

Large Scale Residential Development: Planning Report & Statement of Consistency

Residential Development
At

Clongriffin
Dublin 13

Submitted on Behalf of

The Land Development Agency

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1.0 INTRODUCTION

This Report accompanies a planning application lodged by the Land Development Agency (LDA) for a residential development of 408 apartments and associated ancillary residential and non-residential uses together with associated development and works.

The proposed development is situated on residential zoned land and comes within the definition of a Large-Scale Residential Development (LRD) under Section 2 of the Planning and Development (Amendment) (Large Scale Residential Development) Act, 2021 (LRD Act 2021).

The LRD 2021 Act amends the Planning and Development Act 2000-2021 ('the Act') in relation to applications to planning authorities for planning permission for certain large-scale residential development (100 or more houses). The Act requires prospective applicants to have:

- Had an initial consultation meeting with the planning authority pursuant to Section 247 of the amended Act.
- Had a subsequent consultation meeting ('LRD Meeting') with the planning authority pursuant to Sections 32B and 32C of Act.
- Obtained an opinion ('LRD Opinion') from the Planning Authority in relation to the proposed large scale residential development pursuant to Section 32D of the Act.

An initial consultation meeting, as provided for under section 247 of the Act, was held with Dublin City Council (DCC) on 8 May 2024. Accordingly, this request for an LRD Meeting is made in accordance with Section 32B and 32C of the Act.

DCC's LRD Opinion (LRD6064/24-S2) states that following consideration of the issues raised during the LDR Meeting that the Planning Authority is of the opinion that the documentation submitted in accordance with Section 32B of the Act requires further consideration and amendment to constitute a reasonable basis for an application for Large-Scale Residential Development. A Statement of Response to the LRD Opinion is submitted as a separate document.

This Report provides a statement that in the applicant's opinion the proposal is consistent with the relevant objectives of the Dublin City Development Plan, 2022-2028 ('the Plan') and relevant national and regional planning policies and guidance. This Report complements the Statement of Response to the issues set out in the LRD Opinion and the reports and documents accompanying this application.

1.1 Background to the Proposed Development

1.1.1 Extant SHD Permissions

The application site and the development now applied for (Blocks 5 and 6) previously comprised part of a development permitted Strategic Housing Development (SHD), as set out below under section 2.2, below.

The design of the permitted Blocks 5 and 6 were reviewed and amended for the purpose of this application to ensure consistency with the current Dublin City Development Plan 2022-2028 (DCDP) and Section 28 Guidelines that have come into effect since the making of the decision on the SHD application.

Whilst the proposed development is similar in nature (noting Block 6 is no longer proposed as Build to Rent (BTR)), massing and form to that approved under the extant SHD permissions, it is now being applied for under the LRD provisions due to the limited remaining life on the extant SHD permissions and the inability to extend the duration of these permissions.

The principal differences between the proposed LRD scheme and Blocks 5 and 6 permitted under the extant SHD permission are summarised in the accompanying Design Statement, prepared by CCK Architects.

1.2 Prospective Applicant and Interest in the Site

The Applicant is the legal owner of the application site.

2.0 SITE LOCATION, DESCRIPTION AND PLANNING HISTORY

2.1 Location and Description of the Subject Site

Figure 2.1: Aerial View of the Site Context



Source: CCK Architects

The site extends to approximately 2.2 ha and form part of a previously permitted overall masterplan development for the wider Clongriffin area that extends to approximately 54 hectares in area – as

previously approved under DCC Planning Ref. 0132/02 (ABP Ref. PL29N.131058). The application site is bounded to the north by Belltree Avenue, to the west by Park Street, and to the east by Lake Street. It is located in the emerging urban area of Clongriffin, approximately 9 km to the northeast of Dublin City Centre adjacent to the administrative boundary with Fingal County Council. The site is approximately 300 m north-west of Clongriffin train station.

The site is approximately 150 m to the north of Clongriffin Main Street that runs from the railway station to a junction on the Hole in the Wall Road c. 1.2km to the west. A major public open space, Fr. Collins Park, is on the northern side of Main Street and a smaller linear park known as Belltree Park extends westwards from the western boundary of the subject site to provide a link with Fr. Collins Park.

Main Street has a footpath, bus lane and general traffic lane in each direction, with a central divider lined with trees.

The site was cleared in 2002 and has remained a vacant brownfield site since then. The topography of Clongriffin is quite flat. There are no natural features on the site.

Development permitted under the extant SHD permissions have not commenced (refer to section 2.2 below).

There are 5- and 6-storey buildings fronting the southern side of Main Street, to the south of the subject site. The intervening lands between the site and Main Street remains vacant. Park Street to the west of the site is characterised by lower scale development in the form of two storey terraced houses that are bookended at the northern and southern ends by taller three storey forms. Belltree Avenue to the north is characterised by three-storey terraced town houses.

There are also 5- and 6-storey commercial and residential buildings to the south-east of the site beside the railway station, including an office building to the north of the open space at Station Square. Intervening lands between the site and the station remains vacant at this time.

2.2 Summary of Relevant Planning History

The Board granted a 10-year planning permission under **ABP Ref. PL29N. 131058 (DCC Ref. 0312/02)** on the 27th June 2003 for the development of a new mixed use development with town centre facilities on a site north of Grange Road, Donaghmede, Dublin 13. This was an ambitious plan, and a single application was made for the entire development which originally comprised some 3,576 homes and 80,600 sq.m of floorspace for various services and a railway station on an overall site that extended to approximately 54ha in area (refer to Fig. 2.2 below). This site included the subject application site.

This permission is hereafter referred to in the planning application documentation as the 2003 Masterplan or Masterplan parent permission.

Subsequently, numerous planning applications were made for various alterations and revisions, which ranged in size from small changes-of-use to the applications for large blocks of urban housing.

This 10-year parent permission withered in 2013 but, prior to this, Clongriffin had the benefit of cumulative planning permissions for 3,565 dwellings and c. 96,625sq.m of non-residential uses.

Due to the economic downturn, much of the urban blocks, including Blocks 5 and 6 did not get built out under the parent permission. In 2018 further planning applications were made in respect of the remaining blocks in Clongriffin which had no live / extant planning permission at the time. This process

took the form of three concurrent planning applications, two of which were made under the former SHD process to An Bord Pleanála and one application to Dublin City Council. On the 13th December 2019 An Bord Pleanála granted permission for the 2 no. SHD's (which included Block 6 (Reg. Ref. ABP-305316-19) and Block 5 (Reg. Ref. ABP-305319-19), as follows:

- **SHD 1: ABP Ref. 305316-19** – This permission relates to Blocks 6, 8, 11, 17, 25, 26, 27, 28 & 29 for 1,030 residential units, c.2,421.3 sq.m of ancillary residential amenity facilities and c.2,285.5 sq.m of commercial floorspace on a site that extends to 6.3 ha in area.
 - The permitted Block 6 development provided for 270 BTR apartments (comprising 123 x 1 bed and 147 x 2 bed units) and a creche of 418m² (59 childcare spaces) in 5 buildings that ranged in height between 4- and 7-storeys in height (max height of 33.2m). A total of 184 are permitted to serve Block 6, comprising 119 spaces below podium level and 65 on-street car parking spaces. Communal open space is provided at podium level in a courtyard over car parking. A public open space of 1,434m² (Grant Park) would be provided to the south-east of this block.
- **SHD 2: ABP Ref. 305319-19** – This permission relates to Blocks 5, 4 and 14 for 500 residential units, c.1,093.5 sq.m of ancillary residential amenity facilities and c.3,125 sq.m. of commercial floorspace on a site that extends to 2.9 ha in area.
 - The permitted Block 5 is situated immediately to the south of Block 6 (above) and provided for 138 apartment units (comprising 52 x 1 bed; 83 x 2 bed and 3 x 3 bed units) in a building that ranges between 3- and 7-storeys in height (at a max height of 24.3m above OS Datum). Commercial uses are permitted and provided at ground floor level on the southern side of the block where it interfaces with the permitted Block 4 to the south. Ancillary outdoor residential amenity space is provided within the courtyard at podium level and roof terraces. A total of 96 no. cap parking spaces were approved of which 54 no. were located below podium level and 42 no. were provided as on-street parking.

In addition to the above SHD permissions, DCC granted permission under **DCC Ref. 3894/19** for Blocks 3, 13 and 15 that collectively comprised of 420 residential units, c.820.3 sq.m. of ancillary amenity facilities and c.17,317 sq.m. of commercial development on a site that extended to 2.2 ha in area.

The above 3 no. applications (for 15 no. blocks 3, 4, 5, 6, 8, 11, 13, 14, 15, 17, 25, 26, 27, 28 and 29) were the subject of an updated masterplan prepared in 2018 that accompanied these applications. Cumulatively these three permissions effectively represent an updated 2019 masterplan for the planned infill development of all the outstanding blocks from the original 2003 masterplan (Reg. Ref. 0132/02 - PL29N. 131058) that were not constructed within the lifetime of that planning permission. The subject site is shown outlined in red within the context of the 2003 Masterplan in the figure below.

Figure 2.2: Application Site in the Context of the 2003 Masterplan



3.0 PARTICULARS OF PROPOSED DEVELOPMENT

3.1 Overview of the Proposed Development

The proposed development will principally provide 408 apartments in two urban blocks, referred to as Block 5 and Block 6. In each block, off-street cars are parked at grade with landscaped podium over. Bike storage, plant and bin stores are also accommodated at ground floor within the car park.

This section provides full details and particulars of the proposed development under separate headings below.

3.2 Detailed Description of the Proposed Development

3.2.1 Layout and Design

Figure 3.1: Proposed Site Layout



The proposed site layout provides for two urban blocks and a pocket park immediately adjoining the blocks to the west:

- Block 5 is situated immediately to the south of Block 6 and provides for 138 apartment units (comprising 58 x 1 bed; 78 x 2 bed and 2 x 3 bed units) in a building that ranges between 3- and 6-storeys in height. Community / Arts and Cultural space of 502 sq.m are proposed at ground floor level on the southern side of the block. Provision is made for an integrated ESB substation and associated switch room. Communal open spaces are provided at podium level (736 sq.m) and at 4th floor level in the form of a roof terrace (143 sq.m).
- Block 6 is bounded by Belltree Avenue to the north, Park Street to the west and Lake Street to the east. The proposed block provides for 270 no. apartments (comprising 122 x 1 bed and 148 x 2 bed units) and a childcare facility of 413 sq.m (with an ancillary play area of 125 sq.m) and 707 sq.m of Community / Arts / Cultural space at ground floor level. The proposed 5 no. buildings range in height between 4- and 7-storeys in height. Provision is made for 2 no. integrated ESB substations and associated switch rooms. Communal open space (2,678 sq.m) is provided at podium level in a courtyard over car parking at ground level.

Table 3.1: Key Site Statistics

Site Statistics	
Site Area	2.2 ha (22,130 sq.m)
No. of Units	408
Site Coverage	55%
Plot Ratio	1.98
Childcare Facility	413 sq.m floorspace and 125 sq.m external play area
Community, Arts and Cultural Space	1,524 sq.m (5.3%) – inclusive of 315 sq.m external multi-functional community / arts and cultural events space.
Gross Residential Floor Area Proposed	28,764 sq.m
Total Gross Floor Area (inclusive of plant and under-croft car parking)	43,893 sq.m
Density	185 units/ha
Public Open Space	1,433 sq.m (6.5%) resulting in an overall Public Open Space provision of 5.276 ha (or 9.85%) across the wider Clongriffin Lands (as shown in Appendix C) that extends to 53.56 ha. The remaining 0.08ha (or 0.15%) public open space delivery will be delivered as a future phase of development by the LDA. For clarity, this calculation excludes the nearby Father Collins Park.

3.3 Residential Mix and Density

A breakdown of the unit mix is provided in the table below.

Table 3.2: Breakdown of Residential Unit Sizes

	1-Bed	2-Bed	3- Bed	Total
Block 5	58	78	2	138
Block 6	122	148	0	270
Totals	180 (44%)	226 (55%)	2 (1%)	408

Associated external works associated with the proposed development include:

- All underground services and utility connections
- All internal roads, kerbs, footpaths, hard and soft landscaping, public lighting, bicycle stands, car spaces, EV charging points.
- Landscaped pocket park of 1,433 sq.m in area (Grant Park) to the east of Blocks 5 and 6.

3.4 Non-Residential Development

Indoor Community/Arts and Cultural spaces totalling 1,209 sq.m are proposed at ground floor level within both blocks, as follows:

- Block 5 – 502 sq.m of floorspace is proposed at ground floor level fronting onto Market Street to the south.
- Block 6 – a total of 707 sq.m of floorspace is proposed at ground floor level fronting onto Dargan Street together with a creche at the north-western corner of Block 6 with a floor area of 413 sq.m (and associated external play area of 125 sq.m).

In addition to the above, a multi-functional outdoor community / arts / cultural events space that extends to approximately 315 sq.m in area is proposed along Market Street immediately adjoining the proposed ground floor units within Block 5 that fronts onto Market Street.

3.5 Access, Permeability and Parking

3.5.1 Proposed Roadworks

The proposed development includes the construction or extension of surrounding streets to enable access to the development via the existing Clongriffin road network.

The street elements to be constructed include Dargan Street (located between Block 5 and Block 6), as well as sections of Lake Street, and Market Street. On-street parking to serve the proposed development will be constructed as part of this expansion of the existing Clongriffin road network.

3.5.2 Vehicular Access and Car Parking

Each of the proposed blocks has an internal (undercroft / below podium level) car parking area. The Block 5 undercroft parking is accessed from Park Street, at the site's western boundary. Block 6 is accessed from Lake Street, at the site's eastern boundary.

Each access has an effective width of 5.5 m, allowing two-way vehicular traffic in and out of the development, and is access-controlled by means of a gate or barrier. Kerb radii at these accesses are restricted to 3.0 m to discourage high vehicle speeds on entering or leaving the proposed development. Unobstructed sight distances in excess of 24m in either direction along Park Street and Lake Street are achieved for vehicles exiting the development, as measured from a set-back of 2.4m from the public road edge, in accordance with the requirements of DMURS.

Provision is made for 260 car parking spaces (comprising 163 off-street spaces below podium level and 97 on-street parking spaces), as summarised in Table 3.3 below.

3.5.3 Bicycle Parking Provision

A total of 858 bicycle parking spaces are provided, as summarised in Table 3.3, below.

Table 3.3: Summary of Car- and Bicycle Parking Provision

	Car Parking Spaces		Bicycle Parking Spaces			Motorcycle Parking Spaces
	Off-Street / On-site	On-street	Resident Spaces (Long term)	Visitor Spaces (short term)	Creche Spaces (Long term)	
Block 5	45	34	220	70		4
Block 6	118	63	418	146	4	9
Totals	163	97	638	216	4	13 (5%)

3.6 Integration with Surrounding Land Use

The site is located within a designated Strategic Development Regeneration Area (SDRA 1) and to the east of the designated Clongriffin Key Urban Village area within SDRA 1, as designated in the Dublin City Development Plan 2022-2028. The proposed development would make a significant contribution towards realising strategic objectives in terms of delivering the urban structure vision and layout of the SDRA 1 lands to the east of Fr. Collins Park.

Blocks 5 and 6 are designed as perimeter residential blocks around a central raised courtyard that sits at podium level. The design, configuration and massing of the blocks follow substantially the same form as permitted in the SHD permission. In addition, the proposed development will contribute towards the existing network of green spaces and the dispersion of same throughout this part of the undeveloped SDRA 1 lands by providing a pocket park to the east of the proposed Block 6.

The tallest elements of both Blocks 5 and 6 are positioned close to the proposed pocket park to create a connection to this space and a visual connection with the KUV further to the east that is centred on Clongriffin train station.

The proposed predominantly residential use is consistent with the Z14 zoning objective. Notably, the SDRA 1 guidance promotes a mix of uses to include a variety of commercial and retail uses within the two designated Key Urban Centres, with the areas beyond providing primarily residential use with social and community type uses as part of the use mix. The proposal includes for a childcare facility of 413

sq.m (99 no. childcare spaces) and a significant area of community/arts/cultural space within the two proposed blocks.

Adjoining the site to the north and west are established lower density terraced housing forms onto Park Street and Belltree Avenue. The proposed massing and height strategy is responsive to this interface with these lower density housing forms:

- Block 6 provides for an appropriate transition in height, generally from the north-western corner and rising in height towards the south-eastern corner to provide an appropriate interface with the proposed public park whilst responding to the adjoining-low rise residential development along Belltree Avenue (to the north) and Park Street (to the west).
- The proposed building heights vary between 3-storeys to 7-storeys achieved through a series of setbacks whereby taller elements are setback from the site boundaries.
- Above podium level the constituent blocks are broken up and are physically separated to provide a variety in form whilst breaking up the massing and thereby avoiding long slab type block arrangement.

Notably, the proposed density and site coverage of the proposed development comfortably comply with the prescribed range for regeneration areas in the DCDP, as detailed below.

Adjoining lands to the south and east of the site remain undeveloped and will be developed as future phases of development.

3.7 Part V

Accompanying this report is a letter from DCC Housing dated 13 May 2024, confirming that the applicant has engaged in Part V discussions with Dublin City Council and that an agreement in principle to comply with the Part V requirement has been reached.

The application satisfies Part V requirements through the provision of 90% cost rental units (affordable housing component) and the remaining 10% being social housing. The 10% social housing units (41 units) will be located within Block 5, Core 1 which comprises 26 no. 2-beds and 15 no. 1-beds. Of these, 13 no. 2-bed apartments are Universal Design and 3 are own-door units at ground level.

All Part V units will share the same communal amenity space at podium level and communal 4th floor roof terrace with other residents within Block 5. Part V residents will also have the same access to the car park, bike stores, bin stores at ground level, and their external elevations will have the exact same specification as the rest of the block.

Full details of the Part V social housing provision are set out in the submitted document titled '*Part V Housing Allocation – Social Homes*'.

3.8 Services Infrastructure

An Engineering Services Report accompanies this submission. Set out below is a summary of proposed services infrastructure, as detailed in the Report:

Water Supply: Section 3 of the above report states that it is proposed to provide a 160mm diameter ringmains around the perimeters of Block 5 and Block 6. These shall be interconnected and fed by a new

connection to the existing 160mm diameter watermain in Belltree Avenue, at the development site's north-western corner. Refer to CS Consulting drawings nos. CLN-CSC-XX-XX-DR-C-0113 and CLN-CSC-XX-XX-DR-C-0114 for details of the development's proposed water supply connection.

A pre-connection enquiry has been made to Uisce Éireann regarding the water connection and foul drainage discharge. Uisce Éireann has confirmed that the connection is feasible (refer to Appendix B of Engineering Services Report).

Foul Drainage: Section 4 of the above report states that it is proposed development by gravity to the existing foul sewers in Park Street, Lake Street, and Belltree Avenue. At each connection, the last private manhole within the site shall be in accordance with DCC and Uisce Éireann requirements, and accessible for maintenance purposes. The final number and specifications of these connections to the external foul drainage network will be finalised at detailed design stage, through the Uisce Éireann connection application process.

All runoff from the development's internal (undercroft) parking areas shall pass through a Class 1 bypass interceptor (oil separator) before joining the development's internal foul drainage network and subsequently discharging to the external foul drainage network.

Please refer to CS Consulting drawings nos. CLN-CSC-XX-XX-DR-C-0111 and CLN-CSC-XX-XX-DR-C-0112 for details of the proposed foul drainage network layout.

Surface Water: Section 5 of the above report states that the surface water runoff from the proposed Block 5 and Block 6 development shall discharge at an unrestricted rate to the existing local surface water drainage network immediately adjacent to the development, through which it shall continue to the existing attenuation pond and outfall to the Mayne River (as described in sub-section 5.3 of the Engineering Services Report). Integration of the proposed development with this existing infrastructure ensures that stormwater runoff from the development site shall not flow into neighbouring sites but shall instead be collected and subsequently released in a controlled manner after the peak storm duration has passed.

It is proposed to discharge surface water run-off from the proposed development by gravity via new connections to the existing 800mm diameter surface water sewer in Belltree Avenue, at the development's northern boundary, the existing 300mm/800mm diameter surface water sewer in Park Street, at the development's western boundary, and the existing 1050mm diameter surface water sewer in Lake Street, at the development's eastern boundary. At each connection, the last private manhole within the site shall be in accordance with DCC requirements, and accessible for maintenance purposes.

Please refer to CS Consulting drawings nos. CLN-CSC-XX-XX-DR-C-0111 and CLN-CSC-XX-XX-DR-C-0112 for details of the proposed surface water drainage arrangements.

4.0 POSSIBLE EFFECTS ON THE ENVIRONMENT

4.1 Appropriate Assessment Screening Report

This application is accompanied by an Appropriate Assessment Screening Report prepared by OPENFIELD Ecological Services which has been reviewed and amended to address the matters raised in the DCC Stage 2 LRD Opinion. The Screening Report provides the necessary information to enable the Planning Authority to determine whether or not the proposed development is likely to have significant effects on any European sites, individually or in combination with other plans and project, having regard to the European site's conservation objectives.

The submitted AA Screening Report does not identify any significant impacts on any European sites, whether arising from the project itself or in combination with other plans and projects. It concludes as follows:

'No significant effects are likely to arise from this project to Natura 2000 sites in Dublin Bay: the North Dublin Bay SAC, South Dublin Bay SAC, the North Bull Island SPA, the South Dublin Bay and River Tolka Estuary SPA, North West Irish Sea SPA or in Baldoyle Bay: Baldoyle Bay SAC or Baldoyle Bay SPA.

In carrying out this AA screening, mitigation measures have not been taken into account. Standard best practice construction measures which could have the effect of mitigating any effects on any European Sites have similarly not been taken into account.

On the basis of the screening exercise carried out above, it can be concluded that significant effects are not likely to arise to any Natura 2000 sites, whether arising from the project itself or in combination with other plans and projects. This conclusion is based on the best available scientific knowledge.'

4.2 Environmental Impact Assessment

An Environmental Impact Assessment (EIA) Screening Report has been prepared by TMS Environment Ltd. The regulatory requirements and screening process are set out in detail in Section 3 and the assessment of the proposed scheme for mandatory and discretionary EIAR is provided in Section 4. Section 5 sets out the assessment for 'Sub-Threshold' development and provides the required detailed information to enable the Planning Authority to undertake an EIA screening assessment.

Sub-section 6.2 of the EIA Screening Reports include a statement that has been prepared pursuant to, and in accordance with Article 103 (1A) of the Planning and Development Regulations, 2001 (the Planning Regulations) setting out *'the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive'*.

Section 7 of the submitted EIA Screening Report concludes:

'...that the proposed development is a sub-threshold development for the purposes of EIA Screening. On the basis of the information provided in this screening assessment, it is the opinion of TMS Environment Ltd that significant environmental effects are highly unlikely to arise from the proposed development. It has therefore been concluded that an EIAR should not be required for the proposed development as it is not likely to have significant effects on the environment. The information provided in this screening report may be used by the competent authority, Dublin City Council, to support its determination of the need or otherwise for an EIAR for the proposed development...'

4.3 Ecological Impact Study

Accompanying this application is a Desktop Ecology Study that was prepared by Altemar, Marine and Environmental Consultants to provide a preliminary desktop ecological assessment in accordance with the guidelines for Preliminary Ecological Appraisal outlined by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017). This report has also been informed by 12 no. wintering bird surveys (bimonthly) that were carried out by Altemar the subject site between October 2023 and March 2024.

The above assessment concludes that:

- The proposed development site consists of recolonising bare ground that is of limited ecological value.
- No mammals, or flora of conservation importance or invasive species were noted by Altemar on the site.
- The proposed development is considered BY Altemar to have a low adverse long-term impact on species associated with the conservation objectives of nearby SPAs. A low adverse long-term impact on red-listed meadow pipit and snipe are predicted due to a loss of habitat and foraging area.

No significant impact on wintering birds and/or species associated with the conservation objectives of nearby SPAs have been predicted, to the proposed development.

5.0 CONSISTENCY WITH NATIONAL AND REGIONAL PLANNING POLICY AND GUIDANCE

This section provides an overview of the relevant national and regional planning policy guidance, including Guidelines issued under Section 28 of the Act. The design and detail of the proposed development has been informed by and is consistent with the relevant policies and objectives, as set out below.

5.1 Ministerial Guidelines

The following is a list of Section 28 Guidelines that are considered to be of particular relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- *'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas'* (including the associated 'Urban Design Manual') (2009)
- Part V of the Planning and Development Act 2000: Guidelines (2017)
- *'Sustainable Urban Housing: Design Standards for New Apartments'* (September, 2023)
- *'Urban Development and Building Heights – Guidelines for Planning Authorities'* (December 2018) published by the Department of Housing, Planning and Local Government.
- *'Design Manual for Urban Roads and Streets'* (2019)
- *'The Planning System and Flood Risk Management – Guidelines for Planning Authorities'* (November, 2009)

- *'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities'* (2009)
- *'Childcare Facilities – Guidelines for Planning Authorities'* (2001)

5.1.1 Childcare Facilities – Guidelines for Planning Authorities (2001)

Section 2.4 of the Guidelines consider appropriate locations for childcare facilities, and with reference to facilities *'in new communities/larger new housing developments'* provides that:

'For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate... Authorities could consider requiring the provision of larger units catering for up to 30/40 children in areas of major residential development on the basis that such a large facility might be able to offer a variety of services – sessional/drop in/after-school, etc.'

Section 3.3.1 requires the provision of childcare facilities at a ratio of 20 childcare spaces for every 75 proposed dwellings. However, Paragraph 4.7 of the Apartment Guidelines (refer to section 5.1.6, below) provides flexibility in this regard, and removed the requirement for 'blanket provision' across all residential schemes. The Apartment Guidelines acknowledge that notwithstanding the Planning Guidelines for Childcare Facilities (2001), the appropriate threshold for provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. The guidance state that one-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two bedrooms.

The DCDP is consistent with the above guidance. Set out below under section 6.5.4 is a statement of consistency to demonstrate compliance with the above guidance and the DCDP.

5.1.2 Sustainable and Compact Settlements Guidelines for Planning Authorities (2024)

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities set national planning policy and guidance in relation to the planning and development of settlements, with a focus on sustainable residential development and the creation of compact settlements.

Chapter 3 provides advice on appropriate net residential densities. Having regard to Table 3.1 of the guidance it is considered that the subject site can be classified as a *'City - Urban Neighbourhood'*. Notably, this category includes *'strategic and sustainable development locations'*¹. The guidance goes on to state that these areas are:

'...highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin...'

Chapter 4 of the guidance include key indicators of quality design and placemaking.

Chapter 5 (Development Standards) includes a number of Specific Planning Policy Requirement (SPPRs) that are relevant, as follows:

¹ The Dublin City Development Plan 2022-2028 details Strategic Development and Regeneration Areas (SDRAs) in Chapter 13 of which the lands at Clongriffin falls within SDRA No. 1

- **SPPR 1 (Separation Distances)** – states that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

There shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy.

In all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties.

- **SPPR 2 (Minimum Private Open Space Standards for Houses)** sets out minimum private open space standards for houses, which are not applicable in this instance, as all of the proposed dwellings are either duplex units or apartments. In this regard, it is noted that SPPR 2 states that *'Apartments and duplex units shall be required to meet the private and semi-private open space requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2023 (and any subsequent updates).'*
- **SPPR 3 (Car Parking)** - It is a specific planning policy requirement of these Guidelines that in city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2) car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

Set out below under section 6.5.2 is a statement of consistency to demonstrate compliance with the above guidance in respect of density. The issue of overlooking, privacy and separation distances is addressed in Table 6.3. Car parking provision is addressed in sub-section 6.5.9.2.

5.1.3 The Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009)

The Guidelines provide a systematic approach to flood risk which is integrated into the planning process through the spatial planning process and in the assessment of development proposals. The Guidelines introduce comprehensive mechanisms for the incorporation of flood risk identification, assessment and management into the planning process. The guidelines require the planning system to:

- Avoid development in areas at risk of flooding unless proven wider sustainable development grounds and risk can be mitigated without increasing risk elsewhere.
- Adopt a sequential approach to flood risk management for new development location based on avoidance, reduction and mitigation of flood risk.
- Incorporate flood risk assessment into decision making on planning applications.

A Site-Specific Flood Risk Assessment (SSFRA) has been undertaken by CS Consulting and is submitted with the application.

Residential development is classified as a 'highly vulnerable development' according to Table 3.1 of the Guidelines. Table 3.2 of the Guidelines indicates that this type of development is appropriate and compatible within Flood Zone C - i.e. outside the 1000-year (0.1% AEP) flood extents.

Section 3 of the SSFRA concludes that the subject site is located within Flood Zone C, the proposed residential development on the subject site is appropriate for this flood zone category, and a Justification Test is not required.

The SSFRA provides a detailed flood risk assessment at Section 5 of the SSFRA. Section 6 considers the risk of off-site flooding elsewhere. It is noted that no mitigation measures are required.

5.1.4 Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009)

An Appropriate Assessment Screening Report is submitted with this application.

5.1.5 Part V of the Planning and Development Act 2000: Guidelines (2017)

The applicant liaised with DCC Housing Department from the earliest stage of the project in respect of Part V provision. Please refer to section 3.7 above.

5.1.6 Design Manual for Urban Roads and Streets (2019)

The Design Manual for Urban Roads and Streets (DMURS) provides guidance in relation to the design of urban roads and streets. It presents a series of principles, approaches and standards that are necessary to achieve balanced, best practice design outcomes with regard to street networks and individual streets. The manual places a significant emphasis on car dominance in Ireland and the implications this has had regarding the pedestrian and cycle environment.

The document encourages more sustainable travel patterns and safer streets by proposing a hierarchy for user priorities. This hierarchy places pedestrians at the top, indicating that walking is the most sustainable form of transport and that by prioritizing pedestrians first, the number of short car journeys can be reduced, and public transport made more accessible.

Second in the hierarchy are cyclists with public transport third in the hierarchy and private motor vehicles at the bottom. By placing private vehicles at the bottom of the hierarchy, the document indicates that there should be a balance on street networks and cars should no longer take priority over the needs of other users.

This guidance has informed the scheme development which seeks to create a place – based sustainable street network that balances the pedestrian and vehicle movements. A DMURS Statement of Consistency prepared by CS Consulting Engineers accompanies the application and Chapter 13 of the submitted Architectural Design Statement provides a DMURS compliance summary statement.

5.1.7 Sustainable Urban Housing: Design Standards for New Apartments (2023)

The Guidelines contain qualitative and quantitative measures for the design of apartments and related facilities including storage areas, open spaces and communal facilities. Specific Planning Policy Requirements (SPPRs) included in the Guidelines take precedence over policies and objectives of the DCDP.

Section 2.4 of the Guidelines identify a range of locations in cities and towns that may be suitable for apartment development. In this regard, the guidelines identify 'Central and/or Accessible Urban Locations' as locations that *'...are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:*

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

The submitted Traffic and Transport Assessment identifies that the subject site benefits from excellent public transport accessibility levels, refer to discussion under Objective 8, as set out in Table 6.3, below. Accordingly, the subject site can reasonably be classified as an 'Accessible Urban Location'.

Section 6 of the Guidelines identifies the information required to accompany a planning application for an apartment scheme or mixed-use development including apartments. This is set out in the submitted Housing Quality Assessment (HQA), Schedule of Accommodation (SOA) and floor plans demonstrating compliance with relevant standards of the guidance.

Section 11 of the submitted Architectural Design Statement and HQA demonstrate that the design and layout of the proposed apartments comply with the standards for internal floor areas, rooms sizes, private amenity space and communal amenity space provision. In this regard it is noted that the development standards contained in the DCDP is consistent with that of the above guidance. Table 6.4 in section 6.5.8, below, provides a summary of compliance against relevant development standards.

5.1.8 Urban Development and Building Heights Guidelines for Planning Authorities (2018)

The Urban Development and Building Heights Guidelines for Planning Authorities (2018) states that generic maximum height limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework, and instead continue an unsustainable pattern of development whereby cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area. Furthermore, the Guidelines provide that blanket limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes.

The Guidelines include wider and strategic policy considerations and a more performance criteria driven approach that planning authorities should apply alongside their statutory development plans in securing the strategic outcomes of the National Planning Framework and in particular compact growth of urban areas.

The Guidelines state that a key objective of the NPF is to *'see that greatly increased levels of residential development in our urban centres and significant increases in the buildings heights and density of development is not only facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels.'*

Section 3.1 state that it is Government policy that building heights must be generally increased in appropriate urban locations and therefore there is a presumption in favour of buildings of increased height in our town and city cores and other urban locations with good public transport accessibility. As

a broad principle, the Guidelines provide that proposal for buildings taller than prevailing building heights will be considered where they positively assist in securing National Planning Framework objectives of focusing development in key urban centres; fulfil targets relating to brownfield, infill development supporting compact growth in urban centres; and increase residential density and unit numbers, including student accommodation, in core areas and inner suburbs.

There is clear policy support for increased buildings heights and densities in locations with good public transport accessibility under SPPR1.

SPPR 3 provides that a planning authority may approve high buildings that meet various criteria relating to urban design. These criteria allow discretion on the application of daylight standards if justified by site constraints.

The proposed development facilitates the intensification and consolidation of an urban infill site in an accessible location that is well served by public modes of transport. The DCDP is consistent with the above guidance as it does not prescribe blanket height restrictions. Instead, the DCDP acknowledges that certain areas of the city, such as those located adjacent to high quality public transport will lend themselves to a more intensive form of development. Appendix 3 of the DCDP sets out guidance regarding density and building height in the city in order to achieve sustainable compact growth. As per the requirements of SPPR 3, a series of performance-based development management criteria are set out in Table 3 of Appendix 3 of the DCDP. These criteria are consistent with the criteria and guidance set out in the above guidelines and seek to ensure protection of residential, heritage, streetscape and landscape amenity, etc.

Given that the development guidance for SDRA 1 does not include any prescribed building height standards for the subject site's location, this report demonstrates full compliance with the performance criteria set out in Table 3 of Appendix 3 of the DCDP. A compliance assessment in respect of same is provided in Table 6.3 in section 6.5.1, below.

5.2 National and Regional Planning Policy Context

5.2.1 National Planning Framework (NPF) - Project Ireland 2040

The National Planning Framework (NPF) (Project Ireland 2040) was published in 2018. It sets out both the national strategic outcomes (NSO's) and national policy objectives (NPO's) for the future growth and sustainable development of the country to 2040.

The NPF acknowledges the critical role that Dublin City plays in the country's competitiveness. It supports Dublin's growth (jobs and population) and anticipates the city and suburbs to accommodate an extra 235,000 - 293,000 people by 2040. To support and manage Dublin's growth, the NPF is seeking that the city needs to accommodate a greater proportion of the growth it generates within its footprint than was the case heretofore and that housing choice, transport mobility and quality of life are key issues in the future growth of the city. The NPF therefore sets a target of at least 50% of all new homes targeted for Dublin city and suburbs are delivered within its existing built-up footprints.

To achieve these targets of compact growth and urban consolidation policy supports the re-use of large and small 'brownfield' land, infill sites, and underutilised lands at locations that are well served by existing and planned public transport for housing and people intensive employment purposes.

The NPF contains National Policy Objectives (NPOs) that promote coordinated spatial planning, sustainable use of resources, and protection of the environment and the Natura 2000 network. The NPOs most relevant to the application are included in Chapter 4 ‘Making Stronger Urban Places’ and Chapter 6 ‘People, Homes and Communities’. These include:

Chapter 4 - 4 Making Stronger Urban Places

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 11

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

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.

Chapter 6 People, Homes and Communities

National Policy Objective 27

Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

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 34

Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.

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.

In accordance with the above NPOs, the proposed development will deliver a sustainable density development of modern and adaptable new homes in an accessible urban location proximate to local services, amenities and employment locations. The development will encourage and provide sustainable travel patterns by promoting the use of sustainable travel modes such as public transport usage, cycling and walking over private car use.

5.2.2 Housing for All – A New Housing Plan for Ireland

Housing for All – A New Housing Plan for Ireland (Housing for All) was published September 2021. It identifies the extent by which Ireland’s housing system is not meeting the needs of enough people and is failing to provide enough homes to buy or to rent in the private sector. In order to address Ireland’s continuing housing crisis, the Plan will require the public and private sector to work together to reach the overall target of 300,000 homes by 2030. These homes need to be affordable, built in the right place, to the right standard and in support of climate action. They need to satisfy demand for housing across four tenures – affordable, social, private rental and private ownership. They need to be advanced through the planning process and be built within the context of specific development targets for the five cities and major towns, and the complementary objectives of the Town Centre First policy and rural housing.

Housing for All seeks to put in place pathways that will create the environment needed to enable supply of over 300,000 new homes by 2030, meaning an annual average of at least 33,000 homes per year to come from both the public and private sector.

- Supporting home ownership and increasing affordability;
- Eradicating homelessness, increasing social housing delivery and supporting social inclusion;
- Increasing new housing supply; and
- Addressing vacancy and efficient use of existing stock.

While Housing for All focuses on specific interventions and capital investments to increase the delivery of state-led housing construction, it recognises that some 170,000 homes (56.7%) will be delivered by the private sector over the period to 2030, or some 18,300 homes on average annually, of which 6,500 will be in the private rental sector.

Significant emphasis is placed on ensuring that new housing supports the Climate Action Plan and in particular increasing energy efficiency in private rental dwellings.

The proposed residential development will contribute towards increasing new housing supply, and in particular will increase supply quickly, to meet the housing delivery targets identified in Housing for All. The proposed development will provide high-quality accommodation within an established Dublin suburb that is well served and connected with public transport services.

5.2.3 Regional Spatial and Economic Strategy (RSES) for the Midlands and Eastern Region, 2019-2031

The Regional Spatial and Economic Strategy for the Eastern and Midland Regional Area (RSES) translates the National Planning Framework objectives to the regional level. It sets out the vision for growth (homes and jobs) and Regional Policy Objectives (RPO) for the Eastern and Midland Region (9 counties).

The growth and settlement strategy of the RSES reflects the compact growth and urban consolidation objectives of the NPF, seeking to promote the consolidation and re-intensification of infill, brownfield and underutilised lands with Dublin city and its suburbs - with 50% of all new homes targeted for Dublin and its suburbs to be located within the existing built up area in tandem with the delivery of key infrastructure to achieve, in Dublin City Council’s administrative area, an increase in population of c. 100,000 people by 2031.

A more detailed planning and investment framework for the Dublin Metropolitan Area is set out in the Dublin Metropolitan Area Strategic Plan (MASP), which forms part of the RSES.

To support Dublin's sustainable growth and continued competitiveness MASP identifies a number of large-scale strategic sites (strategic development lands), based on key corridors that will deliver significant development (housing and employment development) up to the year 2031. The MASP Vision Statement aims to *'build on our strengths to become a smart, climate resilient and global city region, expanding access to social and economic opportunities and improved housing choice, travel options and quality of life for people who live, work, study in or visit the metropolitan area'*. This vision will be achieved through the implementation of guiding principles for the sustainable development of the DMA including compact sustainable growth, integrated transport and land use, acceleration of housing delivery, and co-ordination and active land management.

Table 5.1 of the MASP identifies the North Fringe of Dublin for *'large scale urban expansion creating new communities at Clongriffin-Belmayne (Dublin City) and Baldoyle-Stapolin (Fingal).'* In terms of phasing and enabling infrastructure provision it encourages the *'Completion of mixed-use districts with retail and service provision Short to Medium term Access to rail station, bus upgrades, new road connections, drainage, parks and social infrastructure.'*

To achieve the Vision, the MASP identifies a number of Guiding Principles for the sustainable development of the Dublin Metropolitan Area, which include *inter alia*:

'Compact sustainable growth - Promote consolidation of Dublin city and suburbs, refocus on the development of brownfield and infill lands to achieve a target of at least 50% of all new homes within or contiguous to the existing built up area in Dublin and at least 30% in other settlements.'

'Integrated transport and land use – Target growth along high quality public transport corridors and nodes linked to the delivery of key public transport projects including BusConnects, DART expansion and Luas extension programmes and the Metro Link, along with better integration between networks.'

Relevant Regional Policy Objectives (RPO's) include:

'RPO 3.2: Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.'

'RPO 5.1: Support continued collaboration between infrastructure providers, state agencies and local authorities in the metropolitan area to inform cross sectoral investment plans and capital spending plans to accelerate the development of strategic development areas and secure the best use of public lands in the Dublin Metropolitan Area.'

'RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.'

'RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.'

'RPO 9.10: In planning for the creation of healthy and attractive places, there is a need to provide alternatives to the car and to prioritise and promote cycling and walking in the design of streets and public spaces. Local authorities shall have regard to the Guiding Principles for 'Healthy Placemaking' and 'Integration of Land Use and Transport' as set out in the RSES and to national policy as set out in

'Sustainable Residential Development in Urban Areas' and the 'Design Manual for Urban Roads and Streets (DMURS)'.

The proposed development will deliver a high-density residential scheme of modern and adaptable new homes, on a designated strategic development and regeneration site that is well served by public transport provision and local service provision. An appropriate level of ancillary car parking is proposed in order to encourage a modal shift in favour of sustainable forms of transport in order to reduce car dependency accordance with the principles and vision of the Metropolitan Area Strategic Plan (MASP).

5.2.4 The National Climate Action Plan 2019-2024

The National Climate Action Plan (CAP) 2019-2024, sets out a course of action to address the impacts of climate change on Ireland's environment, society, economic and natural resources. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan. The Plan was approved by Government on 20 December 2023.

The CAP identifies the scale of the challenge and examines impacts on a range of key sectors including electricity, transport, built environment, industry and agriculture and charts a course towards ambitious emission reduction targets.

The CAP recognises the role that Project Ireland 2040 and the NPF can play in climate action in providing for population growth in a compact, connected and sustainable way and the key role that land use planning can play in progressing climate change mitigation and adaptation.

Dublin City Council adopted and is implementing a Climate Change Action Plan (CCAP) for the city for the period 2024-2029. Climate Neutral Dublin 2030 sets out the actions that Dublin City Council is taking to prepare our city and people living here for the known impacts of climate change – flooding, sea level rise, extreme weather events, and drought. Climate Neutral Dublin 2030 sets out how the City Council will mitigate greenhouse gas emissions and contribute the global effort to limit warming to below 1.5°C. Climate action is a cross-cutting theme and is integrated with every chapter of the DCDP. In particular, the plan promotes a compact urban form, the integration of transportation and land use planning, protection and enhancement of biodiversity, all of which will help create climate resilient communities and neighbourhoods.

