered by a specific zoning objective. These lands are illustrated in white on the zoning maps accompanying the plan and usually correspond with the location of the city’s roads, bridges, train lines, or other key infrastructure installations. Development proposals in respect of these unzoned lands will be considered in accordance with the policies and objectives of the plan. Regard will also be had to their compatibility with adjacent land-uses and zonings.’*

In the context of the ‘Z12’ zoned land, Section 14.7.12 states that *‘in considering any proposal for development on lands subject to zoning objective Z12, other than development directly related to the existing community and institutional uses, Dublin City Council will require the preparation and submission of a masterplan setting out a clear vision for the future development of the entire landholding.’*

In the context of the ‘Z15’ zoned land, Section 14.7.14 provides the following guidance in relation to development on Z15 Lands:

Limited residential/commercial development on Z15 lands will only be allowed in highly exceptional circumstances where it can be demonstrated by the landowner/applicant that the proposed development is required in order to maintain or enhance the function/ operational viability of the primary institutional/social/community use on the lands. The following criteria must also be adhered to:

- In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.*
- Any such residential/commercial development must demonstrate that it is subordinate in scale to the primary institutional/social/community use.*
- Where appropriate, proposals should be subject to consultation with the relevant stakeholder e.g. Department of Education/Health Service Executive.*

- *The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature(s) as considered necessary by the Council.*
- *In all cases, the applicant shall submit a statement, typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.*
- *In all cases the applicant shall be the landowner or have a letter of consent from the landowner.*

5.2.2. Relevant Sections/Policies

A small part of the subject site, more specifically the north-eastern corner, falls within the zone of Archaeological Constraint for the Recorded Monument DU015-084 (church chapel), which is subject to statutory protection under Section 12 of the National Monuments (Amendment) Act 1994.

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

Section 4.5.3 – Policy SC11: Compact Growth

In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will:

- *enhance the urban form and spatial structure of the city;*
- *be appropriate to their context and respect the established character of the area;*
- *include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents;*
- *be supported by a full range of social and community infrastructure such as schools, shops and recreational areas;*
- *and have regard to the criteria set out in Chapter 15: Development Standards, including the criteria and standards for good neighbourhoods, quality urban design and excellence in architecture.*

Section 5.5.2 – Policy QHSN6: Urban Consolidation

To promote and support residential consolidation and sustainable intensification through the consideration of applications for infill development, backland development, mews development, re-use/adaption of existing housing stock and use of upper floors, subject to the provision of good quality accommodation.

Section 5.5.2 – Policy QHSN10: Urban Density

To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Section 5.5.7 – Policy QHSN36: High Quality Apartment Development

To promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.

Section 15.5.5 Density

Dublin City Council will support higher density development in appropriate urban locations in accordance with the NPF, RSES and the Section 28 guidelines which seek to consolidate development within existing urban areas. Higher density development allows land to be used more efficiently, assists in regeneration and minimises urban expansion. Higher densities maintain the vitality and viability of local services and provide for the critical mass for successful functionality of public transport facilities.

New development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future amenity.

Section 15.8.6 Public Open Space

Section 15.8.6 requires that where lands zoned Z12 and Z15 are to be developed, a minimum of 25% of the site will be required to be retained as accessible public open space to safeguard the essential open character and landscape features of the site. A requirement of 10% applies in the context of Z1 zoned land.

Appendix 3 – Section 3.2 Plot Ratio and Site Coverage

The development plan sets indicative requirements of 1.0-2.5 for plot ratio and 45-60% for site coverage for Outer Employment and Residential Area. Higher plot ratio and site coverage may be permitted in certain circumstances such as:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal
- To maintain existing streetscape profiles.
- Where a site already has the benefit of a higher plot ratio.
- To facilitate the strategic role of institutions such as hospitals.

Appendix 3 – Sections 3.2 and 4.0 Density

As a general rule, a density range of 60-120 units per ha (as set out in Table 1) will be supported in outer suburbs. Where a scheme proposes buildings and density that are significantly higher and denser than the prevailing context, the performance criteria set out in Table 3 shall apply.

The general principle is to support increased height and higher density schemes in the city centre, Strategic Development Regeneration Areas, Key Urban Villages, areas close to high frequency public transport and some other areas (as identified) considered as suitable for increased intensity of development.

Appendix 3 – Section 4.0 Height

There is recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors including:

- *Bus connects/Core Bus Corridors (CBC's)*
- *Luas*
- *Metrolink*
- *DART*

Development proposals will primarily be determined by reference to the proximity of new public transport infrastructure and to the area character. Locations for intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan. Highest densities will be promoted at key public transport interchanges or nodes.

Appendix 5 - Section 3.1 Bicycle Parking Standards for Various Land Uses

A minimum bicycle parking rate of 1 long term space per bedroom and 1 short stay space per 2 apartments is specified for residential apartment developments and 1 long term space per 5 staff and 1 short stay space per 100sqm GFA is specified for retail land uses.

Appendix 5 - Section 4 Car Parking Standards

A car parking rate of 1 space per apartment is specified for houses/apartments/duplexes and 1 space per 75sqm GFA of other retail and main street land uses located within Zone 3 as identified within Map J of the Dublin City Development Plan 2022-2028.

5.3. Regional Policy

5.3.1. The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Area, 2019 – 2031

The RSES provides a framework for development at regional level. It encourages 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 site is located within the identified 'Dublin City and Suburbs' area. 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.

A Metropolitan Strategic Area Plan (MASP) has also been prepared for Dublin and guiding principles for the area include compact sustainable growth and accelerated housing delivery; Integrated Transport and Land use; and the alignment of growth with enabling infrastructure.

5.4. National Policy

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 11 - In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

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 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

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. Climate Action Plan 2023

The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.4.4. Section 28 - Ministerial Guidelines

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

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2023).
- Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).

Other Relevant Policy Documents include:

- Cycle Design Manual (2023).

5.5. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European site is the North Dublin Bay SAC (Site Code 000206)/the North Bull Island SPA (Site Code 004006) located c. 2.8km to the south-east of the site.

5.6. EIA Screening

It is proposed to construct a building containing a commercial unit and 15 no. apartments. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall stated area of 0.07ha and is located within an existing built-up area, but not in a business district given the predominance of residential uses. The site area is, therefore, well below the applicable threshold of 10ha. The provision of a mixed use development on site would not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural heritage or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as concluded below under Section 7 of this report) and there is no hydrological connection present such as would give rise to significant impact on nearby watercourses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Dublin City Council, upon which its effects would be marginal. 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 the Third-Party Appeal

A third party appeal has been submitted by the Coolock Residents Association. The main points raised therein can be summarised as follows:

- The independence of the Planning Authority is compromised as an approved housing body has already concluded an agreement to manage the apartments in the development on behalf of Dublin City Council which is the relevant Planning Authority.
- The approval by the Planning Authority of the application without the normal drawings undermines the possibility of making full submissions on the development approved by the planning authority the development having been materially changed from that in the original planning. Furthermore, there will be no opportunity for 3rd party submissions on the drawings which the approval decision requires to be submitted by the applicant prior to commencement of construction. This approach by the planning authority flies against the requirements of the planning system to be open and transparent.
- The previously refused development on the site is noted. Similarly, this development continues to constitute over development of this constrained site. When compared with the previous proposal, there would also seem to be little improvement in terms of residential amenity for future occupants. The matter of residential amenity was a significant contribution to the refusal of the earlier application.
- The proposed development will cause traffic issues. Contrary to the claims made by the applicant, the road to the immediate north is frequently used for access to the Parnells GAA Club and the Channel College Secondary School. Further to this, traffic will increase on this road upon completion of the housing development immediately south of the subject site.
- With regards to the proposed retail unit, the footpath featuring on Main Street is already narrow and will not comfortably accommodate the additional footfall generated. The absence of car parking spaces/a drop off point outside the

proposed retail unit is also of concern as parking is limited in the village already. The question arises as to whether the village needs another retail unit.

