



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315062-22

---

<b>Development</b>	168 no. residential units, a creche and cafe and all associated site works.
<b>Location</b>	Site at Daneswell Place, former Printworks/Smurfit Site, Botanic Road, Glasnevin, Dublin 9. ( <a href="http://www.daneswelllrd.ie">www.daneswelllrd.ie</a> )
<b>Planning Authority</b>	Dublin City Council North
<b>Planning Authority Reg. Ref.</b>	LRD6001/22S3A
<b>Applicant(s)</b>	Scanron Limited
<b>Type of Application</b>	Large-Scale Residential Development
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	First Party against Condition 7(i) Third Party
<b>Appellant(s)</b>	Scanron Limited (First Party) Caoimhe Rose (Third Party)

**Observer(s)**

Iona and District Residents  
Association

Patricia McKenna and Martin Gillen

Fionn and Sonja MacCumhail

**Date of Site Inspection**

17<sup>th</sup> January 2023

**Inspector**

Elaine Power

# Contents

## Contents

<a href="#">1.0</a>	Site Location and Description .....	4
2.0	Proposed Development .....	4
3.0	Planning Authority Pre- Application Opinion .....	6
4.0	Planning Authority Decision .....	7
5.0	Planning History.....	11
6.0	Policy Context.....	12
7.0	The Appeal .....	15
8.0	Assessment .....	21
9.0	Environmental Impact Assessment.....	53
10.0	Appropriate Assessment .....	55
11.0	Recommendation .....	67
12.0	Reasons and Considerations .....	67
13.0	Recommended Order.....	68
14.0	Conditions .....	72

## 1.0 Site Location and Description

- 1.1. The subject site is located on Botanic Road in Glasnevin, approximately 3km north of Dublin city centre. The site forms part of a larger landholding within the applicants ownership that was previously the Smurfit printworks factory site. The factory building was demolished in 2008 and the subject site is now vacant. The remaining portion of the overall site was developed for 35 no. 3-storey houses, known as Daneswell Place. These houses were permitted under ABP.PL29N246124, Reg. Ref.3665/15 on lands to the south and east of the subject site. To the north the site is bound by the former Players Factory, Protected Structure (RPS ref. no. 855) and to the west the site is bound by Botanic Road. The surrounding area is generally characterised by mature suburban housing with associated commercial and retail uses.
- 1.2. The site has a stated area of 1.2 ha and is generally flat. It is surrounded by hoarding and is in use as a construction access and compound for on-going works at Daneswell Place. There are 7 no. existing trees and historical railings on a granite plinth at the sites western boundary with Botanic Road.
- 1.3. There is an existing vehicular accessed to Daneswell Place from Botanic Road at the junction with Prospect Way. There is an additional temporary construction access on Botanic Road, located c. 60m north of the vehicular access

## 2.0 Proposed Development

- 2.1. The proposed development consists of amendments to the development permitted under ABP Ref: 29N.246124 (Reg. Ref. 3665/15) as extended by Reg. Ref: 3665/15X2 and as amended by Reg. Ref: 4267/17, which is constructed and Reg. Ref: 2133/18, which is currently under construction.
- 2.2. The proposed development includes the construction of 168 no. apartments, a café and a creche which would replace the 8 no. houses, 76 no. apartments, a cafe and a creche previously permitted on the site under ABP-PL29N.246124 (Reg. Ref. 3665/15). The residential units comprise 12 no. studios, 72 no. 1 beds, 68 no. 2 beds, and 16 no. 3 beds in 5 no. blocks ranging in height from 1 to 6 storeys.

- Block A ranges in height from 1 to 5 storeys and provides 28 no. residential units, a crèche (c. 235.6sqm), café (c. 77.4sqm), resident amenity space (c. 193.8sqm) and an amenity management suit (c. 43.8sqm)
- Block B ranges in height from 5 to 6 storeys and provides 40 no. residential units and a resident's gym (c. 109sqm).
- Block C ranges in height from 5 to 6 storeys and provides 44 no. residential units.
- Block D ranges in height from 4 to 6 storeys and provides 48 no. residential units.
- Block E is 3 storey duplex block and provides 8 no. residential units.

2.3. All residential units are provided with associated private balconies / terraces.

2.4. Vehicular access is proposed from the existing construction access on Botanic Road. The existing vehicular access from Botanic Road at the south-western corner of the site would be omitted and replaced with a pedestrian and cyclist access.

2.5. The proposal also includes car, cycle and motorcycle parking at surface and basement level, all associated site development works, public and communal open spaces, roof gardens, landscaping, boundary treatments, plant areas, waste management areas, and services provision (including ESB substations) will be provided.

2.6. Key Development Statistics are outlined below:

	<b>Proposed Development</b>
<b>Site Area</b>	1.2 ha gross / 1.036 ha net
<b>No. of Units</b>	168 no.
<b>Unit mix</b>	12no. studio's (7.1%), 72no. 1-bed's (42.9%), 68no. 2-bed's (40.5%) and 16no. 3-bed's (9.5%)
<b>Density</b>	162 units per ha
<b>Plot Ratio</b>	1.4
<b>Site Coverage</b>	35.9%
<b>Height</b>	Block A: 1-5 storeys Block B: 5-6 storeys Block C: 5-6 storeys Block D: 4-6 storeys Block E: 3 storeys

<b>Dual Aspect</b>	60.7% dual aspect. No single aspect north facing units
<b>Other Uses</b>	Creche (235.6sqm) Café (77.4sqm)
<b>Public Open Space</b>	2,040 sqm net (% of site area)
<b>Car Parking</b>	73no. spaces
<b>Bicycle Parking</b>	353 no. spaces

### 3.0 Planning Authority Pre- Application Opinion

3.1. A pre-application consultation took place on the 26<sup>th</sup> January 2022 in respect of a development of 166 no. residential units, café and a creche in 5 no. blocks ranging in height from single to 6 storeys. Representatives of the prospective applicant and the planning authority were in attendance. A copy of the record of the meeting is on this file.

3.2. In the Notice of the Large-Scale Residential Development Opinion dated 5<sup>th</sup> May 2022 (Re. Ref. LRD6001/22-S2) the planning authority stated that it was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis for an application for large-scale Residential Development with regard to the following: -

- Design Strategy and Height
- Residential Amenity
- Conservation
- Open Space and Biodiversity
- Traffic and Transportation
- Archaeology

3.3. The following specific information was also requested: -

- Basement Impact Assessment
- Community and Social Infrastructure Audit (including schools)
- Building Life Cycle Report
- Acoustics Report
- Construction Management Plan

## 4.0 Planning Authority Decision

### 4.1. Decision

Permission was granted subject to 30 no. conditions. Condition 7 (i) is outlined below:

-

*A minimum of 10% of the site area is required to be provided as public open space for active and passive recreation, including relaxation and children's play. This shall be achieved by omitting Block E in its entirety, and the space thus released shall be incorporated into the public open space provision of the scheme.*

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

*Planners Report dated 13<sup>th</sup> October 2022*

The report includes a summary of the site location and description, relevant planning history, the proposed development, policy context LRD pre-planning meeting, interdepartmental reports, consultees and third party submissions. The key planning considerations of the planning report are summarised below.

***Design Strategy and Height:*** Having regard to the criteria set out in the Ministerial Guidelines on Building Height, the site is considered appropriate for additional height.

There is a gap in the streetscape of Botanic Road and it is at the street edge that the visual impact on the primary streetscape is greatest. Considering the permitted scheme as a comparison with the proposed scheme, it is considered that the proposed scheme to be more visually successful and reflective of the character of the streetscape.

The proposed 'future access' links indicated in the Architectural Design Statement to the north of the site have not been designed into the landscape plan and a bin store would appear to conflict with one of these links. This could be addressed by condition in the event of a grant of permission.

The separation distances proposed from the site to the north would appear to be sufficient, precluding excessive overshadowing or impacts on daylight to future developments on that site

The proposed materials are durable and hardwearing. The use of paler brick within the site to set off the views of the red brick industrial chimney is appropriate.

The rooms are generally well lit and there are no apartments with poor daylight to all rooms. There are concerns regarding the very poor sunlight levels to the studio units in Blocks B, C and D. However, on the whole the daylight and sunlight to the development is satisfactory.

Some concerns are raised regarding the large size of the storage areas within the units.

Some concerns regarding the 13m separation distance between Block B and C as there are directly facing windows for 2 no. apartments per floor. This proximity also appears to create overshadowing impacts between the 2 no. blocks. However, given the good daylight to the units privacy measures such as curtains or blinds could be implemented and the separation distances are considered acceptable.

Considering the extant permission on the site, the proposed development would not cause undue overbearing, overlooking or overshadowing impacts of impacts on existing residential properties.

**Conservation:** There are no protected structures on site. The report of the Conservation Office and the submitted Architectural Heritage Impact Assessment are noted and conditions are recommended regarding the selection of materials, the retention of railings and the protection of neighbouring structures to the north.

**Open Space and Biodiversity:** The Z1 zoning objective requires 10% of the site to be provided as public open space. This equates to the gross area of the site and, therefore, c. 2,020sqm of public open space is required. The applicants calculation of open space includes incidental areas of open space. It is considered that the provision of useable open space is c. 1,700sqm. The Parks and Landscape Department is recommending a contribution in lieu of adequate provision. The PA note that this



shortfall could be addressed by way of financial contribution. The PA also note that as this concern was raised at pre-planning stage and the applicant has not addressed this shortfall. As a request for further information is prohibited, it is recommended that Block E be omitted by way of condition and the resultant space provided as public open space.

**Traffic and Transportation:** No concerns raised by the Transport Planning Division.

**Archaeology:** No concerns raised by the City Archaeologist.

**Noise, Air Quality and Light Pollution:** Given the residential nature of the scheme it is considered that the scheme would not give rise to significant noise, air or light pollution.

**Community and Social Infrastructure:** The proposed creche is welcomed. No significant shortfall in community facilities was identified.

**Flood Risk and Drainage:** the applicants Site Specific Flood Risk Assessment is noted. No concerns raised by the Drainage Department.

**Sustainable Building Design:** The applicants Building Life Cycle Report is noted and the scheme is considered to be in accordance with Policy QH12 to promote more sustainable developments.

**Part V:** No objection to the provision of 21 no. Part V units in Block A.

**Unit Mix:** Under SPPR1 of the Apartment Guidelines the PA is precluded from insisting of a particular housing mix in the absence of a Housing Need and Demand Assessment.

**Environmental Impact Assessment Screening:** An EIA Screening Assessment was carried out and the PA was satisfied that the proposed development would not be likely to have significant effects on the environment and that an EIA is not required.

**Appropriate Assessment Screening:** An AA Screening Assessment was carried out. Having regard to the nature and scale of the proposed development and the nature of the receiving environment and the proximity to the nearest European site, no appropriate assessment issues arise and the PA consider that the proposed

development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site. No Natura Impact Statement is required.

***Conclusion / Recommendation:***

The proposed development contravenes both the height limits set in the Dublin City Development Plan 2016-2022, and the unit mix set out in Section 16.10.1. However, these have been superseded in part by the relevant Ministerial Guidelines on Building Heights (2018) and on Design Standards for New Apartments (2020).

As outlined above there is an under provision of public open space. An amending condition omitting Block E is the simplest way to address the shortfall and while it would have knock-on impacts on unit mix, and on passive surveillance and overlooking, and involve the omission of 8 units (four 3-beds and four 1-beds) it is preferable over more significant alternative redesigns. Omitting block E also creates the potential opportunity for the public open space area to be extended should the site located immediately to the north be redeveloped in due course.

Apart from the above issues, the development is largely compliant with the Dublin City Council Development Plan 2016-22. Subject to recommended conditions, including the amending condition, it would provide adequate residential amenity for new residents, and would not cause unduly negative impacts on nearby properties, or on visual amenity.

**4.2.2. Other Technical Reports**

***Transportation Planning Division Report:*** No objection in principle subject to standard conditions.

***Parks, Biodiversity and Landscape Services:*** Recommends that any shortfall in public open space be address by a financial contribution in lieu.

***Conservation Officer's Report:*** The conservation issues associated with the site have been adequately addressed. No objection subject to conditions.