5.2.5 The Greater Dublin Area Transport Strategy, 2022 – 2042

The Greater Dublin Area Transport Strategy 2022 – 2042 provides a framework for a sustainable transport network for the long term. Key projects include:

- MetroLink from Charlemont to Swords via Dublin Airport, with construction date due to commence during the development plan period;
- The BusConnects programme which includes the following:
 - Dublin Area Bus Network Redesign which provides for significantly enhanced bus services, with a completion date by 2024 and The Core Bus Corridor Projects which will provide bus priority on the radial routes, with a completion date by 2030;
- DART+ Programme, with construction to commence during the development plan period and
- Luas Finglas with a Railway Order due to be submitted by 2030.
- Greater Dublin Area Cycle Network Plan.

The alignment of future growth and key public transport infrastructure is a key consideration of the DCDP.

In this regard a response to DCC's LRD Opinion Item 4 in respect of safeguarding the NTA Bus Connects D3 Bus Route on the adjoining road network is provided under sub-section 9.1.2 of the submitted Traffic and Transport Assessment, prepared by CS Consulting Group, as referenced in the submitted Statement of Response to the LRD Opinion also.

6.0 CONSISTENCY WITH THE DUBLIN CITY DEVELOPMENT PLAN, 2022-2028

This section of the report seeks to demonstrate consistency with the current Dublin City Development Plan, 2022-2028 (DCDP).

The DCDP is consistent with the National and Regional Strategic Planning Policy and current Section 28 Ministerial Guidance. The following provisions of the DCDP are noted and relevant:

- Appendix 4 of the plan sets out Mandatory Development Plan Requirements by having particular regard to Section 10(2) of the 2000 Planning and Development Act (as amended) and Section 10(2A) of the Planning and Development Act as amended to demonstrate that the core strategy and housing strategy are consistent with the National Planning Framework, Regional Spatial and Economic Strategy and specific planning policy requirements specified in Section 28 ministerial guidelines.
- Appendix 14 of the plan contains a Statement Demonstrating Compliance with Section 28 Guidelines.

Set out below is a summary, providing an assessment of consistency of the proposed scheme against the relevant provisions of the DCDP and the development standards contained therein.

6.1 Core Strategy of the City Plan

Chapter 2 of the DCDP sets out the Core Strategy of the plan, the purpose of which is *'to guide the spatial direction of future development and regeneration in the city in line with the principles of compact growth.'* The DCDP states that the key objective of the core strategy is to *'ensure that quantum and location of development is consistent with National and Regional policy.'*

The DCDP settlement hierarchy prioritises development in the inner city and the Key Urban Villages. It also specifically targets the Strategic Development and Regeneration Areas (SDRAs), which are identified as being primarily brownfield lands located in both inner and outer city areas, as areas where there is capacity to absorb a greater intensification of development given their proximity to public transport corridors and supporting urban infrastructure. In this regard, it is noted that the SDRAs align with the Strategic Development Areas identified in the Regional Spatial and Economic Strategy for the Metropolitan Area Strategic Plan for Dublin.

All SDRAs are accompanied by guiding principles set out under Chapter 13 of the DCDP.

The Core Strategy is informed by a land capacity analysis undertaken by DCC to calculate the yield of undeveloped land, with a particular focus on the SDRAs that are prioritised for development over the DCDP period. All SDRAs (both new and previously identified) were examined to determine capacity for future housing growth, taking into account sustainable densities and relevant SDZs and LAPs where

relevant. This detailed assessment identified a potential yield from the 17 SDRAs of between 35,600 – 36,750 new dwellings on approximately 358 hectares.

Table 2-8 of the DCDP (extract below) indicates that SDRA1 has sufficient capacity to deliver between 6,950 – 7,350 residential units with a population yield of c. 14,700 persons for the 52 ha zoned lands.

Table 6.1: Extract of Table 2-8 of the DCDP showing Housing and Population Yield for SDRA1

Settlement Hierarchy	Relevant SDRAs/Strategic Lands	Character and general density applied*	Proposed Zoned Area	Proposed Residential Yield	Estimated population
MASP CORRIDORS					
North East Corridor	Clongriffin/Belmayne (SDRA 1 and KUV)	Mixed use	52	6,950-7,350	14,700
<p>*Densities from extant LAPs/SDZs/existing permissions are included; over and above that, potential yields outside of these areas are estimated using standard densities of 200 units per hectare (uph) for inner city areas and 100 uph for areas in the suburbs, where sites are primarily residential. For mixed use zonings the figures are reduced to take account of the impact of other non-residential developments.</p>					

The Core Strategy states:

‘SDRA areas targeted for housing growth in this development plan are aligned to existing and planned public transport corridors and guided by national policy set out in the NPF and RSES. They provide for planned, integrated and sustainable growth over a number of development plan periods for Dublin City Council. Most of the land targeted for new housing in the city is located in SDRAs, which are for the most part, brownfield and regeneration sites. These SDRAs will take long periods of time to be fully delivered, with many running across two development plan cycles to reach completion.’

It goes on to state:

‘All SDRA lands, identified in Table 2-8 above are aligned with the RSES strategic development areas. All of these areas have a short to medium term phasing schedule and can be implemented at any time independently, with the exception of the Kylemore Road/Naas Road lands which are given a medium to long term phasing schedule by RSES.’

Objective CS07 (Promote Delivery of Residential Development and Compact Growth) seeks to *‘promote the delivery of residential development and compact growth through active land management measures and a co-ordinated approach to developing appropriately zoned lands aligned with key public transport infrastructure, including the SDRAs, vacant sites and underutilised areas.’*

Having regard to the above, it is considered that the proposed development of 408 dwellings in combination with public open space and other community, arts and cultural facilities is consistent with the Core Strategy and will make a contribution towards the housing delivery target for SDRA 1, as identified in Table 2-8 of the DCDP.

6.2 Principle of the Development – Land Use and Zoning Considerations

The site is zoned Objective Z14 (SDRA) and is designated as SDRA 1 based on its strategic importance and capacity to deliver a significant quantum of housing. The DCDP acknowledges that *'Z14 areas are capable of accommodating significant mixed-use development, of which residential would be the predominant use. Therefore, developments must include proposals for additional physical and social infrastructure/facilities to support same.'*

Residential, community and related uses are permissible in principle under the Z14 zoning objective.

The proposed residential and ancillary uses are consistent with the Z14 zoning objective.

6.3 Compliance with SDRA Development Principles and detailed Guidance for SDRA 1

Chapter 13 of the DCDP provides detailed development guidance and principles for each of the designated SDRAs. The DCDP states that for each SDRA, a series of guiding principles are set out and indicated on an accompanying plan. In some instances, SDRAs are also governed by an adopted Local Area Plan or SDZ Planning Scheme. In this regard, DCC extended the Clongriffin-Belmayne Local Area Plan by resolution for a further period of five years, up to December 2022. Whilst this LAP no longer has any statutory force, its phasing provisions as referenced within the DCDP remains relevant as set out under sub-section 6.5.10, below.

The relevant guidance contained in Chapter 13 of the DCDP is set out and discussed under separate headings, below.

6.3.1 Overarching SDRA Principles

Objective SDRA01 of the DCDP is relevant to all SDRAs and states that the Council will support the ongoing redevelopment and regeneration of the SDRAs in accordance with the guiding principles and associated map; the qualitative and quantitative development management standards set out in Chapter 15, and, consistent with the following overarching principles:

- **Architectural Design and Urban Design:** All development within the SDRAs must be of the highest architectural quality and adhere to the key architectural and urban design principles set out in Chapter 15 in order to create long term, viable and sustainable communities aligned with the principles of the 15-minute city.

The application is accompanied by a detailed Architectural Design Statement that addresses key architectural and urban design principles that have informed the layout and design of the proposed development.

- **Phasing:** Large scale development proposals should be developed in accordance with agreed phasing plans to ensure that adequate social and physical infrastructure is delivered in tandem with development.

The proposed development will be constructed as a single-phase development, as set out in the submitted Outline Construction Management Plan.

- **Access and Permeability:** Development proposals should ensure adequate permeability and connectivity to surrounding neighbourhoods and public transport infrastructure through the provision of high quality, accessible public realm and high-quality walking and cycling infrastructure. Access and layout should accord with the principles of DMURS.

A DMURS Statement of Consistency accompanies the application, and Chapter 13 of the submitted Architectural Design Statement provides a DMURS compliance summary statement.

- Height: Guiding principles regarding height are set out for each SDRA. Where development adjoins lower scaled residential communities, development must be appropriately designed so that no significant adverse impacts on the residential amenities of adjacent residential properties arises. The performance criteria set out in Appendix 3 should be adhered to for developments of significant scale and/or density.

The performance criteria set out in Appendix 3 of the Plan are addressed in Table 6.3 (below).

- Urban Greening and Biodiversity: Development proposals within the SDRA must ensure the integration of greening and biodiversity measures including high quality public open space as well as micro greening measures including green walls, green roofs, parklets etc. In general, unless otherwise specified under a separate LAP/SDZ Planning Scheme/other statutory plan policy/objective or site-specific guiding principle, a minimum of 10% public open space should be provided as part of all development proposals in SDRAs. A financial contribution in lieu of same will only be considered in exceptional circumstances.

A detailed response to Item 1.4 of the LRD Opinion is provided in section 6.5.6, below, demonstrating how the proposal complies with the above public open space provision standard.

- Surface Water Management: All development proposals should provide for sustainable surface water management including climate change provisions and the installation of sustainable drainage systems (SuDS) in order to reduce surface water runoff and potential flooding. This should be considered in conjunction with open space design and green infrastructure, biodiversity initiatives and nature-based solutions.

Details of the proposed SUDS measures and existing SUDS in the surrounding area are set out in the submitted Engineering Services Report.

- Flood Risk: All development proposals within the SDRA's will have regard to restrictions / measures to mitigate identified flood risk outlined in the Strategic Flood Risk Assessment (SFRA) and in particular, Appendices A, B and C including climate change provisions in the SFRA.

A Site-Specific Flood Risk Assessment (SSFRA) is submitted with the application.

- Sustainable Energy: Climate Action Energy Statements for significant new residential and commercial developments, in Strategic Development and Regeneration Areas (SDRAs), will be required to investigate local heat sources and networks, and, where feasible, to demonstrate that the proposed development will be 'District Heating Enabled' in order to facilitate a connection to an available or developing district heating network. Further specific guidance regarding 'District Heating Enabled' Development is set out in Chapter 15 and should be complied with. Where possible connections or interconnections to existing heat networks in the area, to create a district heating 'node' must be investigated.

Accompanying the planning application is a Climate Action, Energy and Sustainability Statement. Sub-section 4.3.1 of this report assesses the feasibility of a district heating system.

- Climate Change: Proposed developments within the SDRA shall be required to apply innovative approaches to energy efficiency, energy conservation and the use of renewable energy in order to contribute to achieving zero carbon developments.

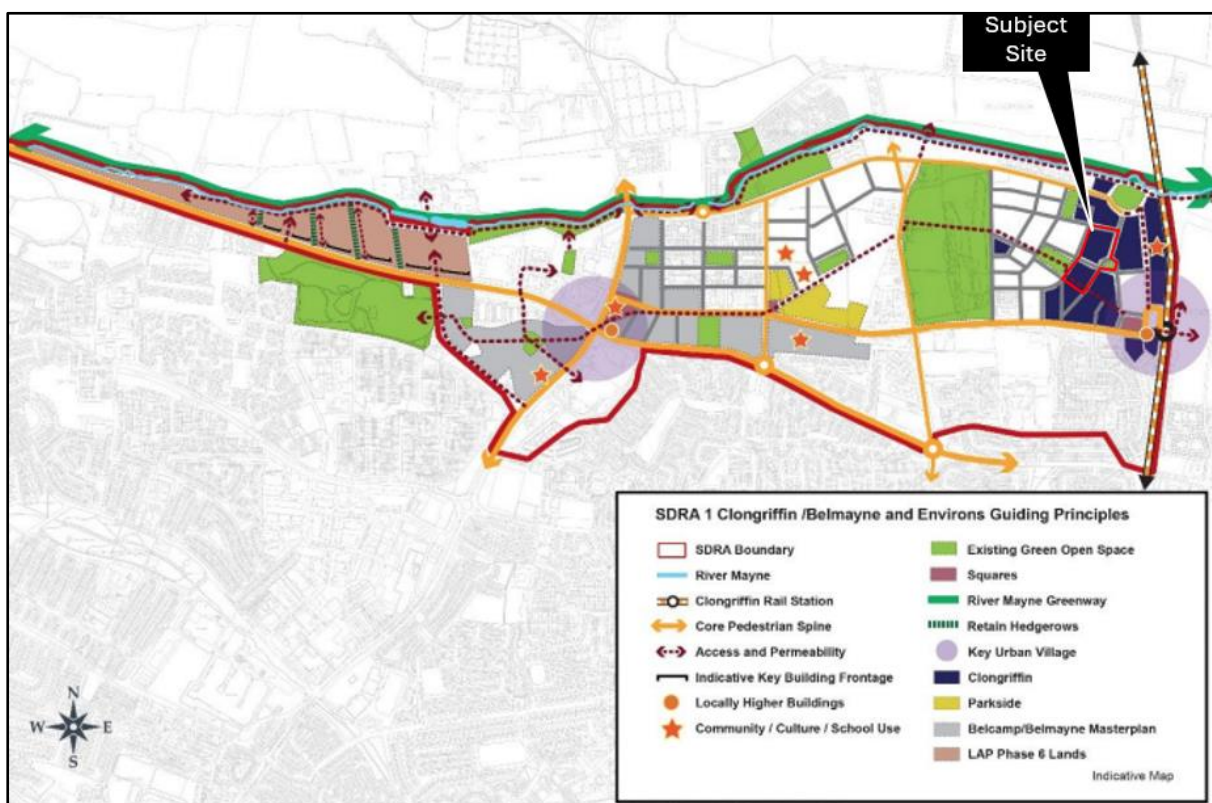
A Climate Action, Energy and Sustainability Statement is submitted with the application. This statement concludes by stating that the energy hierarchy consists of three key principles: 1. Be Lean 2. Be Clean 3. Be Green. It confirms that the ‘Be Lean’ principles are met through a passive strategy whereby space heating, cooling and lighting energy demand is minimised through a fabric first approach, which will ensure a robust, efficient and sustainable design throughout the lifetime of the building. The ‘Be Clean’ principles are met by ensuring that the energy supplied to the development, such as heating or domestic hot water is delivered efficiently through communal or highly efficiency systems. The ‘Be Green’ principle ties in with the Renewable Energy Ratio requirement of Part L 2022, whereby any remaining requirements are addressed through on-site renewable energy or low zero carbon technologies.

Cultural Infrastructure: All new regeneration areas (SDRAs) and large-scale development above 10,000 sq.m in total area must provide at a minimum 5% community, arts and culture predominantly internal floorspace as part of their development. See Objective CUO25 for further detail.

A Social and Community Infrastructure Audit (SCIA) accompanies the application and should be read in conjunction with section 6.5.4, below.

6.3.2 Guiding Principles for SDRA 1 – Clongriffin / Belmayne

Figure 6.1: Guiding Principles Map for SDRA 1



Section 13.3 of the DCDP sets out the rationale for designating the SDRA:

‘The rationale for designating Clongriffin-Belmayne as a Strategic Development and Regeneration Area (SDRA) is to provide a strategic spatial and urban design framework, so that the objectives of the City Development Plan can guide future development; and to ensure that that the phasing and implementation strategy envisaged in the LAP can be delivered as part of the future build-out of the

lands, when the LAP expires. There are approximately 52 ha of undeveloped land within the LAP. While extant planning permissions exist on a number of these sites at Clongriffin and Belmayne, the lands can generate significant new residential units. The majority of this build-out would be focused on the KUV at Clongriffin and Belmayne Town Centre and at Belcamp, in addition to the phase 6 lands identified in the LAP. Additionally, the wider lands are identified in the RSES and MASP as playing a strategic role in facilitating the consolidation of the Dublin Metropolitan Area, by providing new homes and communities that are focused on existing and proposed public transport corridors.'

The site is situated outside the designated KUV of Clongriffin but within the Clongriffin area to the east of Fr Collins Park. The key guiding principles for the SDRA as it relates to the subject site (as identified in Figure 6.1 above) are summarised in the left column of Table 6.2, and a summary of how the proposed development contributes to achieving same provided in right column.

Table 6.2: Summary of Guiding Development Principles for SDRA1

<p>Urban Structure - The overall urban structure envisaged by the LAP (as indicated in the Belmayne Masterplan) is comprised of two Key Urban Villages (KUV), Clongriffin Train Station to the east and at Malahide Road (Clarehall / Northern Cross) to the west, connected by a Main Street boulevard, greenways and interspersed by a network of urban squares, parks and green spaces.</p> <p>In order to deliver the vision, the following key infrastructure as it relates to the subject site are required to be delivered as set out below:</p> <p>Completion of Clongriffin KUV centre to include the development of key sites adjacent to the train station, east of Father Collins Park.</p> <p>Urban Form and Block Layouts shall be arranged in a perimeter block configuration and shall form a continuous urban edge with the street in order to create enclosure, provide passive surveillance and animation. Typical block widths shall generally be in the range of between 45-50 m (lower scale housing) to 55-60 m (higher scale apartments). This will enable suitable separation distances to be achieved between the rear of blocks, as well as providing for private open space.</p>	<p>The site is outside the designated Clongriffin KUV. It can make a significant contribution towards realising strategic objectives in terms of delivering the urban structure vision and layout of the SDRA 1 lands to the east of Fr. Collins Park.</p> <p>Blocks 5 and 6 are designed as perimeter blocks around a central raised courtyard at podium level. The design and configuration of the blocks follow substantially the same form as that approved under the extant SHD permissions. In addition, the proposed development will contribute towards the existing network of green spaces throughout this part of the undeveloped SDRA 1 lands by providing a pocket park to the east of the proposed Block 6.</p> <p>The tallest elements of both Blocks 5 and 6 are positioned close to the proposed pocket park to create a connection to this space and a visual connection with the KUV further to the east that is centred on the train station.</p>

<p>Land Use and Activity - A rich mix of uses to include retail, commercial, community, employment and residential uses will be sought on these lands, relative to the two KUV centres. Commercial uses will be located along the Malahide Road and around the Town Squares at the Malahide Road junction.</p> <p>Residential densities shall be highest within the two KUV centres and along Main Street, in proximity to the train station at Clongriffin and along the proposed Core Bus Corridor.</p> <p>Provision for a post primary school site located at Belmayne Avenue and Main Street and adjacent to the greenway which links to Father Collins Park.</p> <p>Reserve a school site at Clongriffin, subject to the requirements of the Department of Education and Skills.</p>	<p>The proposed predominantly residential use is consistent with the Z14 zoning objective. The SDRA 1 guidance promotes a richer mix of uses to include a variety of commercial and retail uses within the two designated Key Urban Centres, and less so for areas outside it but to include social and community type uses as part of the use mix.</p> <p>The proposal includes a childcare facility of 413 sq.m and community/arts/cultural space in the order of 1,209 sq.m internal / indoor space spread between the two blocks. Further activity will be generated along Market Street through the provision of an external multi-functional community / arts and cultural space. The proposed residential density of 185 u/ha is within the range for SDRAs as identified in Appendix 3 of the DCDP.</p> <p>The reserved school site is to the east of the site and was previously safeguarded by way of Condition 2 attached to SHD Ref. 305316-19, requiring the omission of Block 8 under the extant SHD permission.</p>
<p>Building Height:</p> <p>Building heights shall respond to the proposed urban structure and land uses and activities. In general, the KUV centres at Belmayne Town Centre and Clongriffin Train Station shall contain the greatest building heights, in order to reinforce their status as a KUV, subject to amenity and design safeguards.</p> <p>Gateway buildings form a key structuring element, enhancing legibility and avoiding the proliferation of monolithic heights. As such, locally higher buildings shall be located within the KUV and along the Belmayne-Belcamp link, as illustrated.</p> <p>The following building heights shall be applied:</p> <p>Minimum heights of 5 storeys to the Key Urban Village centres at Clongriffin Rail Station and</p>	<p>The proposed building heights of the block range between 3- to 7-storeys have been established under the extant SHD permissions for Blocks 5 and 6.</p> <p>The proposed layout, massing and heights of the blocks are consistent with that previously approved that was subjected to detailed landscape and visual impact assessment.</p> <p>Please also refer to the commentary provided under section 6.5.1, below, and the submitted Architectural Design Statement.</p>

<p>Belmayne Town Centre at the R139/R107 junction.</p> <p>Minimum heights of four to five storeys for Main Street Boulevard.</p> <p>A locally higher building adjacent to the rail station and at the junction of Malahide Road / R152.</p> <p>Any proposed height must have regard to existing neighbourhoods and character, in order to protect residential and visual amenity.</p>	
<p>Design - Architectural treatment shall be of the highest quality and allow for a range of building types and designs, creating a visually coherent urban form.</p>	<p>Please refer to the submitted Architectural Design Statement.</p> <p>It is submitted that there is sufficient variation in the proposed building heights to provide visual coherence and interest.</p>
<p>Green Infrastructure:</p> <p>The Belmayne-Belcamp Green link and River Mayne Greenway / linear park will provide key strategic green links connecting the SDRA to surrounding areas, enhancing the biodiversity value of existing green infrastructure, while integrating SUDS features.</p> <p>Tree planting, landscaping and SuDS features will be integrated into the urban structure and movement framework for the SDRA lands. Key green links shall provide additional landscaping in order to accentuate their strategic importance as amenity, sustainable movement and biodiversity corridors.</p> <p>All future developments shall comply with the SuDS Strategy outlined in the 2020 Masterplan.</p>	<p>Consultation between the Project Engineers and DCC Drainage Division has been ongoing in order to ensure compliance with DCC requirements in this regard. Full details of the SUDS strategy for the application site are provided in sections 5.5. and 5.6 of the submitted Engineering Services Report.</p> <p>Please also refer to the submitted Statement of Response to DCC LRD Opinion – Item 3.</p>

6.4 Built Heritage and Archaeology

6.4.1 Architectural Heritage

The entirety of the site has been cleared and there are no structures present on the site. There are no protected structures located in the immediate vicinity of the site, nor is the site designated as a Conservation Area or as an Architectural Conservation Area.

6.4.2 Archaeology

Policy BHA26 of the DCDP deals with Archaeological Heritage and require as follows:

- '1. To protect and preserve Sites and Zones of Archaeological interest which have been identified in the Record of Monuments and Places and the Historic Environment Viewer (www.archaeology.ie).*
- 2. To protect archaeological material in situ by ensuring that only minimal impact on archaeological layers is allowed, by way of re-use of standing buildings, the construction of light buildings, low impact foundation design, or the omission of basements (except in exceptional circumstances) in the Zones of Archaeological Interest.*
- 3. To seek the preservation in situ (or where this is not possible or appropriate, as a minimum, preservation by record) of all archaeological monuments included in the Record of Monuments and Places, and of previously unknown sites, features and objects of archaeological interest that become revealed through development activity. In respect of decision making on development proposals affecting sites listed in the Record of Monuments and Places, the Council will have regard to the advice and/or recommendations of the Department of Housing, Heritage and Local Government.*
- 4. Development proposals within Sites and Zones of Archaeological Interest, of sites over 0.5 hectares size and of sites listed in the Dublin City Industrial Heritage Record, will be subject to consultation with the City Archaeologist and archaeological assessment prior to a planning application being lodged.*
- 5. To preserve known burial grounds and disused historic graveyards. Where disturbance of ancient or historic human remains is unavoidable, they will be excavated according to best archaeological practice and reburied or permanently curated.*
- 6. Preserve the character, setting and amenity of upstanding and below ground town wall defences.*
- 7. Development proposals in marine, lacustrine and riverine environments and areas of reclaimed land shall have regard to the Shipwreck Inventory maintained by the Department of Culture, Heritage and the Gaeltacht and be subject to an appropriate level of archaeological assessment.*
- 8. To have regard to national policy documents and guidelines relating to archaeology and to best practice guidance published by the Heritage Council, the Institute of Archaeologists of Ireland and Transport Infrastructure Ireland.'*

The DCDP zoning map indicates that the subject site falls within the zone of influence of Recorded Monument Ref. DU015-064001. An Archaeological Impact Assessment (AIA) assessing the archaeological importance and potential of the subject lands at Clongriffin is submitted with the application. It states:

'The archaeological investigations that took place in 2003/2004 (discussed in Section 2.7 of the report) have realised and fully addressed the archaeological potential within the LRD lands and its immediate environs. Topsoil stripping within the proposed LRD area identified two early medieval pits that may have served either as storage, waste, or a structural feature in the past. Fragments of hazelnut shell in one of the pits may suggest that it contained the cleared-out remnants of a hearth. The pits were preserved by record (fully excavated) and do not present an issue for the proposed development. No other finds, features or soils of archaeological significance was identified within the LRD area.

'There are no further archaeological considerations regarding the LRD application lands; the area has previously been stripped of topsoil, and the archaeological features identified have been fully preserved by record.'

The recommendations of the DCC Archaeology Section have been considered and addressed under Section 4 of the submitted Archaeological Impact Assessment (AIA), as referenced in the submitted Statement of Response to the LRD Opinion under Item No. 6.

6.5 Consistency with the City Plan Development Standards

Chapter 15 sets out relevant development standards for development (where not superseded by express guidance provided in Chapter 13 for SDRA 1). The following sections provide a brief overview and discussion where consistency with all relevant apartment development standards is demonstrated.

6.5.1 Building Height

The SDRA 1 guidance promotes minimum building heights for certain key locations within the SDRA, such as the Key Urban Village centres at Clongriffin Rail Station and Belmayne Town Centre and along Main Street Boulevard and at the junction of Malahide Road (R152). The site does not occupy such a location and therefore the proposed buildings heights will be assessed in accordance with the criteria prescribed within Appendix 3 of the DCDP. The Appendix 3 criteria are consistent with the section 28 Guidance contained in Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and the SPPRs contained therein.

In accordance with Policies SC14, SC16 and SC17 of the DCDP, Table 6.3 below address the 10 objectives and associated performance indicators listed on Table 3, Appendix 3 of the DCDP, addressing both height and density, and provides a high level assessment of consistency with Table 3, noting that a significant number of the objectives and criteria are broadly stated planning principles, are overlapping, and are addressed throughout the submitted planning application documents and drawings. The following table should be read in conjunction with the submitted Architectural Design Statement in particular. Other submitted documents are referenced as appropriate within the table.

Table 6.3: Compliance with Density and Height Criteria of Table 3, Appendix 3 of the City Plan

Objective		Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
1.	To promote development with a sense of place and character.	Enhanced density and scale should: <ul style="list-style-type: none"> • respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints, • have a positive impact on the local community and environment and contribute to ‘healthy placemaking’, • create a distinctive design and add to and enhance the quality design of the area, • be appropriately located in highly accessible places of greater activity and land use intensity,

Objective **Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale**

		<ul style="list-style-type: none"> • have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area, • not be monolithic and should have a well-considered design response that avoids long slab blocks, • ensure that set back floors are appropriately scaled and designed
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Statement of Compliance with Objective No. 1:

The strategic development potential of the subject site is acknowledged in the DCDP through its SDRA designation. The proposed density and site coverage comply with the prescribed range for regeneration areas in the DCDP. This is a good indication that the proposal would not result in an over-development of the site and is appropriate to realise the housing delivery potential of SDRA 1, as envisaged in the Core Strategy.

The proposed development satisfies the requirement of Objective CUO25 of the DCDP through the provision of an adequate range and area of ground floor space within each block to accommodate community, arts and cultural uses that are considered to be essential community infrastructure that will contribute towards healthy and inclusive placemaking principles whilst contributing towards and complimenting the existing mix of uses in the area and the nearby KUV at Clongriffin and along Main Street.

The height diagram below illustrates the proposed massing and heights of the proposed blocks.

Indicative Height and Massing Diagram



Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
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The following design elements are noted:

- Block 6 provides for an appropriate transition in height, generally from the north-western corner of the site and rising in height towards the south-eastern corner of the site to provide an appropriate interface with the proposed public park whilst responding to the adjoining-low rise residential development along Belltree Avenue (to the north) and Park Street (to the west). By stepping from 4-storeys adjacent to existing 2 and 3-storey houses on Park Street and Belltree Avenue up to 6 and 7-storeys on the east side of the subject site, the development makes the transition between the mid-density neighbourhood of Belltree to the higher density centre of Clongriffin.
- The proposed building heights vary between 3-storeys to 7-storeys in height and is achieved through a series of setbacks whereby taller elements are setback from the site boundaries. As such an adequate variety in scale is proposed.
- Above podium level the constituent blocks are broken up and physically separated from each other to provide a variety in form whilst breaking up the massing and thereby avoiding long slab type block arrangement that could otherwise be perceived as being monolithic in appearance.

The compliance responses provided in this table must be read in conjunction with other supporting documentation submitted and in particular with the Architectural Design Statement (ADS). The ADS sets out the Urban Design Rationale in Chapter 4 and addresses a number of key aspects of the proposed density, scale massing and height of the proposed scheme, as follows:

- Chapter 5 addresses height, scale and massing of the scheme;
- Chapter 6 addresses site connectivity and permeability;
- Chapter 7 deals with open space;
- Chapter 8 addresses block layout and design;
- Chapter 9 addresses public and communal open space provision;
- chapter 10 sets out details of materials and finishes;
- Chapter 11 demonstrates compliance with internal design standards;
- Chapter 12 addresses residential amenity considerations;
- Chapter 13 includes a summary compliance statement with DMURS;
- Chapter 14 addresses Universal Access;
- Chapter 15 discuss the '12 Criteria' of the Urban Design Manual - A Best Practice Guide (2009); and
- Chapter 16 is important in the context of this table and outlines key indicators of quality design and placemaking.

2.	To provide appropriate legibility.	Enhanced density and scale should: <ul style="list-style-type: none"> make a positive contribution to legibility in an area in a cohesive manner, reflect and reinforce the role and function of streets and places and enhance permeability
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Objective**Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale****Statement of Compliance with Objective No. 2:**

The road network in Clongriffin was granted permission under the parent planning permission DCC Ref. 0132/02. The entire drainage network has been installed and all roads have been completed up to wearing course and a good portion of the road network (as shown in Fig. 5 of the submitted Traffic and Transport Assessment) has been completed as the neighbourhood has been built out.

With regard to Blocks 5 and 6, Park Street (to the west) and Lake Street (to the east) have been partially completed. Park Street will be completed as part of the condition of sale to the west of Block 5. Lake Street will be completed as far as the junction with Market Street to the south-east corner of Block 5 as part of the proposed development.

Belltree Avenue (to the north) has been completed and Dargan Street has been partially built and will be completed to extend westwards as part of the proposed development between Blocks 5 and 6. Finally Market Street to the south of Block 5 will be completed between Park Street and Lake Street.

The following is noted from the road hierarchy diagram, below:

- Park Street and Lake Street are designated secondary streets which link back to the Primary Routes of Main Street to the south and Marrsfield Avenue to the north of Clongriffin.
- Park Street to the south of Block 5 will deliver an important east-west thoroughfare linking FR Collins Park in the west with Clongriffin KUV in the east as a designated pedestrian and cycle priority route.
- Lake Street to the east will also provide an important north-south pedestrian and cycle priority route the open space to the north along Marrsfield Avenue / crescent via the proposed pocket park towards the Civic Space at Clongriffin KUV to the south.
- The proposed road separating Block 6 from Block 5 will serve as a lower order neighbourhood road that will connect Belltree Park to the west with the proposed pocket park to the east of Block 6 and will in future serve as an important route to connect future development phases to the east of the application site with Fr Collins Park further to the west of the site.

Blocks 5 and 6 will infill missing sections of urban block plan and will link Belltree Park to the completed town centre (to the east) and complete a section of Market Street which is a shared surface street and part of the green route between the square and Fr Collins Park.

Having regard to the above, it is submitted that the proposed road layout contributes positively towards the legibility and permeability of Clongriffin and in a cohesive manner that compliments the established street network. Each of the streets and places will fulfil a specific role to ensure a permeable development that is linked with designations to the east, west, south and north of the site within the wider neighbourhood. This approach is also fully consistent with Policy QHSN11 (15-Minute City) of the DCDP that seeks to encourage the realisation of the 15-minute city concept.

Objective Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

Indicative Road Hierarchy Diagram



<p>3.</p>	<p>To provide appropriate continuity and enclosure of streets and spaces.</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • enhance the urban design context for public spaces and key thoroughfares, • provide appropriate level of enclosure to streets and spaces, • not produce canyons of excessive scale and overbearing of streets and spaces, • generally, be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3, • provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest.
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Statement of Compliance with Objective No. 3:
 Condition 4 attached to the extant SHD Permission Ref. ABP-305316-19 and Condition 2 attached to extant SHD Permission Ref. ABP-305319-19 both limit the width of the carriageways on the streets surrounding the proposed blocks to a maximum of 5.5m.

Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
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The design of the scheme has had regard to this previous requirement from the Board and in order to comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS).

It is submitted that none of the constituent blocks is of such a height or massing that would result in a ‘canyon effect’ or result in an overbearing effect at street level to pedestrians at street level. The proposed building heights on the north and west of the blocks are appropriate to the existing development and nature of that neighbourhood, and heights to the south and east increase towards the town centre.

Both blocks provide a significant number of habitable room windows overlooking the adjoining streets that will aid in passive surveillance of the public domain. At ground floor level a combination of own-door units and residential entrances along with a range of non-residential uses at ground floor level within both blocks will ensure activity, animation and visual interest at street level.

4.	To provide well connected, high quality and active public and communal spaces.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport, • be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards, • ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16, • ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development, • ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated, • Provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability.
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Statement of Compliance with Objective No. 4:

As set out under point 2 (above), the proposed road layout contributes positively towards the legibility and permeability of Clongriffin and in a cohesive manner that compliments the established street network. Each of the streets and places will fulfil a specific role to ensure a permeable development that is linked with designations to the east, west, south and north of the site within the wider neighbourhood. This approach is also fully consistent with Policy QHSN11 (15-Minute City) of the DCDP that seeks to

Objective Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

encourage the realisation of the 15-minute city concept. The blocks are not of such height and density that they will create a negative micro-climate at street level.

Both blocks are arranged around central courtyards that provide their primary associated communal open space at podium level. All residents have accessible access (lift and stairs, with level thresholds) to the residential courtyard within their block. The proposed courtyard dimensions offer adequate levels of separation between facing blocks to avoid excessive levels of overlooking and associated loss of privacy. In all instances the achieved separation distances across the courtyards far exceed the minimum required 16m pursuant to SPPR 1 of the Sustainable and Compact Settlements Guidelines for Planning Authorities (2024).

In addition, the submitted Daylight and Sunlight Report has tested the level of sunlight penetration to these spaces and confirmed that:

- 89.21% of the Block 5 podium receives at least two hours of sunlight on March 21st. Similarly, 99.44% of the Block 5 Roof Terrace receives at least two hours of sunlight on the same date.
- 64.86% of the useable podium amenity area in Block 6 receives 2 hours of sunlight on 21st March. This equates to an area of 1,693 sq.m. Given that the required quantum of communal amenity area at Block 6 is 1,646 sq.m, it should be noted that 100% of the required quantum of communal amenity space receives 2 hours continuous sunlight on March 21st.
- 50.42% of the Block 6 crèche external amenity space receives at least two continuous hours of sunlight on March 21st.

The above results are a good indication that the proposed communal open spaces within the courtyards will provide high quality, functional spaces that are fit for purpose.

5.	To provide high quality, attractive and useable private spaces.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • not compromise the provision of high quality private outdoor space, • ensure that private space is usable, safe, accessible and inviting, • ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16, • assess the microclimatic effects to mitigate and avoid negative impacts, • retain reasonable levels of overlooking and privacy in residential and mixed use development.
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Statement of Compliance with Objective No. 5:

All apartments have a balcony that complies with the Apartment Guidelines. Many balconies overlook public parks and streets, e.g. those on the northeast corner of Block 5 are deliberately angled towards Grant Park, a new public park and part of the proposed development.

The extant SHD permissions included a comprehensive wind analysis due to that application including buildings of much greater height (15 storeys). Focused wind mitigation measures for balconies with

Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
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exposed sides by providing screens of 1.8m have been retained in the current planning application for Blocks 5 and 6.

The proposed residential courtyard arrangements will ensure that all communal open spaces as well as public open spaces benefit from high levels of passive surveillance, being overlooked by habitable room windows on the upper levels.

All of these spaces benefit from attractive landscaping proposals to include hard and soft landscaping elements appropriate to the function of the spaces as either active or passive recreational outdoor spaces.

The proposed scheme has been assessed for internal and external daylight and sunlight impacts. This assessment demonstrates that the proposed communal and public open spaces would benefit from appropriate levels of sunlight and daylight penetration. A summary of the key findings of this report are provided in Chapter 12 of the submitted Architectural Design Statement. It is noted that approximately 94% of rooms in Block 5 and 90% of rooms in Block 6 comply with the recommendations of BRE209. This represents a significant majority of rooms that are compliant, and this level of conformity is comparable with other granted higher density schemes within DCC and FCC administrative areas.

The courtyard configuration of the proposed blocks allows for adequate separation distances between habitable facing windows within the scheme. The courtyard of Block 6 is 37m across on the shortest distance, and Block 5 is 23.6 m across at the shortest point, and the building edge is lower on the short south edge to maximise daylight into the space.

The principal windows of bedrooms and living rooms are sited to avoid direct overlooking between facing habitable windows or balconies of adjoining units. In some minor instances there are secondary habitable windows in close proximity to adjoining balconies. In these instances (and in response to DCC’s issued LRD Opinion) the potential for overlooking and or noise disturbance have been addressed through the incorporation of high-level screens to the cheeks of balconies as shown in Chapter 12 of the submitted Architectural Design Statement. In this regard, it is submitted that residents of higher density apartment schemes cannot reasonably expect comparative levels of amenity to low density suburban forms of housing. This approach is consistent with SPPR 1 of the Compact Settlement Guidelines which allows for suitable privacy measures to be designed into a scheme to prevent undue overlooking of habitable rooms and private amenity spaces.

6.	To promote mix of use and diversity of activities.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • promote the delivery of mixed use development including housing, commercial and employment development as well as social and community infrastructure, • contribute positively to the formation of a ‘sustainable urban neighbourhood’, • include a mix of building and dwelling typologies in the neighbourhood, • provide for residential development, with a range of housing typologies suited to different stages of the life cycle.
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Objective Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

Statement of Compliance with Objective No. 6:

The proposed development provides primarily for a residential development that comprise mainly of a mix of 1- and 2-bedroom dwellings that comprises a mix of apartments and duplex units. The guidance for SDRA 1 in the DCDP promotes a mix of uses to include commercial and retail uses within the two designated Key Urban Centres and less so for areas outside the KUVs such as the application site.

The DCDP does not prescribe a particular scale or share of non-residential floorspace on any particular site that would justify prohibiting a mainly residential development. In respect of the predominance of 1- and 2- bed units, the Board’s Inspector’s Report stated:

‘The predominant built form in the north-eastern part of Dublin city around the site is three-bedroom houses, including the recent development on adjacent parts of the North Fringe. The provision of one and two bedroom apartments in this area would therefore be likely to make the mix of housing types that are available more closely match the profile of households who wish to live there. The provision of such units in a denser form on a site close to the railway station and designated town centre is also appropriate.’

The provision of 408 new apartments comprising of mainly of 1- and 2- bedroom apartments that will be delivered solely as a combination of cost rental (90%) and social (10%) tenure types will improve both the mix of housing types and tenures available within Clongriffin. In this regard, it should be note that the adjacent Belltree development comprises 394 no. 3- and 4-bedroom houses for private sale. As such the proposed smaller apartments and tenure types proposed in Blocks 5 and 6 would bring a balance to the overall mix of housing typologies and tenure within the wider Clongriffin neighbourhood in accordance with Policies QHSN3; QHSN35; QHSN38 and SC12 of the DCDP which encourage both a diversity of housing types and tenures.

The proposed development is linked with destinations to the east, west, south and north of the site within the wider neighbourhood where residents could access a range of amenities, services and facilities in accordance with Policy QHSN11 that seeks to encourage the realisation of the 15-minute city concept. In addition, the proposed development also includes a range of community, arts and cultural spaces to serve the local community, informed by the submitted Social and Community Infrastructure Assessment.

7.	To ensure high quality and environmentally sustainable buildings.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, and views to minimise overshadowing and loss of light – see Appendix 16, • not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain, • ensure a degree of physical building adaptability as well as internal flexibility in design and layout, • ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive,
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Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
	<ul style="list-style-type: none"> • maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage, • be constructed of the highest quality materials and robust construction methodologies, • incorporate appropriate sustainable technologies, be energy efficient and climate resilient, • apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of a particular site (See Appendix 16), • incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature-based SUDS solutions are in place – see Appendix 13, • include a flood risk assessment - see SFRA Volume 7. • include an assessment of embodied energy impacts – see Section 15.7.1
<p>Statement of Compliance with Objective No. 7:</p> <p>The proposed site layout and block configurations allow efficiencies in terms of the number of dual aspect units, the optimisation of passive solar gain and achieving good natural cross ventilation within units. The development has been designed to achieve Home Performance Index (HPI) certification which is a benchmark for ‘green’ homes in terms of design, construction and environmental sustainability.</p> <p>The submitted Engineering Services Report sets out details of the proposed Surface Water Management Strategy and adopted SUDS measures.</p> <p>In terms of energy efficiency, the planning application is accompanied by an Energy and Sustainability Report, that assesses the proposed scheme and demonstrates the energy efficiency of the proposed buildings.</p> <p>The submitted Architectural Design Statement describes the durability and quality of the intended key materials and finishes of the proposed buildings. Reference images of projects where similar materials have been used is provided. The selected colour, tones and texture of materials and finishes have been carefully considered as part of an iterative process in the preparation of CGIs and verified views to ensure the development compliments its surroundings and to avoid any adverse visual impacts in this regard.</p> <p>The assessment and classification of results within the submitted Daylight and Sunlight Impact Assessment clearly identify those units which are failing along with their respective compensatory</p>	

Objective Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

measures. In addition, these units are discussed in Appendix A of the submitted Architectural Design Statement where compensatory design measures are outlined in respect of each ‘failing’ unit.

A Site-Specific Flood Risk Assessment (SSFRA) accompanies this submission. It is to be read in conjunction with the engineering drawings and documents and with all other relevant documents prepared by the project design team. Residential development is classified as a ‘highly vulnerable development’ according to Table 3.1 of the Guidelines. Table 3.2 of the Guidelines indicates that this type of development is appropriate and compatible with flood Zone C - i.e., outside the 1000-year (0.1% AEP) flood extents. The SSFRA concludes that the site is located within Flood Zone Category C, as defined by the Guidelines and therefore, the proposed residential development on the subject site is appropriate for this flood zone category, and a justification test is not required.