- References in the previous planning applications to a lack of capacity in infrastructure and support services in the village to serve new residents have been ignored. Local services, such as GP's and creches, and public transport services are at full capacity and will not be able to serve the increased demand resulting from this and neighbouring residential developments. There are also no suitable public play areas for children or teenagers proximate to the subject site.

6.2. Grounds of the First Party Appeal

A first party appeal against Condition No. 3 of the decision to grant permission was received from the applicant. The following is a summary of the main issues raised:

- The building as proposed should be accepted by reference to planning history, established local scale through planning permissions put into effect, pre planning consultation, the Dublin City Development Plan 2016-2022, the National Planning Framework and Regional Planning Strategies, Section 28 Ministerial Guidelines and the landmark deposition of the site completing the master plan design for the lands.
- The proposed development fundamentally replaces offices with residential apartments in the upper floors of a corner building, originally permitted as part of an overall master plan (approved under Reg. Ref. 3563/09 (ABP Ref. PL29N.235606). The Planning Officer's assessment conflicts with the previous Dublin City Council assessment that noted that the corner building could 'step up' to mark the corner location.
- At pre-application stage it was advised that the fenestration should align with the neighboring building to the South and a material change should differentiate the corner building from that under construction on the immediate south, as opposed to a 'stepping down'.
- The request for further information response indicated that there were no urban design recommendations advocating stepping down at the corner. It was also demonstrated that the proposed building was sufficiently laterally separated not to require stepping down to four stories to obviate any overbearing impacts.

- This modified design presentation responds to the previous assessment of An Board Pleanála and has been maintained for correct urban design reasons, after architectural review. It is considered that the proposed development will make a positive contribution to contiguous placemaking at this location.
- The proposed development completes the master plan development on this section of the street and adds a commercial frontage to the street.
- National/Regional planning policies and guidelines, as well as the 2016-2022 Development Plan encourage sustainable development of scarce urban land, including promoting increased development densities on underutilised lands and brownfield sites, in order to consolidate the metropolitan urban area and prevent further urban sprawl.
- Following the introduction of the Urban Development and Building Height Guidelines 2018, there is a presumption in favour of buildings of increased height in our town/city cores and in urban locations with good public transport accessibility. The subject site comprises a suitable location in this regard and is consistent with the development management principles contained within this document.
- The proposed development is consistent with the development management criteria set out, at the scale of the relevant city/town, having regard to its proximity to public transport services, it having been designed to be cognizant of the surrounding context including the development currently under construction to the immediate south and the positive contribution it makes to the Main Street streetscape. At the scale of district/neighborhood/street, it is consistent with the development management criteria set out as this development will complete development on this section of Main Street, the proposal is not monolithic and has been designed having regard to the adjoining development which is in accordance with the pre application advice provided by Dublin City Council, a new entrance road has been constructed into the Parnell sports fields which separates the site from the terrace of two-story houses to the immediate north, the proposal marks the entrance to the Parnell GH club and primary care centre and it provides a mixture of retail and residential accommodation consistent with the zoning objective.

- At the scale of the site/building, the proposal maximizes access to natural daylight and it is not considered there will be any overshadowing/overlooking/overbearing impact on existing residential development to the north or negative impacts in terms of daylight.
- The proposed building envelope has been properly designed for its context and takes into account all current strategies and guidance. The planning officer accepted the principal but not the detail of the proposed development. There is no urban design guidance to support reduction in scale of this corner site. It is requested that planning permission be granted for the development as proposed with the omission of Condition No. 3.

6.3. Appellant Responses

6.3.1. *First Party Response to Third Party Appeal*

The first party appellant's response to the third-party appeal lodged can be summarised as follows:

- The contention that the proposed development constitutes overdevelopment of the site is refuted. The proposed development has been designed to meet and exceed all prescribed development standards and is centrally located in terms of amenity/public transport.
- With regard to the claims made re the adjacent access road, there are internal connections between Chanel College and the access to the sports grounds, meaning pupils going to sports do not have to traverse Main Street to get to the GAA grounds during or after school hours.
- The proposed retail unit is modest in scale and the absence of dedicated on-site parking to serve the same is normal in terms of planning/transportation policy.

6.3.2. *Third Party Response to First Party Appeal*

The third party response to the first party appeal lodged can be summarised as follows:

- Several of the grounds of appeal are based on the supposition that the subject development is part of a masterplan for the Chanel Lands which is incorrect. The associated planning permissions referred to have expired.

- The proposed development will have an overbearing impact on/reduce daylight to houses to the north. The appeal does not appear to include a daylight analysis supporting its contention about the lack of impact on the daylight of houses to the north.
- The current appeal does not provide sufficient evidence to show that there are significant differences from the previous refusal under Reg. Ref. 2620/20 (application involving five storey development) to warrant approval of the subject proposal.
- The increase in height will not contribute to placemaking in Coolock Village or enhance the entrance to Parnell's GAA Club.
- Car parking provision is inadequate and e-charging spaces are not provided.
- It is unclear if the no. of bicycle parking spaces has been increased or they have been improved to accommodate bicycles carrying large volumes.
- Given the provision of only 1 no. lift and the absence of a communal space at ground floor level for exercise/socialising, the development is unsuitable for housing senior citizens.
- There is a lack of information regarding the proposed Mobility Manager.

6.4. Planning Authority Response

- None.

6.5. Observations

Observations on the first-party appeal were lodged by Seán Haughey TD, Marie Henvey and Pádraig Kent. The main points raised by Seán Haughey TD can be summarised as follows:

- Overbearing/overshadowing impacts on development under construction to the immediate south.
- Overshadowing of existing dwellings in the village.
- The proposed height is excessive and the development involves an unacceptable intensification of use/overdevelopment of the site.

- Traffic hazard for pedestrians entering/exiting Chanel College/Parnell's GAA Club.
- Negative impact on character of Coolock Village.

The main points raised by Marie Henvey can be summarised as follows:

- The proposal will overshadow No. 3 Main Street, Coolock and it, in conjunction with the earlier developments of the Chanel Lands site, comprises an architectural monstrosity and replaced green fields which contributed to the amenity/character of the area.
- Unlike other houses on this row, my dwelling faces south with an outlook across the previously approved Chanel lands development and this proposed development. The subject proposal is unreasonable and will negatively impact on the property in terms of daylight, privacy, overshadowing and overlooking, as well as having negative impacts on trees/plants featuring in the garden.
- The development of new homes is required to address the housing crisis but their provision should not be to the detriment of others living in the area.

The main points raised by Padraig Kent can be summarised as follows:

- The applicant is misleading in attempting to link the proposed development to the now expired Reg. Ref. 3563/09. This application was for a 3-storey medical centre which is entirely different to the 5-storey residential development now proposed.
- The proposed development will have a negative impact on existing residents, particularly those featuring to the north and south.
- It is contended that Dublin City Council have a conflict of interest in considering this application, how can a transparent/independent decision be made on the planning application when the units will be eventually accommodate persons featuring on their lengthy housing list.
- Sufficient open space provision was not provided in the context of the development permitted to the south. The subject proposal represents a further overdevelopment in the context of the residential units without sufficient provision of open space to serve residents of the same or the surrounding area. There is no green space provided to serve residents of this development. Nearby play

spaces referred to, being McAuley Park and the Stardust Memorial Park, are too far away from the proposed development/unsafe.