***Archaeology Section Report:*** No objection subject to conditions.

***Air Quality Monitoring and Noise Control Unit:*** No objection subject to conditions.

***Drainage Division, Engineering Department:*** No objection subject to conditions.

#### 4.3. **Prescribed Bodies**

*Transport Infrastructure Ireland:* The development falls within the areas of an adopted Section 49 Supplementary development Contribution Scheme – Luas cross City. A Section 49 condition should be attached to any grant of permission.

#### 4.4. **Third Party Observations**

17 no. third party submissions were received. The concerns raised are similar to those of the appeal which are outlined below. Additional concerns raised included lack of public consultation; non-compliance with the sites Z1 zoning objective; insufficient open space; overspill parking; insufficient number of dual aspect units; limited size of the proposed units; inadequate bat analysis; and noise disturbance from the creche.

#### 5.0 **Planning History**

***ABP-303875-19 Strategic Housing Development Application:*** Permission was refused in 2019 for the construction of 299 no. apartments and a childcare facility on the subject site. The reason for refusal related to the design, scale, massing and disposition of the blocks which it was considered did not provide the optimal design solution having regard to the site's locational context. In addition, it had not been satisfactorily demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area, having regard to the topography of the site, the proximity of domestic scale residential development and proximity to Protected Structures.

***ABP-307463-20 Strategic Housing Development Application:*** Permission was refused in 2020 for the construction of 240 no. apartments and a childcare facility on the subject site. The reason for refusal was similar to that of the previous application (ABP-303875-19) as it related to the design, scale, massing and disposition of the blocks which it was considered did not provide the optimal design solution having regard to the site's locational context. In addition, it had not been satisfactorily

demonstrated that the proposed development would successfully integrate into or enhance the character and public realm of the area, having regard to the topography of the site, the proximity of domestic scale residential development and proximity to Protected Structures.

**ABP-PL29N.246124 (Reg. Ref. 3665/15):** Permission was granted in 2016 for the construction of 119 no. residential units (43 no. houses and 76 no. apartments), a childcare facility and a café on the subject site. This permission was amended by Reg. Ref. 4267/17, Reg. Ref. 2133/18.

**Reg. Ref. 4267/17:** Permission was granted in 2017 for amendments to Reg. Ref. 3665/15, ABP. PL 29N.246124 which result in a change of unit type. There was no alteration to the number of units proposed.

**Reg. Ref. 2133/18:** Permission was granted in 2018 for amendments to Reg. Ref. 366/15, ABP. PL29N.246124 which result in in the omission of 1 no. dwelling and amendments to previously permitted unit types.

The units permitted under Reg. Ref. 4267/17 and Reg. Ref. 2133/18 are either constructed or under construction. The current proposal would replace the 76 no. apartments and 8 no. houses previously permitted on the site under ABP-PL29N.246124 (Reg. Ref. 3665/15).

## 6.0 Policy Context

### 6.1. **Dublin City Development Plan 2022 - 2028**

The subject site is zoned Z1 – Sustainable Residential Neighbourhoods: ‘*To protect, provide and improve residential amenities*’.

Chapter 4 - Shape and Structure of the City emphasises the importance of high quality placemaking to ensure a compact city where people want to live and work. Relevant policies include SC5: Urban Design and Architectural Principles, SC10: Urban Density, SC11: Compact Growth, SC12: Housing Mix, SC 16: Building Height Locations, SC17: Building Height, SC19: High Quality Architecture, SC20: Urban Design and SC21: Architectural Design.

Chapter 5: Quality Housing and Sustainable Neighbourhoods aims to deliver quality homes and sustainable communities in a compact city. Relevant policies include QHSN6: urban Consolidation, QHSN10: Urban Density, QHSN11: 15-Minute City, QHSN12: Neighbourhood Development, QHSN16: Accessible Built Environment, QHSN17: Sustainable Neighbourhoods, QHSN21: Gated Residential Development and QHSN22: Adapted and Flexible Housing, QHSN34: Social, Affordable Purchase and Cost Rental Housing, QHSN36: High Quality Apartment Development, QHSN37: Houses and Apartments, QHSN38: Housing and Apartment Mix, QHSN39: Management, QHSN48: Community and Social Audit and QHSN55: Childcare Facilities.

Chapter 15 provides guidance on the creation of high quality urban environments that make the most efficient use of land, including Apartment Standards, House Developments, Built Heritage and Archaeology, Sustainable Movement and Transportation, Public Realm, Environmental Management. Appendix 1 sets out the Housing Strategy and the Dublin City Housing Need Demand Assessment (HNDA). Appendix 3: Achieving Sustainable Growth sets out the height strategy for the city, with criteria for assessing higher buildings and provides indicative standards for density, plot ratio and site coverage. Appendix 5 Transport and Mobility sets out the technical requirements for developments. Appendix 16: Sunlight and Daylight provides direction on the technical approach for daylight and sunlight assessments.

## 6.2. ***Dublin City Development Plan 2022 - 2028***

The applicant, planning authority and third party assessed the scheme against the provisions of the Dublin City Development Plan 2016 – 2022, which was the relevant statutory plan in place when the scheme was lodged with the planning authority. The relevant policies of the previous plan are outlined below:

The subject site was zoned Z1 – Sustainable Residential Neighbourhoods’: ‘*To protect, provide and improve residential amenities*’.

Chapter 4 - Shape and Structure of the City emphasised the importance of high quality developments and reaffirmed Dublin as a predominantly low rise city. Relevant policies included **SC13**: sustainable densities; **SC14**: variety of housing types; and **SC16**, **SC17** and **SC18** relating to height.

Chapter 5 – Quality Housing supported the delivery of quality homes in a compact city. Relevant policies included **QH5**: active land management; **QH6**: variety of housing; **QH7**: sustainable urban densities; **QH8**: development of under-utilised sites; **QH13**: adaptable and flexible homes; **QH18**: high-quality apartments.

Chapter 16 set out indicative standards including density, plot ratio and site coverage standards. Section 16.7.2 set out a 16m height restriction for residential developments in the outer-city. It also set out assessment criteria for higher buildings.

Section 16.10 addressed Standards for Residential Accommodation. Proposed developments shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Building Research Establishment Report).

### 6.3. **National Planning Framework**

The National Planning Framework addresses the issue of ‘making stronger urban places’ and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing

buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2022
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

### 7.0 **The Appeal**

#### 7.1. **First Party Grounds of Appeal**

A first party appeal was submitted with regard to Condition 7(i) only. The grounds of appeal are summarised below.

##### *Quantum of public open space*

- The scheme provides 2,040sqm which exceeds the requirement of 2,020sqm. This is based on the overall landholding and not the area within the redline boundary (1.036 ha net). The calculation does not include incidental seating areas (123sqm) around the site, the new walkway along the sites northern boundary or the public open space to the front of Block A.
- The proposed development provides a variety of public open spaces all of which contribute to the overall character of the scheme, providing active and passive recreation spaces and providing visual breaks throughout the development.

- The variety of spaces has been accepted by the Parks Department of Dublin City Council. The Planning Report has taken a rigid approach to the definition of public open space, only acknowledging green spaces. This is considered too literal and does not acknowledge the variety of spaces provided and the attractive nature of the spaces, which would meet a range of needs.
- The scheme also includes 1,482sqm of communal open space.

#### *Block E*

- The omission of Block E is unnecessary. Block E in combination with other blocks, encloses the open space area, which results in an attractive framing and passive surveillance of the public open space. The removal of Block E would result in the open space being bound by a blank boundary wall and industrial sheds and structures beyond. The open space would appear less attractive and incomplete.
- Block E provides a different architectural style and form contrasting with the adjoining blocks. The omission of this block is to the detriment of the overall urban design intent and character of the development.

#### *Alternative*

- There is an overprovision of communal open space. It is possible to condition communal open space to be provided as public open space. In particular, an area (217sqm) located beside the northern pedestrian walkway between Blocks D and E.

#### *Financial Contribution*

- It is not clear why the planning authority considered they were precluded from requesting an in-lieu financial contribution. This was recommended by the Parks Department. Notwithstanding this, it is considered that 10% of the site has been provided as public open space.

## **7.2. Third Party Grounds of Appeal**

- 7.2.1. A third party appeal was received from Caoimhe Rose. The grounds of appeal are summarised below: -



### *Design Approach*

- The scheme would be visually intrusive and overbearing. It is not the optimal design solution for the site.
- The height is out of character with the surrounding area. No justification for the proposed 2-storey height increase.
- The scheme breaks the established building line.
- Architecturally Blocks B and C are out of keeping with the area.
- The proposed scheme represents overdevelopment of the site.
- The previously approved scheme is acknowledged. However, this scheme is more prominent and is not an improvement. It does not successfully integrate and is, therefore, contrary to SPPR3 of the Building Height Guidelines.

### *Built Heritage*

- The proposal does not respect the local, historical and architectural conservation areas and buildings surrounding the development and would negatively impact on existing protected structures and conservation areas.
- The factory building would be overshadowed and the landmark effect of the chimney stack would be lost.

### *Residential Amenity*

- Given the proposed height, the separation distances are insufficient and would result in undue overshadowing, overlooking and overbearing.
- The proposal would reduce natural light to north facing windows in existing dwellings in Daneswell Place.
- The daylight analysis indicates that a large percentage of rooms only reach the minimum daylight standards.
- Insufficient daylight and sunlight in the open spaces, roads and gardens within the scheme.

### *Transportation*

- Negative impact in terms of traffic. There are already considerable delays on Botanic Road.

### 7.3. Applicant Response

7.3.1. The applicants response to the third party appeal is summarised below:

#### *Design Approach*

- The scheme represents a sustainable and efficient use of this zoned site within Dublin, which has excellent access to public transport and community facilities and amenities. In the context of national, regional and local guidelines for compact growth and increased densities the increase in unit numbers is appropriate.
- There is a housing crisis. Additional housing is required urgently and must be delivered quickly. The proposal is fully in accordance with the development plan and national planning policy.
- The site is a former industrial area, adjacent to an existing industrial use site. The landscape character and sensitivity to change have a high capacity to accommodate the proposed type of change.
- The proposed design and architecture have been carefully considered to integrate with and complement the surrounding area. Particular attention was given to the adjacent protected structures and the adjacent houses during the design process and the proposal would provide a possible response to both. A standalone Landscape and Visual Impact Assessment was submitted in response to the appeal.
- The current proposal represents a higher quality architectural design than the permitted development that would complement and enhance the surrounding area to a greater extent.
- There is no dominant established building line along Botanic Road. The site represents a gap in the frontage on Botanic Road. Block A is in line with the building line set by the houses to the south of the site. When viewed from Botanic Road, Block A would provide a positive addition to the streetscape. The layout provides key views of the chimney stack (protected structure) and the materials and finishes have been carefully chosen to compliment the adjacent protected structures.

- Blocks C, D and E are set around the new Daneswell Square, a significant public open space. The articulation of this space and the separation of the buildings creates a series of vistas that focus attention on the Players Chimney.
- The proposed development introduces a new typology from the houses on Iona Road and Iona Park Road, however there are a number of contemporary 2-4 storey apartment blocks on Botanic Road.
- Varying street widths provides a strong urban design which created a varied urban identity contrasting enclosing streetscapes of differing building heights. This is a positive element of the scheme and would help to create a strong sense of place and character.
- The proposed height is below that previously refused on the site. The proposed 6 storey height reflects the sites location and national policy which supports and encourages increased building height in appropriate locations. DCC granted permission for the building heights.
- The scheme is supported by SC14, SC16, SC17 and SC19 of the draft city development plan. The applicant provided an assessment of scheme against the criteria set out in Appendix 3 of the draft city development plan. The scheme is fully in accordance with the building height guidelines. An assessment of the scheme against the criteria in SPPR 3 has been provided. The scheme is in accordance with Policy SC19 of the draft city development plan.

#### *Built Heritage*

- The local and historical context of the site was a key design consideration throughout the development of the scheme. The heights, building design and materials were all carefully considered in the context of their impact on the sensitive historical context.
- The chimney stack is not visible from many view points and the views lost are minimal.
- Blocks B and C are in keeping with the scheme. The materials have been chosen to complement the surrounding architecture and protected structures while also providing a strong contrast between the blocks and the red brick

chimney stack on the adjacent site. The contrast helps to ensure that the chimneystack would remain a dominant feature in the streetscape.