The proposed surface water drainage shall be integrated with existing stormwater attenuation / infrastructure and will ensure that stormwater runoff from the development site shall not flow into neighbouring sites but shall instead be collected and subsequently released in a controlled manner after the peak storm duration has passed. The likelihood of surface water runoff from the proposed development adversely affecting adjacent lands or contributing to downstream flooding is thereby reduced to an acceptable level and requires no further mitigation.

8.	To secure sustainable density, intensity at locations of high accessibility.	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • be at locations of higher accessibility well served by public transport with high-capacity frequent service with good links to other modes of public transport, • look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.
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Statement of Compliance with Objective No. 8:

The proposed development provides on-site car parking below podium level car parks which in combination with on-street parking on surrounding roads will provide all the ancillary car parking required to serve the development along with essential plant and storage. Accommodating these services below podium level frees up the site at podium level to optimise the layout through the provision and incorporation of the required communal open space within internal courtyards at podium level.

The site is also well served and connected with high capacity and frequent public transport modes, as set out in detail under Section 3 of the submitted Traffic and Transport Assessment (TTA).

In summary, the site benefits from excellent accessibility to high capacity and frequent public transport modes in close proximity to the site. Clongriffin railway station is within a 5-minute walk of the development site, as are bus stops at Station Square and along Clongriffin Main Street. The section of Clongriffin Main Street that is within a 5-minute walking distance of the site also includes several medical, commercial, and food/beverage premises, including a medical centre, a pharmacy, and a veterinary clinic. The entirety of Father Collins Park is within a 10-minute walk, and the Donaghmede Shopping Centre is just over 20 minutes’ walk away. Figure 10 of the submitted TTA provides a graphic illustration of public transport catchment areas from the site.

Objective		Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
<p>The level of ancillary car parking proposed within the scheme reflects the site’s location in close proximity to public transport modes and access to the surrounding pedestrian and cycle network that will encourage sustainable forms of transport such as walking and cycling.</p>		
9.	<p>To protect historic environments from insensitive development.</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below. • be accompanied by a detailed assessment to establish the sensitives of the existing environment and its capacity to absorb the extent of development proposed, • assess potential impacts on keys views and vistas related to the historic environment.
<p>Statement of Compliance with Objective No. 9:</p> <p>As noted under section 6.4 above, the subject site is not a sensitive site from an architectural heritage or historic perspective. There are no protected structures on the site or in close proximity of the site nor are there any sensitive views or vistas traversing the site. The site is not located within a Conservation Area or a designated Architectural Conservation Area.</p> <p>An Archaeological Impact Assessment (AIA) is submitted that confirms that previous archaeological investigations have realised and fully addressed the archaeological potential within the LRD lands and its immediate environs. Topsoil stripping within the proposed LRD area identified two early medieval pits that may have served either as storage, waste, or a structural feature in the past. Fragments of hazelnut shell in one of the pits may suggest that it contained the cleared-out remnants of a hearth. The pits were preserved by record (fully excavated) and do not present an issue for the proposed development. No other finds, features or soils of archaeological significance was identified within the LRD area.</p> <p>The recommendations of the DCC Archaeology Section have been considered and addressed under Item No. 6 of the accompanying Statement of Response to the LRD Opinion. Section 6.4 of the submitted Archaeological Impact Assessment includes the provision of archaeological mitigation measures in the form of heritage signage be provided to highlight the significant archaeological heritage of the landscape. It is recommended that the provision of Information Panels that reflect this rich archaeological heritage would assist in providing a sense of place to the new residents. Such panels would include illustrations and text designed to be informative and readily accessible to the general public, fostering an interest and pride in the heritage of the area.</p>		
10.	<p>To ensure appropriate management and maintenance.</p>	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> • Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.

Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale
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Statement of Compliance:

Vehicular servicing of the proposed development (including deliveries and waste collection) is proposed to be conducted on the existing and proposed streets surrounding Block 5 and Block 6, in common with other existing residential developments in the vicinity. It is envisaged that domestic refuse collection shall be conducted kerbside with the appointed Management Company being responsible for engaging the services of an authorised waste disposal contractor, for moving refuse bins to designated kerbside locations for collection, and for returning bins promptly to internal waste storage areas after collection.

Further details on the servicing and operational management of the scheme are provided under Item 4 of the Statement of Response to the DCC Opinion, which include references to the Servicing, Operations & Car Parking Management Plan, the Operational Waste Management Plan (OWMP).

Notably the above guidelines were in force at the time that the extant SHD permissions for Blocks 5 and 6 were assessed by the Board. The Inspector's report stated in this regard, that:

'This would introduce a welcome variety. It is therefore concluded that the proposed heights would meet the criteria set out in section 3.2 of the 2018 guidelines on urban development and building height and that a grant of permission would be in keeping with SPPR3 of those guidelines.'

The proposed building heights and density are consistent with the permitted building heights and density under the extant SHD permissions for Blocks 5 and 6.

6.5.2 Density

This section should be read in conjunction with Table 6.3 above, that addresses both height and density against the 10 objectives and associated performance indicators identified on Table 3, Appendix 3 of the DCDP.

The SDRA 1 guidance does not prescribe a density for the site. Section 15.5.5 of the DCDP states that new development should achieve a density that is appropriate to the site conditions and surrounding neighbourhood. It is also a requirement that 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.

Section 3.2 of Appendix 3 sets out guidance on density and the factors that will be taken into account in assessing proposals for higher densities. In this regard, the DCDP states:

'Appropriate densities are essential to ensure the efficient and effective use of land. It is important to make the best use of the city's limited land supply in order to meet the need for new homes, jobs and infrastructure required by the city's growing population...'

The DCDP goes on to state:

'Excessive density, however, can be problematic. Significantly higher density schemes, particularly when coupled with high buildings, can generate problems in terms of creating successful, well designed and sustainable communities. In some instances, it can have impacts on the amenities of existing residential communities and for the future occupiers of such schemes, as well as how such developments integrate with the existing urban fabric. There can also be concerns regarding the capacity of existing social and

physical infrastructure to absorb denser developments. Appropriate higher density schemes are considered to be ones that combine mixed tenure homes, public space and community infrastructure. This can often be achieved by using building forms of 4 to 8 storeys and in this regard, higher density does not necessarily equate to high rise buildings – see diagram 1 below. High quality design and placemaking are however, the critical factors when developing higher density developments.

In terms of a strategic approach, the DCDP states that the *'highest densities should be located at the most accessible and sustainable locations. Sustainable densities in accordance with the standards set out in the Guidelines on Sustainable Residential Development in Urban Areas 2009 will be supported...'*

Table 1 of Appendix 3 of the DCDP identifies an appropriate net density range of 100 to 250 u/ha for all SDRAs. It is noted that the DCDP contains a presumption against net densities above 300 u/ha.

The proposed site area extends to 2.2 ha and the scheme will deliver a total of 408 residential dwellings, resulting in a net density of approximately 185 u/ha.

Section 3 of the Sustainable Residential Development and Compact Settlements Guidelines (2024) provide detailed guidance on the application of density for various settlements and areas within such settlements. Having regard to those criteria and the SDRA designation of the site, the site could reasonably be classified as a *'City Urban Neighbourhood'* as identified in Table 3.1 of the Guidelines where the following guidance applies:

'The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.'

It is noted that the density guidance in the current Guidelines, that came into force after the DCDP was adopted, is consistent with the density range identified for SDRAs, referring to an upper density limit of 250 u/ha. Given that the proposed development would yield a net density of approximately 185 u/ha it is consistent with both the DCDP and the Sustainable Residential Development and Compact Settlements Guidelines (2024).

6.5.3 Plot Ratio and Site Coverage

Appendix 3 of the DCDP acknowledges that plot ratio² and site coverage³ are tools that *'can be used as part of a suite of measures to ensure higher density schemes are appropriately developed to a high standard.'*

The table below that is included in the DCDP sets out indicative plot ratio and site coverage standards for different areas of the city. The DCDP also identifies that higher plot ratio and site coverage may be permitted in certain circumstances such as:

² Gross floor area (excluding basements) of the building(s) divided by the site area.

³ Site Coverage is the percentage of the site covered by building structures excluding public roads and footpaths.

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

The site falls within the identified 'Regeneration Area' category, where a Plot Ratio of 1.5 to 3.0 applies and a Site Coverage standard of 50-60% applies.

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	80-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

The proposed development has a total gross floor area of 43,893 sq.m and a plot ratio of 1.98. The total footprint of the development is approximately 12,069 sq.m, resulting in a site coverage of 55%. Both are consistent with the indicative ranges for a Regeneration Area.

6.5.4 Community and Social Audit / Childcare Assessment

The DCDP states that community facilities, such as local parks and playgrounds, community centres, local hubs, schools, childcare are an integral component of a successful neighbourhood.

Section 15.8.2 and Policy QHSN48 of the DCDP require that applications for large residential developments or mixed use developments should include provision for community type uses. All residential applications comprising of 50 or more units shall include a community and social audit to assess the provision of community facilities and infrastructure within the vicinity of the site and identify whether there is a need to provide additional facilities to cater for the proposed development.

The DCDP requires a community and social audit to address the following:

- Identify the existing community and social provision in the surrounding area covering a 750m radius.
- Assess the overall need in terms of necessity, deficiency, and opportunities to share or enhance existing facilities based on current and proposed population projections.
- Justify the inclusion or exclusion of a community facility as part of the proposed development having regard to the findings of the audit.

Section 15.8.3 requires that the Community and Social Audit identifying the demand for school places likely to be generated and the capacity of existing schools in the vicinity to cater for such demand. Similarly, section 15.8.4 requires an assessment of the childcare facilities in the surrounding 1km radius of the application site as part of the community and social audit. In this regard, Policy QHSN55 is also relevant, which seeks to facilitate the provision of appropriately designed and sized fit-for-purpose

affordable childcare facilities as an integral part of proposals for new residential and mixed-use developments, subject to an analysis of demographic and geographic need undertaken by the applicant.

The findings of the Community and Social Audit that accompanies this application provided an evidence base to support the proposed mix of uses proposed in the application, as provided for under Objective CUO25 of the DCDP where it states as follows:

'All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.'*

In this regard sub-section 6.2.1 of the accompanying Community and Social Audit provides a summary of identified social infrastructure needs within the study area. The audit of existing facilities within the area has indicated that current needs are skewed in favour of arts and cultural facilities, as such provision is poorly represented in the study area compared to community facilities. As such, the baseline results of the audit would support the provision of a larger proportion of arts and cultural facilities within the proposed development than community uses. However, continued discussions between the LDA and the DCC Arts Office will ultimately determine: (a) the precise split ratio of Community and Art / Cultural uses; and (b) the users that will be accommodated within the proposed development. In this regard it is noted that the DCC LRD Opinion urges the applicant to engage with existing local community groups and Dublin City Council's Arts Office. The LDA fully intends to engage with the DCC Arts Office and potential end users post-planning and during the compliance stage of the project. To this end, the LDA is suggesting an appropriately worded condition (under sub-section 6.3.2 of the submitted Community and Social Infrastructure Audit) that will serve as an appropriate planning mechanism to facilitate such engagements.

In terms of quantifying childcare needs, section 3.3.1 of the Childcare Guidelines requires the provision of childcare facilities at a ratio of 20 childcare spaces for every 75 proposed dwellings. Paragraph 4.7 of the Apartment Guidelines provides flexibility in this regard, removing the requirement for blanket provision across all residential schemes. The Apartment Guidelines acknowledge that notwithstanding the Planning Guidelines for Childcare Facilities (2001), the appropriate threshold for provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. The guidance state that one-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two bedrooms.

Assessment of Consistency:

Item 1(e) of the LRD Opinion requires the preparation of a Community and Social Audit, having regard to Section 15.8.2 (Community and Social Audit), 15.8.3 (Schools) and 15.8.4 (Childcare) of the DCDP, which should include an assessment of childcare facilities in the surrounding 1km radius of the proposed development, and a report identifying the demand for school places likely to be generated and the

capacity to cater for such demand, in particular having regard to the loss of the existing childcare facility on the site.

A detailed Community and Social Infrastructure Audit accompanies this application. The Audit Report provides a detailed assessment of childcare facilities in the area and the demand for school places to be generated by the proposed development.

In accordance with the Apartment Guidelines, discounting the proposed 180 no. 1-bedroom units, the proposed development would yield a total of 228 no. 2- and 3-bed units that would generate childcare demand. Applying the Childcare Guidelines' standard of 20 childcare spaces per 75 units, the proposal is likely to generate a childcare demand in the order of 61 childcare spaces (refer also to section 6.1.2 of the Community and Social Infrastructure Assessment).

The proposed Block 6 provides a creche with a floorspace of 413 sq.m (and an external play area of approximately 125 sq.m in area) with a capacity to accommodate approximately 99 childcare spaces. This level of provision is likely to exceed the level of childcare demand arising from the proposed development.

Item 1.3 of the LRD Opinion goes on to state that:

'In line with the Dublin City Development Plan 2022-2028, the optimum provision would be 5% Community and Arts/Cultural space (i.e., 1,437 sq.m) and a crèche. The Social and Community Infrastructure Audit of the surrounding area is vital for determining the quantum of existing amenities and demand for new community/cultural facilities in the locality. The applicant is urged to engage with existing local community groups and Dublin City Council's Arts Office as part of the Audit. Additionally, the Childcare Demand Assessment will determine the quantum of childcare spaces required, as well as the childcare demand arising from the existing population.'

A proposed gross residential floorspace of 28,764 sq.m requires 1,438 sq.m of combined community, arts and cultural floorspace pursuant to Objective CUO25.

As described in Section 3 of this report, a total of 1,209 sq.m of indoor Community / Arts and Cultural floorspace (comprising 502 sq.m and 707 sq.m of floorspace at ground floor level within Blocks 5 and 6, respectively) are proposed as Community / Arts and Cultural space. In addition, an external multi-functional community / arts and cultural events space of 315 sq.m will augment this provision to provide a cumulative area of 1,524 sq.m of Community / Arts and Cultural space (or 5.3 %) in accordance with Objective CUO25 of the DCDP.

It is noted that the DCC Planner's Report that informed the LRD Stage 2 Opinion suggests that the inclusion of the childcare facility towards the calculation of the required community floorspace requirement pursuant to Objective CUO25 is not appropriate:

'As submitted in the Stage 2 LRD meeting request pack, a total c.1209 sq.m of community, arts and culture spaces is proposed as part of the development. Noted a c.413sq.m crèche with c.98sq.m of outdoor space is proposed as part of the development.'

'At this juncture the crèche has been included as part of the Community and Arts / Cultural space provision. As noted during the Opinion meeting crèche/childcare provision will be determined by the results of the Childcare Demand Assessment. A full Childcare Demand Assessment including an audit of existing facilities within the locality and demographic analysis of the locality is required...'

In line with the Dublin City Development Plan 2022-2028, the optimum provision would be 5% Community and Arts/Cultural space (i.e., 1,437 sq.m) and a crèche. The Social and Community Infrastructure Audit of the surrounding area is vital for determining the quantum of existing amenities and demand for new community/cultural facilities in the locality.’ [Emphasis added in bold and underlining]

The submitted Community and Social Infrastructure Audit identifies that there is currently no spare capacity available in existing childcare and healthcare facilities in the study area.

Given the identified clear and urgent need for a childcare facility, it is submitted that it is appropriate to provide such a community facility, as proposed, and that the facility appropriately comes within the scope of ‘Community and Arts/Cultural space⁴’ as provided for under Objective CUO25. This approach is consistent with the Board’s decision under Reg. Ref. LRD6022/23-S3 (ABP Ref. 317935-23) in respect of an LRD at No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8. Section 3 of the DCC Planner’s Report (attached at Appendix A), under the heading ‘Cultural/Arts Uses’, states:

‘...objective CUO25 of the plan sets out that large developments and SDRA schemes should provide for 5% cultural/arts and community uses, and that large developments in particular should provide for both cultural/arts and community uses within this 5%.

‘The proposed development provides 3.5% of its floor area for the community uses of childcare and healthcare facilities. Implementation of the objective can be achieved with a condition requiring agreement of the café/restaurant unit for use as an arts/cultural facility, or otherwise that a facility of similar size is provided within the development and agreed in writing with the Planning Authority.’

Condition 5 attached to the Notification sought to secure the provision of the full 5% floorspace provision, as follows:

‘5. (a) The permitted development shall contain 5% provision for arts/cultural use and community uses. Aside from the permitted community uses (crèche and healthcare), arts/cultural uses shall be provided. The Arts/cultural use shall be provided in the proposed café/restaurant unit unless agreed in writing with the Planning Authority that it should be located elsewhere within the scheme at the same or similar scale.

(b) Prior to the occupation of the residential units, the applicant shall provide details of the uses and groups which will be availing of the sites 5% community, arts and culture spaces within the development for the written agreement of the Planning Authority.

(c) The arts and culture space provided shall be retained in such use and shall not be let, sold or occupied separately. All such facilities shall be freely available by means of a booking system to be administered by the on-site management company unless otherwise agreed in writing by the planning authority.

Reason: To provide for community and cultural uses in accordance with objective CUO25 of the City Development Plan.’

⁴ In this respect the footnote below Table 15.1 of the DCDP that provides clarification on the requirement for the preparation of a Community and Social Audit states as follows: *“**Community and Social Infrastructure include School’s, Crèche’s, Community Centre, Places of Worship, Public Parks, Library’s or any publicly accessible state owned building.’*

Condition 5(a) sought additional floorspace to be dedicated to cultural and arts space in addition to the childcare and healthcare facilities, to achieve the full 5% standard.

DCC's decision was the subject of first- and third-party appeals. A copy of the Board's Inspector's Report is attached at Appendix B. Paragraphs 8.1.4 to 8.1.6 of the Report addresses the contribution of childcare floorspace and associated external space towards meeting the 5% requirement under Objective CUO25. In this regard it is submitted that the Board's decision establishes:

- Where there is an identified need for childcare facilities, a proposed childcare facility can appropriately contribute towards the provision of the 5% requirement pursuant to Objective CUO25, and that such provision is not in addition to the required 5%.
- That there is sufficient flexibility in the wording of Objective CUO25 that the provision of external space could be included as contributing towards the required 5% community, arts and cultural floorspace provision.

The required 5% Community, Arts and Cultural space requirement can be met in this instance through the provision of a combination of 1,209 sq.m of dedicated indoor floorspace and a further 315 sq.m of multi-functional outdoor space along Market Street resulting in a total area of 1,524 sq.m. However, it is submitted that there is an adequate planning policy basis and precedent for the inclusion of the proposed childcare facility (413 sq.m) and its associated play space (125 sq.m) to be included in the calculation of the proportion of required community space provision. Including these spaces will result in an uplift in the total area of Community / Arts and Cultural space from 1,524 sq.m to 2,062 sq.m (or 7.2%) and would therefore far exceed the required 1,438 sq.m (or 5%) provision in accordance with Objective CUO25 of the DCDP and will therefore make a significant contribution towards the provision of required community facilities in the study area.

6.5.5 Public Realm

Section 15.8.5 of the DCDP requires that all residential developments that include lands within the public realm must agree, subject to a letter of consent, with the planning authority that the proposed scheme is compliant with the public realm guidance as set out on the Dublin City Council's Public Realm Strategy. Details of road widths, public footpaths and accessibility can be found in Appendix 5 and include:

- All developments shall be constructed in accordance with the design guidance and requirements set out in DMURS.
- All roads and footpaths within developments shall be constructed to Taking-in-Charge standards. Dublin City Council sets out construction technical standards and specifications in Construction Standards for Road and Street Works in Dublin City Council (2020) and any subsequent review.
- Any works proposed to alter or amend existing public footpaths / roadways must be agreed with the Planning Authority at an early stage in the pre-application process. A letter of consent may be required from the Environment and Transportation Department for these works and submitted with the planning application which details the proposed amendments to the public footpath or roadway.

Assessment of Consistency:

Compliance with DMURS design guidance and requirements is demonstrated in Chapter 13 of the Architectural Design Statement.

Submitted Drawing No. CLN-CCK-PLRD-SI-OO-DR-A-000010 (Proposed Taking in Charge Plan) shows all areas to be taken in charge by DCC. These areas will be constructed to the relevant standards and specifications specified by DCC.

It is submitted that the Planning Authority can maintain effective control in this regard through the use of a compliance condition requiring such details to be agreed prior to the commencement of works.

6.5.6 Public Open Space

Section 15.8.6 of the DCDP identifies that the public open space requirement for residential developments shall be 10% of the overall site area, with the exception of zoned Z12 and Z15 lands where this requirement is identified as 25%. This requirement is consistent with Policy and Objective 5.1 of the Sustainable and Compact Settlements guidelines with the added clarification that such a proportion shall be calculated on a net site area basis, where it states as follows:

'The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.'

Section 15.8.7 of the Plan provides flexibility in this regard where it is stated that:

*'...in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints **or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity,** the needs of the population would be better served by the provision of a new park in the area (e.g. a neighbourhood park or pocket park) or the upgrading of an existing park.*

'In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the City Council Parks Programme, in fulfilment of this objective.

'Financial contributions in lieu of public open space will only be applicable in schemes of 9 or more units. The details on the value of the contribution in lieu and other exemptions are set out in the Dublin City Section 48 Development Contribution Scheme and any future amendments thereof.' [Emphasis added in **bold**]

Item 1.4 of the LRD Opinion quotes from the submitted Planning Statement in respect of public open space provision and children's play facilities – see extract below:

'In relation to the overall provision of public open space the Supporting Planning Statement submitted 21st May 2024 states:

'The proposed development provides approximately 1,433 sq.m of public open space in the form of a pocket park to the east of the proposed blocks. Whilst this level of provision at 6.4% of the site area is below 10% on an incremental site development basis, it is consistent with the open space strategy permitted under the extant SHD permission (ABP Ref. 305316-19).'

In relation to the quantum of children's play space provided the Supporting Planning Statement states:

'The proposed development provides for a small children's play space within each of the landscaped communal courtyards. However, the extent of the courtyards and the layouts are not conducive to the provision of a separate play area for older children. In respect of the latter, the subject site is conveniently located (approximately 350m east) of Fr Collins Park which extends to 26 ha in area and provides high quality playground facilities, circuit track, skate park, sports pitches including all weather pitches and provides a high-quality amenity and open space park for residents in Clongriffin. The amenities and facilities available at Fr. Collins Park will meet the active recreational needs of older children resident within the proposed scheme.'

The LRD Opinion goes on to state:

'It is noted that the open space strategy is reliant on the proximity to Fr Collins Park, The previous permission on site had a large BTR element with a relaxation of minimum open space standards. The submitted Design Report notes in terms of tenure that 90% of the proposed units will be cost-rental and 10% will be Part V social housing. Thus it is submitted that a landscape masterplan detailing phasing and open-space provision for the wider lands within the control of the LDA should be submitted as part of the Stage 3 submission.'

Assessment of Consistency:

By way of background, An Bord Pleanála (ABP) granted a ten-year permission on 27 June 2003 (ABP Ref. PL29N.131058) for a mixed use development including 3,576 homes on a site of 53.56 ha. The 2003 permission included significant areas of public open space across the 2003 masterplan lands, which include the subject site area. The bulk of that public open space has since been completed and delivered. In fact, 51,326 sq.m of public open space has been provided to date, as demonstrated previously in support of the 2-no. previous SHD planning permissions, as follows:

- By decision dated 13 December 2019, ABP granted five-year permission for strategic housing development for a smaller site (of 2.9 ha) that included Block no. 5 (Board ref. ABP-305319-19, Clongriffin SHD 2). At the time, Block no. 5 comprised 138 no. apartments, marked as build-to-sell. No public open space (0%) was proposed and permitted in that application, for the reason that the 10% requirement is satisfied within the entirety of the 53.56 ha Clongriffin site.
- By decision dated 13 December 2019, the Board granted five-year permission for strategic housing development for a smaller site (of 6.3 ha) that included Block no. 6 (Board ref. ABP-305316-19, Clongriffin SHD 1). At the time, Block no. 6 comprised 270 no. apartments, marked as build-to-rent. Public open space of 2,634 sq.m (4%) was proposed and permitted in that application in the form of two local parks, again, for the reason that the 10% requirement is satisfied within the entire of the 53.56 ha Clongriffin site. Of that 2,634 sq.m of public open space, 1,433 sq.m was proposed on the subject application site and to the south-east of Block no. 6.

The subject application site of 2.2 ha comprises Block nos. 5 and 6, with the number of apartments precisely the same as previously permitted under the SHD permissions in 2019. However, Block no. 6 is no longer intended for build-to-rent purposes. The 2.2 ha application site also includes the public open space of 1,433 sq.m proposed to the south-east of Block no. 6 (and labelled Grant Park).

Thus, in simple terms, the subject application will, if granted, ensure that there is a fresh implementable permission to carry out the previously permitted development of Block nos. 5 and 6, and Grant Park.

Following receipt of the DCC LRD Opinion clarification was sought from DCC Planning Department in respect of the following:

- Clarification that public open space for the wider area has already been delivered in a 'front loaded' fashion pursuant to the 2003 masterplan in a manner whereby the vast majority of the 10% requirement has already been provided, thereby reducing the pro rata requirement in subsequent applications on the undeveloped land parcels of the 2003 masterplan lands. This approach is consistent with the extant SHD permissions for Blocks 5 and 6, as noted above.
- The relevance of the extant SHD scheme as BTR development is irrelevant, as the DCDP that was in force at the time of the decisions to grant the extant SHD permissions did not allow for a relaxation of public open space provision for BTR development (in fact, no distinction was made in this regard between regular housing development and BTR development). The standard at the time, as stated under section 16.10.3 of the DCDP, was:

'The distinction between public and private open space has become less clear with the increasing prevalence of higher density developments containing communal open space. Public open space is genuinely accessible to the general public. Public open space is open space which makes a contribution to the public domain and is accessible to the public 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. In new residential developments, 10% of the site area shall be reserved as public open space.'

- Notably SPPR 8 of the 2018 Apartment Guidelines that were in effect at the time that the extant SHD permissions were granted did allow for certain dispensations for BTR development but none of these included for a relaxation of public open space provision.

The DCC Planner's Report that accompanies the LRD Opinion indicates in Table 1 'non-compliance' in respect of Public Open Space provision on the basis that the proposed development provides approximately 1,433 sq.m of public open space in the form of a pocket park and that this level of provision at 6.4% of the site area is below the required 10% on an incremental site development basis.

This assessment and statement of DCC is not consistent with the position expressed in the DCC Chief Executive's Report (Ref. SHD0015/19) submitted to the Board in the course of assessing the extant SHD permission under ABP Ref. 305316-19 – extract below:

Public Open Space

The Development Plan normally requires 10% of a residential site area to be provided as public open space, unless a payment in lieu is deemed appropriate. The applicant however notes that public open space of 51,328 sqm has already been provided to date within the overall Clongriffin masterplan area – with Fr. Collins Park providing the bulk of it. The main area of existing public open space identified by the applicant is the c.2.59ha Mayne River Linear Park located at the northern boundary of the site. The proposed access to open space lands eastwards within FCC via the railway underpass is supported in principle. The management of the proposed should be considered in the context of consultation with Irish Rail

In this instance the current SHD1 application will provide 2,634 sqm of public open space within two pocket parks i.e. the 1434sqm 'Grant Park' to the south east of Block 6 and the 1200 sqm 'Railway Park' to the south east of Block 8. Block 8 has been since 'truncated' from the opinion stage so as to allow Railway Park to fully open out towards the general public realm to the west. Grant Park seems somewhat stranded – it would have been preferable if it had been 'tethered' to one of the adjoining plots such as Block 13 – but seems to act as a local gyratory.

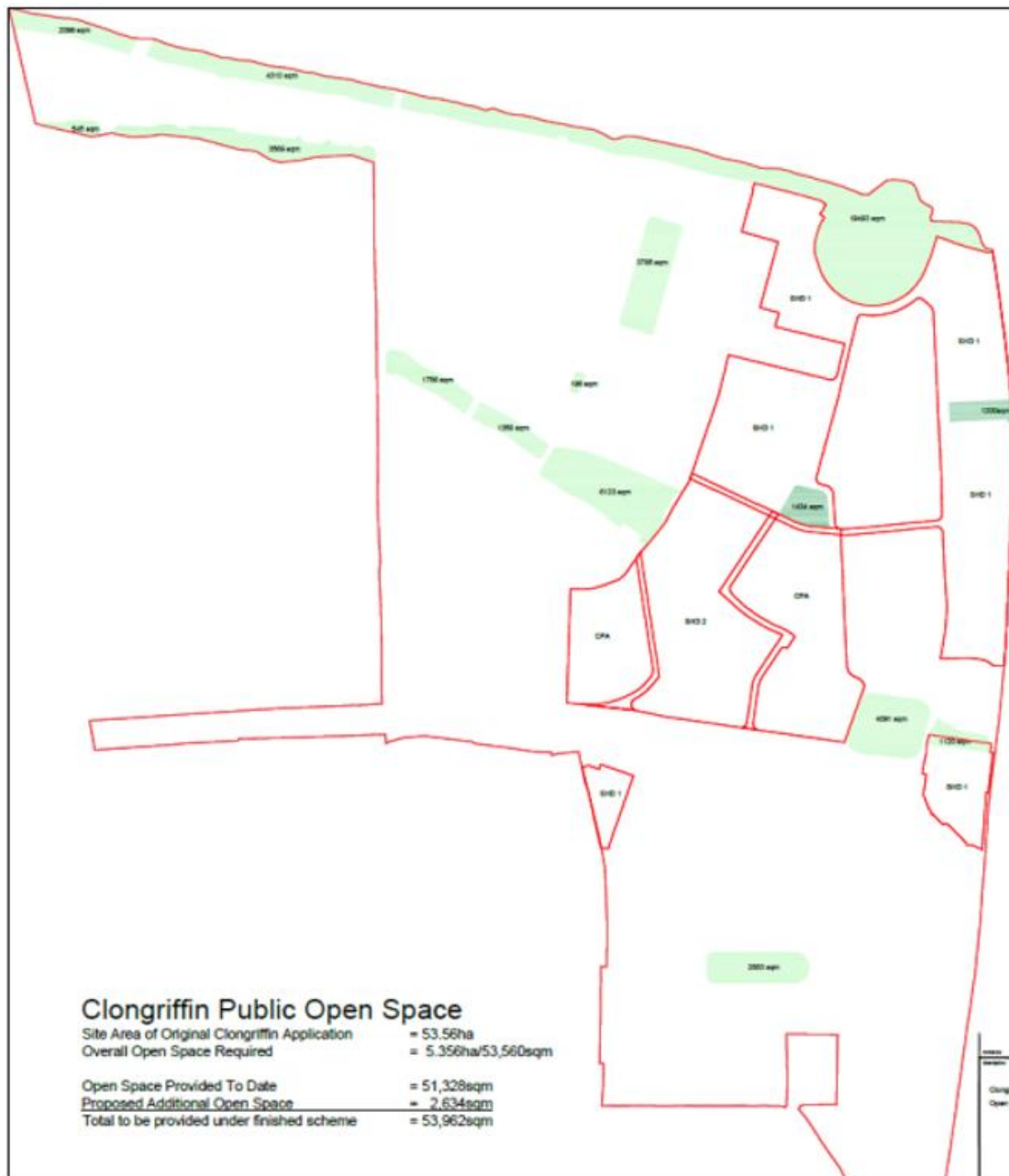
As has been noted within the SHD2 and the proposed DCC applications for the remainder of the infill masterplan it is proposed to provide a new priority cyclist/pedestrian connection in the form of Market Street which will link Fr. Collins Park and Belltree Park (formerly Panhandle Park) to Station Square, which the applicant notes will contribute towards making Clongriffin a walkable new town, enabling permeability of the site as well as making it more convenient to public transport. As has been noted it would be still be preferable that Market Street was a fully segregated green route. It could also benefit with more planting.

As also noted the applicant also proposes to open up access as part of the continuation of the Mayne River Linear Park walkway into lands in their ownership to the eastern side of the underpass that runs below the rail line and which leads into the Baldoyle Nature Park and coast road areas beyond. Blocks 25 and 26 will have direct access into the river walkway area. It is presumed these will have managed access.

The applicant also proposes to open up access as part of the continuation of the Mayne River Linear Park walkway into lands in their ownership to the eastern side of the underpass that runs below the rail line and which leads into the Baldoyle Nature Park and coast road areas beyond.

Having regard to the Chief Executive’s Report it is noted that the level of existing public open space provision was misunderstood, as the existing level of provision of 51,326 sq.m does not include Father Collins Park (comprising approximately 26 ha) but is in addition to Father Collins Park, as was clearly illustrated in Figure 5 of the submitted Planning Statement of Consistency (pg. 41), prepared by Downey Planning and submitted in support of SHD 305316-19, as duplicated below.

Figure 6.2: Existing and Proposed Public Open Space Provision at Clongriffin



Source: Fig. 5 of Downey Planning Statement of Consistency submitted in support of SHD application Ref. ABP 305316-19

Having regard to the above, it is noted that the Board's Inspector's Report (ABP 305316-19) states:

'The proposed development would provide two relatively small pieces of public open space. This provision is acceptable, given that the development plan and local area plan indicate other locations for parks on the North Fringe.' [note – SDRA 1 Guiding Principles Map in current DCDP, 2022-2028 provides this framework]

Notably, the policy context or standard for public open space provision has not changed since the original 2003 Masterplan was approved in June 2003 by ABP (ABP Ref. ref. PL29N.131058) or the subsequent SHD permissions, as set out above. Each of the Dublin City Development Plans 1999, 2011-2017, 2016-2022 and the current 2022 Plan, includes a requirement for public open space at 10% of the overall site area.

In essence, the issue arising from the DCC LRD Opinion is only whether the phrase '*overall site area*' means within the redline of the proposed development for an intended application, or possibly some other area.

In this regard it is noted that case law⁵ has established that certain policies and standards should be applied to the entire of lands zoned in a particular manner and '*not just to the site for which permission is sought*' (i.e. in an incremental manner). It is submitted that the same logic applies equally in this instance where the relevant '*planning unit of analysis*' is defined by the boundaries of the 2003 masterplan permission. As such, the requirement for '*10% of the overall site area as public open space*' must be understood and calculated in respect of the overall site area of the entirety of the 2003 masterplan lands – i.e. the 53.56 ha Clongriffin site.

The situation on the ground and as proposed in respect of public open space provision remains unchanged since the extant SHD permissions were granted. In this regard, and in response to the LRD Opinion Item 1.4, CCK Architects has updated the above Public Open Space masterplan submitted with the previous SHD applications by overlaying the subject application boundary and the wider lands owned by the LDA. An associated summary table is provided that is cross referenced with the plan, setting out the areas of permitted and delivered public open spaces and that proposed under the subject application, and identifying the quantum of remaining public open space that needs to be delivered as part of a future phase of development within the wider LDA landbank. A copy of this updated Open Space Masterplan is provided at Appendix C to this report.

From the accompanying Schedule of Open Space at Appendix C, it is noted that to date a total of 51,326 sq.m (or 9.6%) of public open space has already been provided over the wider 2003 masterplan lands that extends to approximately 53.56 ha. The most notable green space included in this quantum is 'The River Mayne Linear Park' that provides a high quality public open space for residents with the overall vision for the corridor to provide a walking route from Clongriffin to Belcamp to the west.

Notably, this level of provision excludes Father Collins Park immediately to the west and adjacent to the identified boundary of the masterplan lands (Fig. 6.2 above).

Having regard to the two extant SHD permissions, it is noted that only two small pocket parks remain to be delivered on the remaining Clongriffin infill lands, of which one is included in this application. This is in conjunction with the permitted open space of 51,326 sq.m provided to date. As noted, public open space provision has been front loaded in the development that has been completed to date. The existing

⁵ Jennings v. An Bord Pleanála [2023] IEHC 14, the High Court

and proposed (1,433 sq.m) public open spaces would result in a total provision of 52,761 sq.m across a landbank that extends to 53.56 ha, representing 9.9% of the entirety of the 2003 masterplan lands – i.e. the 53.56 ha Clongriffin site.

As such, the majority of required public open space to serve the wider 2003 masterplan lands at Clongriffin has already been delivered in combination with the currently proposed pocket park. The remaining 0.1% (or 0.054 ha) will be delivered as part of a subsequent and future phase of development by the LDA on the undeveloped portion of the 2003 masterplan lands.

The Notice of LRD Opinion provided by DCC states that the *'previous permission on site had a large BTR element with a relaxation of open space standards'*.

As noted earlier, Clongriffin SHD 1 addressed a smaller site (of 6.3 ha) that included Block no. 6. At the time, Block no. 6 comprised 270 no. apartments, marked as build-to-rent. Public open space of 2,634 sq.m (4%) was proposed and permitted in that application. The quantum of proposed public open space had nothing to do with the previously proposed BTR housing typology. As stated earlier, there was no relevant dispensation or relaxation of standards for public open space in connection with or serving a BTR development. The reason only 4% public open space was proposed and permitted was that the 10% requirement was satisfied within the entirety of the overall 53.56 ha Clongriffin site. Indeed, the Board inspector acknowledged that *'Clongriffin is well served by public open space'*. The Board inspector noted that the proposed development would provide two relatively small pieces of public open space, and concluded that it *'... is acceptable, given that the development plan and local area plan indicate other locations for parks on the North Fringe'* - these other locations are those within the entire 53.56 ha Clongriffin site.

The fact that BTR was an irrelevant planning consideration is also clear from Clongriffin SHD 2. As noted, it included Block no. 5, which comprised 138 no. apartments, marked as build-to-sell. No public open space (0%) was proposed and permitted in that application. Again, the reason was that the 10% requirement is satisfied within the entirety of the 53.56 ha Clongriffin site. The Board inspector again made it clear that *'[t]he development plan and local area plan indicate where public open space should be provided on the North Fringe. It does not include land on the current site upon which housing and other accommodation is required.'*

Concluding on this issue, it is submitted that there is no requirement for the applicant to deliver 10% public open space throughout the lands that it now controls on an incremental basis and within each defined planning application forming part of the wider 2003 masterplan lands. Indeed, there is no logical, planning or legal basis to displace or supersede the previous established *'planning unit of analysis'* that has long been defined as the entirety of the 53.56 ha Clongriffin site. In addition, the provisions of paragraph 15.8.7 of the DCDP regarding the payment of a financial contribution in lieu of open space is not relevant in this instance, as the subject application site is not an example where the site is so constrained that the applicant for permission should fund the upgrade of an existing park instead of providing open space. Instead, this is an example where the overall site, properly understood, must be defined by the boundaries of the 2003 permission, and the public open space provision delivered within that context.

The LDA is a commercial state body with a unique mandate to accelerate the delivery of affordable new homes throughout Ireland. Their purpose is to maximise the supply of affordable and social homes in a financially sustainable manner. Because of this mandate, the LDA seeks at all times to ensure that decisions with regard to the lands under their remit, and particularly in relation to Clongriffin, are made

in a sustainable manner, that respects the requirements on the lands, for example, the DCDP and any associated policy requirements.

In this particular landholding at Clongriffin, as outlined above, a significant proportion of public open space was already delivered as part of earlier phases of development associated with the 2003 masterplan / masterplan parent permission. That being so, and as explained above, the LDA are committed to delivering the remaining proportion of public open space(s) as part of the subject application and a subsequent phase(s) of development.

In summary, the proposed provision of public open space reflects a balance between the delivery of significant housing provision, in line with the LDA's statutory remit, and a sensitive response to the associated policy requirements.

6.5.7 Play Space / Infrastructure

Section 15.8.8 of the Plan states that applications which include the provision of public open space shall be subject to a requirement to provide for appropriate playground facilities. In schemes of 25 or more units, small play spaces of 85-100 sq. m. are considered suitable for toddlers and children up to the age of six, with suitable play equipment, seating for parents/ guardians, and within sight of the apartment building. For larger schemes of 100 or more apartments, play areas of 200-400 sq. m for older children and young teenagers should also be provided.

In this regard, the following guidance are provided in the Plan:

'In deciding on the location of appropriate play areas, regard should be had to the needs of all age groups. Play spaces for small children, i.e. under five years old, should be provided close to residential dwellings, i.e. safe from traffic and other hazards, overlooked informally from dwellings or frequented roads or footpaths, but should be located so that disruption is minimised. These spaces should have sunny and shady parts and be equipped with natural play elements such as logs/tree stumps/sand/water, etc., and with apparatus for swinging, climbing and rocking.

Play/recreational spaces and facilities for older children and teenagers, e.g. multi-use games areas, teenage shelters, skate parks, etc. should be available either within the scheme or close by, such as in a local square or green space where good linkages with the residential development can be created and where meaningful community interaction can take place. Facilities should also be provided for teens and older people where they can congregate while also respecting others. This can be achieved by providing such facilities in well trafficked, central areas of the scheme/ neighbourhood rather than trying to hide them (For further guidance see Urban Design Manual, 2009).'

Assessment of Consistency:

The proposed development provides for a small children's play space within each of the landscaped communal courtyards in accordance with the guidance contained in the DCDP for the siting of such facilities. The extent of the courtyards and the layouts are not conducive to the provision of a separate play areas for older children as such facilities generally require more space and are more likely to give rise to residential amenity concerns from a noise disturbance perspective. As such, it is submitted that such facilities are more appropriately located outside the proposed blocks to serve as a congregation and recreational space for older children and teenagers.

Immediately to the east of the proposed blocks is a proposed pocket park (Grant Park), the landscape design of which features open lawns for recreation, shaded seating areas for relaxation and native shrub

planting for biodiversity and seasonal interest. Thoughtfully designed pathways will ensure good connectivity with the existing and proposed residential blocks. The design creates a welcoming, functional extension of the residential community, promoting health and well-being. This space, due its intended function and restricted area, is not considered particularly suited to the incorporation of formal play facilities for older children. It is more likely to be used as an informal recreational play space where older children can use the lawned open areas as kick about areas for ball sports, such as football.

A detailed assessment of parks and play facilities within a 750m radius of the subject site is provided in sub-section 5.2.5 of the accompanying Community and Social Infrastructure Audit. From this assessment it is evident that the immediate area is well served by public open spaces / parks and play facilities for children. Most notably, the subject site is situated approximately 350m to the east of Father Collins Park, which is a large urban park that extends to 26 ha in area. The Layout of the park is split into an eastern and western half by way of a linear pedestrian spine along a water feature. To the west of this central spine are 5 no. multi-purpose sports pitches to cater for a range of active recreational pursuits, such as hurling, football, GAA, etc. the eastern part of the site (closest to the application site) provides for two playgrounds for younger children with associated seating / picnic areas and a skate park. Interspersed between these formal play areas are landscaped open spaces that include open lawned areas that are suitable for a variety of informal play, such as kick-about areas. The perimeter of the park provides for a circuit tract with specialised gym equipment being installed at regular intervals to facilitate active recreational use. The park boasts a variety of high-quality landscaped areas with mature planting / trees providing shade / shelter for more passive outdoor recreational pursuits. The amenities and facilities available at Fr. Collins Park are ideally suited to meet the active and passive recreational needs for all age groups from toddlers to adults.