- A reduction in building height, from 5 no. to 4 no. storeys in a positive development, however, even at 4 storeys this development overlooks and overshadows adjacent dwellings to the north. Overshadowing will be particularly bad during the winter months. The proposed development also exacerbates daylight/overshadowing issues that exist in the context of the blocks being constructed to the south.
- Daylight levels in the proposed apartments will be unsuitable given their orientation/size. Private amenity space and communal amenity space provision is also inappropriate, in particular that serving the ground floor unit.
- The proposed development will cause a traffic hazard for motorists accessing Parnell's GAA Club and the rear entrance to Chanel College. The roadway is a mere 6 metres wide. The changes made at FI stage in response to concerns regarding balcony overhang, resulted in the ground floor unit being pushed northwards, which exacerbates the issue.
- In terms of density, it is estimated that the subject site in conjunction with the development under construction to the south will accommodate 238 adults and 237 children which is an overdevelopment of this land parcel.
- The proposed development will alter the dynamic of Coolock Village.
- Contrary to the suggestions made by the applicant, the proposed development is unsuitable for elderly persons given the height/access arrangements.
- A thorough assessment of traffic into/out of Coolock Village, as well as the efficiency of the QBC, is necessary. There have been dramatic changes in car use/traffic/speed limits etc. in the area since the last one was carried out.
- Car parking provision is inadequate and will lead to overspill.
- No further development should be allowed in Coolock until water supply quality issues are resolved. Similarly, issues exist regarding water pressure which have implications for fire safety. The capability of the existing surface water and sewerage system to accommodate the 475 no. residents that will accommodate this, and the neighbouring development is questioned.

- The proposed development will be used for the purposes of social housing, it would be better for creating sustainable balanced communities if affordable housing units and step-down units for elderly persons also featured.
- There are insufficient childcare facilities/medical centres/community services to serve residents of this development/the development under construction to the south.

7.0 **Assessment**

I now resume my assessment of the proposed development. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Zoning Objectives and Principle of Development.
- Building Height, Scale and Design/the appropriateness of Condition No. 3.
- Residential Amenity.
- Residential Density/Scale of Development.
- Access, Traffic and Parking.
- Open Space Provision.
- Other Matters.

As previously discussed, the subject application was originally assessed having regard to the Dublin City Development Plan 2016-2022. This has subsequently expired and in the intervening period, the Dublin City Development Plan 2022-2028 has been adopted by the elected members and came into effect. In light of this, the subject application will be assessed having regard to the Dublin City Development Plan 2022-2028.

7.1. **Zoning Objectives and Principle of Development**

As previously discussed, there are 3 no. zoning objectives applying to the subject site under the Dublin City Development Plan 2022-2028. The central part of the site is zoned 'Z1 - Sustainable Residential Neighbourhoods', the western part is zoned 'Z15 - Community and Social Infrastructure' and a small sliver featuring along the southern boundary is zoned 'Z12 – Institutional Land (Future Development Potential)'. Further

to this, there is a small portion of land to the front of the site which is 'un-zoned'. The proposed apartments would be located on the 'Z1', 'Z12' and the 'un-zoned' lands. Under the 'Z1' and 'Z12' land use zoning objectives, residential are 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. In the context of the 'un-zoned' land, in accordance with the guidance provided in Section 14.3.2 of the Dublin City Development Plan 2022-2028, I will consider the appropriateness of the proposed development on this land having regard to the adjacent 'Z1' zoning objective.

- 7.1.1. The carparking area serving the proposed apartments currently lies within the adjacent Parnell's GAA Club Grounds and is located on land zoned 'Z15 - Community and Social Infrastructure'. It would appear that the car parking spaces are used by the adjacent GAA club. In the context of Z15 lands, the Development Plan outlines that they are '*committed to strengthening the role of Z15 lands and will actively discourage the piecemeal erosion and fragmentation of such lands*'. The open for consideration uses outlined for this zoning objective, in Section 14.7.14 of the Dublin City Development Plan 2022-2028, includes 'residential (only in accordance with the highly exceptional circumstances set out above)'. I note that, at the time this application was prepared/considered by the Planning Authority, the Dublin City Development Plan 2016-2022 was the relevant development plan. Under the Dublin City Development Plan 2016-2022, the open for consideration uses outlined for the Z15 zoning objective included simply 'residential'. The proposed apartment development is being provided by a private developer and has no connection with the function/operational viability of the GAA Club or Chanel Catholic College featuring in the wider Z15 landbank. In utilising this car parking area to serve the proposed residential development, potential use by Parnells GAA Club's would be removed, as well as any potential for it to return, or for the site to be redeveloped for Z15 purposes. Therefore, I am not satisfied that the proposal constitutes 'highly exceptional circumstances', as outlined in Section 14.7.14 of the current Development Plan. The current Development Plan notes that the cessation of an existing Z15 institutional/social/community use on a site or change in land ownership (the latter being applicable in this instance) does not in and of itself extinguish/negate the purpose of these lands for community and social infrastructure use. Accordingly, I consider use of the applicable car parking area to serve the

proposed residential development, to be a material contravention of the 'Z15 - Community and Social Infrastructure' zoning objective. I note this constitutes a new issue which was not previously raised in the Planning Authority's decision/report nor did the appeal/observations lodged.

- 7.1.2. Section 37(2)(a) of the Planning and Development Act, 2000 (as amended), states that: - *the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.* In this instance, I do not consider there to be sufficient justification for granting permission for such a material contravention of the zoning objective, having regard to the nature/scale of the proposed development. Section 14.7.14 of the current Development Plan notes that in instances where such a material contravention is proposed it would need to be supported by a detailed community and social infrastructure audit which should clearly demonstrate why the land is not viable/suitable for social and community use in accordance with the zoning objective. This requirement is new to the 2022-2028 Dublin City Development Plan, so not unsurprisingly, the subject application was not accompanied by such an audit. The Board may wish to request this information, pursuant to Section 132 of the Planning and Development Act, 2000 (as amended), should it be minded to grant permission. Given that the subject site has a long history of being in Z15 use (associated with the adjacent GAA Club) and that GAA Club and Channel Catholic College continue to operate/function in the larger Z15 landbank, I consider it unlikely that it could be satisfactorily demonstrated that the site is no longer viable for Z15 use.
- 7.1.3. Alternatively, an argument could be made for addressing this particular matter through the omission of the car parking area from the proposed development by way of condition, thus confining the proposed residential development to the 'Z1', 'Z12' and the 'un-zoned' lands. While I would acknowledge the merits of 'car-free' development in certain situations (e.g. in City Centre locations and at public transport nodes), given the site context, its suburban location, its falling within car parking Zone 3 and the nature of the development proposed, in my opinion, it would not be appropriate in this instance to permit a 15-unit apartment development in the complete absence of any parking provision. Therefore, having regard to the foregoing, it is recommended that the application be refused permission in this instance.