### *Residential Amenity*

- The permitted scheme would have a similar impact in terms of light, privacy and view to protected structures.
- The houses constructed under the parent permission always formed part of the overall development and the current proposal does not increase the impacts compared to the permitted development.
- Due to the location of the scheme to the north of houses at Daneswell place there cannot be an overshadowing impact. None of the windows on Daneswell Place, which overlook the scheme are within 90 degrees south, therefore, they cannot be impacted in terms of sunlight.
- All dwellings on Botanic road were determined to be unimpacted by the proposed design amendments for both daylight and sunlight availability.
- The current application addresses all of the previous reasons for refusal on the site and is designed to ensure the best solution in terms of daylight and sunlight on the site. This was agreed and confirmed by DCC.
- The daylight report identifies a high compliance rate with the BRE standards.
- The proposed scheme would not have an overbearing impact. The impact would be similar to the previously permitted scheme.
- The proposal would provide a high standard of residential amenity for both the proposed and existing residential units and includes public open space, a creche, café and residential amenity space.

### *Transport*

- A Traffic and Transport Assessment was submitted with the application which assessed the impact on Botanic Road. It found that the junctions would operate within capacity during 2025 and 2030 scenarios. DCC did not raise any concerns regarding traffic impact.

#### **7.4. Planning Authority Response**

- 7.4.1. The response from the planning authority requested that their decision be upheld and recommended that if permission is being granted that conditions be attached with regard to: - a Section 48 development contribution; a Section 49 development contribution; the payment of a bond; a financial contribution in lieu of open space; and a social housing condition.

#### **7.5. Observations**

- 7.5.1. 3 no. observations were received from Iona and District Residents' Association, Patricia McKenna and Martin Gillen and Sonja and Fionn MacCumhaill. The concerns raised by the observers are similar to those raised in the appeal, including concerns regarding height, design and layout, density, residential amenity, impact on protected structures, clustering of social housing, under provision of open space, under provision of car parking, transportation and 7(i) should be attached to any grant of permission.

#### **7.6. Further Responses**

None

#### **8.0 Assessment**

- 8.1. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan. It has full regard to the planning authority's report, third party appeal and observations and submission by prescribed bodies. I am satisfied that no other substantial planning issues arise and consider that the main issues in this appeal can be dealt with under the following headings:

- Principle of Development
- Design Approach
- Quantum of Development
- Building Height
- Open Space - Condition 7(i)

- Residential Amenity
- Built Heritage
- Transportation
- Material Contravention

## 8.2. ***Principle of Development***

8.2.1. The site is zoned Z1 with the associated land use objective *to protect, provide and improve residential amenities*. Section 14.7.1 of the development plan states that *the vision for residential development in the city is one where a wide range of high quality accommodation is available within sustainable communities, where residents are within easy reach of open space and amenities as well as facilities such as shops, education, leisure and community services*. Residential use and childcare facilities are permissible in principle and a café use is open for consideration. It is noted that permission was previously granted on the site for residential uses, a childcare facility and a cafe. Therefore, I am satisfied that the principle of the proposed development is in accordance with the zoning objectives for the site.

## 8.3. ***Design Approach***

8.3.1. The proposed development comprises the construction of 168 no. residential units, a café and a creche, in 5 no. blocks (A, B, C, D and E). The subject site (1.2ha) forms part of a larger landholding (2.02ha) that was previously approved permission (under ABP-PL29N.246124, Reg. Ref. 3665/15, as amended by Reg. Ref. 4267/17 and Reg. Ref. 2133/18) for the construction of 119 no. residential units comprising 43 no. houses and 76 no. apartments, a childcare facility and a café in 3 no. blocks (A, B and C). to date, 35 no. houses previously permitted are either constructed or under construction. These dwellings are located to the south and east of the subject site. The proposed 168 no. apartments would replace 76 no. apartments and 8 no. houses previously permitted on the site. Proposed Blocks A, B and C are located in a similar position to the previously approved Blocks A, B and C. Proposed Block D is located in the area previously approved for 8 no. houses and Block E would be located on an area previously approved as public open space.

8.3.2. As outlined in Section 5 (planning history) above, permission was refused in 2019 (ABP-303875-19) for the construction of 299 no. apartments and a childcare facility on the subject site and again in 2020 (ABP-307463-20) for the construction of 240 no. apartments and a childcare facility on the subject site. The reasons for refusal were similar and related to the design, scale, massing and disposition of the blocks which it was considered did not provide the optimal design solution having regard to the site's locational context. In addition, it was considered that the proposed development would not successfully integrate into or enhance the character and public realm of the area, having regard to the topography of the site, the proximity of domestic scale residential development and proximity to Protected Structures.

8.3.3. Proposed Blocks A, B, C and D are generally laid out in a linear pattern with Block A located at the site's western boundary with Botanic Road and Block D located at the site's eastern boundary. Block E is located at the site's northern boundary, between Blocks C and D and to the north of the area of public open space. A summary of the proposed blocks is outlined below: -

- Block A ranges in height from 1 to 5 storeys and comprises 28 no. residential units, a crèche (c. 235.6sqm), café (c. 77.4sqm), resident amenity space (c. 193.8sqm) and an amenity management suite (c. 43.8sqm).
- Block B ranges in height from 5 to 6 storeys and provides 40 no. residential units and a resident's gym (c. 109sqm).
- Block C ranges in height from 5 to 6 storeys and provides 44 no. residential units.
- Block D ranges in height from 4 to 6 storeys and provides 48 no. residential units.
- Block E is a 3 storey duplex block and provides 8 no. residential units.

8.3.4. Vehicular access to the site is proposed via a new vehicular entrance on Botanic Road, which currently serves as a construction entrance. The new internal road would provide access to the basement level car park and would connect to the existing internal access road serving no. 1 – 35 Daneswell Place. The existing vehicular access from Botanic Road would be omitted and replaced with a pedestrian / cycle access only. The scheme incorporates 73 no. car parking spaces, with 64 no. car parking spaces at basement level and 9 no. proposed at surface level along the internal access

road. The location of the majority of car parking at basement level is welcomed and in my opinion improves the visual amenity of the scheme.

- 8.3.5. The third party appeal acknowledged that there is an extant permission on the site. However, concerns are raised that the proposed scheme is out of character with the area and is not the optimal design solution for this site. It is also considered that the scheme would result in a visually intrusive and overbearing development. These concerns were also raised in the observations received.
- 8.3.6. The applicant submitted a detailed response to the concerns raised in the third party appeal and considers that the scheme would provide a high quality development at this central and accessible location and further noted that the proposed design and architecture have been carefully considered to integrate with and complement the surrounding area.
- 8.3.7. The surrounding area is generally characterised by historic residential streets. It is acknowledged that the height, bulk and scale of the blocks is greater than the existing properties, however, it is also noted that this site was formerly occupied by a factory building and that there are a variety of building types in the local area, including the contemporary 4-storey mixed-use Botanic Court development on the opposite side of Botanic Road / Prospect Way and the Player's Factory (protected structure) immediately north of the site which is now in commercial use. The impact on built heritage is addressed below.
- 8.3.8. The subject site represents a gap in the streetscape along Botanic Road. Block A would re-instate a building edge along Botanic Road and, therefore, would be the most visible block within the scheme. Block A has a stepped approach to height, ranging from single storey at its southern elevation to 5-storeys at its northern elevation. It would be predominately finished in red brick to contrast with the granite façade adjacent protected structure and to be reflective of the redbrick houses on the surrounding streets. The western (front) elevation of Block A has a vertical emphasis with the use of differing brick and materials to break up the scale and mass of the building and in my opinion creates a visually interesting elevation that is in accordance with the design criteria set out in Appendix 3 of the development plan. The ground floor level of Block A incorporates a creche, café and residential amenity space all



fronting onto Botanic Road, with an outdoor seating area located adjacent to the café unit. The existing trees and historic railings on plinth along the sites western boundary with Botanic Road would also be retained. I am satisfied that the high quality contemporary design of Block A would provide an appropriate urban edge to Botanic Road and that the provision of the non-residential uses would provide an suitable active frontage, at this underutilised brownfield site. It is also noted that the planning authority considered that the proposed scheme to be more visually successful and reflective of the character of the streetscape on Botanic Road than the previously refused applications.

8.3.9. Specific concerns are raised in the third party appeal that Blocks B and C are architecturally out of keeping with the area. Blocks B and C are located centrally within the scheme and have a similar in design and layout. They are 5-6 storey's in height and generally rectangular in shape. It is my view that these blocks are also similar to Block D at the sites eastern boundary. The architectural design approach to these 3 no. blocks contrasts with Block E, the 3-storey duplex building, at the sites northern boundary and to Block A, due to a differing architectural approach. The inner blocks (B, C, D and E) would be predominately finished in white and / or yellow buff brick which would provide a contrast to the red brick chimneystack (protected structure) to the north. It is my opinion that the design and layout of the proposed scheme should also be considered in the context of the existing 35 no. 3-storey houses constructed to the south and east of the subject and within the overall landholding of the former printworks factory. Block E has a similar design approach to the existing houses, which are finished in red / yellow brick with elements of render. It is my view that the form, massing and height of the blocks, the relationship between the blocks and the existing 35 no. houses and the hierarchy of streets and open spaces results in a high quality and coherent urban scheme that would have a positive impact on the visual amenities of this area. The planning authority also notes that the design of the inner blocks adds to the visual interest of the scheme.

8.3.10. The proposed scheme incorporates high quality materials and finishes. The use of brick, which is a robust and durable material is welcomed and I am satisfied that the application has given due consideration to the materials and finishes. I have no objection in principle to the proposed materials. However, to ensure a high quality

finish it is recommended that a condition be attached that the final details of all external materials be agreed with the planning authority.

8.3.11. A Housing Quality Assessment (HQA) was submitted with the application. It is noted that the proposed units reach and exceed the minimum standards for room sizes as set out in the Apartment Guidelines. In addition, 60.7% of the units would be dual aspect, which is in accordance with Section 15.9.3 of the development plan, which is reflective of SPPR4(i) which allows for a minimum of 33% of units to be dual aspect in more central and accessible urban locations. It is also notes that there are no single aspect north facing units within the scheme. I have no objection to the room sizes or percentage of dual aspect units and consider them appropriate at this site.

8.3.12. Section 15.9.10 of the development plan states that developments in excess of 100 or more units are encouraged to provide for internal communal facilities for use by residents. The proposed development incorporates a 194sqm of residential amenity space and a 44sqm management suit at the ground floor of Block A and a 109sqm gym at the ground floor of Block B. It is my opinion that the proposed internal residential amenity space, in combination with the high quality external open space, would provide a high level of residential amenity for future occupants.

8.3.13. The concerns raised that the proposed scheme is out of character with the area is noted. It is acknowledged that this scheme introduces a new architectural typology and change the character of the site from a former light industrial use to residential. However, it is my view that the design approach is well considered and has regard to the site's urban context. The redevelopment of this underutilised brownfield site is welcomed and represents a high-quality, contemporary scheme, which includes variety in height and scale that would positively contribute to the streetscape, aid with placemaking and legibility and the consolidation of the urban environment.

#### 8.4. ***Quantum of Development***

8.4.1. Concerns were raised in the third party appeal that the density is excessive. This concern was also raised in the observations received. Policy SC 10 Urban Density aims to ensure appropriate densities and the creation of sustainable communities and Policy SC 11 Compact Growth aims to promote compact growth and sustainable

densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors. Section 4.53 of the development plan further notes that the goal is to provide for a compact city with attractive mixed-use neighbourhoods, a variety of housing types and tenure, adequate social and community infrastructure and adaptable housing, where people of all ages will choose to live as a matter of choice. Section 15.5.5 of the development plan states that 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. An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods.