6.5.8 Apartment Development Standards

The DCDP promotes the apartment development standards, as contained in the *Sustainable Urban Housing: Design Standards for New Apartments (December 2020)* or any other future amendment These Section 28 Guidelines should be referenced as part of any planning application for apartment developments.

Assessment of Consistency:

Table 6.4 provides a summary of the relevant SPPRs, and standards contained in both the DCDP and the above guidelines in the left column with an assessment of consistency provided in the right column.

Table 6.4: Summary of Consistency with the City Plan Apartment Development Standards

Relevant Development Plan Standard and Guidance	Statement of Consistency with Development Plan Standard and Guidance
<p>Building Heights - Appendix 3 of the DCDP identifies the height strategy for the city and the criteria against which all higher buildings will be assessed.</p> <p>In this Regard Appendix 3 states that appropriate density and layouts that create appropriate street scale and enclosure are achieved with mid-rise typologies of buildings 4 to 8 storeys in height.</p>	<p>Please refer to Table 6.3 (above) provides detailed responses to the criteria for increased buildings heights and density, as set out in Table 3 of Appendix 3 of the DCDP.</p>

Relevant Development Plan Standard and Guidance	Statement of Consistency with Development Plan Standard and Guidance
<p>Scope for taller or landmark feature buildings is generally limited to marking key areas of note. Opportunities for height will be promoted on sites identified in section 4 of Appendix 3 and in accordance with the performance criteria set out in Tables 3 and 4 of Appendix 3.</p>	
<p>Floor Areas - The minimum floor areas permissible are as per the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, as follows:</p> <p>Minimum overall apartment floor areas:</p> <ul style="list-style-type: none"> • Studio-type 40 sq.m • 1-bed 45 sq.m • 2-bed 73 sq.m • 3-bed 90 sq.m <p>Notably the DCDP does not include the provision for a reduced size two-bed apartment, 63 sq.m GFA, which is suitable for 3 persons, as is provided for in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). In this regard the DCDP states that:</p> <p><i>‘The introduction of a 2 bedroom, 3 person unit may be considered within a scheme to satisfy specialist housing for Part V social housing requirement or to facilitate appropriate accommodation for older people and care assistance.’</i></p> <p>It is also a requirement that <i>‘the majority of all apartments in a proposed scheme of 100 units or more must exceed the minimum floor area standard by at least 10% (studio apartments must be included in the total but are not calculable as units that exceed the minimum).’</i></p>	<p>The submitted Housing Quality Assessment demonstrates that all of the proposed 1-, 2- and 3-bedroom units meet the required minimum floorspace standards of 45 sq.m; 73 sq.m and 90 sq.m, respectively, in accordance with the relevant standards of the Apartment Guidelines.</p>
<p>Mix of Units - Specific Planning Policy Requirement 1 states that housing developments may include up to 50% one bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with</p>	<p>The proposed development provides 180 no. 1-bedroom units (or 44% of the total number of units). No studio units are proposed.</p>

Relevant Development Plan Standard and Guidance	Statement of Consistency with Development Plan Standard and Guidance
<p>three or more bedrooms unless specified as a result of a Housing Need and Demand Assessment (HNDA), which is not the case in this instance.</p>	<p>Accordingly, the proportion of 1-bedroom and studio units is compliant with the DCDP requirements.</p>
<p>Over-sized Units - The majority of all apartments in any proposed scheme of 10 or more apartments (excluding Build to Rent accommodation) shall exceed the minimum floor area types, by a minimum of 10% (any studio apartments must be included in the total but are not included as units that exceed the minimum by at least 10%). In accordance with the Housing Options for an Ageing Population Policy Statement 2019, 50% of the apartments that are in excess of the minimum sizes should be designed in accordance with the guidance set out in Universal Design Guidelines for Homes in Ireland 2015 to ensure that they are suitable for older people, mobility impaired people and people with disabilities.</p>	<p>The submitted HQA demonstrates that the majority of the apartments within the scheme exceed the minimum area standard by a minimum of 10% with the quanta being 76% (105 of the proposed 138 units) and 87% (236 of the proposed 270 units) at Block 5 and 6, respectively.</p> <p>At Block 5, 25% of apartments are designed in accordance with The Universal Design Guidelines for Homes in Ireland 2015 while at Block 6 this figure is 30%. The development aims to be as inclusive and diverse as possible and therefore the UD apartments are dispersed across the block floor plans and cores, rather than concentrated in a single core.</p>
<p>Dual Aspect - Specific Planning Policy Requirement 4 requires a minimum of 33% dual aspect units in central and / or accessible urban locations and 50% of units in suburban and / or intermediate locations. Dublin City Council will encourage all developments to meet or exceed 50% dual aspect within the development unless specific site characteristics dictate that a lower percentage may be appropriate.</p>	<p>240 of the 408 proposed apartments are dual aspect which equates to 58.8%.</p> <p>A response to the LRD Opinion in respect of single aspect north facing units is provided in the submitted Statement of Response to LRD Opinion.</p>
<p>Floor-to-Ceiling Heights: SPPR 5 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) set out the requirements for minimum floor to ceiling heights. A minimum floor to ceiling height of 2.7m for ground floor residential units and a minimum of 2.4m in upper floor shall be provided. Where commercial units are proposed or where flexibility for adaptation to alternative uses is required at ground floor level, a floor to ceiling height of 3.5m to 4m shall be applied. This will be assessed on a case-by-case basis.</p>	<p>The submitted sections for the proposed development shows that all of the ground floor apartments at Blocks 5 and 6 comply with this policy. The community, cultural and art units and the creche also have a min. ceiling height of 2.7m. The floor to ceiling heights of apartments on upper storeys are 2.4m.</p>

Relevant Development Plan Standard and Guidance	Statement of Consistency with Development Plan Standard and Guidance
<p>Block Configuration – Specific Planning Policy Requirement 6 as set out in the Sustainable Urban Housing: Design Standards for New Apartments (2020) specifies that a maximum of 12 apartment per core may be provided. The maximum provision may be relaxed for refurbishment or infill sites of 0.25ha on a case-by-case basis.</p>	<p>No single apartment core serves more than 12 units. The number of units per core varies across the development, depending on tenure and constraints, and ranges from 6 units per core to 10 units per core per floor.</p>
<p>Private Amenity Space – It is a requirement that all units benefit from private amenity space provision in the form of either a private patio / terrace or a balcony/roof terrace in the case of units above ground floor level. In all instances the minimum area / size requirement is met or exceeded, and the private amenity space has a minimum depth of at least 1.5m, or more. The private amenity areas exceed or match the required standards in terms of area requirements – i.e., studios exceeding 4sq.m, 1 bed exceeding 5sq.m, 2 bed / 4 persons exceeding 7sq.m and 3 bed units exceeding 9sq.m.</p> <p>Standards for communal open space provision is identical to private amenity space, as set out above. In this regard the DCDP states that where roof terraces are provided that it must be demonstrated that roof terraces are suitable for the intended use in terms of wind comfort levels, daylight and sunlight, noise impacts and safe and secure accessibility for all users, particularly children. Roof terraces must also accommodate landscaping features such as tree planning, shrubs and outdoor seating in order to create a quality green environment.</p>	<p>Every apartment has its own private, usable open space in the form of a ground level patio or terrace or a balcony at upper levels, and which are accessed directly from the living room. All of the terraces and balconies comply with the minimum areas prescribed by the Apartment Guidelines in Appendix 1, and all have a minimum depth of 1.5m. The area of every terrace and balcony within the scheme is detailed in the accompanying Housing Quality Assessment.</p>
<p>Communal Amenity Space - Standards for communal open space provision is identical to private amenity space, as set out above (i.e., studios exceeding 4sq.m, 1 bed exceeding 5sq.m, 2 bed / 4 persons exceeding 7sq.m and 3 bed units exceeding 9sq.m). In this regard the DCDP states that where roof terraces are provided that it must be demonstrated</p>	<p>Communal amenity space for each of the proposed blocks are principally provided in the form of landscaped podium level courtyard gardens. The respective communal amenity space provision in respect of the proposed blocks are as follows:</p>

Relevant Development Plan Standard and Guidance	Statement of Consistency with Development Plan Standard and Guidance
<p>that roof terraces are suitable for the intended use in terms of wind comfort levels, daylight and sunlight, noise impacts and safe and secure accessibility for all users, particularly children. Roof terraces must also accommodate landscaping features such as tree planting, shrubs and outdoor seating in order to create a quality green environment.</p>	<ul style="list-style-type: none"> Block 6: A total of 2,678 sq.m of communal open space is provided at podium level which exceeds the required 1,646 sq.m that is calculated on the basis of the proposed unit mix within this block. Block 5: A total of 736 sq.m of communal open space is provided at podium level together with a further 143 sq.m at 4th floor roof terrace which exceeds the required 854 sq.m that is calculated on the basis of the proposed unit mix within this block. <p>Further details on the location and calculation of areas can be found in Chapter 9 of the submitted Architectural Design Statement.</p> <p>The accompanying daylight sunlight assessment confirms that all proposed communal open spaces would benefit from good levels of sunlight penetration that exceed prescribed minimum standards. The design and layout of the proposed communal courtyard spaces have been reviewed and revised to ensure their functionality as high-quality amenity spaces. Detailed landscaping proposals are submitted that includes a range of hard and soft landscaping measures. It should be noted that the above quantification exclude the areas shown as vents serving the car park below podium.</p>
<p>Refuse Storage - Refuse storage and collection facilities should be provided in all apartment schemes. Refuse storage should be accessible to each apartment stair/ lift core and be adequately sized to cater for the projected level of waste generation, types and quantities.</p> <p>All applications for 30 or more apartments should be accompanied by an Operational Waste Management</p>	<p>A Servicing, Operations & Car Parking Management Plan is submitted with the application. Section 4 address servicing and operational management of the scheme and Section 5 addresses parking management for cars, bicycles and motorcycles. This document must be read in conjunction with the submitted Operational Waste Management Plan (OWMP), that provides greater detail on</p>

Relevant Development Plan Standard and Guidance	Statement of Consistency with Development Plan Standard and Guidance
<p>Plan that clearly identifies the projected quantities of waste and the proposed waste collection strategy.</p>	<p>the proposed operational waste management procedures.</p>
<p>Lifecycle Report - All residential developments should include a building lifecycle report that sets out the long-term management and maintenance strategy of a scheme. The lifecycle report should include an assessment of the materials and finishes proposed, the ongoing management strategy, the protocol for maintenance and repair, the long-term maintenance costs for residents and the specific measures that have been taken to effectively manage and reduce the costs for the benefit of residents.</p>	<p>A Building Lifecycle Report is submitted pursuant to Section 6.12 of the Apartment Guidelines and section 15.9.14 of the DCDP.</p> <p>In addition, a Community Safety Strategy, is submitted pursuant to Objective QHSNO15.</p>
<p>Microclimate ((Daylight and Sunlight, Wind and Noise) – The DCDP requires that all apartment schemes should be accompanied by an assessment of microclimatic impacts, including daylight and sunlight, noise and wind. These assessments should outline compliance with the relevant standards and ensure a high level of residential amenity is provided both within the apartment unit and within the surrounding residential properties.</p>	<p>A full and comprehensive Daylight and Sunlight Assessment and Report accompanies the application. A summary of the key findings of this report are provided in Section 12 (pg. 68-69) of the submitted Architectural Design Statement.</p> <p>The findings of the above report demonstrate substantial levels of conformity with daylight and sunlight guidelines. In delivering a higher density residential scheme and by ensuring the best use is made of a finite land resource, it is inevitable that some departures from advisory targets will be encountered.</p> <p>In isolated cases where full compliance with guideline targets have not been satisfied, compensatory design measures (as set out in Appendix A of the Architectural Design Statement) have been provided. Daylight results should also be considered in the context of the broader benefits a development can provide in terms of urban consolidation, vitality, and viability of an urban neighbourhood. Adequate provision is made within current planning policy guidance allowing discretion for departures of this nature in instances where wider planning objectives are achieved.</p>

Relevant Development Plan Standard and Guidance	Statement of Consistency with Development Plan Standard and Guidance
<p>Overlooking and Separation Distances (Apartments) - Traditionally a minimum distance of 22m is required between opposing first floor windows. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Separation distances between buildings will be assessed on a case-by-case basis. In all instances where the minimum separation distances are not met, each development will be assessed on a case-by-case basis having regard to the specific site constraints and the ability to comply with other standards set out within this chapter in terms of residential quality and amenity</p>	<p>Please refer to the Statement of Compliance with Objective No. 5 of Table 6.3 (above).</p>
<p>Overbearance - 'Overbearance' in a planning context is the extent to which a development impacts upon the outlook of the main habitable room in a home or the garden, yard or private open space service a home.</p> <p>In established residential developments, any significant changes to established context must be considered. Relocation or reduction in building bulk and height may be considered as measures to ameliorate overbearance.</p>	<p>Please refer to the Statement of Compliance with Objective No. 1 of Table 6.3 (above). The following design and massing mitigation measures will effectively reduce the visual impact and prominence of the proposed blocks in views from the existing adjoining dwellings to the west and north of the site:</p> <ul style="list-style-type: none"> • Block 6 generally steps up in height from the north-western corner of the site towards the south-eastern corner of the site to provide an appropriate interface with the adjoining-low rise residential development along Belltree Avenue (to the north) and Park Street (to the west). • The proposed building heights vary between 3-storeys to 7-storeys in height and is achieved through a series of setbacks to achieve a variety in scale. • The massing of blocks above podium level are broken up to reduce the visual impact of the constituent blocks <p>It is also noted that the terraced dwellings along Belltree Avenue and Park Street are all</p>

Relevant Development Plan Standard and Guidance	Statement of Consistency with Development Plan Standard and Guidance
	<p>set back from the front boundary / street frontage to accommodate in-curtilage car parking. This setback of existing houses also aids in providing additional separation distance between the habitable room vantage points within these dwellings and the facing blocks.</p> <p>The above measures will ensure that the proposed development does not appear visually overbearing.</p>

6.5.9 Transportation, Car and Bicycle Parking

A Traffic and Transport Assessment (TTA) is submitted with the application.

6.5.9.1 Bicycle Parking Provision

Having regard to Map J of the DCDP it is noted that the subject site is located in Zone 2.

Table 1 of Appendix 5 sets out bicycle parking standards for a range of development types. For residential apartments a standard of 1 space per bedroom plus an additional visitor space for every two apartments are required. For childcare facilities 1 space per 5 members of staff are required plus a short stay requirement of 1 space per 10 children. In this regard, it is estimated that 20 no. members of staff will be employed at the proposed creche that has a capacity to accommodate 99 no. children.

The proposed residential development provides for 408 units, comprising 638 no. bedrooms. Thus, in applying the aforementioned standard a total of 842 bicycle spaces (inclusive of 204 no. visitor spaces) are required.

Assessment of Consistency:

The proposed development meets this requirement by providing 638 no. residents cycle parking spaces and 206 no. visitor spaces and will thereby ensure that an adequate level of bicycle parking is provided to serve residents of the scheme and visitors alike. In addition, 4 bicycle spaces are provided in connection with the proposed childcare facility to serve staff members along with 10 visitor spaces.

A detailed breakdown of this provision is provided in Table 12.5.1 of the submitted Architectural Design Statement. The submitted Architectural Design Statement also describes / clarifies the proposed bicycle parking provision on a block-by-block basis within Chapter 12.

6.5.9.2 Car Parking Provision

Table 2 of Appendix 5 sets out maximum permissible car parking standards. Table 2 requires that a maximum of 1 space per unit be provided within Zone 2. The DCDP also requires that at least 5% of the total number of spaces should be disabled car parking spaces, with a minimum provision of at least one such space. New developments shall also include provision for motorcycle parking in designated, signposted areas at a rate of 4% of the number of car parking spaces provided. It is noted that a

relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location. In this regard it is require that applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the following criteria:

- Locational suitability and advantages of the site.
- Proximity to High Frequency Public Transport services (10 minutes' walk).
- Walking and cycling accessibility/permeability and any improvement to same.
- The range of services and sources of employment available within walking distance of the development. Availability of shared mobility.
- Impact on the amenities of surrounding properties or areas including overspill parking.
- Impact on traffic safety including obstruction of other road users.
- Robustness of Mobility Management Plan to support the development.

Assessment of Consistency:

Provision is made for 260 car parking spaces (comprising 163 off-street spaces below podium level and 97 no. on-street parking spaces) – refer to Figure 12.6 of the submitted Architectural Design Statement. Half (or 50%) of the proposed parking spaces will be provided as operational EV car parking spaces (all of which are provided below podium level off-street and within the covered car parks where they will be privately managed). The remaining 50% will be future proofed through the provision of ducting to allow the easy installation of future charging infrastructure.

Excluding the 4-no. allocated car parking spaces for the childcare facility, this level of car parking provision represents a parking ratio of 0.63 spaces per residential unit (inclusive of the non-allocated on-street spaces), or 0.39 spaces per residential unit on an allocated basis that does not take into account the proposed on-street car parking spaces that will be taken in charge by DCC.

Further details of car parking management and allocation are provided in the submitted Statement of Response to the LRD Opinion in the form of a Services Operations and Car Parking Management Plan, pursuant to Item No. 4 of LRD Opinion. In addition, a Parking Allocation Plan (Drawing No. CLN-CCK-LRD-SI-00-DR-A-000011) has been prepared by CCK Architects and is provided as part of the planning application documentation.

This level of car parking provision is below the maximum permissible level, or ratio of 1 space per unit. However, having regard to the capacity and frequency of public transport modes accessible to the site and ease of access to more sustainable modes of transport such as walking and cycling (as set out in detail in the submitted Traffic and Transport Assessment), it is submitted that this level of parking provision represents an adequate and sustainable level of car parking provision to serve the proposed development.

The above level of car parking provision includes 14 no. disabled-accessible car parking spaces, thereby satisfying the requirements of the DCDP. These are located as follows:

- 4 no. internally at ground floor (undercroft) level within Block 5.
- 1 no. externally on Dargan Street, adjacent to Block 5.
- 7 no. internally at ground floor (undercroft) level within Block 6.
- 2 no. externally on Lake Street, adjacent to Block 6.

6.5.10 Phasing Provisions

The Clongriffin-Belmayne Local Area Plan (LAP) was published in 2012 and was extended in duration for a further period of five years to December 2022.

Section 13.3 of the DCDP sets out the rationale for designating SDRA 1, and in respect of the LAP it states that *'...to ensure that that the phasing and implementation strategy envisaged in the LAP can be delivered as part of the future build-out of the lands, when the LAP expires.'*

Section 16.2 of the LAP states:

'The overriding aim of a phasing sequence promoted under the LAP and the priorities underpinning it is to improve the quality of life for existing and future residents, capitalise on the investments to date in providing physical and amenity infrastructure and market the advantages of this location as a strategically positioned key developing area in the context of the overall city and region.'

It then goes on to list 7 phasing priorities, as follows:

- '1) Achieve the completion of the internal street network to improve movement across the Z14 zoned developing lands and connect communities.*
- 2) Prioritise walking and cycling routes that connect new residential estates in a direct way with local facilities that include Fr Collin's Park, the rail station, bus stops, town centre services and school facilities.*
- 3) Deliver a sequence of interconnected neighbourhood parks along a green route suitable for walking and cycling and maximise the integration of this route and parkland amenities with development lands adjoining.*
- 4) Create a well-defined sequence of next phase sites, with appropriate boundary treatments and improved physical and visual condition of vacant sites awaiting future development.*
- 5) Deliver incremental progress towards achieving a coherent spatial structure for the overall area with legible distinction between residential character areas, buildings defining important movement routes, buildings defining important park locations and buildings that define the key town centres.*
- 6) Require that the next planning applications seeking development /modification to previous permissions include within the application key sections of the internal street network, green route and open space network to incrementally achieve the completion of these services.*
- 7) Require that the next planning applications seeking development/modifications to previous permissions include within the planning application a management plan that demonstrates how the remaining vacant lands will be appropriately treated and bounded.'*

The LAP also recognises the need for flexibility in phasing proposals and includes the following *'Rules for Flexibility on Phasing Proposals'*:

'In recognition of different land ownerships, co-ordinating the completion of infrastructure and the importance of expediting on site progress, it is important that the next phases of development are facilitated at both the Clongriffin and Belmayne sides at similar time scales as far as possible.

To promote the sustainable integration of mixed land uses and public transportation facilities and complete the robust spatial structure envisioned for this area under the North Fringe Action Area Plan

2000, development and consolidation of the town centres and Main Street boulevard connecting them shall remain key priorities for the Council under the LAP.

Although completion of town centres is more likely in a longer term horizon, proposals that further progress development in these areas will be encouraged as they service the residential districts of the LAP and adjoining communities.

The phasing sequence will therefore be flexible to encourage progress of both the residential districts and main mixed use commercial districts of the LAP where achievement of the phasing priorities (points 1-7) are demonstrated.

No future phase of development will be permitted under the LAP which would lead to an isolated or disjointed character of development. Justification of a proposal against the phasing priorities (points 1-7) will be required for all future applications.'

Whilst the LAP encourages the prioritisation of the completion of Main Street boulevard, it is noted that the undeveloped parts of the Clongriffin precinct (east of Fr. Collins Park) were up until recently in multiple ownerships which added a level of complexity to the planning and future phasing of development.

The following significant planning benefits arise from the proposed development being delivered as the next residential phase in Clongriffin:

- It will contribute to connecting and completing unfinished sections of the internal street network to improve movement across the Z14 zoned developing lands, providing a continuation of the existing green link from Fr. Collins Park eastwards via Belltree Park and onwards via the proposed street separating the two proposed blocks. It will also provide a significant unfinished section of Park Street to the west of the site to facilitate the completion of a north-south link between Belltree Avenue and Main Street via Friar Street.
- It will prioritise walking and cycling as modes of transport by benefitting from a direct east-west link with Fr. Collins Park (approximately 350m to the west) via the adjoining Belltree Park to the west, maximising the integration of this route and parkland amenities with the development lands adjoining.
- The site represents a logical eastward and southward expansion of the established residential developments to the north fronting Belltree Avenue and Park Street to the west and thereby contributing to the infill of the existing 'gap site' between Park Street and the established development at Clongriffin KUV around the station node. As such, the proposed development represents a logical expansion area and represents ordered progress towards achieving a coherent spatial structure for the overall area with legible distinction between residential character areas and mixed use and commercial precincts.
- The application includes key elements of the internal street network, open space network and a significant quantum of community, arts and cultural space to serve the local resident population within the proposed scheme and the wider Clongriffin area.

DCC Planner's Report Ref. LRD6022/23-S3 (dated 9 August 2023)

DEPUTY PLANNING OFFICER

APPLICATION No. PROPOSAL	LRD6022/23-S3 7-year permission for a 'Large-Scale Residential Development' (LRD) at a site, principally comprising No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8. Works are also proposed at Jamestown Road to provide water services infrastructure and connections, carriageway resurfacing and the reconfiguration of footpaths and public parking/set-down bays, and at the interface between Jamestown Road and Kylemore Way to provide new pedestrian and cyclist connections, bollards and surface treatments. The total planning application site area extends to approximately 0.646 Ha. The proposed development principally consists of the demolition of the existing warehouse/industrial buildings (and ancillary structures) at No. 86 and Nos. 90-96 Jamestown Road (approximately 4,450 sq m), and the construction of a mixed-use development primarily comprising: 128 No. residential apartments (63 No. 1-bed, 57 No. 2-bed and 8 No. 3-bed); childcare facility (438.2 sq m); retail unit (282.7 sq m); healthcare unit (50.4 sq m); and café/restaurant (188.2 sq m). The development has a total floor area of 12,452.2 sq m (excluding the podium/undercroft car park of 755.1 sq m) and is primarily proposed in 4 No. blocks: Block 1 ranges in height from 1 No. storey to 6 No. storeys; Block 2 ranges in height from 1 No. storey to 7 No. storeys; Block 3 ranges in height from 1 No. storey to 5 No. storeys; and Block 4 ranges in height from 1 No. storey to 10 No. storeys. The proposed development also includes: vehicular access and reconfiguration of footpaths at Jamestown Road; 31 No. car parking spaces (28 No. in the podium/undercroft car park and 3 No. at the lane between No. 86 and Nos. 90-96 Jamestown Road); 3 No. car club/share spaces; 2 No. public parking/set-down bays; 324 No. cycle parking spaces; 2 No. motorcycle parking spaces; 2 No. bin stores; 3 No. sub-stations; plant rooms; rooftop PV arrays; blue/ green roofs; hard and soft landscaping, including public open spaces and communal amenity spaces; balconies and terraces facing all directions; boundary treatments; public lighting; 8 No. 300 mm microwave link dishes mounted on 4 No. steel support poles affixed to ballast mounts at rooftop level on Block 1; demolition of the wall, railing and gate at the interface between Jamestown Road and Kylemore Way and provision of new pedestrian and cyclist connections, bollards and surface treatments; and all associated works above and below ground. The application may be inspected online at the following website set up by the Applicant: www.jamestownroadlrd.ie
LOCATION	No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8
APPLICANT	Donard Properties Limited
DATE LODGED	14-Jun-2023
ZONING	
APPLICATION TYPE	Large Residential Development-3

04/08/23**CM/EB****Notices**

Notices observed to be in order on date of site inspection, 5/7/2023.

Description of Development

The applicant seeks a 7-year permission for the following:

- Works are also proposed at Jamestown Road to provide water services infrastructure and connections, carriageway resurfacing and the reconfiguration of footpaths and public parking/set-down bays, and at the interface between Jamestown Road and Kylemore Way to provide new pedestrian and cyclist connections, bollards and surface treatments.
- The total planning application site area extends to approximately 0.646 Ha.
- Demolition of the existing warehouse/industrial buildings (and ancillary structures) at No. 86 and Nos. 90-96 Jamestown Road (approximately 4,450 sq m), and
- Construction of a mixed-use development primarily comprising:
 - o 128 No. residential apartments (63 No. 1-bed, 57 No. 2-bed and 8 No. 3-bed);
 - o childcare facility (438.2 sq m);
 - o retail unit (282.7 sq m);
 - o healthcare unit (50.4 sq m); and
 - o café/restaurant (188.2 sq m).
- The development has a total floor area of 12,452.2 sq m (excluding the podium/undercroft car park of 755.1 sq m) and is primarily proposed in 4 No. blocks:
 - o Block 1 ranges in height from 1 No. storey to 6 No. storeys;
 - o Block 2 ranges in height from 1 No. storey to 7 No. storeys;
 - o Block 3 ranges in height from 1 No. storey to 5 No. storeys; and
 - o Block 4 ranges in height from 1 No. storey to 10 No. storeys.
- The proposed development also includes:
 - o vehicular access and reconfiguration of footpaths at Jamestown Road;
 - o 31 No. car parking spaces (28 No. in the podium/undercroft car park and 3 No. at the lane between No. 86 and Nos. 90-96 Jamestown Road);
 - o 3 No. car club/share spaces; 2 No. public parking/set-down bays;
 - o 324 No. cycle parking spaces;
 - o 2 No. motorcycle parking spaces;
 - o 2 No. bin stores;
 - o 3 No. sub-stations;
 - o plant rooms;
 - o rooftop PV arrays and blue/ green roofs;
 - o hard and soft landscaping, including public open spaces and communal amenity spaces;
 - o balconies and terraces facing all directions;
 - o boundary treatments; public lighting;
 - o 8 No. 300 mm microwave link dishes mounted on 4 No. steel support poles affixed to ballast mounts at rooftop level on Block 1;
 - o demolition of the wall, railing and gate at the interface between Jamestown Road and Kylemore Way and provision of new pedestrian and cyclist connections, bollards and surface treatments;
 - o and all associated works above and below ground.

Key Development Statistics

Proposed Development LRD6022/23-S3	
Gross Site Area (Ha.)	0.628
Net Site Area (Ha.) [Excludes permeability and water wayleaves]	0.628
Net Developable Area (Ha.) [Only Z10 zoned lands]	0.583

Proposed Gross Floor Area (Sqm)	12,452	
Mix of Uses (Floor Space as Stated)		
Residential	10,690	(85.9 %)
Non-Residential Total	960	(7.7 %)
Café/Restaurant	188	(1.5 %)
Crèche	438	(3.5 %)
Healthcare	50	(0.4 %)
Retail	283	(2.3 %)
Services/Plant	801	(6.4 %)
Residential Unit Mix		
1-Bed	63	(49.2 %)
2-Bed, 3-person	10	(7.8 %)
2-Bed, 4-person	47	(36.7 %)
3-Beds	8	(6.3 %)
Total Units	128	(100 %)
Total Bedrooms	201	
Total Bedspaces	384	
Density (per Net Site Area)		
Dwellings per Ha.	203.8	
Plot ratio	1.98	
Site Coverage	58.6%	
Height (Storeys)	1 - 10	
Block 1	1 - 6	
Block 2	1 - 7	
Block 3	1 - 5	
Block 4	1 - 10	
Residential Standards		
Dual Aspect	80	(62.5%)
Public open space (Ha.)	0.08	(12.9 %)
Communal Open space (Sqm):	777	(12.4 %)
Car Parking Spaces		
Residential Spaces:	31	
Ground Floor Internal	28	
Surface	3	
CP Ratio (per unit):	0.24	
Car Club (Surface):	3	
Commercial Spaces:	0	
Total car parking spaces:	34	
Accessible Spaces:	2	
Bicycle Parking Spaces		
Secure Residential	210	
Secure Residential Cargo	14	
Visitor / Short-Stay	64	
Visitor / Short-Stay Cargo	2	
Total residential parking spaces:	290	
BP Ratio (per unit)	2.27	

BP Ratio (per bedroom)	1.44
Spaces for non-residential units	30
Non-residential cargo spaces	4
Total spaces:	324

1. RELEVANT PLANNING POLICY and GUIDELINES

National and Regional Policy

National Planning Framework 2018-2040

National Strategic Outcome 1: Compact Growth

National Policy Objective 2A: Settlement Strategy in Cities and their suburbs

National Policy Objective 3A: 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

National Policy Objective 13 Performance Criteria in Urban Areas

Regional Spatial and Economic Strategy for the Eastern and Midland Region

RPO 4.3: Consolidation/re-intensification of infill/brownfield sites seeks to 'support the consolidation and re-intensification of infill / brownfield sites in Dublin City and Suburbs.

Section 5.3 Guiding Principles for Growth of the Dublin Metropolitan Area.

Section 28 Ministerial Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2022).

Urban Development and Building Heights – Guidelines for Planning Authorities (2019),

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, 2007.

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government (December 2008).

Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Transport Strategy for the Greater Dublin Area 2016 -2035 (NTA) National Cycle Manual, National Transport Authority (June 2011)

Local Statutory Policy

Dublin City Development Plan 2022 – 2028

Land Use

The site is zoned Z10, 'Inner Suburban and Inner City mixed uses' under the City Development Plan, with the objective to 'consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses.'

Section 14.7.10 of the Plan provides a full description of the purpose and specific requirements of the Z10 objective:

The purpose of this zoning is to promote mixed-use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city. The concept of mixed-use will be central to the development or redevelopment of these sites and mono uses, either all residential or all employment/office use, shall not generally be permitted.

In order to ensure that a mixed-use philosophy is adhered to on Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. There will be a requirement that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses (e.g. residential or office/employment). For very small sites, typically less than 0.5ha, flexibility on mix requirement may be considered on a case-by-case basis, where it can be demonstrated that the proposal would not result in an undue concentration of one particular land-use on the land holding.

The primary uses supported in this zone are residential, office and retail, with ancillary uses also facilitated where they deliver on the overall zoning objective.

There will be a requirement that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared (see also Appendix 3: Achieving Sustainable Compact Growth).

Other Policies and Objectives

Chapter 3 Climate Action

Policy CA8 Climate Mitigation Actions in the Built Environment

CA9 Climate Adaption Actions in the Built Environment

CA10 Climate Energy Action Statements

Chapter 4 Shape and Structure of the City

Policy SC10 Urban Density

SC8 Development of the Inner suburbs

SC11 Compact Growth

SC12 Housing Mix

SC13 Green Infrastructure

SC14 Building Height Strategy

SC16 Building Height Locations

SC17 Building Height

SC18 Landmark/Tall Buildings

SC19 High Quality Architecture

SC21 Architectural Design

SC23 Design Standards

Chapter 5 Quality Housing and Sustainable Neighbourhoods

Policy QHSN10 Urban Density

QHSN36 High Quality Apartment Development

QHSN47 High Quality Neighbourhood and Community Facilities

QHSN48 Community and Social Audit

Objective QHSNO11 Universal Design

Chapter 12: Culture

Objective CUO25: SDRAs and large Scale Developments - All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage.

Chapter 15: Development Standards

Section 15.4.5 Safe and Secure Design
 Section 15.5.1 Brownfield, Regeneration Sites and Large Scale Development
 Section 15.5.4 Height
 Section 15.5.5 Density
 Section 15.8 Residential Development
 Section 15.9 Apartment Standards
 Section 15.9.17 Separation Distances (Apartments)
 Section 15.9.18 Overlooking and Overbearing

Appendix 3: Achieving Sustainable Compact Growth: Policy for Density and Building Height in the City

Section 3.1: Height
 Section 3.2: Density
 Section 4.0: The Compact City
 Table 3: Performance Criteria

Table 3: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

1.	To promote development with a sense of place and character	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints, - have a positive impact on the local community and environment and contribute to 'healthy placemaking', - create a distinctive design and add to and enhance the quality design of the area, - be appropriately located in highly accessible places of greater activity and land use intensity, - have sufficient variety in scale and form and have an appropriate transition in scale to the boundaries of a site/adjacent development in an established area, - not be monolithic and should have a well-considered design response that avoids long slab blocks, - ensure that set back floors are appropriately scaled and designed.
2.	To provide appropriate legibility	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - make a positive contribution to legibility in an area in a cohesive manner, - reflect and reinforce the role and function of streets and places and enhance permeability.
3.	To provide appropriate continuity and enclosure of streets and spaces	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - enhance the urban design context for public spaces and key thoroughfares, - provide appropriate level of enclosure to streets and spaces, - not produce canyons of excessive scale and overbearing of streets and spaces, - generally be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3, - provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest.
4.	To provide well connected, high quality and active public and communal spaces	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport, - be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards,

		<ul style="list-style-type: none"> - ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16, - ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development, - ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated, - provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability.
5.	To provide high quality, attractive and useable private spaces	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - not compromise the provision of high quality private outdoor space, - ensure that private space is usable, safe, accessible and inviting, - ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16, - assess the microclimatic effects to mitigate and avoid negative impacts, - retain reasonable levels of overlooking and privacy in residential and mixed use development.
6	To promote mix of use and diversity of activities	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - promote the delivery of mixed use development including housing, commercial and employment development as well as social and community infrastructure, - contribute positively to the formation of a 'sustainable urban neighbourhood', - include a mix of building and dwelling typologies in the neighbourhood, - provide for residential development, with a range of housing typologies suited to different stages of the life cycle.
7	To ensure high quality and environmentally sustainable buildings	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing and loss of light – see Appendix 16, - not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain, - ensure a degree of physical building adaptability as well as internal flexibility in design and layout, - ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive, - maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage, - be constructed of the highest quality materials and robust construction methodologies, - incorporate appropriate sustainable technologies, be energy efficient and climate resilient, - apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of

		<p>a particular site (See Appendix 16),</p> <ul style="list-style-type: none"> - incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place – see Appendix 13, - include a flood risk assessment – see SFRA Volume 7. - include an assessment of embodied energy impacts – see Section 15.7.1.
8	To secure sustainable density, intensity at locations of high accessibility	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - be at locations of higher accessibility well served by public transport with high capacity frequent service with good links to other modes of public transport, - look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.
9	To protect historic environments from insensitive development	<p>Enhanced density and scale should:</p> <ul style="list-style-type: none"> - not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below. - be accompanied by a detailed assessment to establish the sensitivities of the existing environment and its capacity to absorb the extent of development proposed, - assess potential impacts on keys views and vistas related to the historic environment.
10	To ensure appropriate management and maintenance	<p>Enhanced density and scale should</p> <ul style="list-style-type: none"> - Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.

1. RELEVANT PLANNING HISTORY

90 Jamestown Road

4319/16 – Permission was **granted** for the use as an indoor market of Units 1 and 2 Jamestown Park, operating at weekends only, with public hours on Saturdays and Sundays of 10am - 5pm both days, with trader activity an hour earlier and later each day; provision of on site parking, and 2 no. associated non-illuminated signage boards on the north and east elevations (3m² & 5m² respectively), for a period of five years. This use was previously granted temporary permission under reg. ref. 3662/11.

3662/11 – Retention permission was **granted** for temporary permission for a period of five years for the retention of the change of use as an indoor market at Units 1 and 2 Jamestown Business Park, operating at weekends only, with public hours on Saturdays and Sundays of 10am - 5pm both days, with trader activity an hour earlier and later each day, provision of on site car parking, and retention of 2no. associated non-illuminated signage boards on the north and east elevations (3sqm & 5sqm respectively).

86 Jamestown Road

4146/18 (ABP Ref: ABP-303376-19) – Permission was **refused** for a change of use, partial demolition and construction. The decision was appealed but the appeal was withdrawn. The proposed development includes the change of use of the existing property at No. 86 from industrial and warehousing to residential, partial demolition of the existing structure and construction works resulting in new northern and southern building components (3 no. storeys) and an additional floor on the remaining, existing structure (Increase from existing 2 no. storeys to 3 no. storeys) to provide 23 no. apartment units (1 no. studio, 11 no. 1-bed, 7 no. 2-bed and 4 no. 3-bed). Permission is also sought for: 1 no. communal balcony/terrace, 19 no. private balconies/terraces and 13 no. private conservatories, with visibility on all elevations; 13 no. car parking spaces and 46 no. resident and visitor bicycle spaces to the east of the building; upgrades and alterations to boundary treatments and access, including new multi-modal and pedestrian entrances onto Jamestown Road; rooftop solar photo-voltaic array; landscaping and ground-level communal open spaces; site/public lighting; signage

along the eastern facade; rainwater harvesting infrastructure; and all ancillary site development and servicing works.

Reasons for Refusal:

1. The development of an entirely residential development at this location would contravene the zoning objective Z10 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed uses with residential the predominant use in suburban locations and office/ retail/ residential the predominant use in inner city areas' as set out under Section 14.8.10 of the Dublin City Development Plan 2016-2022. Therefore the proposed development would be seriously injurious to the amenities of the area and contrary to the proper planning and sustainable development of the area.
1. The proposed redevelopment and extension of the existing structure would result in substandard residential development with regard to the minimum required floor to ceiling height and the percentage of dual aspect apartments as required under Specific Planning Policy Requirements 5 and 4 (respectively) of the 'Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities (2018)'. Therefore the proposed development would be seriously injurious to the residential amenity of potential residents and contrary to the proper planning and sustainable development of the area.

3206/14 – Permission was **granted** for conversion and subdivision of a former industrial unit to 7 no. live work units and alterations to existing commercial units. The proposed works to be carried out include: provision of a further storey and roof terraces along the eastern and western facades above part of the main building; a second storey over a single storey element of the existing north end of the building including a new access stairs; partial demolition of structures along the eastern facade; alterations to the facades; signage along the eastern facade; provision of 15 no. designated car parking spaces; rain water harvesting with water tanks and heat pumps on the southern roof, and associated site works.

2. SUBMISSIONS and OBSERVATIONS

Third Party Observations

Mr Ferriter of Jamestown Road

- A more substantial barrier forcing cyclists to dismount should be provided on Jamestown Road, to eliminate risk of scramblers.
- Queries viability of retails and café units at this location outside the village.

Brid Smith TD and Cllr Hazel De Nortúin

- Welcomes proposed development in principle
- Overbearing impact on 2-storey development to north of Jamestown Road.
- Height of development should be reduced.
- Viability of proposed commercial units is questionable, others in the area are vacant, risk of anti-social behaviour.
- Units should be designated for community use.
- Recommend retention of the wall on Jamestown Road with pedestrian access and access for people with mobility issues and prams.
- Unsustainable increase of traffic predicted on Jamestown Road owing to overcrowding on local public transport.
- Increased informal and on-street car parking due to lack of parking in proposed development.
- No. of apartments should be reduced to alleviate impact on schools. 1-bed units may house families given the housing crisis.
- City Edge Project: Need to avoid harmful precedent.

Residents of Upper Jamestown Road

- Keep existing boundary wall on Jamestown Road
 - o Do not open for vehicular traffic even temporarily
 - o Lack of consultation with Gardaí and Fire Brigade is shocking.
 - o Applicant should be required to consult or application rejected.
 - o Wall was installed by DCC in 2018. Return of bollards previously there will have serious impact on residents due to antisocial behaviour.
 - o Previous contacts with AGS and local representatives included in the submission to highlight issues with antisocial behaviour.
 - o Stolen car was crashed into the wall in 2019 and burned.
 - o Several vehicles were crashed into the previous bollards and burned.
 - o Bollards were used as a drug run with drugs passing over the boundary.
 - o Examples provided from 2014 – 2019 of dumping, fires, vandalism, a shooting incident, joyriding and burning of stolen cars, attempted break-in,
- Reduce building heights
 - o Object to 10-storey block and top floors of blocks 1 and 3 on interface of Jamestown Road.
 - o Height not adequately justified as per development plan
- Concerns over accuracy of daylight/sunlight analysis
 - o Front gardens not tested
 - o No 21st October shadow diagrams.
 - o 3D model of Jamestown Road dwellings is inconsistent with satellite imaging.
 - o BER ratings of houses on Jamestown Road will suffer.
- Necessity of Mix of Uses
 - o Units likely to lie vacant.
 - o Alternative uses should be provided in these units, such as visitor bedrooms.
- Compliance with Dublin City Development Plan 2022 – 2028
- Impacts on City Edge project
- National Climate Action Plan
- Transport, traffic and car parking
- Impact on services during construction and demolition phase
- Impact on and capacity of local schools
- Impact on property values
- Lack of community gain

Aengus Ó Snodaigh TD, Cllr Daithi Doolan, Cllr Maire Devine, and Senator Fintan Warfield

- Welcomes development of homes, but not to detriment of residents.
- Seeks the setting back of the tallest element to the centre of the site.
- Support the utilisation of industrial lands for mixed-use development or predominantly residential and services.
- There is no master plan for the City Edge project yet, and this would be hot patch development.
- The City Council should expedite the City Edge masterplan.
- Photomontages should show the houses opposite the development.
- Sunlight/Daylight shadow analysis shows substantial effect on houses opposite the development on 21st March and 21st December.
- No figures provided for the October equinox (sic).
- Images of 3d model for comparison in the sunlight/daylight assessment are not comparable.
- Substantial drop in sunlight, particularly in winter, for houses opposite.