7.1.4. I now turn my attention to the requirement, set out in Section 14.7.12 of the Development Plan, that masterplan be provided in the context of lands subject to zoning objective Z12. It is worth noting that a similar requirement featured in the Dublin City Development Plan 2016-2022, at Section 14.8.12. The subject application is not accompanied by a masterplan. Given the limited amount of 'Z12' zoned land involved in the subject application and the fact that a masterplan was previously prepared for the larger Z12 landbank, as part of the previous planning application under Reg. Ref. 3563/09/ABP Ref. PL29N.235606, I am satisfied that preparation of a masterplan is not necessitated in this instance.

7.2. Building Height and Scale/the Appropriateness of Condition No. 3

7.2.1. The proposed apartment block is 5 storeys, with a recessed fourth floor level, and extends to a maximum height of 17.87 metres. The matters raised in the first party appeal relate solely to the Planning Authority's inclusion of Condition No. 3, requiring the height of the development be reduced to four storeys, with the fourth storey recessed and pulled southwards away from the adjacent two storey housing to the north. The first party appellant argues that the proposed development is consistent with the Urban Development and Building Height Guidelines which encourage buildings of increased height in urban locations with good public transport accessibility. They contend that the proposed building has been designed having appropriate regard to the surrounding context and that there is no urban design rationale to support a reduction in scale on this corner site. They ask that the proposed development be granted permission at 5-storeys.

7.2.2. The Planning Authority's Planning Report included the following commentary regarding the proposed building height: - *'the current proposal measures approximately 17.8m high, the same height as the adjoining permitted development to the south, which is currently under construction. Whilst the proposal has been reduced from 21.225m as proposed under Reg. Ref. 2620/20 and visually ties in with the adjoining permitted apartment scheme much of the Planning Inspector's concerns remains true for this proposal. Due to the proximity of existing and proposed developments the proposal gives the appearance of being overbearing to the terraced row of houses to the north. More consideration however still needs to be given towards a step down approach for the subject site from the permitted 17.8m high building to the south of the subject site towards the 8m high, 2 storey terraced housing to the north – noting the previously permitted 3-storey baseline'*. They concluded that the

proposed apartment block, at 5-storeys, was contrary to Section 16.2.1 of the Development Plan as it does not respond appropriately to the established character of Coolock Village and attached Condition No.3 accordingly. I note that the third-party appeal and observation received from Seán Haughey TD also raise concerns about the proposed height being excessive/the proposal constituting overdevelopment of the site.

7.2.3. Before considering the appropriateness of the proposed building height and the appropriateness of Condition No. 3, I think it beneficial to discuss the changes that have occurred in terms of building height policy at local level in the intervening period since this application was determined. Section 16.7.2 of the Dublin City Development Plan 2016-2022 specified building heights of up to 16 metres for residential development and commercial development in the case of the outer city developments. The recently adopted Dublin City Development Plan 2022-2028 does not include numerical height limits, instead adopting a performance-based approach. However, similar to the 2016-2022 Development Plan, it asks that in the context of building height/scale regard be had to the characteristics of the site and the character of the area (including in policies SC16 and SC17). It is worth noting that, although the Building Height Guidelines encourage a general increase in scale/height of buildings, they also ask that regard be had to scale of adjoining developments and that buildings successfully integrate into/enhance the character of the area and create visual interest in the streetscape.

7.2.4. The part of the subject site, on which it is proposed to construct the apartment block, comprises of a strip of undeveloped land which is currently enclosed with hoarding and in use as a construction storage area for the site currently under construction to the immediate south. In terms of location, it comprises a corner site located immediately south-west of the intersection of Main Street and the access road to the Parnells GAA Club. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. There are no structures or features of historic importance such as Protected Structures Conservation Areas in the immediate vicinity. The area surrounding the subject site currently features a variety of commercial, residential, institutional and recreational land uses. The subject sites eastern and northern boundaries are flanked by Main Street and the Parnells GAA Club access road, respectively. To the immediate south of the subject site is a large landholding on which a residential development, approved

under Reg. Ref. 3245/15/Reg. Ref. 3301/19 & ABP Ref. ABP-305367-19, is currently under construction. More specifically, this residential development comprises of 2 no. 5-6 story apartment buildings over basement car park providing a total of 88 no. apartments. Of these, the block immediately abutting the subject site's southern boundary is 5 storeys in height with recessed fourth floor level. To the north, on the opposite side of the Parnell's GAA Club access road, is No. 3 Main Street which comprises a double storey end of terrace dwelling orientated to front the access road. This dwelling forms part of a row of 8 no. terraced/semi-detached dwellings. To the east, on the opposite side of and set back from Main Street, is a parade of two-storey commercial premises.

- 7.2.5. I would agree with the first party appellant that the proposed building would sit comfortably in the context of the development under construction to the immediate south. It adopts the same overall building height, a similar shoulder height/fenestration pattern along its Main Street frontage, and the change in materials adopted successfully differentiate the corner building from that under construction on the immediate south without the need for the building to be 'stepped down'. However, the proposed development cannot be considered having regard to its southern abuttal alone. Consideration must also be given to its interface with its northern abuttal and the Main Street streetscape more broadly. In this regard, I would share the concerns of the Planning Authority's regarding the proposed building's height in the context of the row of dwellings to the north, on the opposite side of the Parnells GAA Club access road. At 5 storeys, the proposed building would be visually obtrusive/overly dominant when viewed in the context of the northern abuttals and the Main Street streetscape more broadly. The contextual elevations/Photomontages & CGIs, prepared by Paul Byrne Architects, accompanying the application are illustrative of this. The building appears to step down proximate to the northern boundary, due to cantilevered elements featuring across first to third floor levels, associated Apartment Type B's bedroom and Apartment Type E's northern façade, however this design feature does little to reduce the overall mass/bulk of the proposed building. Contrary to the views of the third-party appellants/observers, I do not consider that this issue necessitates refusal of the proposed development in its entirety. Rather, I am satisfied that the matter could be addressed by way of a condition requiring a reduction in the building height. Subject to this amendment, I am satisfied that the proposed development would sit comfortably in the context of the Main Street streetscape, providing an

appropriate transition between the development currently under construction to the immediate south and the row of 2-storey dwellings to the north. Therefore, should the Board be inclined to grant planning permission, I would recommend that a condition requiring the omission of the third storey. This would reduce the height of the building to 4 storeys, with a recessed third floor level.

7.2.6. With regards to building line/streetscape presentation, the development currently under construction to the immediate south is set-back from the site's front boundary by between 4 and 6.6 metres. To the north of the site, No. 3 Main Street is set-back from the site's front boundary by c. 4.2metres. The buildings featuring on the opposite side of Main Street do not adopt a consistent building line, with some recessed to provide car parking at the front of the site. The proposed building's front façade is staggered, adopting setbacks of between 1 metre and 6.4 metres from the site's front boundary. More specifically, the proposed building adopts a similar setback as that adopted by the building under construction to the immediate south and steps forward centrally, before stepping back proximate to the adjacent junction. This is considered appropriate given this is a corner site and having regard to the varied building line featuring in this section of Main Street.

7.2.7. The palette of materials proposed would be acceptable in my view. I am satisfied that the use of a brick, render, metal cladding and stone, alongside metal stainless steel/glazed balconies, comprise a high-quality palette of materials which complements the materials/finishes featuring on the surrounding properties. The brick reads as a continuation of the development under construction to the immediate south, while the use of render, stone and metal cladding differentiates it as a new built form element while also responding to the materials/finishes utilised in the row of houses to the north/the wider Main Street streetscape.