- 8.4.2. Section 3.2 of Appendix 3 of the development plan provides guidance density ranges. The net density range for the outer suburbs is 60-120 units. Having regard to the sites net developable area of 1.036 ha, the proposed scheme has a density of 162 no. units per ha, which is above this density range. The previously approved scheme of 119 no. residential units on the larger landholding (2.02ha) had a density of c. 60 units per ha. As a portion of the overall landholding has already been developed with 35 no. dwellings, the proposed scheme would result in an overall density for the landholding of 100 units per ha. Having regard to the planning history for the site, it is clear that it was always intended that the overall landholding would be developed over time. It is my view that the site should be assessed in the context of the overall landholding, which is still partially under construction, and, therefore, complies with the density ranges set out in Table 3. It is also my view that the proposed density is in accordance with Policy SC10 and Policy SC 11 and the provisions of Section 4.53 and 15.5.5 of the development plan.
- 8.4.3. Notwithstanding the above, if the Board are minded to assess the site's density (162 units per ha) in isolation, it is noted that the proposed density would be above the range outlined in Table 1 (60 – 120 units per ha). Table 3 of Appendix 3 of the development plan sets out 10 no. performance criteria for assessing schemes with increased height, density and scale, these include the following: sense of place; legibility; continuity and enclosure of streets and spaces; high quality public and

communal open spaces; high quality, attractive and useable private spaces; mix of use and diversity of activities; environmentally sustainable buildings; sustainable density, intensity at locations of accessibility; protect historic environments, and ensure appropriate management and maintenance. Having specific regard to the high-quality design and layout of the scheme, its positive contribution to the built environment and contribution to the consolidation of the urban area I am satisfied that it complies with the criteria set out in Appendix 3 and is suitable for higher density.

- 8.4.4. It is also noted that the ranges set out in Table 3 do not related to a policy of the development plan. Therefore, I am satisfied that if the site was assessed in isolation the proposed density would not be a material contravention of the development plan.
- 8.4.5. Specific concerns were also raised in the third party appeal that the proposed scheme would result in overdevelopment of the site. To control the scale and mass of a development and to prevent overdevelopment of a site the development plan sets out indicative plot ratio and site coverage standards. In this regard an indicative plot ratio of 1.0 – 2.5 and an indicative site coverage of 45% - 60% is envisioned for the Outer Employment and Residential Area. The proposed scheme has a plot ratio of 1.4 and a site coverage of c.36%. Therefore, the proposed plot ratio and site coverage are in accordance with the indicative standards set out in the development plan.
- 8.4.6. While it is acknowledged that the proposed scheme has a significantly higher density than the existing residential streets in the environs of Glasnevin and Drumcondra, it is my view that the proposed scheme should be viewed in the context of the surrounding area which has experienced a transition from a low density, suburban area to a more urban area, with a mix of different types of dwellings, including apartment blocks of varying heights and significantly increased densities, including the contemporary 4-storey mixed-use Botanic Court development on the opposite side of Botanic Road / Prospect Way.
- 8.4.7. In addition, Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

8.4.8. Chapter 2 of the Design Standards for New Apartments Guidelines, 2022 also notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services. The subject site is located c. 3km north of Dublin city centre and is in close proximity to a range of employment and educational locations, including DCU St. Patricks Campus, c. 800m north east of the site and DCU main campus c. 2km north east of the site and c. 2km north of the TU campus at Grangegorman. The site is well served by a range of services and facilities within Glasnevin / Drumcondra. The site is also in close proximity to public transport with both north and south bound Dublin Bus stops immediately adjacent to the site on Botanic Road. These stops are served by the no. 4, 9, 83/A and 155 routes. The no. 4 operates between Ballymun and Monkstown every 12 minutes in the peak., the 9 operates between Charlestown and Perrystown every 10 minutes in the peak, the 83 / A operates between Ballymun and Kimmage every 10 – 15 minutes in the peak and the 155 operates between Ballymun and Bray every 20 minutes.. Each bus has a capacity of 125 no. passengers. Therefore the site is also served by high capacity and high frequency public transport. The site is also located c. 1.2km north west of the Drumcondra Train Station and 2km east of Broombridge Luas stop. Having regard to the above, it is my view that the scale of the development complies with national guidance and is suitable for higher density.

8.4.9. In conclusion, while the concerns of the third party are noted, it is my view that the proposed scheme would not result in overdevelopment of the site and that the proposed density is appropriate in this instance having regard to national and regional policy, the area's changing context, proximity to employment and educational centres, proximity to a wide variety of services and amenities and to public transport. It is also noted that the planning authority raised no objection in principle to the proposed density.

## 8.5. *Height*

- 8.5.1. Third parties raised concerns that the proposed building heights, in combination with the scale of the proposed buildings would have a negative impact on the existing visual amenities of the area. This concern was also raised in the observations received.
- 8.5.2. The scheme has a maximum height of 6 storeys and the blocks have been designed to provide a variety of height, scale and massing within the scheme. The previously approved scheme on the subject site had a maximum height of 4-storeys. Therefore, the proposed scheme would increase the previously approved height by a maximum of 2-storeys.
- 8.5.3. Policy SC17: Building Height aims to protect and enhance the skyline of the city and Section 4 of Appendix 3 of the development plan notes that as a general rule, the development of innovative, mixed use development that includes buildings of between 5 and 8 storeys, including family apartments and duplexes is promoted in the key areas. In accordance with SPPR1 of the Apartment Guidelines key areas includes sites within 500m of walking distance of a bust stop. As outlined above, the site is immediately adjacent to high frequency and high capacity bus stops on Botanic Road. The site has a maximum height of 6-storeys and therefore, I am satisfied that it is in accordance with the provisions of Appendix 3 of the development plan.
- 8.5.4. A Landscape and Visual Impact Assessment was submitted with the application which considers the impact of the proposed development. A separate booklet of 19 no. verified views of the scheme were also submitted. The verified views provide a comparison of the existing site and the proposed development. It is my view that the submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear.
- 8.5.5. Tables 1-19 of the LVIA (Stage 3) details the visual impact (significance) of the development from the 19 no. viewpoints. In my view the short distance views are 1, 6, 7, 10, 11, 12 and 13. It is acknowledged that the scheme would be highly visible when viewed directly from the site boundaries and surrounding streets. The proposed height is significantly taller than the existing adjacent 2-storey residential buildings and would introduce new feature in the skyline. However, it is noted that this is a comparison with

a currently vacant site and that permission was previously granted on the site for a scheme with a similar layout and a maximum height of 4-storeys.

- 8.5.6. The site is a highly modified brownfield site and I agree with the assessment of the LVIA that it has a low townscape value and is capable of absorbing a high-density urban scheme and that it would make a positive contribution to the streetscape, which would aid with placemaking and legibility. It is my opinion that the proposed height would not significantly detract from the visual amenities of the area and would not be visually obtrusive and that the visual impact from short range views, would be generally positive due to the current vacant nature of the site, the existing gap in the urban streetscape on Botanic Road and the high-quality contemporary design of the scheme with a variety in height, massing and scale of the blocks.
- 8.5.7. I also agree with the applicants assessment that the impact on long and medium distances views ( 2, 3, 5, 8, 9, 14, 15, 16, 17 and 19) would generally be imperceptible or not significant and neutral. It is my view that due to the urban location and the size (1.2ha) of the site it has the capacity to absorb the proposed height and scale of the blocks. The proposed height should also be viewed in the changing context of the city area. In addition, it is noted that the proposed buildings do not impact or impede any protected views within the city.
- 8.5.8. In addition to the above, Section 3 of the Building Height Guidelines refers to the Development Management Process. It is noted that 'building heights must be generally increased in appropriate urban locations. In this respect the continuation of low-rise development is not an option in this location, simply because the prevailing heights are 2/3-storeys. The Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. Taking each point in turn as detailed in this section 3.2 of the Guidelines with reference to the bullet points therein, I conclude:

*Scale of Relevant city/town:*

- Site is well served by public transport. There is a north and south bound Dublin Bus stop immediately adjacent to the site on the Botanic Road. These stops

are served by the no. 4, 9, 83/A and 155. Which are high capacity and high frequency routes in the AM and PM peak periods.

- A Landscape and Visual assessment was carried out as part of the application and has been addressed throughout the report. I am satisfied that there will not be an unacceptable impact.
- Proposal makes a positive contribution to place-making by virtue of new streets and public spaces within the site, using massing, scale, and height to achieve required densities but with sufficient variety and height as has been done with the range of block heights and it responds to the scale of adjoining developments.

*Scale of district/neighbourhood/street:*

- Design has responded to its overall natural and built environment and makes a positive contribution with the placement of basement level car parking and the provision of areas of public open space and high-quality public realm.
- It is not monolithic – it is 5 no. urban blocks of varying heights and scales.
- It enhances a sense of scale and enclosure having regard to the passive surveillance as a result of the design.
- Enhances legibility with additional potential future pedestrian / cycle routes to the site to the north (Player's factory site).
- It positively contributes to the mix of uses – the non-residential (café and creche) uses will be available to the wider community and there is a sufficient mix of typology studio, 1-, 2- and 3-bedroom units.

*Scale of site/building:*

- The Daylight and Sunlight Analysis submitted demonstrates that access to natural daylight, ventilation and views and minimise overshadowing and loss of light and has taken account of BRE documents.
- Given the flat, low-lying nature of the existing site, and the height and orientation of the proposed blocks the development is unlikely to create negative local wind microclimate impacts.

8.5.9. I am satisfied that the relevant specific assessments required to support the development have been carried out in the reports submitted.



- 8.5.10. It is noted that third parties consider that the proposed scheme does not comply with SPPR 3. However, having regard to my assessment above which takes account of the documents submitted by the applicant, I am satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3 of the Building Height Guidelines.
- 8.5.11. In conclusion, it is my opinion that having regard to the setting of this site with respect to public transport, its size, and in particular the local infrastructure that it is a suitable location for increased height without giving rise to any significant adverse impacts in terms of daylight, sunlight, overlooking or visual impact and represents a reasonable response to its context. The high-quality design would also support the redevelopment of this underutilised brownfield site and the consolidation of the urban area, which is welcomed. It is also noted that the planning authority raised no objection in principle to the proposed height.

#### 8.6. **Open Space - Condition 7(i)**

- 8.6.1. Table 15-4 of the development plan sets out a requirement that 10% of the overall site area be provided as public open space for lands zoned Z1. Section 15.8.6 of the development plan describes public open space as *an external landscaped open space which makes a contribution to the public domain and is accessible to the public and local community for the purposes of active and passive recreation, including relaxation and children's play. Public open space also provides for visual breaks between and within residential areas and facilitates biodiversity and the maintenance of wildlife habitats.* Section 15.8.7 of the development plan further notes that in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity.
- 8.6.2. The overall landholding, which includes the previously permitted 35 no. dwellings has a total gross area of 2.02 ha. It is noted that public open space has not been provided for the previously permitted houses on the site. Therefore, there is a requirement for 2,020sqm of public open space to serve the overall development, which equates to 10% of the total site area. The information submitted with the first party appeal includes a drawing clearly indicating the location and size of open space within the scheme, which includes a 2,040smq area of public open space in the centre of the site between Blocks C, D and E. The quantum of public open space provided, therefore, complies

with the requirement of the development plan to provide 10% of the site area as public open space. It is noted that the scheme also includes a 222sqm play area immediately north of the area of public open space and between Blocks C and E. This area allows for a potential future connection to the site to the north. The scheme also incorporates a 471sqm area of hard landscaping around Block A, which includes the retained trees at the sites boundary with Botanic Avenue and a seating area. A 502sqm public walkway is also proposed along the sites northern boundary and would allow for connectivity to the area of public open space and a potential future connection to the site to the north. Having regard to the definition of public open space within the development plan, I am satisfied that these areas can be incorporated into the quantum of public open space. Therefore, the total provision of public open space within the site is 3,126sqm, which is significantly in excess of the development plan standards. The information submitted by the application also indicates that an additional 224sqm of incidental open space, including a footpath and seating areas are provided within the scheme. Having regard to the quantum of public open space proposed I am satisfied that it is in accordance with development plan standards.

8.6.3. The Landscape Design Statement submitted with the application indicates that the areas of public open space would provide for passive and recreational use including 2 no. public playgrounds, seating areas, hard and soft landscaping and a piece of public art. The Daylight and Sunlight Assessment also indicates that the areas of public open space would be well lit and the Wind Microclimate Modelling submitted indicates that the proposed development would produce a high-quality environment that is attractive and comfortable for pedestrians of all categories and does not impact or give rise to negative or critical wind speed profiles. Therefore, it is my opinion that the proposed public open space would provide a high quality of amenity for future and existing residents.