Joan Collins TD and Cllr Sophie Nicoullaud

- Permission would be premature pending conclusion of City Edge public consultation and provision of a new UDZ scheme or LAP.

- Traffic management scheme will be established under City Edge plan; this application cannot pre-empt that or provide a traffic solution.
- Anti-social behaviour has not been taken into account in the preparation of this application.
- Planning application relies on 3 bus routes that will soon be cancelled.
- Proposed commercial units will contradict City Edge Kylemore district proposals and will undermine existing premises at the end of Jamestown Road.
- Site is located in Seveso consultation zone and the risk would be better evaluated by way of the City Edge plan process.

Consultations

Interdepartmental Reports

Archaeology	No objection, subject to conditions.
Environmental Health	No report received.
Drainage	No objection, subject to conditions.
Roads	No objection, subject to conditions.

External Consultees

Health & Safety Authority	No objection.
Irish Water	No submission received.

3. PLANNING ASSESSMENT

Principle of Development

Land-Use Zoning Objective

The site is zoned Z10, 'Inner Suburban and Inner City mixed uses' under the City Development Plan, with the objective to 'consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses.'

Section 14.7.10 of the Plan provides a full description of the purpose and specific requirements of the Z10 objective. This includes a requirement for 70% / 30% split of uses on larger sites or the provision of a masterplan.

The proposed uses are all permissible in principle under the zoning objective.

Duration of Permission

The application is for a 7 year permission. The planning authority do not consider that the proposed scheme is of such scale that a 7 year permission is warranted in this case, in this regard, other similar sized schemes have been developed within the 5 year timeframe.

Mix of Uses

The proposed mix of uses does not meet the 70%/30% requirement set down for a Z10 site in the City Development Plan for residential and non-residential uses, with approx. 85% of the total floor area provided as residential. The applicant has provided a Community and Social Infrastructure Audit as part of the application, and proposes the provision of a crèche (to serve 51 – 73 children) and healthcare facility at ground floor level.

Third parties have queried the viability of commercial outlets such as the café and retail unit in this area, and some have sought that those units are instead turned over to a community use.

In this context the principle of development is generally acceptable.

The proposed development comprises c.10.5% non-residential which on its face suggests the scheme greatly under delivers on mixed use which seeks a 30:70 mix of uses, however, the zoning objective for Z10 states:

For very small sites, typically less than 0.5ha, flexibility on mix requirement may be considered on a case-by-case basis, where it can be demonstrated that the proposal would not result in an undue concentration of one particular land-use on the Z10 landholding as a whole.

In this case the site is 0.5583Ha and so is marginally above the stated characterisation of very small sites and can be considered on its own case basis. It is considered that providing a lower amount of non-residential but with delivery of, crèche and medical uses is an appropriate land use

mix and is acceptable and consistent with the zoning objective. Alternatively, the residential component could be reduced until the existing scheme meets the 70/30% requirement; however this would reduce the density of the scheme to an extent that is not considered desirable.

It is critical to require, as a result of accepting a lower than stated mixed use ratio, that the non-residential elements proposed are maintained as such and the Planning Authority would strongly oppose any change of use of these elements to a residential nature.

Land-use and Transport

The Greater Dublin Transport Strategy contains as one of its key aims the integration of land-use and transport planning, and the reduction of trips by private car. The proposed development is located outside the inner city but is well connected by way of public transport. Third parties have noted the loss of some bus routes as per the BusConnects plan, and state that the site will be served only by an hourly bus. In fact, the Inchicore area will be served by the G-spine (6-8 minute frequency during the day), 58 and 60 buses (both hourly). Additionally, Inchicore is served by the luas and Dart+ is likely to serve the area at Kylemore and Inchicore in the future. Overall, the site is well served and is appropriate for the proposed residential density.

Height, Density, and Visual Impact

Density

Density is a measure of a combination of several different factors: plot ratio, site coverage and height being key measures, as is residential density expressed as dwellings per hectare.

The proposed development has a residential density of 203 d/ha, a plot ratio of 1.98, and site coverage of 59%. In the 'city centre and canal belt', the plan aims for a guideline density of 100 – 250 dwellings per ha. The development is within this density. The development also falls within guidelines for maximum plot ratio and site coverage as per Table 2 of Appendix 3:

Table 2: Indicative Plot Ratio and Site Coverage

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	60-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

Height

Ministerial guidelines issued have been incorporated into the new Dublin City Development plan 2022 – 2028. Subsequently, Appendix 3 of the Development Plan is the prevailing guidance in this regard with reference to the Height Guidelines.

The Building Height Guidelines (2019) state that, in order to meet the objectives of the National Planning Framework, significant increases in building heights and overall building densities need to be not only facilitated but actively sought out and brought forward by the planning process, particularly at local authority and An Bord Pleanála level, with increasing building heights having a critical role to play in delivering more compact growth in urban areas.

Section 2.7 of the Guidelines states that, in order to give effect to these broad policy directions and a more active land management centred approach as set out in the NPF, planning authorities should be proactive in the preparation of plans. In identifying areas suitable for increased density and height, planning authorities will need to consider the environmental sensitivities of the receiving environment as appropriate.

SPPR 3 of the Guidelines states that, where the assessment of the planning authority concurs that a proposal complies with the criteria, taking account of the wider strategic and national policy

parameters set out in the NPF and the content of the guidelines, the planning authority may approve the development, even when specific objectives of the relevant development plan or local area plan indicate otherwise.

The provision of a 10-storey tower at this location would mark a departure from the existing 2-storey residential typology in the area. The scheme provides for 5 blocks of 5, 6, 7 and 10 storeys.

Table 3 of Appendix 3 of the Plan provides performance criteria attaining greater building height, and the applicant has provided their own analysis of the development against those criteria in their Planning Report. The Architects Design Statement includes notable examples of taller buildings which break a view in Dublin City, with examples from the inner city and also the local area. Locally, the best example is the residential tower located west of the junction of Naas Road and Davitt Road, which dominates views west down Davitt Road to its junction with Suir Road. As with the proposed development it is proximate to 2-storey housing to the south and north (across the canal).

Third parties have contested that the development fulfils the performance criteria, and have stated that it would be jarring, and have an overbearing impact, as well as overshadowing, existing residential development.

On balance, the proposed development is considered to be a major intervention on the site given the local 2-storey residential development. It is however noted that the site is itself of a scale that it can provide a transition, and at a location where it can avoid detrimental impacts from overshadowing and loss of aspect. The site is also immediately adjacent to other commercial sites, which may be redeveloped in the future.

The ten-storey tower is positioned so as to terminate the views down Jamestown Road from the direction of Tyrconnell Road, and so establishes a local landmark. Given the current context of the site, and the abrupt transition of uses at this location from residential to commercial and industrial, and the also considering the plans to redevelop the industrial sites in the future under the auspices of the 'City Edge' strategic framework, I consider that the impact on local views as illustrated in the applicant's photomontages to be a positive impact. That is not to say that it would have a positive impact on the sites closest to it, which is a separate matter.

At this more immediate scale, setbacks to the development on its northern side, and the progressive more slender profile of the blocks as they rise, contributes to a scheme that would not have a monolithic appearance. Subject to the use of the proposed materials, the scheme would represent an efficient use of this site, and a sustainable intervention in this urban area. The applicant's Sunlight / Daylight analysis confirms that impacts on adjoining dwellings and their rear gardens will be within guideline levels and that residential amenity will not be detrimentally impacted in a material manner.

The proposed development is considered to satisfy the criteria set down in table 3, Appendix 3 of the City Development Plan.

Visual Impact

The applicant has provided a Townscape and Visual Impact Assessment as well as verified photomontages. The conclusion of this assessment is that the development would provide a positive intervention when viewed from certain locations (most notably where it aligns with Jamestown Road), or neutral, and that there would be no negative impacts from the development. As stated above, there are benefits to the provision of a taller local landmark to close a view; however the quality of views from other locations is a subjective matter.

The applicant has provided a Sunlight & Daylight Analysis report which shows the impact of the proposed scheme on adjoining residential development. The report shows that impacts on adjoining houses to the north are within guideline limits, with VSC in all ground floor front rooms being reduced by approx. 20%, and all remaining above 27% as a measure. The report also shows almost no impact on the rear gardens, and limited shadow impacts. Third parties have noted the lack of sunlight analysis for front gardens on Jamestown Road. While shadow diagrams show that there will be an impact on these gardens during the darker months of the year. The applicant has complied with BRE guidance however, in assessing only the back gardens.

Layout and Urban Character

The proposed development would present 3 and 4-storey facades to Jamestown Road, though the taller elements will plainly be visible. The frontage on Jamestown Road provides for active uses such as a café, retail unit and crèche, although there is a concentration of inactive frontage for services and cycle storage around the car park entrance.

The public realm proposals to the front of the site, in particular those near the access control point on Jamestown Road / Kylemore Way, could be improved. The effective closure of the vehicular carriageway at this location allows for a larger area in which to provide public realm improvements that are greener, and more solutions for closing off the road which are visually appealing, such as with the use of planting or other street furniture. This issue is revisited under 'Community Safety' below.

Residential Amenity. **Unit Layouts and Size**

The applicant has provided a Housing Quality Assessment for the development and has provided detailed plans of all unit types. The proposed units are overwhelmingly compliant with the 2022 apartment guidelines and would provide a satisfactory standard of residential amenity. The scheme is compliant with section 3.8, Safeguarding higher Standards.

Sunlight and Daylight access

The applicant has provided a thorough Sunlight/Daylight Analysis report within which they have carried out a Median Daylight Factor analysis and Exposure to Sunlight analysis for all habitable rooms. There is a high rate of compliance for daylight, however Block 4 has a 9% fail rate, concentrated on lower levels on its western side. Compensatory measures include the good exposure to sunlight in the rooms, which is noted. Given the concentration of the failing rooms, a design revision is justified. It is considered that these units can be reconfigured in such a way as to place storage nearer to the interior of the building, and maximise the length of the living room external walls, reducing their depth from the exterior of the structure. Revisions can be agreed by condition, and these should be possible without alterations to the envelope of each unit or the proposed building.

Public and Communal Open Space

The proposed development provides public and communal open space at quantities that exceed the 2022 Apartment Guidelines standards, although the communal open space at 777sqm just meets the minimum standards. Sunlight and daylight analysis shows that these spaces would achieve adequate sunlight penetration individually and collectively.

I would have concerns about the access and siting of the main area of public open space to the south of the development. In particular, its being accessed by way of the private laneway, the carriageway of which is not in the red line, is a cause for concern. The Transportation Planning Division raised concerns about this laneway at Stage 2 but are satisfied as per their report to grant with conditions. The public open space shall not be taken in charge (as per recommendation at stage 2).

Private gardens are provided for ground floor units to the west of the development. These are also adequately lit as per the guidance.

Overall, an adequate standard of amenity is proposed.

Tenure

The proposed development is build-to-sell.

Part V Housing

The applicant has provided a Part V proposal with the application. A grant of permission shall be subject to a Part V condition for agreement with the Housing Department.

Other Amenities and Facilities

Childcare

The proposed residential development has 65 no. 2+ bed apartments, and the applicant states that on that basis a childcare facility would not be necessary. A facility is proposed at ground level

with capacity for 51 – 72 children. The applicant states that the paucity of capacity for such facilities in the area makes the proposal viable. The proposal is considered acceptable. Hours of operation for the facility should be subject to agreement by **condition**.

Healthcare Facility

A healthcare facility of 50sqm is proposed; this would allow for a small GP surgery or – with internal reconfiguration – a pharmacy. The use is acceptable.

Café and Retail Units

Two units are proposed at ground level, a café/restaurant (188sqm) and a retail unit (283sqm). Third parties have queried the viability of these units, while the applicant has stated that they are of such a small scale as to not interfere with the viability of Inchicore as an urban village. The latter point seems to be correct given the scale of retail and other offers in Inchicore. Third parties have noted the facilities on Tyrconnell Road and also note some vacancy in retail units in the area.

Given the scale of the development itself, the provision of public open space, and the neighbouring employment lands, it is considered that these uses may be viable; furthermore future office-based or other employment on the site could increase such viability. However in the case of vacancy, other uses can be considered on the site and agreed by way of planning permission.

Cultural/Arts Uses

Notwithstanding the above section, objective CUC025 of the plan sets out that large developments and SDRA schemes should provide for 5% cultural/arts and community uses, and that large developments in particular should provide for both cultural/arts and community uses within this 5%.

The proposed development provides 3.5% of its floor area for the community uses of childcare and healthcare facilities. Implementation of the objective can be achieved with a **condition** requiring agreement of the café/restaurant unit for use as an arts/cultural facility, or otherwise that a facility of similar size is provided within the development and agreed in writing with the Planning Authority.

Community Safety

The residents of Jamestown Road have provided a detailed account of the instances and pattern of anti-social behaviour which has taken place close to or across the interface between Jamestown Road and Kylemore Way. This area was previously bollarded but a low wall surmounted by a metal palisade fence and kissing gate was erected in 2018 by Dublin City Council. The arrangement restricts permeability to pedestrians passing through the kissing gate, and is not ideal for those with mobility issues, or cyclists.

It is proposed to return the interface layout to that of bollards. This would better provide permeability for pedestrians with mobility issues and cyclists, but is contested and opposed by neighbours.

The applicant has stated in their Community Safety Statement that consultation with An Garda Síochána is not deemed necessary. Given the testimony provided in the third party observation from Jamestown Road residents, it would appear that consultation with An Garda Síochána is warranted prior to the making of alterations at the boundary. The final layout of public realm works to the front of the development, and including Jamestown Road and Kylemore way, should be subject to agreement by **condition** with the Planning Authority following consultation with An Garda Síochána and the City Edge team in Dublin City Council.

Transport and Mobility

The Transportation Planning Division has provided a report which states no objection, subject to conditions. The Division previously raised concerns over the public realm works and the works proposed to areas which are or would be taken in charge. The report deals with a number of technical areas, and its main assessment section is inserted below.

Access Proposals

There is an existing footpath, a minimum of 2.0m in width directly in front of the proposed development which continues along Jamestown Road. There is an indented set-down/parking area located in front of the proposed western part of the development. The existing footpath crosses the laneway located between the proposed western and eastern

blocks of the development. The laneway is noted as private and not within the ownership of the applicant. The laneway has not been included within the application boundary.

Pedestrian access to the development is proposed from Jamestown Road and the laneway. Changes to the public footpath along Jamestown Road is proposed, providing indented parking and requiring realignment of the public footpath. A minimum public footpath width of 2.0m should be retained, this can be conditioned. No changes to the junction radii of the laneway is proposed, although works to the kerb and provision of tactile paving for the uncontrolled crossing is noted. Priority pedestrian crossing is proposed however no tactiles or change of surface/change of colour has been proposed at the proposed undercroft entrance, this can be addressed by way of condition.

The existing 6.5m wide laneway has a 1.5 – 2.0m wide footpath on the eastern side of the laneway. A pedestrian footpath is proposed on the western side of the laneway within the site, this is welcome.

A segregated pedestrian/cycle access is noted at the main vehicular access this is acceptable, however as noted below sufficient head height for cyclists in this area has not been provided and cyclists would have to dismount at access.

The existing site benefits from three vehicular access points off Jamestown Road. The main vehicular access for the development off Jamestown Avenue is proposed at the western part of site to the proposed undercroft parking, this access closely aligns with the location of existing vehicular access to the site. Sightlines at the new vehicular access show a restricted view with the loading bay and cycle parking, although the cul-de-sac location is noted. The 4no cycle stands should be relocated as to not restrict sightlines. Vehicular access proposals along the laneway is also noted in the form of indented parking and loading bays.

The laneway provides a 'right of way' to a number of existing light industrial units to the south of the proposed development. The development does not appear to impact on this, auto tracking submitted.

Works with the Public Realm

The applicant is proposing alterations to the road/footpath on Jamestown Road. Reconfiguration of existing indented bay to the front of the site to facilitate parking is noted as well as realignment and setback of the footpath to the front of the eastern part of the site to also facilitate intended parking bays and loading bays. The changes to the existing kerb line were agreed in principle in discussion with TAG.

A large footpath is currently in place at this location, it is noted the public realm is proposed to be increased including the addition of swales to cater for the proposed indented bays

A number of dropped kerbs are noted, however at the accessible parking no dropped kerb has been shown to allow users to safely access/egress.

A minimum footpath width of 1.80m is shown between the parking and landscaped areas, this should be increased to 2 m as noted above. Within the laneway it is difficult to see the transition between public and private, a demarcation line or change in surface/ colour should be shown to denote the change.

As requested by this division, the applicant has reviewed link to Kylemore Way for pedestrians/cyclists only and this is welcomed by the division. Further detail is required for the pedestrian/footpath connection to the south of the new link as tactiles are not proposed/ present at the other side of the junction, tactiles have also not been shown the width of the footpath. Observations are noted, however the current kissing-gate access is restrictive for people with accessibility problems, buggies and bikes. The cul-de-sac should be opened to allow pedestrian access for all as per the Development Plan 2022-2028 and cycle connection should also be facilitated. The final design should seek to prevent small motorised vehicles accessing at speed and should explore landscaping options in addition to bollards. The matter can be conditioned.

No building overhang of the public domain are noted on submitted drawings. Outward opening doors are proposed within the area shown for taken in charge, this is not acceptable except where emergency exits are proposed

A taken in charge map has been included in the planning documentation, showing the increased footpath to be taken in charge. As above, a condition to agree the final design and the area to be taken in charge is required. Street furniture has been shown on a number of drawings with the note; '*On-street seating is indicative and subject to separate licence agreement*', this is acceptable to the division and applicable if the area is to be taken in charge. No planning permission is granted at this stage for street furniture.

All works within the public domain or areas proposed to be taken in charge would need to be taken in charge standards. Areas proposed to be taken in charge cannot be encroached on or overhang by the development.

Servicing Strategy

2no. set down/ loading bay areas are proposed within the submission, and both are located within the public road. From the submission, the west loading bay is proposed to facilitate servicing activity associated with the proposed development which is expected to be limited to small deliveries via car, van or supermarket style delivery vehicles. The east set down area is proposed to facilitate drop off/collection for the childcare facility. The service strategy relies on the public road and two indented loading bay in this location.

No loading bays or set downs are proposed off the laneway, however turning arrangements within the laneway appears to have been demonstrated by autotracking submitted.

The submission of the Operational Waste Management Strategy is noted. It is noted within the LRD Opinion Response that the staging areas for bin collection within the public realm have been removed and more of a concierge approach will be applied with waste collection service providers will directly access the 2 No. bin stores and collect receptacles.

Auto tracking of a refuse vehicle has been submitted which shows the vehicle reversing into the entrance of the undercroft parking. This may cause a conflict with the users however given the infrequent collection times, it is envisaged this can be managed locally with the management company.

Car Parking Proposals

The application site is located in Area 2 of Map J of the Dublin City Development Plan (2022-2028). Accordingly, as per Table 2 of Appendix 5, the maximum parking provision per unit is 1 space.

31 no. car parking spaces including 2 no. accessible spaces are proposed within the development, giving a ratio of 0.24 for residential development. This does not allow for any parking for the commercial components. 28 no. spaces are located within the undercroft and 3 no. spaces including 2no. accessible spaces are provided as parallel parking along the private laneway. Parking spaces have been numbered. This division still have concerns regarding the low car parking provision within the site, and the potential for overspill parking within the local roads.

2no. motorcycle parking spaces have been proposed in line with the development plan, however they are positioned within the pedestrian walkway buffer within the undercroft car park, this is not acceptable. The motorcycle parking should be relocated as to not interfere with pedestrians within the undercroft parking, this can be addressed by way of condition.

As noted above, works proposed within the kerbline of Jamestown Road includes 3no car club spaces, 2no. loading bays these would be public.

The proposed development indicates that car share proposals are to be facilitated within the public domain, as such any provision would be available to car club operators with a valid licence and the service would be accessible to the public. It is noted by their nature car club spaces do not contribute to commuter traffic and contribute to more adhoc journeys. These spaces would be within the public road and managed as such.

EV charging points are noted on 17no. spaces which equates to 55% of the overall dedicated parking. Details of EV charging alongside details of proposed designs which accommodate EV charging infrastructure have not been submitted. This will need to be addressed by way of condition.

It is noted within the Transport Assessment & Parking Strategy monitoring, reporting, clamping and enforcement of permit parking will be used to control the private parking onsite most notably including the 2no.accessible parking bays and 1no.parking space located adjacent to the access road.

The Mobility Management Plan outlines the car parking strategy for the development. It is noted that the car parking spaces (not in curtilage spaces) will remain within control of an

appointed management company and those residents of the residential apartments will not include ownership of a designated parking space. Residents will have the opportunity to apply for a residents permit.

It is understood that visitor parking would rely on on street provision. Similarly, the proposed crèche use is noted as car free in terms of the proposed development and as such, relying fully on on street parking for staff and drop-off/collection.

Overall the quantum of car parking and the measures outlined in the Mobility Management Plan to address a lower ratio of car parking given its urban location and increase in cycle parking and car share are considered acceptable in this instance. However should no car club provider use this location, this division would have serious concerns for the low car ratio.

Cycle Parking Provision

The application site is located in Area 2 of Map J of the Dublin City Development Plan (2022-2028). Table 1.0 of Appendix 5 states the minimum cycle parking provision. Cycle parking provision for the proposed development is given as 324 no. cycle spaces. It is noted 224no. spaces are proposed for residential, 66no. are proposed as visitor parking for residential, 7no. for non-residential users and 27no. visitor spaces for non-residential uses. A total of 20 no. cargo bikes are proposed with 2no. Electric Bike charging spaces to also be provided.

Overall the quantum of cycle parking within the development description is considered to meet with applicable standards.

A comprehensive 'Cycling Infrastructure', dwg. 378JR-SHA-Z1-00-DR-A-0013, has been provided by SHA.

- Viewport 1, 2 & 3 show the Bike Storage layouts, a minimum distance of 1.80m has been shown to the front of each rack for the two tier racks. A distance of 2.85m has been shown within the cargo bike store.
- Viewport 4, shows the distribution of the visitor parking cycle parking throughout the site.
- Viewport 5, notes that the majority of the bicycle parking spaces will be provided in in secured stores within the 2 blocks and consist of stacked 'Two Tier Rack' System, with the design of the stores providing horizontal and vertical room to allow for their use.
- Viewport 6, notes a zone of 2.40m head height where cyclists are expected to be cycling, however OCSC dwg. T276- OCSC-XX-XX-DR-C-0110- S8 Rev. P06 notes a *segregated pedestrian/cycle access* which has not been hatched to show a 2.40m head height, this can be addressed by way of condition.

These points outlined above are acceptable to the division.

Traffic Assessment & Parking Strategy

A Traffic Assessment has been carried out for the proposed development. The proposed development is not expected to give rise to an appreciable number of vehicular trips or servicing trips. Having regard to the existing use on the site and the proposed nature and location of the development, this is acceptable to this division.

It is envisaged that the crèche will be predominately used by residents and locals within the area and as such will be a car free service. There is 2no. uncontrolled loading bays. There is also visitor parking adjacent to the bay which would facilitate the dropping off /collection of children by cycling/ Active Travel.

It is noted that Jamestown Road has informal on-street parking on both sides of the road from its junction with Jamestown Avenue to the signalised junction with Tyrconnell Road (R180), a distance of approximately 240m. This section of Jamestown Road can only facilitate one car in each direction as the carriageway width is restricted by the on-street parking. It appears an informal arrangement between drivers is in use to allow approaching cars pass by each other.

There is also the potential for the development to lead to increased overspill parking which could impact on access along Jamestown Road. However it is noted within the parking strategy the management company will be in control of the parking spaces and spaces will not be sold with apartments. This is acceptable to the division.

Mobility Management Plan (MMP)

A Mobility Management Plan is submitted and its contents noted. In light of the low car parking provision onsite, increased sustainable transport measures have been included including a designated cargo parking facility. 3no. car club spaces are shown, however as noted above it appears that no letter has been provided to show the interest of the area to a car club provider.

It is noted a management company will be responsible for the ongoing management and allocation of car parking. A register of how parking spaces are allocated will be maintained and continually updated with parking reassigned once it is no longer required this is acceptable.

A mobility manager is to be put in place to monitor any changes and trending within the development after completion. This is acceptable.

Construction Management and Environmental Plan

A *Construction Management and Environmental Plan* with traffic management measures have been submitted. The applicant should be cognisant that there are residential dwellings opposite the site.

The contents of the plans relating to traffic are noted. The CMP does not appear to have considered the impact on access during the construction of the undercroft basement and how this would overspill on to the public footpath and road, this should be reviewed.

It is noted onsite car parking may not be permitted given the constraints of the site. Cycle parking and the proximity to the red line luas stop is noted in order to facilitate travel by sustainable modes.

Estimation of the trip generation is given as 2no private cars, 20no. lights good vehicles and 20no. HGVs, per day. Worst case scenario peak hour construction traffic has been given provided. The scheduling of traffic should be reviewed as part of a final CMP to ensure that traffic during peak hours are limited.

Loading is proposed from the existing uncontrolled loading/parking bay outside the site. All loading should take place within the site, this can be addressed by way of condition.

The submission of a CMP should be conditioned.

The report recommends 11 no. conditions relating to the following.

- Design and materials for changes to the public road and footpath.
- Design of pedestrian and cycle access link to be agreed.
- Map of areas to be taken in charge
- Materials proposed in public areas
- Relocation of motorcycle spaces and EV charging details
- Mobility management plan
- Car parking allocation
- Demolition management plan
- Construction management plan
- Dublin City Council expenses
- Code of practice

Having inspected the proposed conditions, they are considered to be appropriate in the event of a grant of permission, with the exception that the design of the pedestrian / access link between Jamestown Road and Kylemore Way should be the subject of a wider ranging condition to include consultation with the An Garda Síocána, as mentioned elsewhere in this report.

Drainage

The Drainage Division has stated no objection subject to conditions relating to final agreement re: Suds strategy and drainage works outside the site boundary, verification of records on site, surface water connection, groundwater discharge, separation of drainage, and the Code of practice. These conditions are appropriate.

Ecology

The applicant has provided an Ecological Impact Assessment, Biodiversity Enhancement Plan, and a Bat survey report. The site is located close to the interface of a residential area and a light

industrial / industrial zone and is a brownfield site. The Grand Canal and Camac River are located to the south and east and provide higher ecological potential, but there are limited pathways to the site from those waterbodies, and the intervening landscape is urban and mostly hard surfaced.

The Ecological Impact Assessment considered the potential for newts, lizards, birds, bats, badgers and otters to be disrupted by the development, and the impact invasive species might have at the site. An invasive species was found on the site (butterfly bush) and bat surveys were undertaken. The report concludes that few impacts on habitats are likely, but that birds and bats *may* use the existing buildings and further surveys should be provided in order to inform mitigation approaches to demolition and construction. The report also recommends a methodology for handling the invasive species on the site. Bird boxes are also proposed on the development as well as blue roofs.

The Biodiversity Enhancement Plan proposes an approach to providing for a pollinator-friendly scheme, and maximising amenity spaces and green/blue roof features for biodiversity.

The proposed development is considered likely to have a low impact on local ecology, and the proposed enhancement measures are welcomed. Mitigation measures in the Ecological Impact Assessment and bat report should be **conditioned**.

Archaeology

The Archaeology section report concludes that whilst the subject site is large in scale at approximately 0.646 Ha, given the historically industrial nature of the location and based on the above baseline study, the potential archaeological impact is considered to be low. A **condition** is recommended regarding notification of the City Archaeologist and appropriate bodies in the event of discovery of archaeological materials.

Environmental Health

The applicant has provided assessment reports in relation to wind, noise and air quality. The site is located close to a number of commercial or light industrial sites.

Environmental Noise

The applicant's Environmental Noise report provides an analysis of inward noise and noise impacts from the development. Impacts from the development are limited to the construction phase and this can be controlled with the usual safeguards on working hours. Inward noise is measured as being within guideline amounts, and 'type 1' glazing (minimal sound insulation) is recommended throughout the development alongside mechanical ventilation.

Air Quality

The Air Quality Assessment identifies construction phase impacts only, which can be dealt with by way of standard conditions. The assessment identifies no issues for air quality impacting the development.

Wind and Microclimactic Effects

The Wind modelling report provided shows that the proposed development would not cause microclimactic effects incompatible with its use in the ground floor outdoor spaces, and furthermore that no effects would be created outside the site.

4. ENVIRONMENTAL CONSIDERATIONS

Screening for Appropriate Assessment

The applicant has provided an Appropriate Assessment Screening Report, and the development has been screened for appropriate assessment. It has been found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

Screening for Environmental Impact Assessment

It is noted that:

- (a) The number of dwellings is below 500; and
- (b) the site area is below the 2ha and 10ha for urban development.

It is further noted that this is a brownfield site in an urban area. The planning authority has completed an environmental impact assessment screening of the proposed development. Having regard to the information which accompanied the application including, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment, the Construction and Environmental Management Plan, and other assessments, 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 is not, therefore, required.

5. CONCLUSION and RECOMMENDATION

Conclusion

Having regard to the Z10 land-use zoning objective, other relevant provisions of the Dublin City Development Plan 2022 – 2028, in particular Appendix 3 and Chapters 4 and 5 of the Plan, and considering the design approach, density, layout, materials and provision of a mix of uses in the proposed development, it is considered that the proposed development would not be seriously injurious to the residential amenities of the area, would constitute an efficient use of land and a positive intervention in the area, and would therefore be consistent with the proper planning and sustainable development of the area, subject to the conditions set out below.

Recommendation

Grant permission subject to the following conditions.

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made thereunder are concerned, the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. A development contribution in the sum of €562,866.89 shall be paid to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority in accordance with Dublin City Council's Section 48 Development Contribution Scheme. The contribution is payable on commencement of development. If prior to commencement of development an indexation increase is applied to the current Development Contribution Scheme or if a new Section 48 Development Contribution Scheme is made by the City Council the amount of the contribution payable will be adjusted accordingly.

Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

3. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank .

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains.

or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces, street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

4. Revisions shall be made to west-facing units in Block 4, to maximise their compliance with guideline values for daylight (BRE 209:2022). These units shall be reconfigured in such a way as to maximise the length of the main living rooms along the exterior wall, and to reduce the depth of those rooms, without alterations to the envelope of each unit or the proposed building, and such revisions shall be agreed in writing with the Planning Authority prior to commencement of development.

Reason: To improve the standards of residential amenity.

5. (a) The permitted development shall contain 5% provision for arts/cultural use and community uses. Aside from the permitted community uses (crèche and healthcare), arts/cultural uses shall be provided. The Arts/cultural use shall be provided in the proposed café/restaurant unit unless agreed in writing with the Planning Authority that it should be located elsewhere within the scheme at the same or similar scale.

(b) Prior to the occupation of the residential units, the applicant shall provide details of the uses and groups which will be availing of the site's 5% community, arts and culture spaces within the development for the written agreement of the Planning Authority.

(c) The arts and culture space provided shall be retained in such use and shall not be let, sold or occupied separately. All such facilities shall be freely available by means of a booking system to be administered by the on-site management company unless otherwise agreed in writing by the planning authority.

Reason: To provide for community and cultural uses in accordance with objective CUO25 of the City Development Plan.

6. The childcare facility hereby permitted, shall not be converted to any other use without a prior grant of planning permission in the event of the childcare facility ceasing operations.

Reason: To protect the amenities of the development.

7. Hours of operation of the ground floor non-residential units shall be subject to agreement with the Planning Authority.

Reason: To protect local amenities.

8. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority.

A panel of the proposed finishes to be placed on site to enable the planning authority to adjudicate on the proposals. Any proposed render finish to be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area.

9. The final layout and specifications for the interface between Kylemore Way and Jamestown Road shall be agreed with the Planning Authority in writing prior to commencement of development, and following consultation with An Garda Síocána, the Environment & Transportation Department, and the Parks, Biodiversity and Landscape Services Division. The final layout of the public realm works to the front of the scheme, west of the laneway through the scheme, shall also be agreed in writing.

Reason: In the interests of permeability, sustainable transport, and community safety.

10. The development shall comply with the following requirements of the Transportation Planning Division:

a. Prior to commencement of development, the design and materials for changes to the public road and footpath and any public realm areas including parking and loading bays, cycle parking, landscaping, public lighting, drainage, road signage, dropped kerbs and line markings shall be agreed in writing with the Planning Authority. Any works to the public road and the public realm including road and footpath modifications shall be carried out at the developer's expense

b. Prior to the commencement of development, the developer shall delineate on a map those areas which are to be taken in charge for the written agreement of the Planning Authority.

c. Details of the materials proposed in public areas or areas proposed to be taken in charge are required and shall be in accordance with the document Construction Standards for Roads and Street Works in Dublin City Council and agreed in detail with the Road Maintenance Division.

d. Prior to commencement of development, a revised car parking layout relocating the 2 no. motorcycle spaces and details of EV charging alongside details of proposed designs which accommodate EV charging infrastructure shall be submitted for written agreement with the Planning Authority. A

e. Prior to the occupation of the development, a Mobility Management Plan shall be submitted to the planning authority for written agreement. The plan shall address the mobility requirements of future residents and shall promote the use of public transport, cycling and walking and the use of car club spaces. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the strategy. The Mobility Management Plan shall incorporate a Car Parking Management Plan for the overall development which shall address the management and assignment of car spaces to residents and uses over time.

f. All car parking spaces within the development shall be allocated to residents, and shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements.

g. Prior to commencement of development, and on appointment of a demolition contractor, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended demolition practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of demolition waste. The Demolition Traffic Management Plan shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport.

h. Prior to commencement of development, and on appointment of a main contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise and dust management measures and off-site disposal of construction waste. The Construction Traffic Management section of the report shall seek to minimise impact on the public road and potential conflict with pedestrians, cyclists and public transport.

i. All costs incurred by Dublin City Council, including any repairs to the public road and services

necessary as a result of the development, shall be at the expense of the developer.

j. The developer shall be obliged to comply with the requirements set out in the Code of Practice.

Reason: To protect public infrastructure and to ensure an adequate standard of development.

11. The development shall comply with the following requirements of the DCC Drainage Division:

a. The development shall incorporate Sustainable Drainage Systems (SuDS) in the management of surface water. Full details of these shall be agreed with the DPPDC section prior to commencement of the development.

b. Full details of any drainage works outside of the final site boundary required to facilitate the development (upgrade of existing public footpaths and carriageways, relocation of existing gullies, etc.) shall be agreed with the DPPDC section prior to commencement of the development. A licence will be required from DCC's DPPDC Section for any new surface water connections.

c. The outfall surface water manholes and the outfall pipes from this development must be constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0. The outfall manholes must be located within the final site boundary.

d. All private drainage infrastructure such as, downpipes, gullies, manholes, armstrong junctions, etc. shall be located within the final site boundary. Private drainage infrastructure is not permitted in public areas, or areas intended to be taken in charge.

e. Records of public surface water sewers are indicative and must be verified on site.

f. A connection from this development (directly or indirectly) to the public surface water network will only be granted when the developer has obtained the written permission of the DPPDC section. All expense associated with carrying out the connection work is the responsibility of the developer. Any unauthorised connections shall be removed at the developer's expense. Permission of DCC Roads Maintenance Services must also be obtained for any work in the public roadway.

g. The development is to be drained on a completely separate foul and surface water system with surface water discharging to the public surface water sewer network.

h. Permanent discharge of groundwater to the drainage network is not permitted.

i. Discharge of groundwater to the public drainage network may be permitted during construction subject to a trade effluent discharge license being obtained from the responsible sanitary and/or local authority as required by the Local Government (Water Pollution) Acts, 1977 and 1990. Please note, Uisce Éireann is the sanitary authority responsible for the foul and combined drainage network. Dublin City Council is the local authority responsible for the surface water drainage network.

Reason: To protect public health and infrastructure.

12. If, during the course of site works any archaeological material is discovered, the City Archaeologist should be notified immediately. Further, it is obligatory under the National Monuments Act that the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland are notified.

Reason: To protect the archaeological heritage of the city.

13. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: to adequately manage development.

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

(b) The Management Scheme shall include the community facility, meeting room and Residents Centre, such that all residents shall have access to the facilities at times to be stated in writing. Any changes to the overall community facility provision shall be agreed with the Planning Authority prior to the first occupation of the development.)

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

15. Prior to the commencement of development, the developer will retain the professional services of a qualified Landscape Architect and a qualified Arboriculturist throughout the life of the site development works and will notify the planning authority of these appointments in writing. The developer will engage the Landscape Architect to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Architect, he/she will submit a Landscape Completion Report to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented and for bond release. The Arboriculturist will advise and supervise all works associated or in proximity to the existing retained trees to ensure their retention and condition.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development and appropriate tree protection, to the approved standards and specification.

16. Landscape scheme to be agreed

Prior to commencement of development, the applicant shall obtain the written agreement of the Planning Authority to a final Landscaping scheme, which shall be implemented fully in the first planting season following completion of the development or completion of any phase of the development, and any vegetation which dies or is removed within 3 years of planting shall be replaced in the first planting season thereafter. The landscape scheme shall include active recreational and children's play areas.

Reason: in the interests of amenity, ecology and sustainable development

17. Tree Protection and Management

All trees shown to be retained on the site and adjacent to the site, shall be adequately protected during the period of construction as per BS 5837 and the Tree Protection Strategy Report, such measures to include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier. The retained woodland and trees shall be managed in accordance with the objectives and actions of the submitted Tree and Woodland Management Plan by the development's management company. (The tree protection measures shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: in the interests of amenity, ecology and sustainable development

18. Tree Bond

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

development with others of similar size and species, or to apply to new tree planting in the local area. The amount of the security shall be determined by the Helliwell or Cavat method by the developer's arboriculturist. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of an agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the retention of existing trees to be retained on the site.

19. Open Space Management

(a) The applicant/developer/management company shall be responsible for maintenance and management of the public open spaces. Public open spaces/public realm will not be taken in charge but shall be accessible to the public by way of Jamestown Road and the footpath adjacent to the laneway running through the site. The public open spaces will operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws for public open space of the Planning Authority at all times. Public access to the public open space will occur by the first planting season following completion of the development.

(b) All residents of the scheme shall have access to the communal amenity spaces within the scheme.

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including open spaces.

20. Biodiversity Mitigation, Monitoring & Enhancement

Biodiversity mitigation and monitoring shall be carried out in accordance with the submitted Ecological Impact Assessment Report and Bat surveys Report with written notification of their commencement to be submitted to the Planning Authority. All biodiversity enhancement and monitoring measures shall be carried out in accordance with the Biodiversity Enhancement Plan.

In particular the following are required:

(a) A breeding bird survey shall be carried out prior to construction, and construction shall progress in accordance with the requirements set down in section 7.1.1 of the Ecological Impact Assessment.

(b) if during the course of the works the presence of a bat is identified or suspected, works in that location shall cease until the area can be re-inspected by an appropriately experienced ecologist, and their advice has been followed.

(c) Should works not commence prior to 2024, then repeat bat surveys shall be completed to ensure bats have not colonised the building during the intervening period.

Reason: To protect the habitats of protected species in accordance with the Wildlife Acts.

21. Invasive Species

The presence of invasive species on the site is noted. The developer shall remove them under NPWS licence and supervision of the applicant's ecologist.

Reason: in the interests of amenity, ecology and sustainable development.

22. The following requirements of the Public Lighting Services Division, Dublin City Council shall be complied with:

(i) Development shall not commence until full details and specifications of the public lighting system necessary to serve the development and access thereto have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt, the proposed lighting system shall comply with the requirements set out in the General Specification for Public Lighting Design and Installation in Housing, Industrial and Commercial Developments (copies available from the Public Lighting Services Division). The proposed lighting system shall, if necessary, provide for the attachment of lanterns and fixtures to buildings in the development.

(ii) The agreed lighting system shall be fully implemented prior to the first occupation of the development, or if the Planning Permission relates to a phased development, prior to the first occupation of each phase.

(iii) That the lighting scheme for the proposed development shall be designed in accordance with guidance contained in Institution of Lighting Professionals (ILP) (2018). Guidance Note 08/18: Bats and artificial lighting in the UK, unless otherwise agreed with the Planning Authority.

Reason: in the interests of a properly planned and serviced development, and in the interests of public safety and convenience.

23. All new street and development names shall reflect local historical, heritage or cultural associations and the basic generic description (i.e., Court, Quay, Road, etc.) must be appropriate. The planning authority will approve the naming of residential developments in order to avoid confusion with similar names in other locations. Developers shall agree a scheme's name, which shall be in the Irish language, with the planning authority, prior to commencement of development, and the name selected shall be installed on site. Internal and external street/road signage must be in both the Irish and English languages, or, for newly named developments, in Irish only. All unit numbers must be visible. The developer shall submit a minimum of 2 names and include details of the criteria (including consultation with An Post) used to select the names as well as confirmation that due diligence was undertaken to ensure there is no duplication with existing names in the city or bordering county areas (to ensure no confusion for emergency services). It is also advised that naming proposals are supported with a brief report by a suitably qualified heritage specialist (e.g. Archaeologist, Historian, Conservation Architect, Archivist.)

Reason: In the interests of orderly street naming and numbering; to enhance urban legibility, and to retain local place name associations.

24. Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy.

Reason: To comply with the requirements of Part V of the Planning & Development Act 2000 (as amended).

25. 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.

26. Any external signage shall be the subject of a separate application for permission. All signage to ground floor units should consist of individual lettering mounted or hand painted on building, with the lettering to be of an appropriate scale and consist of a high quality material such as stainless steel.

Reason: In the interests of visual amenity.

27. Notwithstanding the provisions of the Planning & Development Regulations 2001 (as amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

28. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00am to 6.00pm

Saturday - 8.00 a.m. to 2.00pm

Sundays and Public Holidays - No activity on site.

b) Deviation from these times will only be allowed where a written request with compelling reasons for the proposed deviation has been submitted and approval has been issued by Dublin City Council. Any such approval may be subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

29. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 'Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control.'

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

30. The applicant shall comply with the following Environmental Health Section requirements:

Noise Control and Air Quality Control - Demolition and Construction Phase

(a) A Construction Management Plan shall be submitted to, and agreed in writing, by the Planning Authority, prior to commencement of development. This plan shall be developed with reference to the 'Good Practice Guide for Construction and Demolition' produced by the Air Quality Monitoring and Noise Control Unit of Dublin City Council.