7.3. **Residential Amenity**

Neighbouring Properties

7.3.1. The primary issue raised by the third party appellant and third party observers alike is that the proposed development will have a negative impact on the residential amenities of the adjacent properties/surrounding area.

Property to the North

- 7.3.2. To the north, on the opposite side of the Parnell's GAA Club access road, is No. 3 Main Street which comprises a double storey end of terrace dwelling. An observation was received from Marie Henvey who resides in this property. She contends, among other things, that the proposed development is unreasonable and will negatively impact on the property in terms of daylight, privacy, overshadowing and overlooking. The first party appellant expresses a contrary view that the proposal maximizes access to natural daylight and that there will not be any overshadowing/overlooking/overbearing impact on existing residential development to the north and argues that Condition No. 3, which requires a reduction in building height, is not necessitated.
- 7.3.3. Turning my attention firstly to potential overlooking of opposing first floor windows. No. 3 Main Street features 2 no. south-facing habitable room windows with an outlook across the subject site. The eastern part of the proposed apartment block, which sits immediately opposite these, is devoid of north-facing habitable room windows at upper floor level so there are no opportunities for overlooking of directly opposing first floor windows to the north. There are 6 no. north-facing habitable room windows (associated with Apartment Type E's bedroom and living/dining area), at first, second and third floor levels, which require consideration in terms of potential overlooking of the rear garden serving is No. 3 Main Street. In the context of the bedroom, the window proposed is a highlight window and the window featuring in the living/dining area featuring frosted glazing. I am satisfied that the sill height adopted/glazing utilised will appropriately restrict potential overlooking of the adjacent private open space area from these rooms. A 1.8 metre high opaque glass privacy screen features on the northern edge of the proposed west-facing balconies. This appropriately restricts potential overlooking of the garden from these balconies.
- 7.3.4. With regards to potential overbearing impacts, I note the following commentary from the Planners Report: - *'in terms of outlook from No. 3 Main Street, it is acknowledged that the applicant has taken steps to significantly reduce the potential impact from the proposed outlined in application Reg. Ref. 2620/20. However, it is still contended that the close proximity of the proposed building at over 17m high from No. 3 Main Street (approximately 13m distance), of which the front aspect of No. 3 faces directly onto the proposal, will potentially result in an overbearing impact on the residential amenity of the neighbouring dwelling's occupants.'* It went on to recommend that a condition, Condition No. 3, be attached requiring a reduction in the proposed height to four

storeys with the fourth storey recessed and pulled southwards away from the adjacent two storey housing to the north. The first party appeal asks that the proposed development be granted at 5 storeys and that no such condition be attached.

- 7.3.5. Upon review of the plans submitted with the application/having visited the appeal site, I would share some of the concerns raised by the Planning Authority/the resident of No. 3 Main Street regarding the proposed development's overbearing impact. No. 3 Main Street due to it being a corner site is dual fronted. However, it is unusual in that its primary outlook is southwards across the adjacent access road and the subject site. Its front façade (southern elevation) is setback c. 13 metres from the subject site's northern boundary. The proposed development is 5 storeys/extends to a maximum height of 17.87 metres and adopts setbacks of between 0 and 1.895 metres from its northern boundary. Given the limited separation distance that exists between the subject site and No. 3 Main Street and the considerable difference in height between the double storey dwelling to the north and the subject proposal, the proposed development will comprise a visually dominant feature when viewed from the adjacent property to the north and have an unreasonable overbearing impact in my view. The contextual elevations/Photomontages & CGIs, prepared by Paul Byrne Architects, accompanying the application are illustrative of this. The proposed development's overbearing impact is exacerbated by the cantilevered elements featuring on the buildings northern façade which overhang of the adjacent footpath. Further to this, limited opportunities exist for meaningful vegetation/tree planting to be introduced along the northern boundary to soften the mass/bulk of the proposed building due to the confined nature of the site and the adoption of the aforementioned cantilevered elements.
- 7.3.6. I do not consider that this issue necessitates refusal of the proposed development in its entirety. Rather, I am satisfied that the matter could be addressed by way of a similar condition to Condition No. 3 being adopted. Subject to the omission of a floor level/the resultant reduction in the overall building height to 4 storeys, I am satisfied that the proposed development, would not have an unreasonable overbearing impact on the property to the north. Whilst I acknowledge that the proposed building will occupy a strip of land currently devoid of development, I am mindful that the northern façade of the apartment development, being constructed under Reg. Ref. 3245/15/Reg. Ref. 3301/19 & ABP Ref. ABP-305367-19, flanks the subject site's southern boundary. This façade is blank, extends to a height of 12.6-16.347 metres

and is setback c. 25 metres from No. 3 Main Street's southern boundary. At 4 storeys, with recessed upper floor levels, the proposed development would provide a 'stepping down' from this taller built form. Therefore, should the Board be inclined to grant planning permission, I would recommend that a condition requiring the omission of the third storey be included on the Board's Order.

7.3.7. No. 3 Main Street's private open space area is located to the rear (west) of the dwelling, is c. 28 metres deep/c. 9.5 metres wide and is enclosed by a c. 2 metre high stone wall along its southern boundary. In the context of the proposed development, the westernmost part of the proposed apartment block sits immediately opposite this area of private open space (in part) and, as previously mentioned, is setback c. 13 metres from No. 3 Main Street's southern boundary wall. Given the separation that exists between the subject development and the applicable private open space area and the subject buildings positioning relative to No. 3 Main Street, the majority of resultant shadow cast from the subject development will fall on the adjacent access road or with the area shadowed by No. 3 Main Street's southern boundary wall/the development being developed immediately south of the subject site. The application is accompanied by a Daylight & Sunlight Assessment, prepared by Digital Dimensions, which includes an assessment of the private amenity spaces serving neighbouring properties. In the context of No. 3 Main Street, it concludes that it will retain 2 hours sunlight well in excess of 50% of the amenity space and that the proposed development meets the recommendations of the BRE Guidelines for gardens and open spaces. I find this assessment to be accurate. I note that, as discussed in the preceding paragraph as well as in the previous section of this report, I am recommending that the Board's order include a condition requiring omission of the third floor should they be inclined to grant permission. This amendment would in turn reduce the extent of shadows cast by the proposed development on the private amenity space to the north. To conclude, I do not consider the proposed development would have an unreasonable impact on the residential amenity of adjacent property to the north by way of overshadowing.

7.3.8. With regards to potential impacts on daylight/sunlight received by the dwelling to the north, the Daylight & Sunlight Assessment, prepared by Digital Dimensions, includes a daylight/sunlight assessment of the neighbouring properties. More specifically, it considered the proposed development's impact on Vertical Sky Component (VSC) and Probable Sunlight Hours (PSH). In terms of VSC, it found that 2 no. south-facing first

floor windows (associated with bedrooms) are reduced below the recommended VSC levels with all other windows meeting the recommendations of the BRE Guidelines in this regard. In the context of PSH, all windows assessed exceeded the target values set out for annual and winter probable sunlight hours. On balance, the proposed impact on No. 3 Main Street is not considered unreasonable in terms of daylight/sunlight provision as PSH requirements are complied with, the reduction in VSC in the 2 no. rooms is only slightly (less than 10%) below the >80% ratio outlined in the BRE Guidelines and one of the applicable rooms is dual aspect. As previously discussed, I am recommending that a condition be attached if the Board are inclined to grant permission, requiring that the third storey be omitted. Were a storey to be omitted, the resultant impact on daylight/sunlight provision would be lessened.