8.6.4. The first party appeal relates to condition 7(i) attached by the planning authority, which states that a minimum of 10% of the site area is required to be provided as public open space for active and passive recreation, including relaxation and children's play. This shall be achieved by omitting Block E in its entirety, and the space thus released shall be incorporated into the public open space provision of this scheme. It is noted that in the response to the appeal the planning authority recommended that their decision be upheld and that the third party appeal and observers also recommended that condition

7(i) be attached to any grant of permission. However, as outlined above the proposed scheme incorporates public open space which is in excess of 10% of the total site area. This space also includes a variety of areas for passive and active use which is in accordance with development plan standards. It is also noted at the surrounding area is well served by public open space, with the National Botanic Gardens located c. 350m north west of the site. Therefore, I agree with the applicant that the provision of public open space is in accordance with development plan standards and that condition to omit Block E and that the resultant space be provided as public open space is unnecessary. It is also noted that the Parks Department of Dublin City Council raised no concerns regarding the open space provision and recommended that any shortfall be addressed by way of a financial contribution.

8.6.5. It is also my view that the omission of Block E would have a negative impact on the overall design and layout of the scheme, as it would unbalance the relationship between the proposed blocks and the existing houses and reduce the passive overlooking and sense of enclosure within the areas of public opens space.

8.6.6. In conclusion, I have no objection to the quantity or quality of the proposed public open space and consider it to be in accordance with the provisions of the development plan. I, therefore, agree with the applicant that there is no requirement to omit Block E. It is also considered that due to the lack of existing publicly available open space within the subject site it would have a significant positive benefit for the wider community.

#### *Communal Open Space*

8.6.7. Section 15.9.8 of the development plan states that communal open space standards should comply with the standards set out in the Apartment Guidelines. The Guidelines recommend 4sqm per studio, 5sqm per 1-bed unit, 6sqm per 2-bed (3-person), 7sqm per 2-bed (4 person) units and 9 sqm per 3-bed. Therefore, there is a requirement for 1,028sqm of communal open space. The proposed scheme incorporates 1,482sqm of communal open space which is in excess of this standard. The areas of communal open space are clearly identified in the documentation submitted with the first party appeal. They include 550sqm at ground floor level between Blocks C and D and 217sqm at ground floor level between Blocks D and E. A linear area of communal opens space is also located to the rear of Block E (duplex units). 561 sqm of communal open space is also provided at 3 no. roof terraces, in this regard 199sqm at Block B,

199sqm at Block C and 163sqm at Block D. The Daylight and Sunlight Assessment also indicates that the areas of communal open space would be well lit. As noted above, the Wind Microclimate Modelling also indicates that the proposed development would produce a high-quality environment. The areas of communal open space include a variety of hard and soft landscaping and seating areas. However, it would appear from the information submitted that no outdoor play spaces have been provided. It is my recommended that a condition be attached to any grant of permission that the final details of the communal open space areas be agreed with the planning authority. Notwithstanding this, it is my view that a sufficient quantum and quality of communal open space is provided to ensure high standard of residential amenity to future occupants.

#### *Private Open Space*

- 8.6.8. In addition to the above, all of the residential units have individual private open space in accordance with the standards set out in the Apartment Guidelines, 2022.

#### *Trees*

- 8.6.9. An Arboricultural Assessment was submitted with the application which notes that the previously approved application included the removal of all trees within the site. There are currently 7 no. Category 'B' (moderate quality) trees located along the sites western boundary with Botanic Road. It is proposed to retention of these trees and incorporate them in combination with the existing historical railings into the public open space at the sites western boundary. The retention of the trees is welcomed.

### **8.7. Residential Amenity**

#### *Overlooking and Overbearing Impact*

- 8.7.1. To the north the site is bound by the Player's factory site (protected structure), to the south and east by 35 no. 3-storey houses (approved under PL29N246124) and to the west by Botanic Road. There are existing houses on the opposite side of Botanic Road, directly opposing the proposed Block A and no. 31 and 31A Botanic Road are located to the south of the subject site.
- 8.7.2. As noted above, Block A sits at the sites western boundary with Botanic Road. It is primarily a 5 storey block with a maximum height of 16.5m. Block A is located in similar

siting's to the previously approved 4-storey block (Block A). The southern elevation of the proposed block has a stepped approach to height with a single, three and four storey element. The western elevation of Block A is located c. 29m from the front elevation of existing houses on the opposite side of Botanic Road. The single storey element on the southern elevation of Block A is located c. 5m from the gable end no. 31A Botanic Road and c. 11.5m from the gable end of no. 31 Botanic Road and the 5 storey element is located c. 25.5m from no. 31A Botanic Road and c. 31m from no. 31 Botanic Road. Having regard to the urban location and the separation distances proposed it is my opinion that the proposed scheme would not unduly overlook or have an overbearing impact on any existing properties on Botanic Road.

8.7.3. The single storey element of the eastern elevation of Block A is located c. 2.6m from the gable end of no. 1 Daneswell Place and the 3-storey element is located c. 6.4m from the gable end of the house. It is noted that this is a similar separation distance from the previously approved 4-storey Block A. It is my opinion that due to the the positioning of windows, the orientation of the buildings and the relatively limited height that Block A would not result in undue overlooking or have an overbearing impact on no. 1 Daneswell Place.

8.7.4. Blocks B, C and D are located to the north of no. 1 – 24 Daneswell Place. No. 1 – 24 Daneswell Place are 3-storey dwellings which are constructed and occupied. The 6-storey (c.19m) element of Block B is located a minimum of c. 16.5m from the front elevation of No. 4, 5 and 6 Daneswell Place. The 6-storey (c.19m) element of Block C is located a minimum of c. 18.5m from the front elevation of No. 9 and 10 Daneswell Place. The 6-storey (c.19m) element of Block D is located a minimum of c. 20m from the front elevation of No. 19, 20, 21 and 22 Daneswell Place. It is noted that Blocks B and C are located in similar siting's to the previously approved 4-storey blocks (Blocks B and C) approved and Block D is located in an area previously approved for 3 no. 2-storey houses. Having regard to the urban location and the orientation of the blocks, which front onto the front gardens of the existing dwellings it is my opinion that the proposed separation distances are acceptable and the proposed development would not unduly overlook or have an overbearing impact on any existing properties to the south on Daneswell Place.

- 8.7.5. Block D is also located to the west of no. 31 – 35 Daneswell Place, which are 3-storey houses currently under construction. The 4-storey element of Block D is located a minimum of c. 18m from the front elevation of no. 31 – 35 Daneswell Place and the 6-storey element is located a minimum of c. 21m from the front elevation of the dwellings. Having regard to the urban location and the orientation of the blocks, which front onto the front gardens of the previously approved dwellings it is my opinion that the proposed separation distances are acceptable and the proposed development would not unduly overlook or have an overbearing impact on any existing properties in Daneswell Place, to the east of the subject site.
- 8.7.6. The site is bound to the north by the former Player's Factory site (protected structure), which is in commercial use. It is noted that all blocks have been set back a minimum of 6.5m from the sites northern boundary. It is my opinion that the proposed development would not result in undue overlooking or have an overbearing impact on the existing building. The issues of Built Heritage is addressed below. I am also satisfied that the proposed scheme would not inhibit the future redevelopment of the commercial site to the north.
- 8.7.7. Overall, while it is acknowledged that the overall scheme would be visible from the surrounding properties, it is my opinion that due to the design and orientation of the blocks, the relatively limited heights and the proposed separation distances that the proposed development would not result in undue overlooking or overbearing impact on existing dwellings.
- 8.7.8. The separation distances between the proposed blocks range from c.13m between Blocks B and C to 59m between Blocks C and D. In general, the blocks have been designed to ensure there is no direct overlooking of windows or balconies. However, I have some concerns regarding the limited (13m) separation distance between directly opposing windows in Blocks B and C. The concern regarding potential undue overlooking relates to the following units: -
- Units B00.03 and B.01.04 with C. 00.02 and C.00.03 at ground floor level.
  - Units B.01.02 and B.01.03 with C.01.02 and C. 01.03 at first floor level.
  - Units B.02.02 and B.02.03 with C. 02.02 and C. 02.03 at second floor level

- Units B.03.02 and B.03.03 with C. 03.02 and C.03.02 at third floor level
- Units B.04.02 and B.04.03 with C.04.02 and C.04.03 at fourth floor level

8.7.9. This limited separation distance was also noted by the planning authority who considered that blinds or curtains would reduce the potential for undue overlooking.

8.7.10. To address the concerns of undue overlooking it is my recommended that a condition be attached regarding the following: -

- The proposed 3 no. 'J1' Juliet Balcony windows on the eastern elevation of ground floor Units B.00.03 and B.00.04 be replaced with fixed window selection that are fitted with louvres or other appropriate screening.
- The proposed 2 no. 'J1' Juliet Balcony windows on the eastern elevation of first floor Unit B.01.03, second floor unit B.02.03, third floor unit B.03.03 and fourth floor unit B.04.03 should be replaced with fixed window selection that are fitted with louvres or other appropriate screening.
- The proposed 'J3' Juliet Balcony window serving the bedroom on the eastern elevation of Unit B.01.02 at first floor level, unit B.02.02 at second floor level unit B.03.02 at third floor and unit B.04.02 at fourth floor level should be replaced with fixed window selection fitted with louvres or other appropriate screening.
- The window serving the K/L/D on the eastern elevation of units B.01.02 at first floor level unit B.02.02 at second floor level, unit B.03.02 at third floor unit B.04.02 at fourth floor level should be omitted and replaced with a high level window only. It is noted that these K/L/D rooms are dual aspect with large sections of glazing on the northern elevation.

8.7.11. While it is acknowledged that the provision of louvres or screening could negatively impact on access to daylight and sunlight for these units, however, I am satisfied that due to the limited number of units impacted (10 no.) the dual aspect nature of the K/L/D rooms within these units and the overall high quality design and layout of the scheme that proposed amendments are acceptable and appropriate in this instance.

- 8.7.12. In the interest of clarity it is noted that Units B.05.01 and B.05.02 in Block B and units C.05.01 and C.05.02 at fifth floor level are set back. Therefore, there is a separation distance of c. 17m between directly opposing windows. I have no objection to the proposed 13m separation distances between balconies and consider this acceptable in the urban area and would not result in undue overlooking.
- 8.7.13. Overall, it is my opinion that, subject to the conditions outlined above, the proposed separation distances between the blocks and the existing buildings achieves a balance of protecting the residential amenities of future and existing occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. While the concerns of the third parties are noted it is my view that proposed scheme would not result in undue overlooking or result in an overbearing impact on any existing properties.

*Daylight, Sunlight and Overshadowing*

- 8.7.14. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.
- 8.7.15. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2022 also state that planning authorities should have regard to quantitative



performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.

8.7.16. Appendix 16 of the development plan sets out guidance for assessing Daylight and Sunlight. It notes that there are four key documents that related to the topic of Daylight and Sunlight, in this regard

- BR 209 (2011) – Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice (Second Edition)
- BS 8206-2:2008 – Lighting for Buildings, Part 2: Code of Practice for Daylighting
- BS EN 17037:2018 – Daylight in Buildings
- IS EN 17037:2018 – Daylight in Buildings

8.7.17. It further states that appropriate and reasonable regard should be taken of government policies, including the Urban Development and Building Height Guidelines for Planning Authorities (2018) and the Sustainable Urban Housing: Design Standards for New Apartments (December 2020), in the completion of sunlight and daylight assessments.

8.7.18. The applicant submitted a Daylight and Sunlight Analysis based on the standards in the following documents:

- Sustainable Urban Housing: Design Standards for New Apartments (2020);
- Dublin City Development Plan 2016-2022;
- BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice - BR 209 (2022)

8.7.19. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2022), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

### *Internal Daylight and Sunlight*

- 8.7.20. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 8.7.21. The layout of the proposed apartment units includes a combined kitchen/living/dining (KLD) room. As these rooms serve more than one function the 2% ADF value was applied to the KLD rooms. The assessment was carried out for all rooms within the scheme, this is illustrated and summarised in Section 9 of the applicants report. The information provided in Section 9 of the submitted report indicates that the scheme has an 95% compliance with the recommended target of 2% for KLD rooms and 1% for bedrooms.
- 8.7.22. Section 10 of the applicants report carried out a Spatial Daylight Autonomy (SDA), which is a climate-based daylight assessment that utilises historic climate data to predict internal illumination due to natural light. The analysis indicates that the scheme has a 92% compliance when assessed for SDA targets of 200Lux for KLD and 100Lux for bedrooms.
- 8.7.23. Concerns are raised in the third party appeal that that a large percentage of rooms only reach the minimum daylight standards. It is noted that there are some shortfalls in daylight provision within the scheme. However, the achievement of a 2% ADF for large open plan KLD rooms is very challenging in a scheme of this scale and nature. Excessive reliance on that target can unduly compromise the achievement of a sufficient quality of urban design and proper streetscape. The ADF for rooms is only one measure of the residential amenity that designers should consider in the design and layout, and to this end, I am satisfied that the applicant has endeavoured to

maximise sunlight/daylight to the apartments and where possible achieve 2% ADF for KLD rooms and 1% for bedrooms.