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

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

31. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developers expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

32. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area

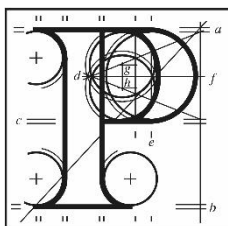
in general.

33. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise & Air Pollution Section.

Reason: To ensure a satisfactory standard of development.

Appendix B

ABP Inspector's Report - ABP-317935-23 - Site at No. 86 and Nos. 90-96
Jamestown Road, Inchicore, Dublin 8



An
Bord
Pleanála

Inspector's Report

ABP-317935-23

Development	Construction of 128 apartments, a childcare facility, retail unit, healthcare unit, and café/restaurant
Location	No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8
Planning Authority	Dublin City Council
Planning Authority Reg. Ref.	LRD6022/23-S3
Applicants	Donard Properties Limited
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Grant Permission
Type of Appeal	First against Conditions & Third Party
Appellants	Donard Properties Limited Residents of Upper Jamestown Road
Observers	Cllr Sophie Nicoullaud and TD Joan Collins
Date of Site Inspection	24 th October 2023
Inspector	Margaret Commane

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1.0 Site Location and Description

- 1.1. The area surrounding the site, at No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8, comprises a transitional area featuring a mix of residential, commercial, and industrial land uses. From a residential perspective, Jamestown Road is generally characterised by double storey terraced and semi-detached houses. The subject site is located c. 500 metres north-west of the Blackhorse Luas Stop and proximate to Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. The subject site is located approximately c. 7km north-west of Dublin's City Centre, c. 1.3km south of the Phoenix Park and c.1.1km south-west of Inchicore Village.
- 1.2 The site comprises a 0.646ha irregular shaped site (made up of 2 no. land parcels and part of the Jamestown Road/Kylemore Way) on the southern side of Jamestown Road, north-west of the junction with Jamestown Avenue in Dublin 8. The easternmost of the 2 land parcels, No. 86 Jamestown Road, currently contains 1-2 storey industrial/warehouse buildings and associated areas of hardstanding. Vehicular access to this land parcel is provided off Jamestown Road via an access located in the north-eastern corner. The westernmost land parcel, Nos. 90-96 Jamestown Road, also features 1-2 storey industrial/warehouse buildings and associated areas of hardstanding. Vehicular access to this land parcel is provided off Jamestown Road via an access located in the north-western corner and an access located in the south-eastern corner which is accessible off an existing 5.65-6.6 metre wide private laneway (a right-of-way) accessible off Jamestown Road. This private laneway separates the 2 no. subject land parcels and provides access to existing commercial/industrial units featuring to the south. Jamestown Road terminates adjacent to the north-western corner of Nos. 90-96 Jamestown Road. Kylemore Way is located immediately west, separated from Jamestown Road by a wall/fencing and a pedestrian entry gate.
- 1.3 To the east of the subject site is the Jamestown Industrial Centre which comprises of a no. of single and double storey industrial/warehouse units accessible via a shared access road off Jamestown Road which runs centrally through the site. More specifically, a car parking area serving the centre immediately flanks the subject site's eastern boundary and part of the southern boundary. To the south, accessible via the aforementioned private laneway running between the two subject land parcels, are a

series of 1-2 storey commercial/industrial buildings with associated hardstanding/car parking areas. More specifically, the access road serving this site and an area used for storage immediately flanks the appeal site's southern boundary. There is a difference in level across this southern abuttal and the subject site, the southern abuttal sitting slightly above the westernmost of the two parcels. To the west of the subject site is the Jamestown Industrial Estate which comprises of 5 no. double storey industrial/warehouse units accessible via a shared access road off Kylemore Way. To the north, on the opposite side of Jamestown Road, lies a row of 12 no. two storey terraced and semi-detached dwellings, Nos. 89-111 Jamestown Road. To the east and west of these dwellings, feature a 1-2 storey industrial/warehouse building and a double storey industrial/warehouse building, respectively. These buildings sit partially opposite the subject site and the easternmost of these sites features a vehicular access immediately opposite the vehicular access currently serving Nos. 90-96 Jamestown Road.

2.0 Proposed Development

2.1 7-year planning permission was sought for the following:

- Demolition of the existing warehouse/industrial buildings (approximately 4,450sqm) on site and the wall, railing and gate at the interface between Jamestown Road and Kylemore Way, to facilitate the provision of new pedestrian and cyclist connections, bollards and surface treatments.
- Construction of a 12,452sqm (excluding the 755.1sqm podium/undercroft car park) mixed-use development comprising: 128 no. residential apartments (63 no. 1-bed, 57 no. 2-bed and 8 no. 3-bed apartments); childcare facility (438.2sqm); retail unit (282.7sqm); healthcare unit (50.4sqm); and café/restaurant (188.2sqm), in 4 no. blocks ranging in height from 1 to 10 storeys. The development will be served by 31 no. car parking spaces (28 no. in the podium/undercroft car park and 3 no. at the lane between No. 86 and Nos. 90-96 Jamestown Road); 3 no. car club/share spaces; 2 no. public parking/set-down bays; 324 no. cycle parking spaces; 2 no. motorcycle parking

spaces; and 2 no. bin stores. On the rooftop level on Block 1, it is proposed to affix 8 no. 300mm microwave link dishes mounted on 4 no. steel support poles.

- Works to Jamestown Road, to provide water services infrastructure and connections, carriageway resurfacing and the reconfiguration of footpaths and public parking/set-down bays.

2.2 A summary of the key site statistics/details of the proposed are provided in the table below:

Site Area	0.646ha (net area is 0.628ha, excluding parts of Jamestown Road and Kylemore Way included in redline boundary).
Demolition Works	4,450sqm
Total Gross Floor Area	12,452sqm (excluding podium/undercroft car park; 13,207sqm including podium/undercroft car park)
No. of Residential Units	128 no. apartments (63 no. 1-bed units, 57 no. 2-bed units and 8 no. 3-bed units), comprising 11,446sqm
Non-residential uses	Childcare facility (438.2sqm) located on the ground floor of Block 4; retail unit (282.7sqm) located on the ground floor of Block 4; healthcare unit (50.4sqm) located on the ground floor of Block 3; and café/restaurant (188.2sqm) located on the ground floor of Block 3.
Open Space	810sqm of public open space (comprising of a 660sqm area located centrally along the southern boundary and a 150sqm area located in the north-eastern corner) and 920sqm of communal open space (comprising of 330sqm atop the childcare facility and 590sqm atop the podium car parking area between Blocks 1, 2 and 3)
Car Parking	34 no. in total, comprising of 31 no. resident car parking spaces (28 no. in the podium/undercroft level

	car par and 3 no. in the laneway between No. 86 and Nos. 90-96) and 3 no. car share spaces
Bicycle Parking	324 no. in total, comprising of 224 no. internal spaces and 100 no. 'on-street' spaces
Density	203.8 units per hectare (based on net site area of 0.628ha)
Height	1-10 storeys, more specifically: <ul style="list-style-type: none"> • Block 1, located in the north-western corner of the site, is 1-6 storeys; • Block 2, located in the south-western corner of the site, is 1-7 storeys; • Block 3, located centrally on site, is 1-5 storeys; and • Block 4, located in the east of the site, is 1-10 storeys.
Site Coverage	58.6%
Plot Ratio	2.1
Dual Aspect Apartments	62.5%
Part V	27 no. units within the scheme

2.3 The mix of units across the 4 no. Blocks will be as follows:

Apartments				
Block	1 Bed	2 Bed	3 Bed	Total
1	6	9	3	18
2	24	14	0	38
3	6	7	9	22
4	27	18	5	50
Total	63	48	17	128

3.0 Planning Authority Opinion

- 3.1 The Planning Authority and the Applicant convened a meeting under Section 32C of the Planning and Development Act, 2000 (as amended), for the proposed Large-scale Residential Development on 13th December 2022. The record of that meeting is attached to the current file.
- 3.2 Further to that meeting, the Planning Authority issued an opinion under Section 32D of the Act stating that the documents that had been submitted constitutes a reasonable basis on which to make an application for permission for the proposed LRD.
- 3.4 The Opinion stated that, in the event that the applicant proceeds to submit a planning application, the LRD application should include:
- A statement of response to the issues set out in the LRD Opinion.
 - A statement that in the applicant's opinion, the proposal is consistent with the relevant objectives of the development plan for the area.
- 3.5 The detailed assessment contained within the Opinion also highlights those areas in which the particulars submitted are lacking, or those issues which remain to be reconsidered or addressed by the applicant in any documents submitted with a future planning application. These can be summarised as follows:
- Compliance with Table 15-1 (Thresholds for Planning Applications) set out within Chapter 15 of the Dublin City Development Plan 2022-2028.
 - Justification that the proposal meets the Z10 zoning requirements in relation to the 70/30% split.
 - Compliance with Policy QHSNO11, regarding Universal Design, and Policy QHSNO15, regarding Community Safety Strategy.
 - Compliance with Objective CUO25, which requires that all new regeneration areas (SDRAs) and large-scale developments above 10,000sqm in total area must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage.

- Justification for and/or reduction of the height of the proposed 10 storey development having regard to Section 4.5.4 and Policies SC14, SC16 and SC17 and Appendix 3.
- A demonstration of how the proposed height, scale, massing and materiality of the scheme will be designed to complement and respect the height, scale, massing and materiality of the predominantly lower two storey well established-established dwellings in the immediate vicinity.
- A detailed Daylight and Sunlight Assessment of the proposed development.
- Clarity on the private gardens at ground level that will serve Units No. 3, 4 & 5 within Block 2, ensuring that these gardens are not overshadowed.
- Clarity that south facing units (bedrooms) on Block 1 and north facing units on Block 2 do not directly oppose each other, given the separation distance of 7 metres between the two blocks.
- A survey of the Popular trees located adjacent to proposed public open space and a tree survey plan of the same.
- Consideration of the introduction of further active recreational component, such as basketball half court, in the proposed Public Open Space area.
- Review provision of play-space for younger children in the proposed Communal Open Space, having regard to the apartment guidelines.
- Indicate satisfactory Daylight/Sunlight for Public and Communal Open Space Areas.
- Inclusion of Biodiversity Enhancement Plan.
- The following inconsistencies identified in/issues with the Engineering Report, design and drawings need to be addressed: - proposed discharge rate; inclusion of climate change allowances in calculations; evidence of soil characteristics absent; adherence to the Greater Dublin Regional Code of Practice for Drainage Works; queries regarding how areas along the northern boundary are being drained and who will be responsible for the same; queries regarding the existing road and footpath on access road between sites and

where new footpaths either side of it are being drained to; and absence of a conclusion in the Flood Risk Assessment that the proposed development will not impact on third party lands and/or have an affect downstream.

- The following items are required to be addressed/considered further: - works within the public road/footpath; proposed indented parking and loading bay proposals; areas proposed to be taken in charge; the transition between public/proposed areas to be taken in charge/private areas require further review/clarity; opportunities to open up the link to Kylemore Way for pedestrians/cyclists only; clarity on works proposed within the public road and a Letter of Consent for the same; discrepancies in submitted drawings and documentation; the proposed car parking provision (a ratio of 0.24)/the resulting overspill impact on Jamestown Road; additional detail in regards to mobility management, parking management and impact on Jamestown Road; and detailed design of the main vehicular entrance proposals, including clarity on sightlines, pedestrian priority and details of cycle access via the main entrance.
- The Traffic Assessment needs to consider the following: - potential impact the proposed crèche development in terms of trip generation would have on peak hours; restricted access along Jamestown Road as a result of existing on street car parking patterns in terms of trip generation, but also the potential for increased overspill parking from the development thereby restricting access further; and estimated construction trip generation shall be provided and consideration given to the potential overspill of demolition and construction onto the public road in regards to parking and loading. The CMP should be updated in this regard.
- The following aspects of car parking provision require review/the provision of additional information: - car share space allocation within the public domain; car parking space numbering; motorcycle parking provision; EV charging proposals; and car-parking management strategy.
- The following aspects of cycle parking provision require review/the provision of additional information: - the quantum, type and distribution of visitor spaces; provision of non-standard bike parking spaces e.g. cargo bike spaces; residents

and visitor space allocation, in particular for the crèche; provision of a clearance headroom of minimum 2.4m wherever cyclists can be expected to be cycling their bikes; and detailed drawings of the bicycle stores.

- The following aspects of the servicing of the development requires review/the provision of additional information: - the servicing requirements of the development, including deliveries; collection and drop-offs at the crèche facility; the Operational Waste Management Strategy; and auto tracking to demonstrate waste collection feasibility.

4.0 Planning Authority Decision

4.1. Decision

Dublin City Council granted planning permission on 8th August 2023, subject to 33 conditions, including Conditions No. 4 and 5, which are the subject of the First Party Appeal, and Condition 9, which is referenced in the Third Party Appeal.

Condition No. 4 reads as follows:

- 4. Revisions shall be made to west-facing units in Block 4, to maximise their compliance with guideline values for daylight (BRE 209:2022). These units shall be reconfigured in such a way as to maximise the length of the main living rooms along the exterior wall, and to reduce the depth of those rooms, without alterations to the envelope of each unit or the proposed building, and such revisions shall be agreed in writing with the Planning Authority prior to commencement of development.*

Reason: To improve the standards of residential amenity.

Condition No. 5 reads as follows:

- 5.(a) The permitted development shall contain 5% provision for arts/cultural use and community uses. Aside from the permitted community uses (crèche and healthcare), arts/cultural uses shall be provided. The Arts/cultural use shall be provided in the proposed café/restaurant unit unless agreed in writing with the*

Planning Authority that it should be located elsewhere within the scheme at the same or similar scale.

(b) Prior to the occupation of the residential units, the applicant shall provide details of the uses and groups which will be availing of the sites 5% community, arts and culture spaces within the development for the written agreement of the Planning Authority.

(c) The arts and culture space provided shall be retained in such use and shall not be let, sold or occupied separately. All such facilities shall be freely available by means of a booking system to be administered by the on-site management company unless otherwise agreed in writing by the planning authority.

Reason: To provide for community and cultural uses in accordance with objective CUO25 of the City Development Plan.

Condition No. 9 reads as follows:

9. The final layout and specifications for the interface between Kylemore Way and Jamestown Road shall be agreed with the Planning Authority in writing prior to commencement of development, and following consultation with An Garda Síocána, the Environment & Transportation Department, and the Parks, Biodiversity and Landscape Services Division. The final layout of the public realm works to the front of the scheme, west of the laneway through the scheme, shall also be agreed in writing.

Reason: In the interests of permeability, sustainable transport, and community safety.

4.2. Planning Authority Reports

Planning Report

- The proposed uses are all permissible in principle under the zoning objective. The proposed mix of uses does not meet the 70%/30% requirement set down for a Z10 site in the City Development Plan for residential and non-residential uses, with approx. 85% of the total floor area provided as residential. However, the Z10 zoning objective allows flexibility in the context of the mix requirement

for small sites, typically less than 0.5ha. It may be considered on a case-by-case basis, where it can be demonstrated that the proposal would not result in an undue concentration of one particular land-use on the Z10 landholding as a whole. The subject site is 0.5583Ha and so is marginally above the stated characterisation of very small sites and can be considered on its own case basis. It is considered that providing a lower amount of non-residential but with delivery of, crèche and medical uses is an appropriate land use mix and is acceptable and consistent with the zoning objective. Alternatively, the residential component could be reduced until the existing scheme meets the 70/30% requirement; however, this would reduce the density of the scheme to an extent that is not considered desirable.

- The proposed development is located outside the inner city but is well connected by way of public transport and is appropriate for the proposed residential density.
- The proposed development has a residential density of 203d/ha, a plot ratio of 1.98, and site coverage of 59%. The development is within the density outlined for the 'city centre and canal belt' and falls within guidelines for maximum plot ratio and site coverage as per Table 2 of Appendix 3.
- The scheme provides for 4 blocks of 5, 6, 7 and 10 storeys. Table 3 of Appendix 3 of the Plan provides performance criteria attaining greater building height. On balance, the proposed development is considered to be a major intervention on the site given the local 2-storey residential development. It is however noted that the site is itself of a scale that it can provide a transition, and at a location where it can avoid detrimental impacts from overshadowing and loss of aspect. The site is also immediately adjacent to other commercial sites, which may be redeveloped in the future. The ten-storey tower is positioned so as to terminate the views down Jamestown Road from the direction of Tyrconnell Road, and so establishes a local landmark.
- Given the current context of the site, and the abrupt transition of uses at this location from residential to commercial and industrial, and the also considering the plans to redevelop the industrial sites in the future under the auspices of the

'City Edge' strategic framework, I consider that the impact on local views as illustrated in the applicant's photomontages to be a positive impact, save for sites closest to it. At this more immediate scale, setbacks to the development on its northern side, and the progressive more slender profile of the blocks as they rise, contributes to a scheme that would not have a monolithic appearance. Subject to the use of the proposed materials, the scheme would represent an efficient use of this site, and a sustainable intervention in this urban area. The proposed development is considered to satisfy the criteria set down in table 3, Appendix 3 of the City Development Plan.

- The applicant's Sunlight / Daylight analysis confirms that impacts on adjoining dwellings and their rear gardens will be within guideline levels and that residential amenity will not be detrimentally impacted in a material manner. In the context of the proposed apartments, there is a high rate of compliance for daylight, however, Block 4 has a 9% fail rate, concentrated on lower levels on its western side. Compensatory measures include the good exposure to sunlight in the rooms, which is noted. Given the concentration of the failing rooms, a design revision is justified. Revisions can be agreed by condition, and these should be possible without alterations to the envelope of each unit or the proposed building.
- The proposed development would present 3 and 4-storey facades to Jamestown Road, though the taller elements will plainly be visible. The frontage on Jamestown Road provides for active uses such as a café, retail unit and crèche, although there is a concentration of inactive frontage for services and cycle storage around the car park entrance.
- The proposed units are overwhelmingly compliant with the 2022 apartment guidelines and would provide a satisfactory standard of residential amenity.
- The proposed public and communal open space areas comply with the 2022 Apartment Guidelines standards and would achieve adequate sunlight penetration individually and collectively. There are concerns about the access (being accessed by way of the private laneway, the carriageway of which is not in the red line) and siting of the main area of public open space to the south of

the development. Concerns previously raised by the Transportation Planning Division about this laneway have been addressed. Private gardens are provided for ground floor units to the west of the development. These are also adequately lit as per the guidance. Overall, an adequate standard of amenity is proposed.

- Given the scale of the development itself, the provision of public open space, and the neighbouring employment lands, it is considered that the proposed childcare facility, healthcare, café/restaurant and retail uses may be appropriate/viable; furthermore, future office-based or other employment on the site could increase such viability.
- Objective CUO25 sets out that large developments and SDRA schemes should provide for 5% cultural/arts and community uses, and that large developments in particular should provide for both cultural/arts and community uses within this 5%. The proposed development provides 3.5% of its floor area for the community uses of childcare and healthcare facilities. Implementation of the objective can be achieved with a condition requiring agreement of the café/restaurant unit for use as an arts/cultural facility, or otherwise that a facility of similar size is provided within the development and agreed in writing with the Planning Authority.
- Given the history of anti-social behaviour which has taken place close to or across the interface between Jamestown Road and Kylemore Way, the final layout of public realm works to the front of the development, and including Jamestown Road and Kylemore way, should be subject to agreement by condition with the Planning Authority following consultation with An Garda Síocána and the City Edge team in Dublin City Council.
- The proposed development is considered likely to have a low impact on local ecology, and the proposed enhancement measures are welcomed. Mitigation measures in the Ecological Impact Assessment and Bat Report should be conditioned.
- The applicant has provided an Appropriate Assessment Screening Report, and the development has been screened for appropriate assessment. It has been

found that significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area. A full Appropriate Assessment of this project is therefore not required.

- The planning authority has completed an environmental impact assessment screening of the proposed development. Having regard to the information which accompanied the application including, inter alia, Appropriate Assessment Screening, Ecological Impact Assessment, the Construction and Environmental Management Plan, and other assessments, 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 is not, therefore, required.
- Having regard to the Z10 land-use zoning objective, other relevant provisions of the Dublin City Development Plan 2022 – 2028, in particular Appendix 3 and Chapters 4 and 5 of the Plan, and considering the design approach, density, layout, materials and provision of a mix of uses in the proposed development, it is considered that the proposed development would not be seriously injurious to the residential amenities of the area, would constitute an efficient use of land and a positive intervention in the area, and would therefore be consistent with the proper planning and sustainable development of the area, subject to conditions.

4.3. Other Technical Reports

Drainage Division (26/07/2023): No objection, subject to conditions.

Transportation Planning Division (20/07/2023): No objection, subject to conditions.

City Archaeologist (27/07/2023): No objection, subject to conditions.

4.4. Prescribed Bodies

Health and Safety Authority (17/07/2023): No objection.

4.5. Third Party Observations

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

- The changes proposed to Kylemore Way are of concern due to potential anti-social behaviour resulting from improved access. Preferred that existing situation remains.
- Commercial units proposed are unviable. Instead, these units should be designated for community use.
- Unsuitable height.
- Negative impacts on adjacent residential amenity.
- Insufficient car parking and resultant overspill of cars on the surrounding streets.
- Negative impact on local schools.
- The proposed development creates a harmful precedent for developments in the wider area.
- Negative impact on daylight received by neighbouring houses. Concerns exist over accuracy of daylight/sunlight analysis.
- This application is premature in the absence of a master plan for the City Edge Project.
- Suitability of mixed-use development at this location.
- Negative impacts during construction and demolition phases.
- Negative impact on property values.
- Lack of community gain
- Photomontages don't illustrate the impact on the houses directly opposite.
- Traffic/street network issues need to be resolved before this site can be developed.
- The site is within a Seveso Consultation Zone.

- Inconsistent with the objectives of the Dublin City Development Plan 2022-2028 and the National Climate Action Plan.

5.0 Planning History

5.1 Subject Site

The following previous applications pertaining to the subject site (or part thereof) are of relevance:

90-96 Jamestown Road, Inchicore, Dublin 8 (western part of the site)

PA Reg. Ref. 4319/16

Permission was granted by Dublin City Council in February 2017 for use as an indoor market of Units 1 and 2 Jamestown Park, operating at weekends only, with public hours on Saturdays and Sundays of 10am - 5pm both days, with trader activity an hour earlier and later each day; provision of on-site parking, and 2 no. associated non-illuminated signage boards on the north and east elevations (3m² & 5m² respectively), for a period of five years. This use was previously granted temporary permission under Reg. Ref. 3662/11.

This use continues to operate on site.

PA Reg. Ref. 3662/11

Retention permission was granted by Dublin City Council in February 2012 for temporary permission for a period of five years for the retention of the change of use as an indoor market at Units 1 and 2 Jamestown Business Park, operating at weekends only, with public hours on Saturdays and Sundays of 10am - 5pm both days, with trader activity an hour earlier and later each day, provision of on site car parking, and retention of 2no. associated non-illuminated signage boards on the north and east elevations (3sqm & 5sqm respectively).

86 Jamestown Road, Inchicore, Dublin 8 (eastern part of the site)

PA Reg. Ref. 4146/18 (ABP Ref. ABP-303376-19)

Permission was refused by Dublin City Council in December 2018 for a change of use of the existing property from industrial and warehousing to residential, partial demolition of the existing structure and construction works, resulting in new northern and southern building components (3 no. storeys) and an additional floor on the remaining, existing structure (Increase from existing 2 no. storeys to 3 no. storeys) to provide 23 no. apartment units (1 no. studio, 11 no. 1-bed, 7 no. 2-bed and 4 no. 3-bed). The reasons for refusal were as follows:

- 1. The development of an entirely residential development at this location would contravene the zoning objective Z10 'To consolidate and facilitate the development of inner city and inner suburban sites for mixed uses with residential the predominant use in suburban locations and office/ retail/ residential the predominant use in inner city areas' as set out under Section 14.8.10 of the Dublin City Development Plan 2016-2022. Therefore, the proposed development would be seriously injurious to the amenities of the area and contrary to the proper planning and sustainable development of the area.*
- 2. The proposed redevelopment and extension of the existing structure would result in substandard residential development with regard to the minimum required floor to ceiling height and the percentage of dual aspect apartments as required under Specific Planning Policy Requirements 5 and 4 (respectively) of the 'Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities (2018)'. Therefore, the proposed development would be seriously injurious to the residential amenity of potential residents and contrary to the proper planning and sustainable development of the area.*

The decision was appealed to An Bord Pleanála by the applicant (ABP Ref. ABP-303376-19) but this was subsequently withdrawn.

PA Reg. Ref. 3206/14

Permission was granted was granted by Dublin City Council in December 2014 for conversion and subdivision of a former industrial unit to 7 no. live work units and alterations to existing commercial units. The proposed works to be carried out include: provision of a further storey and roof terraces along the eastern and western facades above part of the main building; a second storey over a single storey element of the existing north end of the building including a new access stairs; partial demolition of structures along the eastern facade; alterations to the facades; signage along the eastern facade; provision of 15 no. designated car parking spaces; rain water harvesting with water tanks and heat pumps on the southern roof, and associated site works.

5.2 Adjacent Sites

The following recent application on the sites immediately adjacent to the subject site that are pertinent to the current proposal.

Site at Kylemore Way and Jamestown Road, Inchicore, Dublin 8 (north-west of the appeal site)

PA Reg. Ref. 3532/23

Retention permission was granted by Dublin City Council in May 2023 for temporary permission for demolition of the existing vacant commercial buildings on site (gross floor area of c. 3,620sqm), comprising a part one and part two storey warehouse building in the centre and southern area of the site, and two single storey commercial buildings to the northeast and northwest.

6.0 Policy Context

6.1 National Policy

6.1.1 Project Ireland 2040 - National Planning Framework

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

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

NPO11 - In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

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

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

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

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

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

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

6.1.3 Climate Action Plan 2023

The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The

reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

6.1.4 Section 28 - Ministerial Guidelines

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

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2022).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Childcare Facilities, Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

- Framework and Principles for the Protection of the Archaeological Heritage, Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Cycle Design Manual (2023).

6.2 Regional Policy

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

The RSES provides a framework for development at regional level. It encourages the regeneration of our cities, towns and villages by making better use of under-used land

and buildings within the existing built-up urban footprint. The site is located within the identified 'Dublin City and Suburbs' area. The following Regional Policy objectives are noted in particular:

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

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

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

6.2.2 Greater Dublin Area Transport Strategy 2022-2042 (NTA)

The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

6.3 Local Policy

6.3.1 Dublin City Development Plan 2022-2028

Land Use Zoning

The site is zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' in the Dublin City Development Plan 2022-2028 with a stated objective '*to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses*'. 'Café/ tearoom', 'childcare facility', 'primary health care centre', 'residential', 'restaurant', 'shop (local)' and 'shop (neighbourhood)' are listed as 'permissible uses' in Section 14.7.10 of the Development Plan. In order to ensure that a mixed-use philosophy is adhered to on

Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. There is a requirement that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses (e.g. residential or office/employment). There is a requirement that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared.

The land to the immediate south, east, west and north (in part) of the subject site is zoned 'Z6 - Employment/Enterprise' in the Dublin City Development Plan 2022-2028 with a stated objective '*to provide for the creation and protection of enterprise and facilitate opportunities for employment creation*'. The land to the immediate north of the subject site is zoned 'Z1 - Sustainable Residential Neighbourhoods' in the Dublin City Development Plan 2022-2028 with a stated objective '*to protect, provide and improve residential amenities*'.

Other Relevant Sections/Policies

The appeal site is also within c. 80 metres of the Iarnród Éireann Seveso site which is located to the north of the site. According to Appendix 8 of the Development Plan, this is a Lower Tier SEVESO Site and consultation with the Health and Safety Authority is required for developments within a distance of 300 metres of the subject site. The following policy is relevant in this regard:

Section 9.5.10 - Policy SI44: COMAH Establishments/SEVESO

To have regard to the provisions of the SEVESO III Directive (2012/18/EU) relating to the control of major accident hazards involving dangerous substances and its objectives to prevent major accidents and limit the consequences of such accidents. Dublin City Council will have regard to the provisions of the Directive and recommendations of the HSA in the assessment of all planning applications located on, or impacted by, COMAH establishments in accordance with Guidance on Technical Land-use Planning Advice: for planning authorities and operators of COMAH establishments (2021).

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

Section 4.5.3 – Policy SC11: Compact Growth

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

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

Section 4.5.3 – Policy SC12: Housing Mix

To promote a variety of housing and apartment types and sizes, as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.

Section 4.5.4 - Policy SC16: Building Height Locations

To recognise the predominantly low rise character of Dublin City whilst also recognising the potential and need for increased height in appropriate locations including the city centre, Strategic Development Zones, Strategic Development Regeneration Areas, Key Urban Villages and other locations as identified in Appendix 3, provided that proposals ensure a balance with the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area.

Section 5.5.2 – Policy QHSN10: Urban Density

To promote residential development at sustainable densities throughout the city in accordance with the core strategy, particularly on vacant and/or underutilised sites,

having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Section 5.5.7 – Policy QHSN36: High Quality Apartment Development

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

Section 12.5.3 - Objective CUO25: SDRAs and Large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area* must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage.

*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.

Section 14.6 Transitional Zone Areas

While zoning objectives and development management standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and land-use between zones. In dealing with development proposals in these contiguous transitional zone areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zones. For instance, in zones abutting residential areas or abutting residential development within predominately mixed-use zones, particular attention must be paid to the use, scale, density and design of development proposals, and to landscaping and screening proposals, in order to protect the amenities of residential properties.

Section 15.5.1 Brownfield, Regeneration Sites and Large Scale Development

Dublin City Council will seek to ensure the following considerations are incorporated in proposals for large-scale, regeneration and brownfield development:

- *To encourage innovative, high quality urban design and architectural detail in all new development proposals.*
- *To analyse and review the surrounding built environment to ensure the new development is consistent with the character of the area.*
- *To respect and enhance existing natural features of interest.*
- *To contribute to the streetscape creating active and vibrant public realm.*
- *To create animation and create activity at street level and vertically throughout the building.*
- *To provide for appropriate materials and finishes in the context of the surrounding buildings.*
- *To ensure land contamination is appropriately dealt with and mitigated against.*
- *To provide high-quality new streets and open spaces connecting into the surrounding street pattern/ open space network.*
- *To create new compositions and points of interest.*
- *To provide an appropriate mix of uses comprising retail, residential, recreational, cultural, community- and/or employment generating uses to improve the existing range of uses and facilities in the area.*
- *To carefully integrate appropriate landscape planting and trees and retain and ecological features on the site.*
- *To prioritise pedestrian and cycle movements in connection with public transport infrastructure.*
- *To retain existing and create new features to make an easily navigational urban environment, including active building frontages with clearly defined edges and safe public routes.*
- *To build in capacity to incorporate services to meet changing demands including pipe subways and infrastructure to allow future connection to district energy networks.*
- *Ensure waste management facilities, servicing and parking are sited and designed sensitively to minimise their visual impact and avoid any adverse impacts on users of highways in the surrounding neighbourhood.*

Section 15.5.5 Density

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

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

Section 15.8.6 Public Open Space

In the context of new residential developments, 10% of the site area shall be reserved for public open space provision. Section 15.8.8 goes on to state that applications which include the provision of public open space shall be subject to a requirement to provide for appropriate playground facilities. In schemes of 25 or more units, small play spaces of 85-100 sq. m. are considered suitable for toddlers and children up to the age of six, with suitable play equipment, seating for parents/ guardians, and within sight of the apartment building. For larger schemes of 100 or more apartments, play areas of 200-400 sq. m for older children and young teenagers should also be provided in addition.

Section 15.9.17 Separation Distances (Apartments)

Traditionally a minimum distance of 22m is required between opposing first floor windows. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Separation distances between buildings will be assessed on a case by case basis.

Appendix 3 – Section 3.2 Plot Ratio and Site Coverage

The development plan sets indicative requirements of 1.5-3.0 for plot ratio and 50-60% for site coverage for Regeneration Areas. Higher plot ratio and site coverage may be permitted in certain circumstances such as:

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

Appendix 3 – Section 4.0 Density

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

Appendix 3 – Section 4.0 Height

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 following key areas – City Centre and within the Canal Ring (inner suburbs); Strategic Development Zones (SDZ's); Local Area Plans (LAPs); Strategic Development Regeneration Areas; Key Urban Villages; Former Z6 Industrial Lands; and Public Transport Corridors.

In the context of Public Transport Corridors (a category relevant to the subject site), there is recognised scope for height intensification and the provision of higher densities at designated public transport stations and within the catchment areas of major public transport corridors including:

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

- Metrolink
- DART

Development proposals will primarily be determined by reference to the proximity of new public transport infrastructure and to the area character. Locations for intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan. Highest densities will be promoted at key public transport interchanges or nodes. Greater heights may be considered in certain circumstances depending on the site's location and context and subject to assessment against the performance based criteria set out in Table 3.

Key criteria which all proposals for increased urban scale and height must demonstrate include:

- The potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the NPF and Project Ireland 2040.
- Proximity to high quality public transport connectivity, including key public transport interchanges or nodes.
- Proximity to a range of employment, services and facilities.
- Provision of adequate social and community infrastructure.
- The availability of good walking, cycling and public transport infrastructure.
- Appropriate mix of uses, housing typologies and tenures.
- The provision of high quality public open space and public amenities.
- The resilience of the location from a public access and egress perspective in the event of a major weather or emergency or other incidents.
- That the ecological and environmental sensitivities of the receiving environments have been adequately assessed and addressed.

- Appropriate design response that considers the characteristics of the site, any development constraints and prevailing character.
- Adequate infrastructural capacity

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

A minimum bicycle parking rate of 1 long term space per bedroom and 1 short stay space per 2 apartments is specified for residential apartment developments; 1 long term space per 5 staff and 1 short stay space per 10 children for Crèche/Childcare Services; 1 long term space per 5 staff and 1 short stay space per 10 seats for café/restaurants; and 1 long term space per 5 staff and 1 short stay space per 100sqm. GFA for retail.

Appendix 5 - Section 4 Car Parking Standards

A car parking rate of 1 space per dwelling for houses & apartments/duplexes; 1 space per 100sqm GFA for Crèche/Childcare Services; 2 spaces per consulting rooms for Medical Clinics and Group Practices; 1 space per 150sqm seating area for café/restaurants/takeaways; and 1 space per 275sqm GFA for retail; is specified for sites located within Zone 2, as identified within Map J of the Dublin City Development Plan 2022-2028.

6.3.2 Dublin City Edge Project

The subject site forms part of a 700 hectare parcel of land located in the Naas Road, Ballymount and Park West areas east of the M50 that straddle the border between Dublin City and South Dublin, comprising the Dublin City Edge Project Area. The Dublin City Edge Project is a large urban regeneration proposal funded by the Urban Regeneration and Development Fund (URDF). This project comprises of 3 no. phases: - Phase 1 - Baseline Analysis, Phase 2 - Plan Making and Phase 3 - Implementation.

Phase 1 has been completed. On foot of Phase 1's completion, a Strategic Framework Document was published in August 2022 which sets out a high-level approach and transformational trajectory for the regeneration of the City Edge Project Area. This is a non-statutory document and does not form a basis for development consent. Section 3.4 of this document sets out the following overarching vision for City Edge: - "to

support the long-term, resilient growth of the Dublin region by making the most of City Edge. Create a major new Urban Quarter on the edge of Dublin City, providing much needed new homes and employment space for the city, whilst ensuring the area's rich industrial history can continue to play an important role into the future. Five new neighbourhoods, based on 15-minute city principle, will celebrate the area's existing qualities such as the Grand Canal, the River Camac and Lansdowne Valley Park. Whilst a network of new biodiversity rich parks, green and blueways, public transport, local high streets, community facilities and energy networks will help to meet our shared climate challenges." A preferred scenario for development is outlined in Section 3.6 of this document. The subject site is located within an area identified for 'Residential Led Mixed-Use' development.

Phase 2 has commenced and is currently ongoing. This phase will result in the publication of a more comprehensive Statutory Plan which will guide development at a finer level of detail. It is envisaged that the plan will either take the form of a Local Area Plan or Urban Development Zone Planning Scheme (should legislation providing for this be enacted). Until such time as a transboundary statutory plan and/or variations are in place, development and planning proposals will largely continue to be assessed on a case-by-case basis against the South Dublin County Council and Dublin City Council Development Plans.

6.4 Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European site is North Dublin Bay SAC (Site Code 000206) located c. 7 kilometres east.

6.5 Environmental Impact Assessment

This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended), provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units; and
- Urban development which would involve an area greater than 2ha in the case of a business district, 10ha in the case of other parts of a built-up area and 20ha elsewhere ('business district' means a district within a city or town in which the predominant land use is retail or commercial use).

The site to which this appeal pertains is a brownfield site currently comprising a series of 1-2 storey industrial/commercial buildings and associated areas of hardstanding. It is proposed to construct a mixed-use development, comprising of residential, childcare, retail, healthcare unit, and café/restaurant uses, on a 0.646Ha site located within an existing built-up area. Therefore, it is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations, 2001 (as amended), in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

Regarding sub-threshold EIA, I note that the site is located within the built-up urban area of Inchicore. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development would not give rise to significant or hazardous waste, pollution or nuisances and would not give rise to a risk of major accidents or risks to human health. Wastewater and surface water would both drain to the public network, upon which their effect would be marginal. I refer to Section 9.0 which addresses Appropriate Assessment.

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site on lands that is zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' in the Dublin City Development Plan 2022-2028 with a stated

objective ‘to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses’;

- 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 location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- 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); and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended);

I have concluded that, by reason of the nature, scale and location of the subject site proposed in conjunction with the environmental sensitivity of the geographical area, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an Environmental Impact Assessment Report for the proposed development is not necessary in this case (see Preliminary Examination EIAR Screening Form included as an appendix).

7.0 The Appeal

7.1. Grounds of the Third-Party Appeal

A third party appeal has been submitted by Residents of Upper Jamestown Road. The main points raised can be summarised as follows:

- The provision of additional housing in Dublin City and the redevelopment of this particular site, which is virtually derelict, is welcomed. However, the development of an LRD ranging in heights from 5 to 10 storeys on a quiet residential road that currently comprises of a maximum height of two storey is considered inappropriate.
- The building heights proposed are inconsistent with Appendix 3 of the current Development Plan, particularly Objectives 1 and 3. Jamestown Road is a well-

established cul-de-sac that does not require a 'marker' tower that is out of place with its surrounds. Further to this, the subject site is within a zone of the City Edge Project that is identified as 'Residential Led Mixed Use' which excluding industrial use, would be at the lowest position for proposed urban density and building height.

- It is inappropriate to use Lansdowne Hall when justifying the height of the Jamestown Road LRD for the following reasons: - no buildings directly facing Lansdowne Hall as is the case on the subject site; the density of Lansdowne Hall is not comparable in scale or heights as proposed for the Jamestown Road LRD nor does it create the same overshadowing; Lansdowne Hall's proximity to the 2-storey housing south and north is not comparable to the proximity of Jamestown Road LRD to 2 storey housing directly opposite it; and unlike the subject site, Lansdowne Hall is located on the main throughfare from the N7(Limerick/ Cork Roads) into Dublin City and a busy T-junction between the Naas Road and Davitt Road.
- The Jamestown Road and Kylemore area will be developed in line with the aims of the City Edge project and new buildings may be high-rise but these will likely be in strategic key locations within the City Edge area. Jamestown Road LRD does not have any key urban element which would justify for it to be high and in detriment of its immediate surroundings.
- Houses immediately opposite on Jamestown Road are south facing and therefore will be severely impacted by the overshadowing of the new development as well as suffer a loss of sunlight/daylight. It will also be visually dominant/overbearing.
- The scale, form, and design of the development will seriously impact on the residential and visual amenities of adjacent residents.
- The overshadowing and resultant reduction on the potential for alternative power sources to be introduced is contrary to the Climate Action objectives as well as the City Economy and Enterprise objectives set out in the Dublin City Development Plan 2022-2028.

- The planners failed to have appropriate regard to the City Edge project when assessing the planning application. There is minimal reference to City Edge in the Planners Reports. Such a decision should not be made in the absence of a City Edge statutory plan and the necessary stakeholder engagement having occurred. It is premature to provide planning to the Jamestown Road LRD as it only encompasses approx. 0.646 Hectares, of the entire City Edge area of 700 Hectares yet will set precedence for the City Edge project.
- Safety and security concerns, relating to the demolition of the existing boundary wall between Jamestown Road and Kylemore Way, exist in the context of the subject application. Several acts of anti-social behaviour occurred previously when bollards similar to those proposed were previously in place. While Condition No. 9 has been applied to the planning approval, we do not believe that it goes far enough to address concerns.
- An Architectural Review has been undertaken by C41 Architecture and it is asked that the suggestions contained therein are taken on board. This document aims to address the concern of the Jamestown Road residents by focusing on ways to minimise the impact of the development scale on the referred existing terraces, and ensure that the public realm is safe and of high quality. It includes the following commentary:
 - The biggest issue with this development is considered to be the high-rise typology proposed which fails to address the existing terraces to the north. In this development, lower proposed buildings would be more appropriate for the sensitive edge of existing two-storey terraced houses.
 - Inchicore does not yet have a masterplan, but other masterplans currently being prepared in Dublin City have been adopting a lower rise approach on contexts similar to the Jamestown Road LRD. These similar new developments are limited to two-three storeys. Reference is made to the Belmayne & Belcamp Lane Masterplan and the draft Jamestown Masterplan (Finglas), both of which have a similar context. As it would be reasonable to expect, their recommendations are exactly for a lower approach (up to three-storeys) for the new developments along edges where existing low-

rise terraces are located. It would be reasonable to expect that the same policy would apply to Inchicore, especially in the absence of a detailed statutory plan for the area.

- The high rise approach adopted by the proposed development, if adopted by other developments on the surrounding site of the existing terrace on upper Jamestown Road, would be highly detrimental to the existing houses and the streetscape. Allowing such approach would set a harmful precedent which would be even more damaging to the residents in the future. The height strategy of the current proposal seems to aim at enhancing its legibility and urban function at a broader scale, while the existing context and established residential areas are not appropriately respected.
- The Jamestown Road LRD fails to adequately contribute to the public realm enhancement and it would be a missed opportunity to leave it as it currently is, especially when it is particularly vulnerable to anti-social behaviour. The proposed streetscape lacks adequate intervention to enhance Jamestown Road and be a positive addition to a safe and overlooked streetscape. There is a high concentration of blind ground level facade in the proposal at the critical western section of Jamestown Road. The excessive shop frontages have a high risk of remaining vacant.
- While a higher density would be appropriate to the site, adequate density could be achieved by a lower rise building approach which allows the sun to reach the houses across the road all year long and keep their potential for energy generation reasonably unaffected.
- Constraints making this site a relevant “gateway”, which would justify a landmark building or a beacon seen from a distance, were not identified. A perimeter block approach, as recommended in the previously referred Dublin City master plans, would support a stronger street edge.
- It is worth noting that the density for a certain zone in a master or development plan may not be applicable to all sites within it. The density objective is an overall target which will vary according to each site context. Certain sites may be able to go higher, and others may not. Best practice

would see the density limit as when it jeopardizes other constraints such as social and environmental contexts.