Properties to the South

- 7.3.9. The subject site's southern boundary is flanked by a larger site on which a residential development, approved under Reg. Ref. 3245/15/Reg. Ref. 3301/19 & ABP Ref. ABP-305367-19, is currently being constructed. Consideration of potential impacts on the residential amenity of these apartments is required in the context of the subject proposal. The northernmost block (Block No. 2) featuring on the site to the south, which is 5 storeys in height, is developed flush with the common boundary. Similarly, the proposed apartment block is to be developed to the common boundary and immediately abuts Block No. 2's northern façade. As the proposed apartment block is developed to the common boundary, its southern façade is devoid of south facing windows. Therefore, there are no opportunities for overlooking of opposing upper floor windows featuring in the 2 no. blocks featuring to the south. Potential overlooking from the proposed west-facing balconies will be restricted by way of 1.8 metre high opaque glass screens. Given the proposed apartment block sits immediately north of Block No. 2 (projecting beyond its western façade for a short distance of c. 3 metres), is a similar height and is limited in terms of width (due to the narrow nature of the subject site), the proposed development will not have an unreasonable overbearing impact on apartments to the immediate south. Given the subject site's orientation relative to the southern abuttal and the proposed development positioning to the immediate north of Block No. 2, the subject proposal will not result in any

overshadowing of the communal open space and private amenity spaces associated with this development.

Proposed Development

The appropriateness of residential amenity afforded the future residents of the proposed development is considered below/overleaf. In doing so, regard is had to the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) and the requirements of the Dublin City Development Plan 2022-2028.

Unit Mix

7.3.10. The proposal would entail the provision of 15 no. apartments, 13 no. 1-bed units and 2 no. 2-bed units. This exceeds the 50% one bed/studio units specified in relation to unit mix in Specific Planning Policy Requirement 1 contained in the Apartment Guidelines and adopted in Section 15.9.1 of the current Development Plan. While Oaklee Housing, in their letter dated 12th May 2022 which accompanied the applicant further information request response, have indicated their interest in the property, the proposed scheme has not been specifically set out for sheltered housing. Therefore, the inapplicability of mix parameters for certain social housing schemes, outlined in paragraph 2.21, does not apply in this instance. 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. At 0.07Ha, the subject site constitutes such a site. If the first 9 no. 1-bedroom apartments are omitted from the calculation, as per the guidance set out in Specific Planning Policy Requirement 2, we are left with 4 no. 1-bedroom apartments and 2 no. 2-bedroom apartments. This equates to 66% one-bedroom units which continues to exceed the 50% maximum desired in the context of one bed/studio units.

7.3.11. SPPR 2 allows for discretion to be exercised on all standards in the guidance on a case-by-case basis, having regard to the overall quality of the proposed development. Having regard to the residential amenity afforded future residents of the proposed apartments, as will be discussed in the subsequent paragraphs, as well as the small size/context of the subject site, I am satisfied that the proposed unit mix is appropriate in this instance. Should the Board form a contrary view, I note that at further information stage, the applicants submitted an alternative third floor layout for

the consideration of the Planning Authority. It involved the replacement of the 2 no. 1-bedroom west-facing third floor apartments with 1 no. 3-bedroom apartment. Such an amendment would result in the following revised unit mix: - 12 no. 1-bedroom apartments, 2 no. 2-bedroom apartments and 1 no. 3-bedroom apartment, which complies with the requirements in relation to 1-bedroom units. The Board could require the adoption of this alternative third floor layout by way of condition. Further to this, I note that earlier in this report, I discussed the appropriateness of Condition No. 3, included in the Planning Authority's Notification of Decision to Grant Permission, requiring the omission of 1 no. storey. Requiring the omission of the third storey, which I consider necessary in this instance, would also result in a unit mix which adheres to the 50% maximum specified for 1-bedroom apartments.

Floor Areas and Apartment Layout

- 7.3.12. As detailed in the floor plans/Housing Quality Assessment accompanying the further information request response, the 1-bed units proposed would have a floor area of between 49.3sqm and 59.1sqm and the 2-bed (4P) units proposed would have a floor area of 86.5sqm or 95.1sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in Specific Planning Policy Requirement 3 as well as generally complying with the associated minimums set out 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 proposed are suitably laid out internally to provide an adequate level of residential amenity to future residents.

Dual Aspect/Floor to Ceiling Heights/ Apartments per Core

- 7.3.13. 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, Specific Planning Policy Requirement 5 requires that ground level apartment

floor to ceiling heights shall be a minimum of 2.7 metres and Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. With regards to dual aspect, upon review of the plans submitted with the application, 5 of the 15 apartments proposed constitute dual or triple aspect units (with no single aspect north-facing apartments proposed). At 33%, the proposed development complies with the requirements of SPPR 4. The floor ceiling height at ground floor level would be 3 metres and a maximum of 4 apartments per core is proposed, thus complying with the requirements of these two standards.

Storage

- 7.3.14. As detailed in the floor plans/Housing Quality Assessment accompanying the further information request response, the 1-bed units would be provided with between 3sqm and 4.6sqm of storage and the 2-bed (4P) units by 6sqm or 6.3sqm of storage which complies with the numerical storage requirements specified in Appendix 1 of the Apartment Guidelines, 2023. Upon review of the plans, it would appear that the storage space serving Apartment Type A is provided in the form of an individual utility room >3.5sqm within the apartment which is contrary to the following stipulation set out in Paragraph 3.31 of the guidelines: - *'as a rule, no individual storage room within an apartment should exceed 3.5 square metres.'* However, I am satisfied that compliance with this aspect of the requirements could be addressed by way of condition should the Board be inclined to grant planning permission.

Private Amenity Space

- 7.3.15. Turning to private amenity space. As detailed in the floor plans/Housing Quality Assessment accompanying the further information request response, the 1-bed units would be served by balconies between 5.1sqm and 10.3sqm in size and the 2-bed (4P) units by 10sqm or 10.3sqm, which have a minimum depth exceeding 1.5 metres, thus complying with the quantitative requirements set out in relation to private amenity space. With regards to the quality of the private amenity space provided, I note that one of the observers has raised concerns about the private amenity space serving the ground floor apartment. As discussed previously in Section 3.2, in response to concerns raised by the Planning Authority in their further information request, a planting buffer was added between the front of the terrace serving the ground floor apartment and the communal space. I am satisfied that the planting buffer provided provides an appropriate level of privacy to residents of this apartment but is not so

proximate to the terrace's western edge that it overly restricts the outlook from/amenity levels of the same. With regards to the private amenity space provided in upper floor apartments, upon review of the plans, I am satisfied that the proposed private amenity areas satisfy the qualitative requirements of the Apartment Guidelines given their orientation, size and positioning relative to the proposed living area as well as screening provided and their positioning relative to each other/proposed windows.

Communal Amenity Space

7.3.16. In accordance with Appendix 1 of the Apartment Guidelines, a minimum of 79sqm of communal amenity space would be needed to serve the entire apartment development. 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, such as this. The plans accompanying the further information request response identify a 58sqm communal space to the rear of the proposed apartment block, which falls short of the numerical communal amenity space requirements. Having regard to the size of the subject site and the infill nature of the scheme, I am satisfied with the size of the communal space provided in this instance.

7.3.17. From a qualitative perspective, I am satisfied that the proposed communal amenity space is suitably orientated, appropriately overlooked and conveniently located relative to the apartment blocks proposed as well as being of an appropriate size/design so as to be usable.