- 8.7.24. Section 3.2 of the Building Height Guidelines states that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as an effective urban design and streetscape solution.
- 8.7.25. The performance of the proposed development in relation to the applicable technical standards was clearly described in the documents submitted with the application, as summarised above. The full extent of the departure from the 2% ADF target can be ascertained from the applicant's report. Section 9.3 of the report also sets compensatory design solutions, which include design and positioning of units, winter gardens, use of materials, balconies recessing of windows. It is also noted that 60.7% of units are dual aspect, with no single aspect north facing units and that in excess of 10% of the site is provided as public open spaces.
- 8.7.26. The report also carried out an analysis of the potential impact of the future development of the lands to the north. This site currently accommodates the former Player's Factory (protected structure). There is no planning permission on this site, therefore, the applicant assessed the impact based on a mirror development, which is in accordance with BRE guidance. The analysis found that due to the design of the proposed scheme, which does not include large windows or balconies on the northern elevation and having regard to the sites location to the north of the subject site that the impact of a mirror development on the adjacent site would be minimal and all spaces would still achieve compliance with the recommended targets.
- 8.7.27. While the concerns of the third party are noted, it is my view that the shortfalls in ADF are not significant in number or magnitude. Having regard to the need to develop sites

at an appropriate density, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. I am satisfied that adequate justification for non-compliance exists, and that the design and associated design solutions and alternative target is appropriate. It is also noted that the ADF for rooms is only one measure of the residential amenity and in my opinion the design team have maximised access to daylight for all apartments and I am satisfied that all of the rooms within the apartments would receive adequate daylight.

8.7.28. Section 11 of the applicants report assessed the scheme for exposure to sunlight with regard to the BS EN 17037(1) a minimum recommended target of 1.5 hours, a medium recommended target of 3 hours and a high level target of 4 hours of direct sunlight on a selected date between 1<sup>st</sup> February and the 21<sup>st</sup> March with cloudless conditions. The applicants analysis indicates that 85% of the units comply with the minimum target. Having regard to the information submitted I am satisfied that the applicable main living room windows would achieve good access to sunlight and would appear reasonably well lit.

8.7.29. Having regard to the information submitted I am satisfied that subject to the conditions outlined above, that all of the rooms within the scheme would receive adequate daylight and sunlight and that the shortfalls are not significant in number or magnitude. I would also note, that in urban schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design / streetscape. It is also noted that the planning authority raised no concerns in this regard and considered that on the whole the daylight and sunlight to the development is satisfactory.

8.7.30. Concerns are also raised in the third party appeal that there is insufficient daylight and sunlight in the open spaces, roads and gardens within the scheme. The BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. Section 4.2 of the applicant's assessment demonstrates that all areas of open space achieve the BRE target, with a compliance rate of 92% for the overall site.

8.7.31. In conclusion, I am satisfied that the submitted documentation properly describes the performance of the proposed development in relation to the standards on daylight and sunlight set out in the guidance documents cited in the 2018 Building Height Guidelines, the 2022 Apartment Design Guidelines and the 2022 city development plan. It sets out a sufficient justification and adequate compensatory measures for the extent to which a proportion of the rooms in the proposed development would depart from those standards. As such the proposed development would be in keeping with the provisions of those Guidelines on daylight and sunlight. The proposed apartments and open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for their occupants.

*External Daylight, Sunlight and Overshadowing*

8.7.32. Concerns are raised in third party appeal that the proposed scheme would unduly overshadow existing properties, with particular regard to the existing houses in Daneswell Place. The Daylight and Sunlight report submitted with the application also assessed the potential impact of the development on the existing neighbouring properties.

8.7.33. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.

8.7.34. The assessment analysed the impact of the proposed development on VSC and APSH for no. 40-64 Botanic Road to the west of the subject site and Daneswell Place to the south and east of the site. A comparison between the proposed development and the previously permitted scheme is also provided

8.7.35. *Botanic Road:* No. 40-64 Botanic Road (14 no. dwellings) comprises a terrace of 2-storey houses located to the west of the subject site, on the opposite side of the road. The analysis provided in Section 8.3 of the applicants report indicates that the proposed development would have no material impact on the VSC or APSH for these existing buildings when compared to the previously permitted scheme and that VSC values are in excess of BRE standards.

8.7.36. *Daneswell Place*: No 1 – 14 Daneswell Place are located to the south of the subject site. These units are occupied. No. 25 – 35 Daneswell Place are located to the east of the subject site. The analysis provided in Section 8.2 of the applicants report indicates that of the 39 no. windows assessed 18 no. currently do not achieve a VSC of 27%. The proposed development would have no significant impact on the VSC for the vast majority of windows. However, minor impacts are predicted for no. 32, 33 and 34 which are located to the east of the proposed development.

8.7.37. With regard to no. 32 the VSC of the second floor bedroom window would be reduced from 28.5% to 22%. This is 0.77 times its former value. With regard to no. 33 the VSC of the ground floor living room window would be reduced from 29.5% to 22.4%. This is 0.76 times its former values. The VSC of the first floor bedroom window would be reduced from 32.3% to 25.2%. This is 0.78 times its former value. The VSC of the second floor bedroom window would be reduced from 28% to 21.3%. This is 0.76 times its former value. With regard to no. 34 the VSC of the ground floor living room window would be reduced from 29.2% to 22.8%. This is 0.78 times its former value. The VSC of the first floor bedroom window would be reduced from 32.4% to 25.3%. This is 0.78 times its former value. The applicant also carried out an assessment of impact of the proposed development on the APSH for no. 32-34 Daneswell Place. The analysis found that the proposed development would have a minimal impact on ADF and that all rooms would exceed the recommended BRE standards. The minor impact on VSC for these dwellings is noted. However, when balanced against the need for housing on zoned and serviced lands in the urban area I consider this level acceptable. It is noted that the planning authority raised no concerns regarding the impact on properties in Daneswell Place.

8.7.38. In conclusion, while it is noted that the scheme does not achieve all recommended standards, consideration should be given to the fact that the comparison being made is between an existing, under-utilised brownfield site and the proposed development, which will inevitably have some form of an impact. It is considered that this development results in wider planning benefits, such as the delivery of housing, high quality public open space and would support the consolidation of the urban environment. It is also noted that there is no significant impact on the VSC for existing properties between the proposed scheme and the previously approved scheme. Therefore, the shortfalls outlined above are considered acceptable in this instance.

## 8.8. ***Built Heritage***

- 8.8.1. The site previously formed part of a larger landholding that accommodated a printing factory. This building was demolished in 2008 and the subject site is currently in use as a construction compound for houses previously approved on the remaining section of the overall landholding.
- 8.8.2. The subject site does not contain any protected structures and is not located within an Architectural Conservation Area (ACA). An Architectural Heritage Impact Assessment was submitted with the application which notes that the site is located in an architectural sensitive landscape with Prospect Square / De Courcy Square and Environs Architectural Conservation Area is located c.100m west of the site and the surrounding streets including Iona Road, Iona Park Margarine Road and the northern portion of Botanic Road zoned 'Z2' Residential Neighbourhoods (Conservation Areas). To the north the site is bound by no. 73 Botanic Road, which comprises the former John Player and Son Tobacco Factory and is also known as the Smurfit factory. This site is listed on the record of protected structures (RPS Ref. 855) as comprising the Former Player's factory granite facade, including railings, gate, piers, plinth walls and red brick chimneystack.
- 8.8.3. The former Player factory was constructed in 1923 and comprises a seventeen-bay, single-storey building with a mansard roof with pedimented dormer windows. This building is also listed on the NIAH (ref. 50130163) with a regional importance rating. The front boundary comprises decorative iron railings on a cut granite plinth with substantial cut granite piers, are also listed on the NIAH (ref. 50130162) with a regional importance rating.
- 8.8.4. The Player's Factory site also accommodates a collection of industrial buildings of limited architectural significance, primarily from the 1920's with some additions. The buildings within this site have been subdivided and accommodate a number of individual commercial units. During my site visit on the 17<sup>th</sup> January 2023 it was noted that there is hoarding around part of the western boundary of the site with Botanic Road, however, there is no record of a grant of permission for any works within the site.

- 8.8.5. Concerns are raised in the third party appeal that the proposed scheme does not respect the local, historical and architectural conservation areas surrounding the site and that it would negatively impact on existing protected structures and conservation areas. This concern is also raised in the observations received.
- 8.8.6. It is noted that only the western portion 'granite façade' of the former Players Factory is a protected structure and the remaining buildings on site are later additions. The protected structure is located c. 15m from the boundary with the subject site and its southern elevation would be located c. 35m from the (5-storey) northern elevation of Block A and c. 25m from the (5-storey) northern elevation of Block C. It is acknowledged that the proposed buildings would be taller than the protected structure. However, due to the high quality and contemporary nature of the scheme, which incorporates high quality brick finish, which in my opinion provides an appropriate contrast to the granite façade of the protected structure, to the relatively limited height of the proposed Blocks and to the separation distances provided I am satisfied that the proposed scheme would not negatively impact on the character or setting of the protected structure. As outlined above, the applicants Daylight and Sunlight Assessment indicates that the proposed development would not result in undue overshadowing of the protected structure.
- 8.8.7. Specific concerns were raised in the third party appeal that the proposed scheme does not respect the existing building line on Botanic Road. I agree with the applicant, that there is no established building line on Botanic Road. It is noted that the building line of the Player's factory building (protected structure) is located c. 20m from its boundary with Botanic Road, with a large surface car park to the front. The houses on the eastern side of Botanic Road have a set back of between c. 7m and 10m from the road. Block A would be set back c. 9m from the sites western boundary with Botanic Road. From the historic maps submitted with the application Block A appears to have a similar building line to the former factory building on site. I have no objection to the siting of the block and note that it is also in a similar location to the previous block (Block A) granted on the site.
- 8.8.8. The existing railings and plinth (protected structure) and 7 no. trees at the sites western boundary are to be incorporated into the scheme. The report of planning authority's Conservation Officer considers that the retention of the mid-twentieth century Festival



of Britain style railings and plinth would be an integral part of the landscaping design on Botanic Road. The retention of the historic railings is welcomed.

- 8.8.9. The 34-metre-tall red brick chimney (protected structure) is located centrally in the Player's factory site, c.7m north of the subject site. This chimney stack is considered to be a local landmark and is highly visible from the surrounding area. The proposed blocks do not directly oppose the chimney stack. It would be located directly north of a proposed area of public open space, located between Blocks C and E. I agree with the applicant's Architectural Heritage Impact Assessment that the chimney would be a focal point within the area of public open space and would be a visual reminder of the industrial heritage of the subject site and the neighbouring Players site, which in my opinion is welcomed. It is also my view that this is in accordance with Policy BHA16 of the development plan to have regard to the city's industrial heritage.
- 8.8.10. The 5 storey (c. 15.3m) element of Block C is located c. a minimum of 15m from the chimney stack and Block E, which comprises 3-storey (12m) dwellings would be located a minimum of c. 17m from the chimney stack. The submitted contextual elevations and the photomontages submitted with the application indicate that the chimney stack would generally remain a prominent feature in the streetscape. It is noted that due to the siting of Block A, north east views of the chimney stack would be lost from Prospect Way (verified view 10). However, having regard to the largely positive impact that the proposed scheme would have on the streetscape, due to the current vacant nature of the site. it is my opinion that the loss of this view is acceptable in this instance. It is also noted that any development on this site would be likely to impede the view of the chimney stack from this view. Views of the chimney stack from the Prospect Square, De Courcey Square and Environs ACA would remain unobstructed. While it is acknowledged that the proposed scheme would introduce a new feature in the skyline I am satisfied that due to the high quality design and layout and the use of high quality and durable materials within the site that the chimney stack would remain a dominant feature in the streetscape and that the proposed development would not negatively impact on its character or setting.