- The streetscape amendments to Jamestown Road and Kylemore Way are unsuitable given the area's history of anti-social behaviour. A more appropriate approach is to treat the stretch of Jamestown Road immediately in front of the development as a place for local residents to play, socialise and meet.
- The street frontage of the proposed west block is dominated by retail and 'blind' elevations and the proposed public space is too removed from the Jamestown Road streetscape.
- While there is a larger presence of residential areas to the east, the most relevant houses to this site are to its north. The latter should prevail over an attempt to create a tall landmark building to be seen from the east axis.
- The existing north-south laneway between the east and west blocks of the development, which is under separate ownership, has a negative effect on the development and the area. It would be beneficial if Dublin City Council used its power as local authority for this lane to be regenerated together with the rest of the development.

7.2. Grounds of the First Party Appeal

A first party appeal against Conditions No. 4 and 5 of the decision to grant permission was received from the applicant. The following is a summary of the main issues raised:

- In the context of Condition No. 4, implementation of this condition may marginally improve MDF for the living rooms but does so at the expense of reduced MDF in the adjoining bedrooms. It therefore does not improve overall unit MDF performance. Its attachment to the Grant is despite the BRE 209 (3rd Edition) explicitly stating that its contents are "guidelines" and not definitive scores that must be met, with a very high overall Median Daylight Factor (MDF) compliance rate of 95% achieved for the entire development. Therefore, the

Applicant requests that a decision be made by An Bord Pleanála to Grant Planning Permission but that Condition No. 4 be omitted.

- In light of Condition No. 4's inclusion, the design team have prepared various reconfigurations of the room and unit designs to assess how improvements from daylighting perspectives could be attained. With regards to the location of storage areas (as suggested in the Planner's Report), these have already been internalised. Maximising the length and reducing the depth of main living rooms was investigated, as per the Condition wording, but uplifts to the living rooms' lighting compliance was achievable only at the expense of reduced compliance (and more compromised layout – narrower with poor internal arrangement) in the adjoining bedrooms. Other internal reconfigurations were also considered as a means of improving the daylighting in the identified units and their main living rooms in particular. However, the changes resulted in the loss of en-suite bathrooms and compromises to the size and quality of other bathrooms/shower rooms, but with limited MDF improvements.
- It is argued that Condition No. 4 is unwarranted and unnecessary given: - it relates to just 10 no. rooms in 7 no. units (5% of the 128 no. apartments proposed); each of the 10 no. rooms benefit from compensatory design measures/solutions; half of the 10 no. rooms are within 10-percentage points of meeting the MDF target; Block 4 as a whole achieves a 91% 'pass' rate in respect of the MDF targets; the overall development achieves a 95% 'pass' rate in respect of the MDF targets; and the explicit wording set out in BRE 209 makes it clear that its content should be considered as guidelines and that flexibility should be employed, rather than rigid application of its standards.
- In the context of Condition No. 5, the proposed development wholly complies with Objective CUO25, thereby making the condition unnecessary and additionally onerous. Therefore, the Applicant seeks its omission from a revised Grant of Planning Permission from An Bord Pleanála.
- This condition and its specific wording was informed by the Planner's assessment of the proposed development, including its mix of uses and the incorporation of community uses specifically, in accordance with the requirements of Objective CUO25. In the Applicant's opinion, the Planner

assessed and accepted the café/restaurant and retail uses, noting that the public open space, neighbouring employment lands and future office-based development locally would support their viability. It is argued that the first 'phase' of redevelopment of industrial lands in this part of the City Edge area needs to include uses that are in-demand and that can support a local population and workforce until such time as the softer 'cultural' uses are sought and required. In addition, the cafe/restaurant and retail uses bring economic and employment benefits, and will generate vibrancy and vitality in this quieter part of Inchicore; activating the streetscape throughout the day, rather than in a potentially ad hoc manner based on the wording of the condition.

- It is first worth clarifying how the 5% 'culture, community, arts' floor area is calculated for the proposed development, as the Council's assessment incorrectly refers to a figure of 3.5%, yet it was evident from the Planning Application materials that the 5% requirement was exceeded. As presented in detail in the Planning Report and Statement of Consistency, a total of 488.7sqm of community uses are proposed (childcare facility at 438.2sqm and healthcare unit at 50.4sqm). Based on the net floor areas (a methodology used in other Planning Applications and accepted by the Council) of all the proposed uses, this equates to 5.3% of the floor area thereby exceeding the 5% quantitative requirement set by Objective CUO25. If the outdoor play space serving the childcare facility (136.7sqm) is included in the calculations, it increases the provision rate to 6.7%.
- The use of net floor areas in calculating the 5% requirement was adopted in the following recent planning applications:
 - Reg. Ref. LRD6019/22-S3 – Oscar Traynor Road LRD;
 - Reg. Ref. LRD6006/23-S3 – Leyden's LRD; and
 - Reg. Ref. LRD6026/23-S3 – Sandford LRD.
- It is noted that the method of calculating the Objective CUO25 5% requirement used in the Jamestown Road LRD was not questioned during the LRD Meeting or noted in the Council's Record of LRD Meeting, Planning Report on Recommended Opinion or Notice of LRD Opinion. Given its importance to the

design and mix of uses, it would have been expected that this would have been raised by the Council so that the Applicant and Design Team could modify or justify the development accordingly. Without this guidance/instruction, it was understood that the approach was acceptable.

- With regards to satisfying the requirements of Objective CUO25, a development does not necessarily need to provide both community and cultural/arts uses and development can be designed, proposed and assessed on a case-by-case basis.
- The subject development was informed by a Culture and Social Infrastructure Audit, prepared by Thornton O'Connor Town Planning, which revealed a lack of childcare facilities and healthcare facilities/providers in the immediate environs of the subject site. Both childcare and healthcare uses fit under the broader categorisation of 'community', and were the uses deemed to be most appropriate at the subject site. Therefore, they were prioritised to meet the required 5% floor area discussed above and optimised on the basis of 400-500sqm being the preferred minimum size for commercial childcare providers and approximately 50sqm accommodating a small healthcare clinic.
- Based on the findings of the Culture and Social Infrastructure Audit; the paucity of modern, purpose-built childcare facilities locally; the lack of the healthcare facilities locally; the subject site's location on the edge of both Inchicore and City Edge; the need to prioritise meeting the basic needs of the evolving and future community; and ensuring the operational viability of uses, it is firmly contended that providing community uses as healthcare and childcare specifically, is the most appropriate means of complying with Objective CUO25 at the subject site and as part of a broader mix of uses to comply with the site's Z10 land-use zoning designation.
- Notwithstanding the robust justification put forward above, should An Bord Pleanála deem it necessary for a culture/arts space to be provided, the Applicant suggests that a Condition could be attached that sees the 50.5sqm healthcare unit committed to such a use.

- With regards to the Planning Report's commentary that the proposed mix of uses does not meet the 70%/30% requirement set down for a Z10 site in the City Development Plan for residential and non-residential uses, it is noted that the proposed development in fact complies, and the flexibility afforded sites less than 0.5Ha is not needed in this instance.
- With regards to the Planning Report's commentary that a 7-year permission is not required, it is firstly noted that no such condition was attached, and it is asked that no such condition be attached by the Board. A 7-year permission is justified as judicial reviews, if they were to be brought, would lengthen the timeframe for completion dramatically.

7.3. Appellant Responses

7.3.1 *First Party Response to Third Party Appeal*

The applicant's response to the third party appeal can be summarised as follows:

- The changes to the wall and railing configuration at the interface between Jamestown Road and Kylemore Way are proposed following a specific request from the Council. The applicant is open to the Board omitting the proposed changes to Jamestown Road and Kylemore Way if they see fit. This can be required by way of condition. Similarly, if the Board considered improvements appropriate, the applicant welcomes the inclusion of a condition requiring engagement with the representatives/entities listed.
- The applicant contends that the proposed development as a whole will improve safety in the local area through passive surveillance from the residential units and commercial uses operating throughout the day.
- The masterplans referenced in the document, prepared by C41 Architecture, are not applicable/appropriate in the context of the subject application as the cited masterplan areas are substantially greater than the subject site and intended for significant development of large tranches of land.
- It is argued that the key principles of complimentary/respectful transitions in height with nodes of greater height at prominent junctions/fulcra, outlined by the

third-party appellant in the context of the masterplans, have in fact been adopted in the context of the subject development. In this regard, the buildings immediately fronting Jamestown Road comprise of 1, 3 and 4 storey elements and then increase in height further south, at a considerable distance from the building line. The masterplans also place emphasis on siting the tallest structural elements at key junctions/fulcra in the road network/other prominent locations. Contrary to the appellants contention, it is argued that the subject site constitutes a prominent location, and the proposed 10 storey element is appropriate.

- The appellants argue that the proposed development is not compliant with Table 3 of Appendix 3 of the Development Plan. The applicant refutes this claim and notes that the Planning Authority deemed it to comply with the same. It is argued that the proposed development will play a role in defining and supporting the creation of a sense of place/character at the subject site/its environs and the community will benefit in a variety of ways – through an increase in passive surveillance/vibrancy, visual/aesthetic improvements resulting from the replacement of the existing dilapidated structures with new buildings, the provision of services and the introduction of some much needed public open space/vegetation in this area.
- The proposed development includes heights/massing that are progressive but appropriate in the context of the site's location/immediate environs and planning policy.
- In the context of the arguments made by the appellants regarding overshadowing, it is noted that the assessment of the development carried out found that the existing dwellings would remain compliant with the guidance set out in BRE 209 (3rd Edition) in relation to vertical sky component, annual probable sunlight hours and sun lighting of private rear amenity. The height and design of the tallest element was suitably reduced/reconsidered in response to feedback received at the LRD pre-planning meeting. The site shading diagrams, included in the IN2 report, relied on by the appellants are simply

intended to be pictorial representation and do not give quantifiable metrics for assessment.

- In relation to potential renewable energy options, it is noted that none of the houses to the north currently have solar/PV panels fitted. This aspect of the appeal is based on the possibility of such fittings but without any certainty that they will be delivered. It is argued that the possibility should not be adequate justification to require a reduction in height or scale.
- The following points are made in the context of the arguments made regarding the City Edge Project, no statutory plan has been adopted or is even out for active consultation with the public, Dublin City Council have not commenced the necessary land-use zoning variation process, there is no clarity on what planning mechanism will be used to deliver the City Edge area, the potential that a possible future statutory plan may dictate or alter the current pattern of development in an area should not be used as a justification to stymie development, and the proposed development is consistent with current local, regional and national levels.
- Notwithstanding the foregoing, the proposed development aligns with the non-statutory City Edge Project Strategic Framework in relation to the following key principles: - it has a mixed-use composition that aligns with the 'residential-led mixed-use' development identified for the subject site; it has a maximum height of 35.7 metres, which effectively aligns with the 'indicative' 30-35 metres height range set for this location; and at 200uph, the development appropriately exceeds the minimum gross density of 100-200uph for 'transport corridors and centres'.

7.4. Planning Authority Response

- It is requested that the Board uphold the decision of the Planning Authority and that if permission is granted conditions be attached requiring payment of a Section 48 contribution, payment of a bond, payment of a contribution in lieu of public open space, agreement regarding social housing provision, agreement regarding naming and numbering and regarding a management company.

7.5. Observations

An observation on the first party appeal was lodged by Cllr Sophie Nicoullaud and TD Joan Collins. The issues raised therein can be summarised as follows:

- Redevelopment of the site is welcomed but it is argued that the proposed development should be refused as it is part of the City Edge area and to grant permission would be contrary to good urbanism practice.
- The City Edge Statutory Plan needs to be in place prior to permission being granted here and elsewhere to deal with public consultation, traffic, safety, Seveso site and retail strategy.
- The proposed building height is unsuitable, particularly in the context of the adjacent 2-storey dwellings. Height to a maximum of 5 storeys should only be permitted. The proposed buildings will overshadow the adjacent houses and restrict their ability to install solar panels/have electric vehicles, contrary to Government climate action plans.
- The proposed development will cause traffic issues, given the narrowness of Jamestown Road and the street network has not been ironed out for the wider area in the absence of the plan.
- The proposed development will have a negative impact on the surrounding streets in terms of car parking given the low number of spaces provided and the limited provision of visitor spaces.
- The proposed development will make the area unsafe given the changes proposed to the streets adjacent.
- The planning application has failed to have regard to the loss of Bus Routes No. 13, 68 and 69, as part of the BusConnects, which will reduce public transport availability.
- The proposed commercial units/creche are likely to lay idle and are premature pending the adoption of a retail strategy as part of the City Edge roll out.

- This site is within the Seveso Consultation Zone associated with the Iarnród Éireann Lands to the north. The application/Planners Report has failed to consider this.

7.6. Further Responses

None.

8.0 Assessment

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

- Principle of Development, Mix of Land Uses and Appropriateness of Condition No. 5.
- Residential Density.
- Design, Layout and Height/Impact on Visual Amenities.
- Residential Amenity of Adjoining Properties.
- Residential Amenity of Proposed Development/Appropriateness of Condition No. 4.
- Access/Traffic, Parking and Streetscape Works.
- Open Space Provision.
- Other Matters.

8.1 Principle of Development, Mix of Land Uses and Appropriateness of Condition No. 5

8.1.1 The appeal site is located within an area featuring a mix of residential, commercial, and industrial land uses, with the immediate abutments to the south, east and west comprising industrial/commercial units and the sites on the opposite side of Jamestown Road comprising residential properties. As previously discussed, the development site lies within an area zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' with a stated objective '*to consolidate and facilitate the development of inner*

city and inner suburban sites for mixed-uses'. The table included in Section 14.7.10 of the Development Plan identifies 'café/ tearoom', 'childcare facility', 'primary health care centre', 'residential', 'restaurant', 'shop (local)' and 'shop (neighbourhood)' as permissible uses under Zoning Objective Z10. I am satisfied that the mixed-use development proposed is generally acceptable in principle.

8.1.2 In terms of specific requirements, Section 14.7.10 requires that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses (e.g. residential or office/employment), in order to ensure that a mixed-use philosophy is adhered to. The Planning Authority formed the view that the proposed mix of uses does not meet the 70%/30% requirement set down for a Z10 site (85% of the total floor area comprising residential use) but that this is appropriate in this instance given the size of the subject site and the provision of crèche and medical uses on site. The first party appellant refutes this point, noting that the proposed development in fact complies, and the flexibility afforded sites less than 0.5Ha is not needed in this instance. In my opinion, the 70%/30% use split outlined for Z10 zoned lands in the current Development Plan and how this is to be applied in relation to the consideration of development proposals is quite ambiguous. The Chief Executive (in the Chief Executive's Report on Draft Plan Consultation Process, dated 29th April 2022) stated that "*...it is intended that the land use mix requirements relate to site area not GFA and relate to the Z10 landholding as a whole, rather than individual sites within*". Applying this logic, the proposed development needs to be considered in the context of the entire area of land to the south of Jamestown Road zoned Z10, which I calculate to equate to 0.753ha (made up of the subject site, part of the car parking area associated with the Jamestown Industrial Centre, measuring c. 1,050sqm, and part of the site immediately south, measuring c. 650sqm). While I appreciate the reasoning for considering the mix of uses across the Z10 zoned land bank in its entirety, I find the practical application of this specific requirement problematic, particularly in the context of assessing planning applications for sites which comprise a very small part of a wider Z10 landbank (where it would be particularly difficult to accurately ascertain the application in question's contribution to the wider mix firstly, given the no. of sites needing to be factored in to the calculation, and secondly, where compliance would require the provision of an

disproportionately large non-residential component, purely due to the Z10 landbanks large area, thus undermining the overall mixed-use philosophy being pursued). Having reviewed the plans/planning statistics included with the application, the non-residential uses featuring in the proposed development (i.e. the childcare facility, commercial retail unit, café/restaurant space, healthcare space and associated circulation space along the Jamestown Road street frontage) equate to 0.175Ha. This equates to 23.2% of the 0.753Ha Z10 zoned landholding featuring to the south of Jamestown Road, thus falling short of this specific requirement. I am inclined to adopt an alternate, more pragmatic approach to applying this specific requirement in the context of this application by also assessing the proposal in the context of the Z10 zoned land contained within the application boundary. The 0.175Ha of non-residential uses proposed equates to 30% of the 0.583Ha Z10 zoned land featuring within the application boundary. I consider the mix of uses proposed to be consistent with the mixed-use philosophy sought/zoning objective applying to the site.

8.1.3 In terms of specific requirements, Section 14.7.10 also requires that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared. The criteria outlined in Appendix 3 refers to the need for a masterplan to provide a vision for the development of the entire site area. The first-party appellant has outlined a Site Masterplan Approach for the appeal site in Chapter 4 of the Architectural Design Statement, prepared by Seán Harrington Architects, which accompanies the application. I am satisfied that this satisfies this specific requirement.

8.1.4 Further to the above requirements, Objective CUO25 requires that large scale developments above 10,000sqm in total area must provide at a minimum for 5% community, arts and culture spaces as part of their development. Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector. The Planning Authority deemed 3.5% of the proposed developments floor area to constitute community uses, i.e. the childcare and healthcare facilities. In light of this, they saw fit to include a condition (Condition No. 5) requiring that provision be made for 5% arts/cultural use and community uses and aside from the permitted community uses

(crèche and healthcare), arts/cultural uses be provided for. These arts/cultural uses are to be provided in the proposed café/restaurant unit unless agreed in writing with the Planning Authority that it should be located elsewhere within the scheme at the same or similar scale. The first party appellant contends that the proposed development wholly complies with Objective CUO25, thereby making the condition unnecessary and additionally onerous, and asks that this condition be omitted.

8.1.5 Turning my attention firstly to the quantum of community, arts and culture space provided. The first party appellant argue that the Council's assessment incorrectly refers to a figure of 3.5% and it was evident from the application material submitted that the 5% requirement was in fact exceeded. Upon review of the plans/planning statistics included with the application, a total of 625.4sqm of community uses are proposed, comprising of a childcare facility, featuring 438.2sqm of internal floor space and a 136.7sqm external playspace, and a 50.4sqm healthcare unit. I think it appropriate to include the external playspace associated with the childcare facility, given the inclusion of the following text in the policy: - '*predominantly internal floorspace*'. This equates to 5% of the gross internal area, thereby complying with the 5% quantitative requirement set by Objective CUO25.

8.1.6 With regards to the specific requirement that both community and cultural/arts uses be provided for, the first party appellant argues that a development does not necessarily need to provide both community and cultural/arts uses and development can be designed, proposed and assessed on a case-by-case basis. The subject development was informed by a Culture and Social Infrastructure Audit, prepared by Thornton O'Connor Town Planning, which identified a lack of childcare facilities and healthcare facilities/providers in the immediate environs of the subject site. I would form a contrary view to the Planning Authority in relation to the need that both community and cultural/arts uses be provided for. From my reading of Objective CUO25, it is a requirement that both community and cultural/arts uses be provided for, save for in instances where appropriate evidence exists to justify the provision of community uses only or cultural/arts uses only. This is due to the inclusion of the following sentence therein: - '*such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base*

to justify the 5% going to one sector, which in my view affords flexibility regarding this requirement where appropriate justification exists. Having reviewed the Culture and Social Infrastructure Audit accompanying the application, I am satisfied that appropriate justification exists in this instance for the provision of community uses only. Having regard to the foregoing, the inclusion of Condition No. 5 is not required in this instance, the proposed development having satisfied the requirements of Objective CUO25 in my view. I am satisfied that the mix of non-residential uses, including community uses, proposed as part of this development is appropriate.

8.2 Residential Density

8.2.1 In terms of residential density, the National Planning Framework recommends compact and sustainable towns/cities, brownfield development and densification of urban sites. More specifically, National Policy Objective 35 contained therein seeks an increase in residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights. National policy, including the Sustainable Residential Development in Urban Areas (2009), promotes residential densities in urban areas in close proximity to services and public transport. This sentiment is echoed in the Dublin City Development Plan, 2022–2028, with Policy SC11 promoting sustainable densities particularly in public transport corridors. In this regard, the appeal site is currently well served by public transport as it is located c. 500 metres north-west of the Blackhorse Luas Stop and proximate to Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. Moving forward, the Bus Connects Network Bus Route 58 is proposed to run along Tyrconnell Road. In light of this, under the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities, 2022, (the Apartment Guidelines), the site would be categorised as a ‘Central and/or Accessible Urban Location’. Such locations are deemed to be suitable for small-to-large-scale (will vary subject to location) and higher density development that may wholly comprise apartments.

8.2.2 The 128 apartments proposed on this 0.628ha site (excluding parts of Jamestown Road and Kylemore Way forming part of the application site), equates to a density of 203.8 units per hectare. Given the site’s location in a serviced area, its proximity to

public transport services and the infill nature of the subject site, the proposed density is considered appropriate in this instance. The proposed density for the application site complies with the provisions of the Development Plan and Government policy seeking to increase densities and, thereby, deliver compact urban growth.

8.2.3 In terms of consistency with 'Plot Ratio' and 'Site Coverage' standards, the proposed development would equate to a plot ratio of 2.1 (I note this figure differs from that detailed in the application material, the ground floor level car parking area having been incorrectly omitted from the calculation) and a site coverage of 58.6%. Therefore, the proposed development is compliant with the Development Plan policy in this regard.

8.3 Design, Layout and Height/Impact on Visual Amenities

8.3.1 At present, the subject site comprises of 2 no. land parcels occupied by 1-2 storey industrial/warehouse buildings fronting Jamestown Road and associated areas of hardstanding. These buildings extend to a maximum of 8.6 metres and adopt staggered building lines along their Jamestown Road frontages. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. There are no structures or features of historic importance such as Protected Structures/Conservation Areas in the immediate vicinity. The proposed development includes four apartment blocks (Blocks 1-4) across the 2 no. land parcels. More specifically, the westernmost land parcel features 3 no. block (Blocks 1, 2 and 3), arranged around a ground floor public open space area and podium level communal open space area, and the westernmost land parcel features one block (Block 4). The blocks adopt the following height and feature the following uses:

- Block 1 in the north-western corner fronting Jamestown Road is part-1/part-4/part-6 storeys and features 18 no. apartments;
- Block 2 in the south-western corner fronting the proposed primary public open space area is part-1/part-5/part-7 storeys and features 38 no. apartments;
- Block 3 located centrally south-west of the intersection of Jamestown Road and the private laneway is part-1/part-3/part-5 storeys and features 22 no. apartments, a healthcare unit (50.4sqm); and a café/restaurant (188.2sqm); and

- Block 4 located to the east is part-1/part-4/part-5/part-10 storeys and features 50 no. apartments, a childcare facility (438.2sqm) and a retail unit (282.7sqm).

8.3.2 The site is surrounded by a mix of residential, commercial, and industrial land uses. To the east is the Jamestown Industrial Centre which comprises of a no. of single and double storey industrial/warehouse units. To the south are a series of 1-2 storey commercial/industrial buildings. To the west is the Jamestown Industrial Estate which comprises of 5 no. double storey industrial/warehouse units. To the north, on the opposite side of Jamestown Road, is a row of 12 no. two storey terraced and semi-detached dwellings, Nos. 89-111 Jamestown Road. To the east and west of these dwellings, feature a 1-2 storey industrial/warehouse building and a double storey industrial/warehouse building, respectively.

8.3.3 The third party appellants argue that the proposed building height would be inappropriate for this location and be inconsistent with Appendix 3 of the current Development Plan, particularly Objectives 1 and 3. They argue that lower buildings would be more appropriate given the sensitivity of the adjacent two-storey terraced houses. Similar concerns are raised by the observer, and they contend that a maximum of 5 storeys should only be permitted. The applicant contends that the proposed development has been carefully considered and will sit comfortably on Jamestown Road/adjacent to lower rise structures, 1, 3 and 4 storey elements being adopted along the street frontage with taller elements being setback a considerable distance from the building line/positioned in a prominent location. They refute the claim made that the proposed development is not compliant with Table 3 of Appendix 3 of the Development Plan and argue that the heights/massing is appropriate in the context of the site's location/immediate environs and planning policy.

8.3.4 The proposed development is part-one, part-three, part-four, part five, part-seven and part-ten storeys and extends to a maximum height of 35.34 metres. In terms of building height, Section 4.0 of Appendix 3 of the Dublin City Development Plan 2022-2028 specifies building heights of between 5 and 8 storeys for mixed-use development featuring in key areas, including Public Transport Corridors. Further to this, the Urban Development and Building Heights, Guidelines for Planning Authorities (2018), also promote buildings of increased height in our town/city cores and in other urban

locations with good public transport accessibility. In the context of the key criteria outlined for increased urban scale/height, I am satisfied that the proposed development is consistent with these for the following reasons:

- The proposed development will provide 128 no. new homes, as well as a childcare facility, retail unit, healthcare unit, and café/restaurant, which will aid economic growth in and the regeneration of this area.
- The proposed development is proximate to the Blackhorse Luas Stop as well as bus services running along Tyrconnel Road. The subject site is also highly accessible in terms of walking and cycling infrastructure.
- The proposed development is proximate to Inchicore Village, as well as Dublin City Centre, which offer a range of employment, services and facilities.
- As outlined above, the proposed development comprises of a mix of uses, as well as a mix of apartment types.
- The proposed development features two areas of public open space.
- The subject site has limited ecological and environmental sensitivities, as discussed in the Ecological Impact Assessment and Screening for Appropriate Assessment accompanying the application. The proposed development has been designed having regard to its frontage with Jamestown Road/the laneway featuring between the two land parcels (the streetscape presentation discussed in detail in subsequent sections) and the buildings featuring on adjoining sites. The proposed development steps down to 1, 3 and 4 storeys along its northern boundary proximate to the neighbouring dwellings and taller built form elements are provided centrally in the blocks/recessed from Jamestown Road so as not to overwhelm the surrounding low-rise built form.
- The subject site is located in a serviced urban area and so no limitations on infrastructural capacity is anticipated.

8.3.5 Blocks 1, 2 and 3 are consistent with the above Development Plan guidance. Having regard to Block 4's partial exceedance of the recommended 5-8 stories (part of this block extending to 10-storeys), assessment against the performance based criteria

set out in Table 3 is also required in the context of the proposed development. This is provided in the below table:

Objective	Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale	Assessment
<p>1. To promote development with a sense of place and character</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>respect and/or complement existing and established surrounding urban structure, character and local context, scale and built and natural heritage and have regard to any development constraints,</i> • <i>have a positive impact on the local community and environment and contribute to ‘healthy placemaking’,</i> • <i>create a distinctive design and add to and enhance the quality design of the area,</i> • <i>be appropriately located in highly accessible places of greater activity and land use intensity,</i> • <i>have sufficient variety in scale and form and have</i> 	<p>The proposed development adopts a modulated footprint in response to the site’s irregular shape/frontage to these roads/lanes which reduces the overall massing/bulk of the proposed building. The massing of the proposed development is reduced further by way of the varying materials/finishes palette proposed and the curved nature of some of the external walls featuring which softens the buildings appearance. Where dwellings feature on the opposite side Jamestown Road, the proposed building steps down/reduces in height to one, three and four stories with the tallest part of the proposed development adopting generous separation distances from the edges of the site/neighbouring dwellings.</p> <p>Although the buildings featuring on the opposite side of</p>

	<p><i>an appropriate transition in scale to the boundaries of a site/adjacent development in an established area,</i></p> <ul style="list-style-type: none"> • <i>not be monolithic and should have a well-considered design response that avoids long slab blocks,</i> • <i>ensure that set back floors are appropriately scaled and designed.</i> 	<p>Jamestown Road comprise of double storey dwellings, having regard to the foregoing and in the context of the mixed architectural style of the surrounding area, in my view the proposed development will sit comfortably within the existing Jamestown Road streetscape, as illustrated in the contextual elevations accompanying the application. The proposed building will provide for a modern insertion in this streetscape, which is of a scale and design appropriate to the site.</p> <p>As well as activating this part of Jamestown Road, the proposed development also features uses/public open space areas which will benefit the local community.</p>
<p>2. To provide appropriate legibility</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>make a positive contribution to legibility in an area in a cohesive manner,</i> • <i>reflect and reinforce the role and function of streets</i> 	<p>The proposed development includes streetscape upgrade works along/adopts generous setbacks from Jamestown Road, as well as the laneway featuring between the two land parcels, which will improve legibility/permeability.</p>

	<i>and places and enhance permeability.</i>	
3. To provide appropriate continuity and enclosure of streets and spaces	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>enhance the urban design context for public spaces and key thoroughfares, provide appropriate level of enclosure to streets and spaces,</i> • <i>not produce canyons of excessive scale and overbearing of streets and spaces,</i> • <i>generally be within a human scale and provide an appropriate street width to building height ratio of 1:1.5 – 1:3,</i> • <i>provide adequate passive surveillance and sufficient doors, entrances and active uses to generate street-level activity, animation and visual interest.</i> 	<p>The proposed development has been designed to address both its Jamestown Road and laneway frontages, while Block 4's proposed 10-storey component appropriately responds to its prominent position on Jamestown Road.</p> <p>The building steps down to 1, 3 and 4 stories along its Jamestown Road frontage. Further to this, white bricks are utilised in the façade design of non-residential uses proposed which helps to further breakdown the building's scale/massing at streetscape level.</p> <p>Both apartments and entrances to proposed non-residential uses are provided with an outlook across Jamestown Road, the laneway and public amenity spaces proposed, thus ensuring an appropriate level of passive surveillance/visual interest.</p>
4. To provide well connected,	<i>Enhanced density and scale should:</i>	The proposed development includes streetscape works,

<p>high quality and active public and communal spaces</p>	<ul style="list-style-type: none"> • <i>integrate into and enhance the public realm and prioritises pedestrians, cyclists and public transport,</i> • <i>be appropriately scaled and distanced to provide appropriate enclosure/exposure to public and communal spaces, particularly to residential courtyards,</i> • <i>ensure adequate sunlight and daylight penetration to public spaces and communal areas is received throughout the year to ensure that they are useable and can support outdoor recreation, amenity and other activities – see Appendix 16,</i> • <i>ensure the use of the perimeter block is not compromised and that it utilised as an important typology that can include courtyards for residential development,</i> 	<p>including at the intersection of Jamestown Road/Kylemore Way, which will improve pedestrian/cyclist movement in this area and enhance the public realm.</p> <p>The proposed primary public open space area is positioned adjacent to the southern boundary, thus maximising solar access. Block 4's communal open space area is similarly positioned. Sufficient separation distances are provided between Blocks 1, 2 and 3/they are positioned to ensure appropriate solar access to the communal amenity space featuring in the intervening space.</p> <p>As discussed in the Wind MicroClimate Modelling Report accompanying the application, the proposed development has been designed in such a way as to avoid potential negative wind impacts.</p> <p>Generous setbacks are adopted from Jamestown Road and the laneway to allow for the provision of generously</p>
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	<ul style="list-style-type: none"> • <i>ensure that potential negative microclimatic effects (particularly wind impacts) are avoided and or mitigated,</i> • <i>provide for people friendly streets and spaces and prioritise street accessibility for persons with a disability.</i> 	<p>proportioned footpaths/circulation spaces.</p>
<p>5. To provide high quality, attractive and useable private spaces</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>not compromise the provision of high quality private outdoor space,</i> • <i>ensure that private space is usable, safe, accessible and inviting,</i> • <i>ensure windows of residential units receive reasonable levels of natural light, particularly to the windows of residential units within courtyards – see Appendix 16,</i> • <i>assess the microclimatic effects to mitigate and avoid negative impacts,</i> • <i>retain reasonable levels of overlooking and privacy in</i> 	<p>As will be discussed in detail in Section 8.5 of this report, the private amenity spaces serving, and levels of natural light received by apartments are considered appropriate, as well as the level of overlooking/privacy. The application is accompanied by a Wind MicroClimate Modelling Report which concludes that <i>‘the proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings. Moreover, in terms of distress, no critical conditions were found for “Frail persons or cyclists” and for members of the “General Public” in the</i></p>

	<i>residential and mixed use development.</i>	<i>surrounding of the development’.</i>
6. To promote mix of use and diversity of activities	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>promote the delivery of mixed use development including housing, commercial and employment development as well as social and community infrastructure,</i> • <i>contribute positively to the formation of a ‘sustainable urban neighbourhood’,</i> • <i>include a mix of building and dwelling typologies in the neighbourhood,</i> • <i>provide for residential development, with a range of housing typologies suited to different stages of the life cyclez.</i> 	<p>The proposed development comprises a mixed-use development comprising of 128 apartments (in a variety of different types), a childcare facility, a retail unit, a healthcare unit, and a café/restaurant. These uses, as well as the public open spaces featuring in the development and the streetscape works proposed will contribute <i>positively to the formation of a ‘sustainable urban neighbourhood.</i></p>
7. To ensure high quality and environmentally sustainable buildings	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>be carefully modulated and orientated so as to maximise access to natural daylight, ventilation, privacy, noise and views to minimise overshadowing</i> 	<p>The blocks and apartments proposed have been positioned/ orientated in such a way as to maximise access to natural daylight/ventilation and minimise overshadowing/loss of light, particularly in the context of residential abuttals. Taller built form elements have been</p>

	<p><i>and loss of light – see Appendix 16,</i></p> <ul style="list-style-type: none"> • <i>not compromise the ability of existing or proposed buildings and nearby buildings to achieve passive solar gain,</i> • <i>ensure a degree of physical building adaptability as well as internal flexibility in design and layout,</i> • <i>ensure that the scale of plant at roof level is minimised and have suitable finish or screening so that it is discreet and unobtrusive,</i> • <i>maximise the number of homes enjoying dual aspect, to optimise passive solar gain, achieve cross ventilation and for reasons of good street frontage,</i> • <i>be constructed of the highest quality materials and robust construction methodologies,</i> • <i>incorporate appropriate sustainable technologies,</i> 	<p>recessed from the proposed developments Jamestown Road frontage/side boundaries. Roof plant has been kept to a minimum and where proposed, it has been positioned centrally on the roof so as to restrict views of the same.</p> <p>Of the 128 no. apartments proposed, 80 no. comprise dual or triple aspect.</p> <p>The proposed development will be constructed primarily of brick.</p> <p>Daylight/Sunlight access is considered in detail in Section 8.5 of this report.</p> <p>The proposed development incorporates an Integrated Surface Water Management Strategy, as outlined in the Engineering Services Report and associated drawings.</p> <p>The application is accompanied by a Site Specific Flood Risk Assessment and a Climate Action and Energy Statement, which includes an assessment of embodied energy impacts.</p>
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	<p><i>be energy efficient and climate resilient,</i></p> <ul style="list-style-type: none"> • <i>apply appropriate quantitative approaches to assessing daylighting and sun lighting proposals. In exceptional circumstances compensatory design solutions may be allowed for where the meeting of sun lighting and daylighting requirements is not possible in the context of a particular site (See Appendix 16),</i> • <i>incorporate an Integrated Surface Water Management Strategy to ensure necessary public surface water infrastructure and nature based SUDS solutions are in place – see Appendix 13,</i> • <i>include a flood risk assessment – see SFRA Volume 7.</i> • <i>include an assessment of embodied energy impacts – see Section 15.7.1</i> 	
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<p>8. To secure sustainable density, intensity at locations of high accessibility</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>be at locations of higher accessibility well served by public transport with high capacity frequent service with good links to other modes of public transport,</i> • <i>look to optimise their development footprint; accommodating access, servicing and parking in the most efficient ways possible integrated into the design.</i> 	<p>The subject site is located c. 500 metres of the B/ckhorse Luas Stop and proximate to Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. The majority of the car parking spaces serving the development are provided within an undercroft car parking area provided centrally between Blocks 1, 2 and 3.</p>
<p>9. To protect historic environments from insensitive development</p>	<p><i>Enhanced density and scale should:</i></p> <ul style="list-style-type: none"> • <i>not have an adverse impact on the character and setting of existing historic environments including Architectural Conservation Areas, Protected Structures and their curtilage and National Monuments – see section 6 below.</i> • <i>be accompanied by a detailed assessment to establish the sensitives of the existing environment</i> 	<p>The subject site is not in close proximity to any Architectural Conservation Areas, Protected Structures or National Monuments. The application is accompanied by the following, which consider the proposed development's potential environmental impacts: - a Construction & Environmental Management Plan; an Ecological Impact Assessment. a Screening for Appropriate Assessment; and a Bat Emergence/ Re-entry Survey.</p>

	<p><i>and its capacity to absorb the extent of development proposed,</i></p> <ul style="list-style-type: none"> • <i>assess potential impacts on keys views and vistas related to the historic environment.</i> 	
<p>10. To ensure appropriate management and maintenance</p>	<p><i>Enhanced density and scale should</i></p> <ul style="list-style-type: none"> • <i>Include an appropriate management plan to address matters of security, management of public/communal areas, waste management, servicing etc.</i> 	<p>The application is accompanied by a Property Management Strategy Report, an Operational Waste & Recycling Management Plan, and a Resource & Waste Management Plan.</p>

8.3.6 The building heights proposed are consistent with Development Plan and National policies in relation to building heights, including the Building Height Guidelines (2018), and is considered to appropriately respond to the adjacent residential dwellings, for the reasons outlined above.

8.3.7 With regards to building line/streetscape presentation to Jamestown Road, the existing low-rise structures on the site are set-back from the Jamestown Road frontage by between 3.6 metres and 19 metres, the intervening space featuring areas of hardstanding. To the west of the site, the northernmost warehouse featuring in the Jamestown Industrial Estate is set-back from its front boundary by between 8 and 14.5 metres. Further west, the building featuring at 8 Kylemore Way is setback c. 8 metre. The part of the Jamestown Industrial Centre featuring immediately east of the subject site comprises of a carparking area and, save for what appears to be a small substation, is devoid of buildings. Further east, a c. 7 metre setback is adopted by the building positioned immediately east of the entry to the Jamestown Industrial Centre.

On the opposite side of Jamestown Road, Nos. 89-111 Jamestown Road adopt setbacks of between 8 metres and 10.2 metres. In terms of their immediate abutments, the industrial building featuring to the west adopts a similar setback to that of No. 111 Jamestown Road while the industrial buildings to the east sit forward of No. 89 Jamestown Road. The proposed development adopts setbacks of between 5 metres and 10.3 metres from the edge of Jamestown Road. The ground floor front façades of the proposed buildings are generally developed along the same plane so as to create a street edge, save for in the context of Block 4 where the building is stepped back in part to allow for the creation of a public open space area in front of the proposed childcare facility/retail unit. The westernmost part of the building lines up with the eastern corner of the northernmost unit featuring in the Jamestown Industrial Estate. The proposed building line/streetscape presentation is considered appropriate in this instance having regard to the varied building line featuring in the immediately surrounding area and the proposed development's presentation to Jamestown Road. The public open space area proposed along the Jamestown Road frontage will feature trees/planting as will the northern edges of the proposed podium level communal open space areas. This will soften the proposed development presentation to Jamestown Road and provide some much needed 'greening' in this area.

8.3.8 In terms of building line/streetscape presentation to laneway that runs centrally through the subject site. Currently, the buildings featuring at Nos. 90-96 Jamestown Road are developed flush with the laneway's western edge and the building featuring at No. 86 Jamestown Road's is built flush with a narrow footpath featuring on the eastern side of the laneway. It is proposed to setback Block 3 c. 6.3 metres from the laneway's western edge and Block 4 c. 5 metres from the laneway's eastern edge. This facilitates the provision of car parking space/footpaths and an extension to the existing footpaths, respectively, thus creating more of a street-like feel. The primary public open space proposed features in the south-eastern corner of the westernmost land parcel, accessible via this central laneway. This, as well as the proposed childcare facility, medical centre, café/restaurant, retail unit and a no. of apartments featuring in Blocks 2, 3 and 4 will have an outlook to this laneway. This is a marked improvement from the existing interfaces with this laneway.

8.3.9 The proposed development will be contemporary in design, adopting a flat roof and featuring facades of clay brick, in 3 no. colours and finishes, aluminium or alu-clad windows/doors and contrasting coloured panels (in PPC aluminium finish, or a rendered panel) adjacent to windows in terms of materials/finishes. A white coloured clay brick, with grey mortar, is used at ground floor level to distinguish non-residential uses proposed. This section of Jamestown Road is varied in terms of building stock, architectural styles and materiality given the mix of uses featuring in the surrounding sites. Buildings in the immediately abutting sites feature brick, render, pebbledash and metal cladding in terms of materials/finishes and a mix of flat and pitched roof forms. In light of this, in my view the proposed contemporary development will sit comfortably within the existing streetscape in the context of materials/finishes and make a positive contribution to the urban landscape.

8.3.10 I now turn my attention to consideration of the proposed development's potential visual impact on the immediately surrounding area. At present, the subject site comprises of 1-2 storey industrial/warehouse buildings and associated areas of hardstanding fronting Jamestown Road (with a total floor area of 4,450sqm). The buildings featuring on the eastern land parcel have been vacant for some time. The question that arises is whether the proposed development can be comfortably integrated with the development currently featuring on adjoining sites. The area surrounding the subject site currently features a variety of residential, commercial and industrial land uses. More specifically, to the east, south and west are a series of 1-2 storey commercial/industrial buildings. To the north, on the opposite side of Jamestown Road, is a row of two storey terraced and semi-detached dwellings.

8.3.11 The application is accompanied by a Townscape and Visual Impact Assessment, prepared by Macroworks, and a set of visually verified montages, prepared by Urban 3D, illustrating the visual impact from 8 no. viewpoints in the surrounding area. A summary of its visual impact assessment is included in the below table. This Townscape and Visual Impact Assessment indicates that the visual receptor sensitivity for each viewpoint is low to medium (Viewpoint 5 is Low, Viewpoints 1, 2, 3, 4, 6 and 7 are Medium Low and Viewpoint 8 is Medium). The significance of impact is judged to be Slight/Positive, the proposed development achieving the design intent of being

the initial eastern threshold piece for future higher quality / intensity mixed use development in the regeneration of the low-rise industrial lands to the west and also serving as an appropriate transition of scale and function between the industrial lands to the west and the residential neighbourhoods to the east. The magnitude (scale) of visual change ranged between 'Medium' and 'Negligible' depending on proximity and the degree of intervening screening. In terms of the quality of those impacts, where most noticeable (the 10-storey component viewed along Jamestown Road) the quality of effect was clearly positive. Where the proposed development simply rises into view above a foreground of lower buildings and vegetation the quality of effect was deemed to be either positive on the basis of improved built form or neutral because it has little influence on the amenity of the scene. There were no instances in which it was considered to make a negative contribution to the visual setting. The assessment concluded that: - *'overall, it is considered that the proposed Jamestown Road LRD will not result in any significant / negative townscape or visual impacts. Instead, it is considered that it is an appropriate scale and form of development for this site and the quality of the design and materials will make a positive contribution to an urban setting that is in need of rejuvenation and a catalyst to start that'*.