Daylight/Sunlight

7.3.18. 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. One of the observations received commented that daylight levels in the proposed apartments will be unsuitable given their orientation/size. In this regard, the application is accompanied by a Daylight & Sunlight Assessment, prepared by Digital Dimensions, which among other things includes an assessment of the proposed apartments in terms of daylighting to habitable rooms. It concluded that: - *'all the rooms assessed exceed the minimum recommended ADF values. The proposed development meets the recommendations of the BRE Guidelines and BS 8206 Part:2008 Lighting for Buildings, Code of Practice for Daylighting'*. I am satisfied with the assessment regarding average daylight factor contained therein. I am generally satisfied that

daylight and sunlight considerations have informed the proposed layout and design in terms of window sizing and the aspect of units.

Conclusion

- 7.3.19. In conclusion, subject to the aforementioned conditions, I am satisfied that the proposed development would provide quality apartments which provide a suitable level of amenity for future residents.

7.4. Residential Density/Scale of Development

- 7.4.1. Prior to assessing the appropriateness of the proposed residential density/scale of development, I think it beneficial to discuss the changes that have occurred in national and local policies relating to these matters in the intervening period since this planning application was considered. In terms of density, the Dublin City Development Plan 2022-2028, in Section 3.2 of Appendix 3, outlines that a density range of 60-120 units per ha will be supported in outer suburbs. At the time this application was prepared/considered by the Planning Authority, the Dublin City Development Plan 2016-2022 was the relevant Development Plan. The 2016-2022 Development Plan did not set out any numerical parameters in terms of density. At national policy level, the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities were introduced in January 2024. They specify that residential densities in the range of 50 to 250 dwellings per hectare (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. These 2024 Guidelines replace the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages), published in 2009, which promoted densities of 50+ dwellings per hectare in more central urban locations and close to public transport. In the context of site coverage and plot ratio, the Dublin City Development Plan 2022-2028, in Section 3.2 of Appendix 3, sets indicative requirements of 1.0-2.5 for plot ratio and 45-60% for site coverage for Outer Employment and Residential Area. The Dublin City Development Plan 2016-2022, at Sections 16.5 and 16.6, specified the following in terms of plot ratio and site coverage, respectively:

Zone	Indicative Plot Ratio	Indicative Site Coverage
Z1	0.5-2.0	45-60%
Z12	0.5-2.5	50%
Z15	0.5-2.5	50%

7.4.2. Turning my attention firstly to the matter of residential density. The subject application as lodged proposed 15 no. apartments on an overall landholding of 0.07ha which equates to a density of 214 units per hectare. As discussed in the previous sections of this report, for reasons pertaining to streetscape presentation and residential amenity, I would recommend that a condition be attached requiring omission of the proposed third floor level were the Board so minded to grant permission. This would reduce the no. of apartments to 11 no., which equates to a density of 157 units per hectare.

7.4.3. At 157 units per hectare, the resultant density would exceed the density range supported in outer suburbs in the Dublin City Development Plan 2022-2028. It is clearly stated in Section 3.2 of Appendix 3 that these density ranges will be supported ‘as a general rule’. The use of this phrase clearly indicated that the density ranges indicated are not hard limits and it is clear that densities in excess of these ranges can be considered in certain instances where appropriate. I would contend that this is such an instance. While I acknowledge that the proposed residential density/scale of development is higher than that of the existing more traditional housing featuring in the surrounding area, I consider the proposed density to be appropriate in this instance having regard to the emerging pattern of development in the vicinity. As previously discussed in Section 4.0, a higher density apartment development is being constructed to the immediate south of the subject site and has been granted permission on the Former Chivers Site which is located 550 metres north of the subject site. More specifically, the development to the immediate south provides development at a density of 100 units per hectare (this is inclusive of a 5,040sqm area of public open space featuring on the larger Channel Lands landholding, if considered in isolation the proposed apartment component is more akin to a density of 237 units per hectare) and the development approved on the Former Chivers Site at a density of 220 units per hectare. Further to this, the proposed density is also consistent with Policy SC11 included in the Dublin City Development Plan, 2022–2028, which promotes compact growth and sustainable densities particularly in public transport corridors. In this

regard, the appeal site is currently well served by public transport as it is proximate to Bus Stop No. 1200, on Malahide Road, which is served by Bus Routes No. 15, 27, 42 and 43 and Bus Stop No. 1001, on Oscar Traynor Road, which is served by Bus Route No. N6. Moving forward, the Bus Connects Network Spine Bus Routes D1, D2 and D3 and City Bound Routes 20 and 21 are proposed to run along Malahide Road.

7.4.4. I am also satisfied that a density of 157 units per hectare is appropriate in this instance having regard to national planning policy. The National Planning Framework recommends compact and sustainable towns/cities, brownfield development and densification of urban sites. More specifically, National Policy Objective 35 contained therein seeks an increase in residential density in settlements. In the context of the Apartments Guidelines, having regard to the subject site's proximity to public transport services, 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. The Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities were recently introduced (January 2024). Similar to the current Development Plan and aforementioned national policy documents, they encourage compact growth. In this regard, they provide the following guidance: - in order to achieve compact growth, we will need to support more intensive use of existing buildings and properties, including the re-use of existing buildings that are vacant and more intensive use of previously developed land and infill sites, in addition to the development of sites in locations served by existing facilities and public transport. They go on to set out density ranges that are encouraged across the various settlement locations/types identified. I consider the subject site to be located within an Urban Neighbourhood in Dublin City. Table 3.1 contained therein states that it is '*a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork*'. At 157 units per hectare, the proposed development would be consistent with this density range.

7.4.5. Given the site's location in a serviced residential area adjacent to Coolock Village, its proximity to public transport services and the infill nature of the subject site, the provision of a higher density residential development on the subject site is considered acceptable in principle consistent with the provisions of the Development Plan and

Government policy seeking to increase densities and, thereby, deliver compact urban growth.

7.4.6. In terms of consistency with 'Plot Ratio' and 'Site Coverage' standards, the proposed development, as lodged, would equate to a plot ratio of 1.75 and a site coverage of 42%. Therefore, it 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 unusual shape of the subject site and its positioning on a corner which has implications for building positioning and setbacks. As previously discussed, I would recommend that a condition be attached requiring omission of the proposed third floor level were the Board so minded to grant permission. This amendment would have no implications in the context of site coverage. With regards to plot ratio, the resultant development would equate to a plot ratio of 1.4 which continues to comply with the relevant Development Plan policy.

7.5. Access, Traffic and Parking

7.5.1. The proposed development will utilise an existing car parking area located within Parnell's GAA Club's grounds (sitting immediately west of the entrance gates) which is accessible off the access road serving the GAA club. The car parking area currently comprises of 11 no. standard car parking spaces. It is proposed to revise the existing car parking area to provide 9 no. car parking spaces, including 1 no. limited mobility space, to serve the proposed apartments. Both the third party appellants and one of the observers contend that the proposed car parking arrangement will create a traffic hazard, particularly in the context of pedestrians entering/exiting Channel College/Parnell's GAA Club.