In conclusion, I am satisfied that the proposed development would have no physical impact on the built fabric of the protected structures. Any potential effects are limited to visual impacts. In this regard it is acknowledged that the proposed development

would impede an existing north east view of the protected structure from Prospect Way. However, I am satisfied that the detailed design of the scheme is the appropriate and optimal design solution for this site, in particular design approach to Block A which would re-instate the streetscape along Botanic Road. It is my opinion that the design successfully integrates with and enhances the character and public realm of the area and provides an appropriate contrast to the existing protected structure and the surrounding historic residential areas. It is noted that the planning authority's Conservation Officer considered that the conservation issues associated with the site have been adequately addressed.

## 8.9. ***Transportation***

- 8.9.1. The subject site is located in Glasnevin on the eastern side of Botanic Road, c 3km north of Dublin city centre. There is an existing vehicular access to the site from Botanic Road. This access would be relocated and a new internal road access would be provided to serve the overall landholding. It is noted that the location of the proposed access was previously approved.
- 8.9.2. There is a high-quality footpath and cycle network on either side of Botanic Road. The site is served by high frequency public transport in the form of bus, with bus stops on both sides of Botanic Road immediately adjacent to the site. The site is also located c. 1.2km north west of the Drumcondra Train Station and 2km east of Broombridge Luas stop. Full details of public transport within the vicinity of the site are outlined in Section 2 of the applicants Traffic and Transport Assessment. It is my view that this is a highly accessible urban site within close proximity to a variety of services and amenities, both within Glasnevin / Drumcondra environs and the city centre.
- 8.9.3. In addition, Botanic Road is located on the proposed Bus Connects Route, Ballymun to city centre. The proposed infrastructure would improve journey times with dedicated bus lanes and cycle lanes on either side of Botanic Avenue. It is noted that the scheme has been designed to provide a 2m set back to facilitate the proposed infrastructure. The subject site is also located c. 350 north of the proposed Metrolink stop at Glasnevin. Having regard to the above, it is my view that the site would most likely benefit from improved levels of public transport accessibility / public transport service

provision via Bus Connects in the short term and the proposed Metrolink in the long term.

- 8.9.4. The third party appeal notes that there is already traffic congestion on Botanic Road and that the proposed development would exacerbate the current situation. In order to estimate the likely volumes of traffic generated by the residential units within the proposed development the TRICS database was utilised. It is noted that the Trip generation includes the 35 no. houses within the overall landholding. It is estimated that the overall development would generate 100 no. trips in the AM peak (25 no. arriving and 75 no. departing) and 105 no. trips in the PM peak (69 no. arriving and 36 no. departing). This is an increase of 35 no. trips in the AM peak (5 no. arriving and 30 no. departing) and 42 no. trips in the PM peak (30 no. arriving and 12 no. departing) above that previously approved under PL29N.246124. It is my opinion that the trips represent a reasonable estimate.
- 8.9.5. The Traffic and Transport Assessment (TTA) assessed the impact of the proposed development on 3 no. existing signalised junctions, in this regard Junction 1: Prospect Way / Finglas Road, Junction 2: Prospect Way / Botanic Road and Junction 3: Botanic Road / Lindsay Road / Finglas Road. The information provided in Tables 5.10, 5.11 and 5.12 indicate that the proposed development would have a negligible impact on the capacity of these junctions in all phases of the development up to 2025. Section 6 of the TTA assessed the capacity of the site access / Botanic Road Junction and the impact of the development on the signalised junction of Botanic Road / Prospect Way in the opening year 2025, opening year +5 (2030) and opening year +15 (2040), both with and without the development. The analysis, as outlined in Table 6.1 of the TTA, indicates that the proposed signalised junction would operate within capacity as the Degree of Saturation (DOS) is below 90% for all scenarios in the AM Peak. Table 6.1 of the TTA indicates that by 2040 the Prospect Avenue (right turn) and Botanic Road (southbound) exceed the capacity of the junction with a maximum DOS of 92.2%.
- 8.9.6. The concerns raised in the third party appeal regarding traffic congestion and the capacity of the surrounding road network are noted. However, it is my view that within any urban area a certain level of congestion is to be expected during peak times and the proposed traffic volumes on the road network are within the norms of a busy urban environment. Having regard to the sites zoning objective, the previous grant of

permission on the site, its proximity to the city centre and public transport and overall national, regional, and local policy to consolidate the urban area, it is my view that the potential traffic generated by the proposed development is acceptable in this instance. It is also noted that the submission from TII to the planning authority and the report of the planning authority raised no objections to the impact of the proposed development on the capacity of the road network.

### *Car Parking*

- 8.9.7. It is proposed to provide 73 no. car parking spaces and 5 no. motorcycle spaces. to serve the development. Concerns were raised by the observers that insufficient car parking has been provided to serve the scheme.
- 8.9.8. Appendix 5 of the development plan sets out a maximum standard of 1 no. space per residential unit in Zone 2, therefore, a maximum of 168 no. spaces are permissible. It is intended that 64 no. spaces, including 5 no. car club spaces, would be permanently assigned to the residential units, which is below the maximum standard. The development plan also sets out a maximum standard of 1 no. car parking space per 100sqm (GFA) in a creche. Therefore, 2 no. spaces are permissible. It is proposed to provide 2 no. spaces to serve the creche. There is also a maximum standard of 1 no. space per 150sqm (GFA) of a café. Therefore, there is no requirement to provide any dedicated car parking for the café. While it is noted that the quantum of car parking is below the maximum standard set out in the plan it is my opinion that this is not material, as it does not relate to a specific policy of the development plan and there is flexibility in the wording of the plan with regard to car parking standards.
- 8.9.9. Section 4.21 of the Apartment Guidelines states in suburban / urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. Having regard to the site's location within the urban area, its proximity to public transport and proximity to centres of employment and a wide range of services and facilities it is my view, that the proposed level of car parking is in accordance with the standards set out in the Apartment Guidelines.

8.9.10. A Car Parking Management Plan was submitted with the application which outlines how car parking spaces would be managed and monitored. A Mobility Management Plan was also submitted which outlines measures and incentives that would be put in place during the operational phase of the development. It noted that this includes the management support and commitment and a Mobility Management Coordinator to oversee the Plan to ensure sustainable travel to and from the proposed development is encouraged.

8.9.11. Having regard to the above, it is my opinion that the proposed level of car parking is appropriate in this instance and is also noted that no concerns were raised regarding the proposed level of car parking by the planning authority.

#### 8.10. ***Material Contravention***

8.10.1. The applicant, planning authority and third party assessed the scheme against the provisions of the Dublin City Development Plan 2016 – 2022, which was the relevant statutory plan in place when the scheme was lodged with the planning authority. However, the new Dublin City Development Plan was adopted in November 2022. My assessment is based on the policies and objectives of the current statutory plan, which is the Dublin City Development Plan 2022-2028. I am satisfied that the proposed development does not materially contravene the Dublin City Development Plan 2022-2028.

### 9.0 **Environmental Impact Assessment**

9.1.1. An Environmental Impact Assessment Screening Report was submitted with the application. I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

9.1.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

9.1.3. It is proposed to construct a 168 no. residential units on a site with a stated gross area of c. 1.2ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. There are limited excavation works proposed to construct the basement level. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Dublin City County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

9.1.4. I have completed an EIA screening determination as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment

is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report. It is noted that third parties and the planning authority raised no concerns regarding EIA or the cumulative impact of residential development in the wider area

- 9.1.5. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## 10.0 **Appropriate Assessment**

### 10.1. *Introduction*

- 10.1.1. The applicant has prepared an AA Screening Report as part of the application. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### 10.2. ***Compliance with Article 6(3) of the Habitats Directive***

- 10.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

- 10.2.2. The applicant has submitted a Screening Report for Appropriate Assessment prepared by Altemar Marine and Environmental Consultancy. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that on the basis of objective scientific information, the proposed development,

individually or in combination with other plans or projects, will not have a significant effect on any European site.

10.2.3. I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

### 10.3. ***Stage 1 AA Screening***

10.3.1. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

### 10.4. ***Brief Description of the Development***

10.4.1. A description of the project is provided in the Screening Report (page 4). The proposed development is also summarised in Section 2 of my report. In summary, the proposed development consists of amendments to ABP Ref: 29N.246124 (Reg. Ref. 3665/15), for the construction of 119 no. residential units a childcare facility and a café, as amended by Reg. Ref: 4267/17 and 2133/18, 35 no. residential units are constructed / currently under construction and extended by Reg. Ref: 3665/15X2. The proposed development includes the construction of 168 no. apartment units, a creche and café in 5 no. blocks ranging in height from 1 to 6 storeys, over partial basement at Block B and C, on a c. 1.2 ha site to the east of Botanic Road, Glasnevin c. 3km north of Dublin city centre. The surrounding area is urban in nature with a mix of residential, commercial and retail uses in the immediate vicinity of the site. The site is serviced by public water supply and foul drainage networks. Foul effluent and surface water will drain to the existing public network on Botanic Road. The development site is located in a heavily urbanised environment close to noise and artificial lighting. The site is currently used as a construction compound for the development of the previously approved housing on the overall site. . It was previously used as part of the Smurfit



Printing Factory. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

## 10.5. **Submissions and Observations**

10.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised above.

10.5.2. The planner's report includes an AA Screening which concludes the following:

*Having regard to the nature and scale of the proposed subject development and the nature of the receiving environment and the proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site. No Natura Impact Assessment is required.*

## 10.6. **Zone of Influence**

10.6.1. The proposed development is not located within or immediately adjacent to any European Site. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

10.6.2. Table 1 of the applicant's report considers that the following 16 no. European Sites are within the Zone of Interest.

<b>South Dublin Bay SAC (000210) 5km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
<b>North Dublin Bay SAC (000206) 5.7km from the subject site</b>	
<i>Conservation Objective</i>	- To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimi</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395].
<b>Baldoyle Bay SAC (000199) 9.4km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]

<b>Howth Head SAC (000202) 11.2km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
<b>Malahide Estuary SAC (000205) 11.3km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by sea-water at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
<b>Rockabill to Dalkey Island SAC (003000) 11.8km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Reefs [1170] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]
<b>Glenasmole Valley SAC (001209) 13.6km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

<i>Qualifying Interests/Species of Conservation Interest</i>	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]
<b>Ireland's Eye SAC (002193) 13.8km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
<b>Wicklow Mountains SAC (002122) 14.2km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355]

<b>Rye Water Valley / Carton SAC (001398) 14.5km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
<b>South Dublin Bay and River Tolka Estuary SPA (004024) 2.6km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
<i>Qualifying Interests/Species of Conservation Interest</i>	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] / Dunlin (Calidris alpina) [A149] Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]
<b>North Bull Island SPA (004006) 5.7km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056]

	<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Knot (<i>Calidris canutus</i>) [A143]  Sanderling (<i>Calidris alba</i>) [A144]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Curlew (<i>Numenius arquata</i>) [A160]  Redshank (<i>Tringa totanus</i>) [A162]  Turnstone (<i>Arenaria interpres</i>) [A169]  Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]  Wetland and Waterbirds [A999]</p>
<b>Badoyle Bay SPA (004016) 8.9km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]  Shelduck (<i>Tadorna tadorna</i>) [A048]  Ringed Plover (<i>Charadrius hiaticula</i>) [A137]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]  Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Wetland and Waterbirds [A999]</p>
<b>Malahide Estuary SPA (004025) 11.3km from the subject site</b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]  Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]  Shelduck (<i>Tadorna tadorna</i>) [A048]  Pintail (<i>Anas acuta</i>) [A054]  Goldeneye (<i>Bucephala clangula</i>) [A067]  Red-breasted Merganser (<i>Mergus serrator</i>) [A069]  Oystercatcher (<i>Haematopus ostralegus</i>) [A130]  Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>

	<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]  Knot (<i>Calidris canutus</i>) [A143]  Dunlin (<i>Calidris alpina</i>) [A149]  Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Redshank (<i>Tringa totanus</i>) [A162]  Wetland and Waterbirds [A999]</p>
<b><i>Irelands Eye SPA (004114) 13.6km from the subject site</i></b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]  Herring Gull (<i>Larus argentatus</i>) [A184]  Kittiwake (<i>Rissa tridactyla</i>) [A188]  Guillemot (<i>Uria aalge</i>) [A199]  Razorbill (<i>Alca torda</i>) [A200]</p>
<b><i>Howth Head Coast SPA (004113) 14.2km from the subject site</i></b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	Kittiwake ( <i>Rissa tridactyla</i> ) [A188]
<b><i>Wicklow Mountains SPA (004040) 14.4km from the subject site</i></b>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	<p>Merlin (<i>Falco columbarius</i>) [A098]  Peregrine (<i>Falco peregrinus</i>) [A103]</p>

10.6.3. The proposed development has no potential source pathway receptor connections to any other European Sites.

- 10.6.4. Table 2 of the applicants report provides an assessment of the potential impact of the proposed development on the designated sites outlined above. It is concluded that the proposed development would have no impact on the designated sites. Therefore, they can be screened out at the preliminary stage.
- 10.6.5. I consider that only the designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.
- 10.6.6. I am also satisfied that the potential for impacts on the other designated sites can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

#### 10.7. ***Screening Assessment***

- 10.7.1. The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are outlined in the table above.