7.5.2. In terms of access, the car parking spaces are located immediately inside the access gates to the Parnell's GAA Club grounds. The further information request response was accompanied by a letter, from James Reilly & Son Solicitors, which outlined that the applicant has an unrestricted right of way to pass over the access road. The further information request response also saw a separate pedestrian access to the parking spaces added to the plans and the omission of 1 no. car parking space to ensure sufficient separation distance could be provided from the entry gate to allow unimpeded entry/egress from the easternmost spaces. I am satisfied that appropriate access to the parking spaces is provided for residents of the development. The

proposed development utilises existing car parking spaces and the access road utilised for access is a low speed environment, with signage indicating a 15kph speed limit and a raised table featuring immediately outside the access gates. In light of this, I am of the view that the proposed development will not endanger public safety by reason of traffic hazard or cause increased congestion.

- 7.5.3. In terms of car parking provision, the proposed apartments will be served by 9 no. car parking spaces. One of the observations received contends that the no. of car parking spaces provided is inadequate and will lead to overspill to the surrounding area. In terms of car parking provision, the proposed development achieves a car parking rate of 0.6 car parking spaces per apartment, which falls short of the development plan requirements set out in Table 2 included at Appendix 5 of the current Development Plan. The Apartments Guidelines state that, in central and/or accessible urban locations, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The proposed car parking rate is considered appropriate at this location given the subject site's proximity to Bus Stops No. 1001 and 1200, which are served by Bus Routes No. N6, 15, 27, 42 and 43. While the concerns of the observers are noted, it is my view that having regard to site's location, its proximity a range of services and amenities in Coolock Village and the sites proximity to public transport, sufficient car parking has been provided to serve the proposed residents in this instance and that the proposed development would not result in overspill onto the surrounding area.
- 7.5.4. In terms of non-residential car parking provision, there is no car parking space proposed to serve the proposed commercial unit. I note that the third party appellant, has raised concerns about the absence of a car parking spaces/a drop off point outside the proposed commercial premises. Having regard to the subject site's narrow frontage to Main Street, the size of the proposed commercial unit and its proximity to the intersection of Main Street and the Parnells GAA Club access road, the provision of a car parking spaces/drop off point would not be considered appropriate in this instance.
- 7.5.5. With regards to bicycle parking provision, the development is served by 25 no. spaces in total, comprising of 18 no. resident parking spaces provided within a dedicated bike store and 7 no. visitor parking spaces provided within the rear communal space area. In terms of residential bicycle parking provision, the quantum of bicycle parking is

slightly in excess of the Apartment Guidelines requirements and the standards set out in Section 3.1 of Appendix 5 of the current Development Plan, which require 1 no. resident cycle space per bedroom and 1 no. visitor cycle space for every 2 no. units. The proposed bicycle parking spaces are considered to be appropriate locations in terms of shelter, accessibility and passive surveillance. No bicycle parking spaces are proposed to serve the commercial unit fronting Main Street. I think there is an opportunity for bicycle parking spaces to be provided along the Main Street frontage and that the scheme would benefit from the same. Therefore, it is recommended that, if the Board are inclined to grant permission, that a suitably worded condition requiring bicycle parking provision to serve the commercial unit be included in the Board's order.

7.6. Open Space Provision

- 7.6.1. The observation submitted by Pdraig Kent contends that insufficient open space was provided in the context of the development permitted to the south as well as in the context of the subject proposal. Consideration of the appropriateness of open space provision will be limited to the subject site, the site to the immediate south not forming part of the subject application.
- 7.6.2. Section 15.8.6 of the Dublin City Development Plan 2022-2028 requires that 25% of Z12 and Z15 zoned lands shall be reserved for accessible open space. A requirement of 10% applies in the context of Z1 zoned land. Section 15.8.7 goes on to state that where it is not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park, then payment of a financial contribution may be appropriate. The proposed development is devoid of public open space. This is considered appropriate in this instance given the small size of the subject site. At 0.07Ha in size, if public open space were to be provided as part of the development, it would be of an unsuitable size to provide an appropriate level of amenity/contribute sufficiently to the public realm. It is recommended that, if the Board are inclined to grant permission, they 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. It is noted that the subject site is located outside the applicable catchment areas relating to the Section 49 Supplementary Development Contribution Schemes (Luas Docklands Extension and Luas Cross City).

- 7.6.3. The appropriateness of communal amenity space provided as part of the proposed development has been considered previously in Section 7.3 of this report.

7.7. Other Matters

- 7.7.1. *Determination without Drawings* – The third party appellant alleges that the Planning Authority has approved the application in the absence of drawings and that this undermines the possibility of third parties making full submissions on the development approved, contrary to the requirements of the planning system to be open and transparent. I think clarification is needed regarding this contention. The Planning Authority, in Condition No. 3 of their Notification of Decision to Grant Permission, required (in summary) that the height of the development be reduced to four storeys and that revised plans, drawings and particulars illustrating this amendment be submitted to/agreed with the Planning Authority. It is standard practice that Planning Authority's attach conditions requiring that revised plans be prepared, Section 34(1) of the Planning and Development Act, 2000 (as amended), affording them the power to grant permission '*subject to or without conditions, or to refuse it*'. Given the amendment required pursuant to Condition No. 3, results in a reduction in the height/massing/floor area of the building, as opposed to increase in the same, I am satisfied that such an amendment to plans can be made by way of condition without the need for further public consultation/input from third party observers.
- 7.7.2. *Conflict of Interest* – One of the observers alleges that Dublin City Council has a conflict of interest in this case. This is not a matter for comment at this juncture save to note that the application is now before the Board for assessment de novo.

7.8. Appropriate Assessment

Having regard to the nature and scale of the proposed development, 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. Having regard to the foregoing, it is recommended that permission be refused for the proposed development for the reasons and considerations set out overleaf.

9.0 Reasons and Considerations

Having regard to the Z15 zoning applying to part of the subject site, the objective of which is to protect and provide for community uses and social infrastructure and the failure to satisfy the exceptional criteria for 'Open for Consideration Uses' on these lands, it is considered that the proposed development, which is entirely residential/commercial in nature, would materially contravene the said zoning objective. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Margaret Commane
Planning Inspector

24th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-314313-22			
Proposed Development Summary	Construction of a 5-storey mixed-use building accommodating 1 no. commercial unit and 15 no. apartments			
Development Address	Land located at intersection of Main Street & Parnell's GAA Club access road, Coolock, Dublin 5			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes	✓
			No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	✓		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) – 500 dwelling units	Sub-threshold	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-314313-22	
Proposed Development Summary	Construction of a 5-storey mixed-use building accommodating 1 no. commercial unit and 15 no. apartments	
Development Address	Land located at intersection of Main Street & Parnell's GAA Club access road, Coolock, Dublin 5	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>Proposal for permission for a an infill development comprising 1 no. commercial unit and 15 no. apartments on zoned land located in an urban area. However, the proposal is not considered exceptional in the context of the existing urban environment.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>No significant emissions resultant.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>Site measuring 0.07 ha. The proposed floor area is stated at 1233sq m. The proposal is not considered exceptional in the context of the existing urban environment.</p>	No
<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There is a residential development, approved under Reg. Ref. 3245/15/Reg. Ref. 3301/19 & ABP Ref. ABP-305367-19, currently under construction to the immediate south of the subject site. Given the scale of the subject proposal and that of the neighbouring development, it is not considered that there would be a significant cumulative impact arising.</p>	No

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The appeal site is located a significant distance away (c. 2.8km) from the nearest European sites, being the North Dublin Bay SAC (Site Code 000206)/the North Bull Island SPA (Site Code 004006). It is not considered that the development would have a significant impact on the same.</p> <p>Given the scale and nature of the subject proposal and the nature of the surrounding area, the proposed development would not significantly affect the area's environmental sensitivities.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)