#### 10.8. ***Consideration of Impacts***

- 10.8.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.
- 10.8.2. Surface water from the proposed development would discharge to the public network. The habitats and species of Natura 2000 sites in Dublin Bay are between 2.6km and 5km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay via the public storm network. During the construction phase, standard pollution control



measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- 10.8.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note the development is located on serviced lands in an urban area, which was previously used as a printing factory. The proposal includes SUDS / attenuation measures which will restrict surface water run-off into the public sewer on Botanic Road. As such the proposal will not generate significant demands on the existing municipal sewers for surface water.
- 10.8.4. The foul discharge from the proposed development would drain, via the public sewer on Botanic Road, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway.
- 10.8.5. The subject site is identified for development through the land use policies of the Dublin City Development Plan 2022-2028. This statutory plan was adopted in 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 168 no. units, on serviced lands in an urban area. As such the proposal will not generate significant demands on the existing municipal sewers

for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

- 10.8.6. The outline Construction Environmental Management Plan, outline Construction Management Plan and the Operational Waste and Recycling Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.
- 10.8.7. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.
- 10.8.8. No significant flight paths related to protected birds have been identified in this area. There is no reason to believe a bird would not fly over or around the proposed structures.
- 10.8.9. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## 10.9. **AA Screening Conclusion**

- 10.9.1. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.
- 10.9.2. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 11.0 **Recommendation**

It is recommended that permission be granted subject to conditions.

## 12.0 **Reasons and Considerations**

Having regard to

- a) The site's location on lands with a zoning objective for residential development;
- b) The policies and objectives in the Dublin City Development Plan 2022 - 2028
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing development in the area;
- e) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- f) Sustainable Urban Housing: Design Standards for New Apartments, 2022;

- g) The Urban Development and Building Heights Guidelines for Planning Authorities 2018; and
- h) Submissions and observations received.

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

### 13.0 Recommended Order

**Appeal** by Caoimhe Rose of 7 Daneswell Place, Glasnevin, Dublin 11 and by Scanron Limited of Station Mews, Lindsay Grove, Glasnevin, Dublin 9 against the decision made on 13<sup>th</sup> day of October 2022 by Dublin City Council to grant subject to conditions a permission to Scanron Limited in accordance with plans and particulars lodged with the said Council.

#### **Proposed Development:**

The proposed development consists of amendments to the development permitted under ABP Ref: 29N.246124 (Reg. Ref. 3665/15) as extended by Reg. Ref: 3665/15X2 and as amended by Reg. Ref: 4267/17, which is constructed and Reg. Ref: 2133/18, which is currently under construction. It includes the construction of 168 no. apartments, a café and a creche which would replace the 8 no. houses, 76 no. apartments, a cafe and a creche previously permitted on the site under ABP-PL29N.246124 (Reg. Ref. 3665/15). The residential units comprise 12 no. studios, 72 no. 1 beds, 68 no. 2 beds, and 16 no. 3 beds in 5 no. blocks ranging in height from 1 to 6 storeys.

- Block A ranges in height from 1 to 5 storeys and provides 28 no. residential units, a crèche (c. 235.6sqm), café (c. 77.4sqm), resident amenity space (c. 193.8sqm) and an amenity management suit (c. 43.8sqm)
- Block B ranges in height from 5 to 6 storeys and provides 40 no. residential units and a resident's gym (c. 109sqm).

- Block C ranges in height from 5 to 6 storeys and provides 44 no. residential units.
- Block D ranges in height from 4 to 6 storeys and provides 48 no. residential units.
- Block E is 3 storey duplex block and provides 8 no. residential units.

All residential units are provided with associated private balconies / terraces.

Vehicular access is proposed from Botanic Road via the existing construction access. The existing vehicular access from Botanic Road at the south-western corner would be replaced with a with a pedestrian and cyclist access.

The proposal also includes car, cycle and motorcycle parking at surface and basement level, all associated site development works, public and communal open spaces, roof gardens, landscaping, boundary treatments, plant areas, waste management areas, and services provision (including ESB substations) will be provided.

### **Decision:**

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

### **Matters Considered**

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

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

- i) The site's location on lands with a zoning objective for residential development;
- j) The policies and objectives in the Dublin City Development Plan 2022 - 2028
- k) Nature, scale and design of the proposed development;
- l) Pattern of existing development in the area;
- m) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;

- n) Sustainable Urban Housing: Design Standards for New Apartments, 2022;
- o) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- p) Submissions and observations received; and
- q) The inspectors report

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

***Appropriate Assessment:***

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

**Environmental Impact Assessment**

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) and 15 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands zoned Z1 with the associated land use objective to protect, provide and improve residential amenities. in the Dublin City Development Plan 2022-2028. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Environmental Management Plan, Outline Construction Management Plan, the Operational Waste and Recycling Management Plan Specific Flood Risk Assessment and Appropriate Assessment Screening.

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity 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 and that the preparation and submission of an environmental impact assessment report would not therefore be required.

***Conclusions on Proper Planning and Sustainable Development:***

The Board considered that the proposed development is compliant with the provisions of the Dublin City Development Plan 2022 – 2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22<sup>nd</sup> August 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. The proposed development shall be amended as follows: -
  - a) The proposed 3 no. 'J1' Juliet Balcony windows on the eastern elevation of ground floor Units B.00.03 and B.00.04 shall be replaced with fixed window selection that are fitted with louvres or other appropriate screening.
  - b) The proposed 2 no. 'J1' Juliet Balcony windows on the eastern elevation of first floor Unit B.01.03, second floor unit B.02.03, third floor unit B.03.03 and fourth floor unit B.04.03 shall be replaced with fixed window selection that are fitted with louvres or other appropriate screening.
  - c) The proposed 'J3' Juliet Balcony window serving the bedroom on the eastern elevation of Unit B.01.02 at first floor level, unit B.02.02 at second floor level unit B.03.02 at third floor and unit B.04.02 at fourth floor level shall be replaced with fixed window selection fitted with louvres or other appropriate screening.
  - d) The window serving the combined kitchen / living / dining rooms on the eastern elevation of units B.01.02 at first floor level unit B.02.02 at second floor level, unit B.03.02 at third floor unit B.04.02 at fourth floor level should be omitted and replaced with a high level window only.

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



**Reason:** In the interest of privacy and residential amenity

3. (a) Pedestrian access to the public open space areas shall be permanent, open 24 hours a day, with no gates or security barrier at the entrance to the development or within the development in a manner which would prevent pedestrian access  
(b) Prior to the occupation of any residential unit, the developer shall ensure that the public open spaces, as outlined in the site layout plan and landscape drawings shall be fully completed and open to the public.

**Reason:** In the interest of social inclusion and to secure the integrity of the proposed development including open spaces.

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

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

5. Prior to commencement of the development, details of all areas of boundary treatment, play equipment and planting, shall be submitted to, and approved, by the planning authority. Boundaries and areas of public communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

6. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

**Reason:** In the interest of place making and visual amenity.

7. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

8. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and/or future proof the development such as would facilitate the use of electric vehicles

9. Electric charging facilities shall be provided for bicycle parking within the scheme. Plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable travel and residential amenity.

10. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

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

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.

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

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

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

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

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

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

15. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the

waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

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

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme

made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

22. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

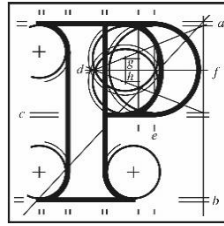
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

---

Elaine Power

Senior Planning Inspector

25<sup>th</sup> January 2023



An  
Bord  
Pleanála

**Appendix 1:  
EIA - Screening Determination**



## A. CASE DETAILS

<b>An Bord Pleanála Case Reference:</b> ABP-315062-22		
<b>Development Summary</b>	Construction of 168 no. apartments, a creche and café in 5 no blocks	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1.</b> Was a Screening Determination carried out by the PA?	<b>Yes</b>	The PA was satisfied that the proposed development is not likely to have significant effects on the environment and it considered that EIA and the preparation of an EIAR was not required for this project
<b>2.</b> Has Schedule 7A information been submitted?	<b>Yes</b>	As part of the EIA Screening Report submitted with the application
<b>3.</b> Has an AA screening report or NIS been submitted?	<b>Yes</b>	A Stage 1 AA Screening Report was submitted with the application
<b>4.</b> Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	<b>No</b>	No
<b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	<b>Yes</b>	<ul style="list-style-type: none"> <li>• Appropriate Assessment Screening Report and the Ecological Impact Assessment had regard to the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC)</li> <li>• The Outline Construction Management Plan had regard to Noise Directive 2000/14/EC.</li> <li>• The Operational Waste and Recycling Management Plan had regard to the EU Waste Framework Directive (2008/98/EC) and the European Landfill Directive (1993/31/EU)</li> </ul>

		<ul style="list-style-type: none"> <li>• The EIA Screening Report had regard to the Environmental Impact Assessment (EIA) Directive (2001/52/EC) and to the SEA carried out for the Development Plan 2022 – 2028.</li> <li>• It is noted that the proposed development is not especially vulnerable to risk of major accidents as there are no substances to be stored as part of the proposed development that would be controlled under the Seveso Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU.</li> </ul>	
<b>B. EXAMINATION</b>		<p><b>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	The development comprises the construction of residential units, a creche and a cafe zoned and serviced lands. From an environmental perspective the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No	
<b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed development is located within the urban area. The works include excavations to install the basement level. It is considered that this issue is minor in nature.	No	

<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Construction materials will be typical of such urban development. The development of this urban site will not result in any significant loss of natural resources or local biodiversity</p>	<p>No</p>
<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Significant operational impacts are not anticipated.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No significant risk identified.</p>	<p>No</p>
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p>	<p>No</p>

<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>The site is not considered to be at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location</p>	<p>No</p>
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p>No</p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No. This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change.</p> <p>Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p><b>2. Location of proposed development</b></p>		
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:  a) European site (SAC/ SPA/ pSAC/ pSPA)  b) NHA/ pNHA</p>	<p>No European sites located on the site.  An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p>	<p>No</p>

<p>c) Designated Nature Reserve  d) Designated refuge for flora or fauna  e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>This site does not host any species of conservation interest.</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No such features arise in this urban location</p>	
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No such features arise in this urban location</p>	
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No such features arise in this urban location.  The development will implement SUDS measures including attenuation of surface water, to control run-off.</p>	<p>No</p>
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p><b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents in terms of bus, luas and heavy rail. 73 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>

<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No. The development would not be likely to generate additional demands on sensitive land uses or community facilities in the area.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No trans boundary considerations arise	No
<b>3.3</b> Are there any other relevant considerations?	No	No
<b>C. CONCLUSION</b>		
<b>No real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR Required
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
Having regard to: - <ul style="list-style-type: none"> <li>• The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) and 15 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.</li> </ul>		

- The location of the site on lands zoned Z1 with the associated land use objective to protect, provide and improve residential amenities. in the Dublin City Development Plan 2022-2028. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Outline Construction Environmental Management Plan, Outline Construction Management Plan, the Operational Waste and Recycling Management Plan Specific Flood Risk Assessment and Appropriate Assessment Screening.

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

Inspector \_\_\_\_\_

Date \_\_\_\_\_