Viewpoint No.	Location	Description of Change (in summary)
1	Jamestown Road east of site	The proposed development, and particularly the 10-storey element, will rise prominently at the end of the street and enclose the view to a greater degree than the baseline scenario. However, the ten-storey building has a sentinel quality without appearing over-scaled or overbearing, in part due to its slender appearance as it fronts Jamestown Road. There is a high quality of design/finish and this serves to consolidate the street scene. While the magnitude of visual change is considered to be Medium, on balance, it is considered to be Positive.

2	Bluebell Road	The proposed development will not be visible from here due to screening by foreground vegetation and buildings. Therefore, the magnitude of visual impact is negligible / neutral by default.
3	Entrance to Lansdowne Valley Park	The upperstoreys of the tallest blocks will rise in to view above the busy fore-to-middle ground context, most noticeably the ten-storey element. Whilst distinctive, the taller feature does not appear ambiguous given the thematic link to the foreground apartment building. There will be a minor increase in the degree of enclosure and intensity of build but this also serves consolidation and is consistent with the nature of the urban context. The magnitude of visual change is deemed to be Medium low, and the quality of the effect is deemed to be positive on the basis of an improved sense of consolidation, benefit to wayfinding and quality of built development within the urban setting.
4	Corner of Naas Road and Jamestown Road	The proposed development serves as a much stronger street termination feature. Block 4 building has clearly been designed to align with this axial view along Jamestown Road where it reads as a sentinel type feature with a high quality of architectural design/finish. Neither the height of this building nor the bulk of the combined development is excessive within the street scene and instead, distinctly improve the urban fabric within view. The magnitude of visual change is deemed to be Medium, whilst the quality of the visual change is deemed be a positive balance between increased scale/intensity vs quality of built form.
5	Jamestown Road	The proposed development represents a distinct change to the street scene and a marked increase in the scale

	northwest of site	<p>and intensity of development as well as the degree of enclosure on the southern side of the road. Blocks of various heights from four-storey to six-storey are juxtaposed against one another and the street level consists of a high quality paved walkway incorporating bicycle stands and is much more welcoming to pedestrians than the baseline scenario. Despite the increased degree of enclosure, the proposed development does not feel overbearing in this context and the tallest building is not really visible from here. Furthermore, the removal of the existing wall, railing and gate to facilitate pedestrian and cycle movement and will declutter the streetscape. It should be noted that the blank façades on the nearest western side of the development have been deliberately designed without fenestration to respect and not preclude redevelopment on the adjacent sites. There is also a teal blue colour departure from the dark brick façade that adds to the vibrance of the scene. On balance of the factors outlined above, the magnitude of visual change is deemed to be Medium, whereas, the quality of the change is considered to be Positive.</p>
6	Park at Railway Avenue SW	<p>The proposed development will not be visible from here due to screening by foreground vegetation/buildings. Whilst the presence of the upper portion of the ten-storey block may be discernible during winter months (following shedding of leaves), it will not have a material bearing on the visual amenity of this scene. Therefore, the magnitude of visual impact is negligible / neutral by default.</p>

7	R112 Canal Bridge	The upper levels of the proposed development can be seen above the canal-side vegetation, electricity pylons and a substation building to the left of the canal. It marginally increases the sense of enclosure/ built development within the scene. However, it does not appear out of place given another tall apartment building already exists directly along the canal. However, it does appear as a marked increase in built development scale/intensity on the canal's northern. Albeit one of an improved quality of architectural design and finish, and acts a wayfinding structure. The magnitude of visual changes is deemed to be low and the quality of the visual change is deemed to be neutral.
8	Grand Canal Tow Path	The proposed development represents a marked increase in the scale/intensity of built development on the canal's northern side, but it serves to balance the development that already exists on the southern side. The taller 10-storey element of Block 4 serves to break down the scale/massing of the overall development whilst providing visual interest. The development is of a high quality architectural design/finish that improves the quality of the built fabric in this setting. The apartment blocks will also improve a sense of passive surveillance of the canal.

8.3.12 I would be of the view that, although the proposed development constitutes a marked increase in height from the existing situation on site, the overall visual impact of the development in the wider area would not be significant or negative. Its location in the established built-up area will mean views are intermittent and partial with a significant level of intervening structures and vegetation. In the immediately intervening area, the visual impact of the proposal will be significant due to the change in scale from existing

structures on site, which have a large footprint but are relatively low rise. Notwithstanding this, I am of the view that, although the visual impact in particular along Jamestown Road is significant, it would not be a negative visual impact but rather positive given the existing site context. The appeal site is zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' and is part of the wider Dublin City Edge Area, which is earmarked for re-development. As indicated earlier these are areas where increased building heights are supported by local and national policy. The development features two taller components, Block 2 extending to 7 stories and Block 4 extending to 10 stories in part. The 10 storey element is particularly contentious with third parties. These taller elements are setback from the subject sites Jamestown Road frontage and are slender in nature, particularly Block 4's 10-storey component. In light of this, I am satisfied that these taller built form elements will not overwhelm the surrounding built form or create an abrupt transition in height rather are considered design elements that create visual focal points within the proposed development and within the wider area given their positioning, adjacent to the proposed public open space area and the eastern portion of Jamestown Road, respectively.

8.3.13 Contrary to the arguments made by the appellants and observers, I am of the view that that the proposed development is appropriate in the context of the immediately surrounding area. I am satisfied that the overall visual impact of the development although entailing significant change in scale from existing development on site and the surrounding area can adequately be absorbed at this location and would be acceptable in the context of visual amenities of the area.

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

development on residential amenity of the surrounding area is subsequently considered in Section 8.4.

8.4 Residential Amenity of Adjoining Properties

8.4.1 The subject site's southern, eastern, and western boundaries are flanked by commercial/industrial premises. To the north, on the opposite side of Jamestown Road, lies a row of 12 no. two storey terraced and semi-detached dwellings, Nos. 89-111 Jamestown Road. Consideration of potential impacts on the residential amenity of these adjacent residential properties is required in the context of the subject proposal. The proposed development and Nos. 89-111 Jamestown Road are separated by Jamestown Road (a 6.5 metre wide carriageway) and 2 no. sets of footpath (the ones in front of the subject site are noted as being particularly wide). These dwellings feature south-facing front gardens with depths of between 8 metres and 10.2 metres. One of the primary concerns raised by the Third Party Appellants, who comprise of the residents of Upper Jamestown Road, is the proposed development's impact on the residential amenity of these dwellings.

8.4.2 The proposed development, more particularly Blocks 1, 3 and 4 which have frontage along Jamestown Road, adopts minimum separation distances of between 15 and 18.5 metres from the front boundaries of these properties and between 24.34 and 28.19 metres from the front facades of these properties. In terms of building height, as illustrated in the Proposed Contiguous Elevations 1, the proposed development adopts a podium height of 1 (associated with the undercroft car park/podium level open space area and the proposed childcare facility), 3 and 4 storeys along its Jamestown Road frontage. More specifically, Block 1's northern facade extends to 4 storeys along its Jamestown Road frontage, then adopts a setback of between 3.935 and 7.571 metres before extending to a height of 6 storeys. Block 3's northern facade extends to 3 storeys along its Jamestown Road frontage, then adopts a setback of between 7.2 and 10.285 metres before extending to a height of 5 storeys. Block 4's northern facade extends to 4 storeys along its Jamestown Road frontage, then adopts a setback of between 14.409 and 20.756 metres before extending to a height of 10 storeys. While the proposed development would see a marked increase in building height/scale,

when compared with the existing buildings featuring on site, given the stepped nature of the proposal, the modulated presentation and varying materials/finishes utilised in the building design and the separation distances that exist between the proposed development and the dwellings to the north, I do not consider the proposed development would have an unreasonable impact on the residential amenity of the dwellings to the north by way of overbearing.

8.4.3 In terms of potential overshadowing, the application is accompanied by a Daylight and Sunlight Analysis, prepared by IN2 Engineering Design Partnership, which includes an overshadowing assessment of the neighbouring properties to the north. This report found that there will be no increase in overshadowing of the private amenity spaces associated with Nos. 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109 and 111 Jamestown Road as a result of the proposed development. Concerns raised by the third-party appellants regarding overshadowing also extend to the gardens featuring to the front of their dwellings. While these front gardens do offer some level of amenity to residents of these dwellings, it is minimal in comparison to the large rear gardens serving the dwellings (which comprise their primary amenity space) and in most instances, the area to the front of these dwellings is used primarily as a car parking area. I note third party concerns regarding resultant overshadowing limiting northerly neighbours' ability to install solar panels. Currently, none of the 12 no. dwellings featuring to the north feature solar panels. In light of this, I would consider it unreasonable to limit the development potential of the appeal site by requiring the proposed building height be reduced.

8.4.4 With regards to potential impacts on daylight/sunlight received by the dwellings to the north, the Daylight and Sunlight Analysis accompanying the application assessed changes in daylight (Vertical Sky Component) and sunlight (Annual Probable Sunlight Hours) to the 38 no. south-facing windows associated with Nos. 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109 and 111 Jamestown Road resulting from the proposed development. It concludes that the proposed development's effect on daylight/sunlight to neighbouring windows to the north are all within the constraints and recommendations of the BRE Guidelines. I would concur with the findings of this

analysis and conclude that the proposed development would not have an unreasonable impact on daylight/sunlight received by the dwellings to the north.

8.4.5 Given the orientation of these adjacent dwellings and the c. 22 metre separation distance that exist between the proposed development and the dwellings featuring on the opposite side of Jamestown Road, I do not consider the proposed development would result in any negative impacts on the residential amenity of adjacent properties by way of overlooking.

8.5 Residential Amenity of Proposed Development/Appropriateness of Condition No. 4

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

Unit Mix

8.5.2 The proposal would entail the provision of 128 no. apartments (63 no. 1-bed apartments, 10 no. 2-bed (3P) apartments, 47 no. 2-bed (3P) apartments and 8 no. 3-bed apartments). This complies with the 50% one bed/studio units specified in relation to unit mix in Specific Planning Policy Requirement 1.

Floor Areas and Apartment Layout

8.5.3 As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed units would have a floor area of between 48.68sqm and 52.86sqm, the 2-bed (3P) units would have a floor area of between 64.51sqm and 67.15sqm, the 2-bed (4P) units would have a floor area of between 73.88sqm and 80.13sqm and the 3-bed units would have a floor area of between 96.84sqm and 99.7sqm. With respect to minimum floor areas, the proposed apartments exceed the minimum overall apartment floor areas specified in the Apartment Guidelines as well as complying with the associated minimums set in relation to aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. In addition, there is a requirement

under Section 3.8 for *'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'*. In this case this standard is also met. Further to this, having reviewed the proposed floor plans, I am satisfied that the apartments are suitably laid out internally to provide an adequate level of residential amenity to future residents.

Dual Aspect/Floor to Ceiling Heights/ Apartments per Core

8.5.4 Specific Planning Policy Requirement 4 requires that a minimum of 33% of apartments proposed are dual aspect units in more central and accessible urban locations, Specific Planning Policy Requirement 5 requires that ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and Specific Planning Policy Requirement 6 specifies a maximum of 12 apartments per core. With regards to dual aspect, upon review of the plans submitted with the application, 80 apartments constitute dual or triple aspect units (with no single aspect north-facing apartments proposed). At 62.56%, the proposed development complies with the requirements of SPPR 4. The floor ceiling height at ground floor level would be 2.7 metres and a maximum of 10 apartments per core is proposed, thus complying with the applicable numerical requirements of these two standards also.

Storage

8.5.6 As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed units would be provided with between 3.12sqm and 4.18sqm of storage, 2-bed (3P) units with between 5.02sqm and 5.56sqm, 2-bed (4P) units by between 6.04sqm and 6.87sqm and 3-bed units with between 9.06sqm and 9.19sqm which complies with the requirements specified in Appendix 1 of the Apartment Guidelines, 2022.

Private Amenity Space

8.5.7 Turning to private amenity space. As detailed in the housing quality assessment/floor plans accompanying the application, the 1-bed units would be served by balconies/terraces between 5.06sqm and 20.54sqm in size, the 2-bed (3P) units by balconies/terraces between 6.05sqm and 8.02qm, the 2-bed (4P) units by balconies/terraces between 7.09sqm and 50.74qm and the majority of 3-bed units by balconies/terraces between 9.08sqm and 13.8qm, which have a minimum depth exceeding 1.5 metres, thus complying with the quantitative requirements set out in relation to private amenity space. There is one 3-bed unit (Apartment No. 1 featuring on the 5th floor of Block 4) that falls short of the 9sqm required, providing an 8.9sqm balcony. This is considered appropriate given the shortfall is so minor. I am satisfied that the proposed private amenity areas also satisfy the qualitative requirements of the Apartment Guidelines given their orientation, the separation distance provided between the blocks and their positioning relative to each other/proposed windows.

Communal Amenity Space

8.5.8 In accordance with Appendix 1/paragraph 4.13 of the Apartment Guidelines, a minimum of 776sqm of communal amenity space would be needed to serve the proposed apartments and in light of the no. of 2+ bedroom apartments proposed, this is required to contain a small play space (about 85–100 sq. metres) to serve the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building. The proposed development complies with the broad numerical communal amenity space requirements, providing 920sqm of communal open space. It does not feature a dedicated play space, but rather a table tennis table, hammock and small play hut are provided in the communal open space area featuring above the podium car parking area between Blocks 1, 2 and 3. However, this is considered appropriate in this instance as a playground features in the Public Open Space Area featuring centrally on site.

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

The Apartment Guidelines require that designers '*ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year*'. The application is accompanied by a Potential Daylight and Sunlight Analysis Report, prepared by IN2 Engineering Design Partnership, which includes an assessment of the proposed communal open space areas against the BRE guidelines. It concludes that the proposed development meets the relevant criteria, with amenity spaces within the development receiving in excess of 2 hours over 50% of the amenity space. I am satisfied with their assessment in the context of amenity spaces serving the proposed development.

Daylight/Sunlight

8.5.10 The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration and regard should be had to the BRE standards. The application is accompanied by a Potential Daylight and Sunlight Analysis Report, prepared by IN2 Engineering Design Partnership, which among other things includes an assessment of the proposed apartments in terms of daylighting to habitable rooms. In this regard, the Planning Authority has raised some concerns about Block 4's 9% fail rate and in particular the levels received by the apartments featuring on lower levels on its western side. Although, compensatory measures adopted are noted, given the concentration of the failing rooms, they deemed a design revision to be justified in this instance. In light of this, the Planning Authority saw fit to include Condition No. 4 which (in summary) required that the west-facing units in Block 4 be redesigned to maximise their compliance with guideline values for daylight (BRE 209:2022). This redesign was sought to improve the standards of residential amenity. The first party appellant argues that this condition is unwarranted and unnecessary given: - it relates to just 10 no. rooms in 7 no. units (5% of the 128 no. apartments proposed); each of the 10 no. rooms benefit from compensatory design measures/solutions (apartments being dual aspect, having an outlook onto communal or public open space, other room/rooms within the apartment having exceeded daylight requirements and sunlight levels being above the suggested exposure to sunlight targets); half of the 10 no. rooms are within 10-percentage points of meeting the MDF target; Block 4 as a whole achieves a 91% 'pass' rate in respect of the MDF targets; the overall development achieves a 95% 'pass' rate in respect of the MDF targets; and the explicit wording set out in BRE 209

makes it clear that its content should be considered as guidelines and that flexibility should be employed, rather than rigid application of its standards.

8.5.11 The applicable apartments in Block 4 are apartment types 2.S.A., 2.S.B., 2.S.C. and 2.S.F. Upon review of the plans submitted, it would appear that in these apartment types storage has already been positioned in the interior of the building and limited opportunities exist for the length of the living room external walls to be maximised/depth reduced, particularly given the width of the adjacent bedrooms, without the overall amenity of the apartment being compromised. In light of this and having regard to the 'pass' rate in respect of the MDF targets across Block 4 and the development more broadly are high and each of the 10 no. rooms benefit from compensatory design measures/solutions, I think it appropriate to exercise discretion in this instance and deem the inclusion of Condition No. 4 to be unnecessary. In the context of the development more generally, I am satisfied that daylight and sunlight considerations have informed the proposed layout and design in terms of separation distances, scale, window sizing and the aspect of units.

Separation Between Blocks

8.5.12 Section 15.9.17 of the Dublin City Development Plan 2022-2028 states that traditionally a minimum distance of 22 metres is required between opposing first floor windows. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. The separation between windows in Blocks 1 and 3 is 19.225 metres, between windows in Blocks 3 and 4 is 18 metres and between windows in Blocks 2 and 4 is 44.92 metres. In instances where blocks are positioned closer together, i.e. Block 1/3 and Blocks 2/3, one of the applicable elevations is partly devoid of windows and so avoids direct overlooking/undue loss of privacy. Although slightly less than the 22 metres specified, in the context of Blocks 1 & 3 and 3 & 4, on balance I consider the separation distances adopted between the proposed blocks to be appropriate in this instance. They are sufficient to appropriately restrict potential overlooking from upper floor windows while providing an appropriate level of passive surveillance/sense of enclosure of public/communal spaces and laneways featuring between the blocks. There is sufficient flexibility within the wording of the development plan to allow for such a reduction in the standard in this instance.

Conclusion

8.5.13 Having regard to the standards within the Apartment Guidelines (2022) and the Dublin City Development Plan 2022-2028, I am satisfied that the proposed development would provide for a suitable and acceptable form of accommodation for future occupants of the proposed apartments. In the context of Condition No. 4, for the reasons outlined above, I am satisfied that inclusion of such a condition is not merited in this instance.

8.6 Access/Traffic, Parking and Streetscape Works

Access/Traffic

8.6.1 The proposed development looks to provide vehicular access off Jamestown Road via a 5 metre wide access in the north-western corner providing access to an undercroft car parking area provided in the western land parcel proximate to Blocks 1, 2 and 3. This will provide access to 28 no. car parking spaces, 2 no. motorcycle parking spaces, 126 no. bicycle parking spaces, 2 no. E-bicycle charging spaces, 10 no. cargo bicycle parking spaces and 2 no. E-cargo charging spaces. The eastern land parcel, and in turn Block 4, will be devoid of car parking. A bike store with parking for 80 no. bicycle parking spaces, 2 no. E-bicycle charging spaces and 2 no. cargo bicycle parking spaces with charging will be provided to the west of this block however. The observers contend that the subject proposal will cause traffic issues, given the narrowness of Jamestown Road and the fact that the street network has not been ironed out for the wider area in the absence of the City Edge Plan.

8.6.2 Jamestown Road, which provides vehicular access to the subject site, is c. 6-5-7 metres wide and connects with Tyrconnell Road, c. 350 metres east of the subject site. During my site inspection, I observed informal on-street parking, on both sides of Jamestown Road, occurring for c. 250 metres between its intersection with Jamestown Avenue and the signalised junction at Tyrconnell Road. This on-street parking reduces the carriageway width and restricts the flow of traffic to one car in each direction in this section of Jamestown Road. An informal arrangement between drivers is in use to allow approaching cars pass by each other. The application is accompanied by a Transport Assessment & Parking Strategy, prepared by O'Connor Sutton Cronin & Associates. This, among other things, estimates traffic generated by the subject

proposal having regard to 2016 Census data for the Electoral Division of Inchicore A. It estimates that the proposed development will result in just 12 no. additional vehicles on Jamestown Road during peak periods, an average of 1 vehicle every 5 minutes. In this regard, the report concludes that the proposal will have '*a negligible impact on its operation*'.

8.6.3 Having regard to the standard of the road network in the area, the availability of public transport services, the relatively modest scale of car parking provision for the proposed development (34 no. car parking spaces), the material submitted with the application, and the Planning Authority reports, it is my view that the proposed development will not endanger public safety by reason of traffic hazard or cause increased congestion. However, I consider one aspect of the proposed vehicular access arrangements warrants further consideration. I find the positioning of the 4 no. bicycle stands featuring immediately east of the proposed vehicular entrance to be ill-considered as they restrict sightlines. It is therefore recommended that the Board include a suitably worded condition requiring that these cycle stands be relocated so as not to restrict sightlines. Details of their new positioning shall be submitted and agreed with the Planning Authority.

Parking

8.6.4 In terms of car parking provision, the proposed development will be served by the following: - 31 no. resident car parking spaces (28 no. in the podium/undercroft level carpark and 3 no. in the laneway between the two land parcels) and 3 no. car share spaces along the Jamestown Road frontage. Further to this, a loading bay and indented bay to facilitate creche and visitor set down along the Jamestown Road frontage. The observation received on the appeal contends that car parking provision is insufficient for a development of this size and will cause illegal parking on the surrounding streets.

8.6.5 In terms of car parking provision, the proposed development achieves a resident car parking rate of 0.24 car parking spaces per apartment, which falls short of the development plan requirements set out in Table 2 included at Appendix 5 of the current Development Plan. The Apartments Guidelines (2022) state that, in central and/or accessible urban locations, the default policy is for car parking provision to be

minimised, substantially reduced or wholly eliminated in certain circumstances. The subject site is deemed to be in a central and/or accessible urban location as it is proximate to the Blackhorse Luas Stop and Dublin Bus Routes No. 13, 68 and 69, running along Tyrconnell Road. Further to this, it is highly accessible by bicycle and foot with the Grand Canal to the south comprising a primary cycling route and the subject site being within 1.85km of the canal ring which marks the boundary to the area considered to be Dublin City Centre. In addition to providing multiple options for sustainable travel (via public transport, walking and cycling), there is also a choice of retail and services provision within nearby Inchicore Village. The proposed development also features 3 no. dedicated car club parking spaces. It is considered that 1 no. car sharing vehicle could replace up to 15 no. private cars. A Transport Assessment & Parking Strategy and Motility Management Plan, both prepared by O'Connor Sutton Cronin & Associates, were submitted with the application which note that the Mobility Manager appointed for the proposed development will encourage sustainable transport modes among residents by informing them of site accessibility in terms of local public transport options and cycle/pedestrian infrastructure. Further to this, the Management Company will retain the ownership of all private car parking spaces associated with the development, providing flexibility in terms of how parking spaces are allocated. While the concerns of the observers are noted, it is my view that having regard to the managed nature of the proposed car parking spaces, the site's central and/or accessible urban location, its proximity a range of services and amenities, and the sites proximity to public transport I am satisfied that sufficient car parking has been provided to serve the proposed residents in this instance and complies with the provisions of the development plan and the Apartments Guidelines and would not result in overspill onto the surrounding road network.

8.6.6 In terms of non-residential car parking provision, an indented bay to facilitate creche and visitor set down is provided along the Jamestown Road frontage. Further to this, a loading bay is provided along the Jamestown Road frontage to facilitate deliveries to the proposed café/restaurant and retail unit. These set down/loading bay arrangements do not comply with the car parking requirements set out in Section 4 of Appendix 5 of the current Development Plan. It is envisaged that the proposed non-residential facilities featuring on site will be predominately used by residents and locals

within the area, therefore the arrangements provided for are considered appropriate in this instance. I am satisfied that sufficient car parking is provided to serve non-residential development featuring in the proposed development.

Cycle Parking

8.6.7 With regards to bicycle parking provision, the development is served by 324 no. spaces in total, comprising of 224 no. internal spaces and 100 no. 'on-street' spaces. More specifically, residents of the proposed apartments are served by 206 no. bicycle parking spaces, 4 no. e-charging bicycle parking spaces and 14 no. cargo bike parking spaces, provided across 2 no. secure storage rooms (one in the easternmost parcel and one in the westernmost parcel). Visitors to the proposed apartments will have access to 64 no. bicycle parking spaces and 4 no. cargo bike parking spaces, provided along the Jamestown Road/laneway frontages and proximate to the proposed primary area of public open space. In terms of residential bicycle parking provision, the quantum of bicycle parking is in excess of the Apartment Guidelines (2022) standards and the standards set out in Section 3.1 of Appendix 5 of the current Development Plan, which require 1 no. resident cycle space per bedroom and 1 no. visitor cycle space for every 2 no. units. The resident spaces are located within the dedicated bike stores serving the development behind a gated entry point and the proposed visitor spaces are located along street/laneway frontages and adjacent to the proposed public open space area, which are considered to be generally appropriate locations in terms of shelter, accessibility and passive surveillance, consistent with the guidance set out in the Cycle Design Manual (2023).

8.6.8 In terms of non-residential bicycle parking provision, the proposed childcare facility is served by 12 no. bicycle parking spaces and 2 no. cargo bike parking spaces, the proposed retail unit by 4 no. bicycle parking spaces and 1 no. cargo bike parking space, the proposed café/restaurant by 12 no. bicycle parking spaces and 1 no. cargo bike parking space, and the proposed healthcare unit by 2 no. bicycle parking spaces. From a numerical perspective, this complies with the standards set out in Section 3.1 of Appendix 5 of the current Development Plan. Upon review of the Proposed Bike Storage Rooms - Cycling Infrastructure Drawing, prepared by Sean Harrington Architects, accompanying the application I am satisfied that that proposed non-

residential bicycle parking spaces are appropriately positioned relative to the premises they serve in terms of accessibility and passive surveillance. As discussed above, while the location of bicycle parking spaces provided is generally appropriate, the location of the 4 no. bicycle stands (2 no. serving visitors to the apartments and 2 no. serving the proposed café/restaurant) provided adjacent to the vehicular access is considered problematic. Therefore, as previously stated, it is recommended that a condition be attached requiring that they be moved to a suitable location.

Streetscape Works

8.6.9 The subject proposal also includes works at Jamestown Road to provide water services infrastructure/connections, carriageway resurfacing and the reconfiguration of footpaths and public parking/set-down bays, and at the interface between Jamestown Road and Kylemore Way it is proposed to demolish the wall, railing and gate at the interface between these two roads and provide new pedestrian and cyclist connections, bollards and surface treatments. The third-party appellants and observers alike have raised concerns about the works proposed at the interface between Jamestown Road and Kylemore Way, deeming them unsuitable given the area's history of anti-social behaviour and similar arrangements previously featuring here having been removed due to safety/security concerns. The Planning Authority included a condition (Condition No. 9) requiring that the final layout and specifications for this interface be agreed with the Planning Authority in writing prior to commencement of development, and following consultation with An Garda Síocána, the Environment & Transportation Department, and the Parks, Biodiversity and Landscape Services Division. Third party appellants argue that its inclusion does not go far enough address concerns. Given the obvious sensitivity that surrounds the traffic controls in place between Jamestown Road and Kylemore Way, I think it appropriate that the final layout/specifications be agreed with the Planning Authority on foot of any consultation, with An Garda Síocána, the Environment & Transportation Department, and the Parks, Biodiversity and Landscape Services Division, they see fit. I think requiring that this aspect of the development be omitted from the proposal in its entirety, as suggested by third parties, would represent a missed opportunity for public realm improvements which strike a balance between ensuring the safety of adjacent residents/road users and improving connectivity/legibility within this area.

Therefore, it is recommended that, if the Board are so minded to grant permission, that a condition similar to that featuring at Condition No. 9 of the Planning Authority's Notification of Decision to Grant Permission be included on the Board's Order. The other works proposed to the road/footpath along Jamestown Road are considered appropriate.

8.6.10 There is one further aspect of the proposed streetscape works that warrants consideration. That is the works proposed adjacent to the laneway that runs centrally through the subject site. Currently, a footpath features on the eastern side of the laneway only, proximate to No. 86 Jamestown Road's western boundary but outside the applicant's ownership. The buildings currently featuring at Nos. 90-96 Jamestown Road is developed flush with the laneways western edge. Proposed Block 3 has been setback c. 6.3 metres from the laneways western edge to facilitate the provision of car parking space and footpaths. Block 4 has been setback c. 5 metres from the laneways eastern edge to facilitate an extension of the existing footpaths. This aspect of the proposed streetscape works, particularly the creation of a footpath along the laneway's western edge, is welcomed as it facilitates improved pedestrian/vehicular movement and improves passive surveillance of this laneway.

8.7 Open Space Provision

8.7.1 Section 15.8.6 of the Development Plan requires that, in the context of new residential developments, 10% of the site area shall be reserved for public open space provision. As previously discussed, Section 15.8.8 goes on to require the provision of small play spaces of 85-100sqm suitable for toddlers and children up to the age of six in schemes of 25 or more units and play areas of 200-400sqm for older children and young teenagers in larger schemes of 100 or more apartments.

8.7.2 The proposed development provides 810sqm of public open space which equates to approximately 13% of the net site area of 0.628ha. It comprises of a 660sqm area located centrally along the southern boundary, immediately east and south of Blocks 2 and 3 respectively, and a 150sqm area located in the north-eastern corner, adjacent to the proposed retail unit and childcare facility. This is generally compliant with the quantitative development plan requirements. In terms of play infrastructure, the larger of the public open space areas features a 207sqm playground (well in excess of that

required), featuring a basket swing, sailing boat, animal sculpture and stepping logs. A dedicated area for older children and young teenagers has not been specifically identified, however, a number of seating areas and fitness equipment feature across both spaces which could facilitate a degree of play/socialising for this age group. On balance, I am satisfied that the play infrastructure provided in this instance is appropriate.

8.7.3 From a qualitative perspective, the larger of the two areas of public open space proposed is to the south of the site, thus having good solar access. The larger of the spaces would be passively surveilled by east-facing apartments featuring in Block 2, south-facing apartments featuring in Block 3 and the communal terraces provided at podium level while the smaller of the spaces will front Jamestown Road and be passively surveilled by persons frequenting the proposed retail unit/childcare facility and residents of Block 4. In terms of access to the larger space, the laneway featuring between the two subject land parcels is not owned by the applicant, however, the applicant has adopted generous setbacks from its eastern and western sides to allow for the provision of footpaths/parking spaces adjacent and ensure easy access.

8.7.4 Having regard to the foregoing/the Development Plan requirements, public open space provision is considered appropriate in this instance. The appropriateness of communal amenity space provided as part of the proposed development has been considered previously in Section 8.5 of this report.

8.8 Other Matters

8.8.1 *Prematurity Pending City Edge Roll Out* – the third-party appellants/observers argue that the Planning Authority have not had appropriate regard to the Dublin City Edge Plan in considering this application and that the granting of permission in this instance is premature pending the roll out of the same. As previously discussed in Section 6.3 of this report, Phase 2 - Plan Making has commenced but is not yet completed on this project. Until such a time as this stage is complete, the Strategic Framework Document issued on foot of Phase 1's completion is the only guidance in place. This document is non-statutory and does not form a basis for development consent but rather sets out a high-level approach and transformational trajectory for the regeneration of the Dublin City Edge Project Area. Until such time as a transboundary statutory plan and/or

variations are in place, development and planning proposals will largely continue to be assessed on a case-by-case basis against the South Dublin County Council and Dublin City Council Development Plans, as has been done in the context of this application. In terms of proper planning, I am satisfied that the subject site is of a sufficient size to accommodate the proposed development but not so large as to stifle the realisation of the Dublin City Edge Project in the longer time. It is worth noting that the proposed mixed-use development is consistent with the 'Residential Led Mixed-Use' development earmarked for this area in the preferred scenario for development set out in the Strategic Framework Document.

8.8.2 *Seveso Site* – The observers contend that the application/Planners Report has failed to appropriately consider the Iarnrod Eireann Seveso Site featuring to the north of the subject site. The appeal site is located c. 80 metres from this site which is a designated Lower Tier site for the purposes of the Seveso Directive, with a 300 metre consultation distance. The Planning Authority referred the planning application to the Health and Safety Authority, who advised that they do not advise against the granting of planning permission. I am therefore satisfied that no further issues in relation to Seveso or the COMAH Regulations arise.

8.8.3 *Duration of Permission* – The applicant seeks a 7-year permission for the proposed development. They argue that such a permission duration is justified as judicial reviews, if they were to be brought, would lengthen the timeframe for completion dramatically. The Planning Authority's commentary stated that they '*do not consider that the proposed scheme is of such scale that a 7 year permission is warranted in this case*'. While I appreciate the potential for delays to occur if the decision is judicially reviewed, the potential timeframe must be balanced with the need for the timely delivery of housing and the need to minimise construction-related disturbance for surrounding businesses and residents. In that context, I consider that the proposed 7-year duration of permission would be excessive. Further to this, pursuant to the requirements of Section 41(1) of the Planning and Development Act, 2000 (as amended), I do not consider the nature or extent of this development warrants an extension to the standard 5-year period during which the permission is to have effect. Therefore, it is recommended that a condition be attached limiting the duration of permission to the standard 5-year period.

9.0 Appropriate Assessment

- 9.1 The applicant has engaged the services of RSK Ireland to carry out an appropriate assessment screening. The report is dated June 2023. I have had regard to the contents of said report in carrying out this screening exercise.
- 9.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Sections 177U and 177V of the Planning and Development Act, 2000 (as amended) are considered fully in this section. The areas addressed are as follows:
- Compliance with Article 6(3) of the EU Habitats Directive.
 - Screening the need for appropriate assessment.
 - Appropriate assessment of implications of the proposed development on the integrity of each European site.
- 9.3 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.
- 9.4 The subject site is described in Section 1.0 of this report. The proposed development comprises the development of 128 apartments, a childcare facility, retail unit, healthcare unit, and café/restaurant, in four blocks ranging in height between one and ten storeys. The subject development also includes demolition of the existing warehouse/industrial buildings, works to Jamestown Road and Kylemore Way and all associated site works, at No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8. Please refer to Section 2.0 of this report for further details regarding the proposed development.
- 9.5 The proposed development on Jamestown Road, is not directly connected to or necessary to the management of any European site, comprising a Special Area of

Conservation (SAC) or Special Protection Area (SPA), and therefore is subject to the provisions of Article 6(3) of the Habitats Directive. A total of 7 no. European Sites are located within a 15km radius of the subject site. They are as follows:

European Site (Site Code)	Qualifying Interests	Distance
North Dublin Bay SAC (000206)	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 maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with white dunes (<i>Ammophila arenaria</i>) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalwort (<i>Petalophyllum ralfsii</i>) [1395]	7.3 km to the north-east
South Dublin Bay SAC (000210)	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]	7.9 km to the east
South Dublin Bay and River Tolka Estuary SPA (004024)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] 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] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	7.9 km to the east

	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p>	
<p>Glenasmole Valley SAC (001209)</p>	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p>	<p>9.1 km to the south</p>
<p>North Bull Island SPA (004006)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] 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>	<p>10.2 km to the north east</p>
<p>Wicklow Mountain SAC (002122)</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p>	<p>11.2km to the south</p>

	<p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	
Wicklow Mountain SPA (004040)	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>	11.2km to the south

Assessment of Likely Significant Effects

9.6 As previously discussed, there are no direct connections between the site and European sites with only indirect connections identified in the form of wastewater from the development. This will be treated at the Ringsend Wastewater Treatment Plan (WWTP), which is understood to have appropriate capacity to treat the same. The Screening for Appropriate Assessment submitted by the Applicant considers the potential impacts on European Sites from the proposed development includes an appraisal of potential pathways for impacts for each of the identified European Sites, including a conclusion on whether significant effects are likely. This is summarised in the following table:

European Site	Connection	Assessment of likely significant effects
North Dublin Bay SAC	No - Screened out	Due to the distance between this SAC and the site, there is likely to be no potential impact caused by land or air pathways. There is no direct link to the site via ground water or surface water, therefore hydrological impacts are not viable.

<p>South Dublin Bay SAC & South Dublin Bay and River Tolka Estuary SPA</p>	<p>No - Screened out</p>	<p>The distances involved are too great for pathways via groundwater, air or land. Aerosol pathways exist from traffic emissions for nitrogen deposition, but due to the distance to the European sites, it is considered they are too far for any discernible impact to occur. For there to be a hydrological impact from the site there would be a need for a direct pathway to these protected areas. As there is no direct link between the site and protected areas, they will not be affected by the work on the site.</p>
<p>Glenasmole Valley SAC</p>	<p>No - Screened out</p>	<p>As this valley is 10 km away from the site there will be no potential impact caused by land or air. Aerosol pathways exist from traffic emissions for nitrogen deposition, but due to the distance to the European sites, it is considered they are too far for any discernible impact to occur. Due to the lack of direct hydrological pathways from the site, there will also be no potential impact from groundwater or surface water.</p>
<p>North Bull Island SPA (004006)</p>	<p>No - Screened out</p>	<p>Land and air impacts will only have a potential impact up to 100 m, therefore the distance to this protected site is too great. Aerosol pathways exist from traffic emissions for nitrogen deposition, but due to the distance to the European sites, it is considered they are too far for any discernible impact to occur. There would need to be a hydrological pathway, e.g. through surface water or ground water to have a potential impact from the site. As there is no direct link between the site and protected areas, they will not be affected by the work on the site.</p>
<p>Wicklow Mountain SAC & Wicklow Mountain SPA</p>	<p>No - Screened out</p>	<p>There will be no impacts caused through land and air pathways due to the distance being too great. Aerosol pathways exist from traffic emissions for nitrogen deposition, but due to the distance to the European sites, it is considered they are too far for any discernible impact to occur. Wicklow Mountain SAC and SPA is not hydrologically directly linked by any pathways from the site, therefore there will not be any potential impact caused by the proposed work.</p>

In-combination effects

- 9.8 In-combination effects are considered under Section 4.3 of the Screening for Appropriate Assessment Report submitted by the applicant and following the consideration of a number of planning applications in the area (outlined in Section 2.3), no potential for in-combination effects was identified given the scale and location of the development.

AA Screening Conclusion

- 9.9 The Screening for Appropriate Assessment Report submitted by the applicant concluded that the possibility of any significant effects on identified, designated European sites can be excluded, stating the following: - *'having considered the particulars of the proposed development, we conclude that this application meets the second conclusion, because there is no risk of direct or indirect impacts on any European sites. Therefore, with regard to Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011, it can be excluded on the basis of objective scientific information following screening, that the project, individually or in combination with other plans or projects, will have a significant effect on a European site. Therefore, we conclude that an Appropriate Assessment is not required'*.

Screening for Appropriate Assessment

- 9.10 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.
- 9.11 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a result of the proposed development. There are no watercourses on site and the only connection between the site and the identified European sites would be an indirect linkage by way of the public wastewater system. Considering the distance from the site to the nearest European site and the use of the

existing public wastewater treatment, I am satisfied that there would be no significant effect on any identified site.

- 9.12 During the construction phase of development, standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.
- 9.13 During the operational phase of the development, surface water drainage will be in accordance with the policies/guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.
- 9.14 Foul drainage will be through the existing foul drainage system. Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.
- 9.15 I note in full the submitted Screening for Appropriate Assessment and supporting documentation submitted by the applicant. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. 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 runoff, 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).

- 9.16 In terms of In-Combination or Cumulative Effects, this project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend Wastewater Treatment Plant (WWTP). The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Dublin 8 area in accordance with the requirements of the Dublin City Development Plan. Appropriate Assessment was considered by the Planning Authority, which concluded that *'significant effects are not likely to arise, either alone or in combination with other plans and projects that will result in significant effects to any Natura 2000 area'*. I note also the development is for a mixed-use development in a built up area, with an appropriate Z10 zoning (for mixed-uses). As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.
- 9.17 Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.
- 9.18 Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

Appropriate Assessment Screening Conclusion

- 9.19 It is reasonable to conclude that on the basis of the information provided 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), South Dublin Bay and River Tolka Estuary SPA (004024), Glenasmole

Valley SAC (001209), North Bull Island SPA (004006), Wicklow Mountain SAC (002122), Wicklow Mountain SPA (004040), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site. In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment and for the submission of a Natura Impact Statement.

10.0 Recommended Order

Appeal by Donard Properties Limited C/O Thornton O Connor Town Planning, 1 Kilmacud Road Upper, Dundrum, Dublin 14, and Residents of Upper Jamestown Road C/O Gwen Doyle, 103 Jamestown Road, Inchicore, Dublin 8, against the decision made on 8th day of August 2023 by Dublin City Council to grant subject to conditions a permission to Donard Properties Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development

The proposed development consists of 7-year permission for a 'Large-Scale Residential Development' (LRD) at a site, principally comprising No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8. Works are also proposed at Jamestown Road to provide water services infrastructure and connections, carriageway resurfacing and the reconfiguration of footpaths and public parking/set-down bays, and at the interface between Jamestown Road and Kylemore Way to provide new pedestrian and cyclist connections, bollards and surface treatments. The total planning application site area extends to approximately 0.646 Ha. The proposed development principally consists of the demolition of the existing warehouse/industrial buildings (and ancillary structures) at No. 86 and Nos. 90-96 Jamestown Road (approximately 4,450 sq m), and the construction of a mixed-use development primarily comprising: 128 No. residential apartments (63 No. 1-bed, 57 No. 2-bed and 8 No. 3-bed);

childcare facility (438.2 sq m); retail unit (282.7 sq m); healthcare unit (50.4 sq m); and café/restaurant (188.2 sq m). The development has a total floor area of 12,452.2 sq m (excluding the podium/undercroft car park of 755.1 sq m) and is primarily proposed in 4 No. blocks: Block 1 ranges in height from 1 No. storey to 6 No. storeys; Block 2 ranges in height from 1 No. storey to 7 No. storeys; Block 3 ranges in height from 1 No. storey to 5 No. storeys; and Block 4 ranges in height from 1 No. storey to 10 No. storeys. The proposed development also includes: vehicular access and reconfiguration of footpaths at Jamestown Road; 31 No. car parking spaces (28 No. in the podium/undercroft car park and 3 No. at the lane between No. 86 and Nos. 90-96 Jamestown Road); 3 No. car club/share spaces; 2 No. public parking/set-down bays; 324 No. cycle parking spaces; 2 No. motorcycle parking spaces; 2 No. bin stores; 3 No. sub-stations; plant rooms; rooftop PV arrays; blue/ green roofs; hard and soft landscaping, including public open spaces and communal amenity spaces; balconies and terraces facing all directions; boundary treatments; public lighting; 8 No. 300 mm microwave link dishes mounted on 4 No. steel support poles affixed to ballast mounts at rooftop level on Block 1; demolition of the wall, railing and gate at the interface between Jamestown Road and Kylemore Way and provision of new pedestrian and cyclist connections, bollards and surface treatments; and all associated works above and below ground. The application may be inspected online at the following website set up by the Applicant: www.jamestownroadlrd.ie

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:

- a) The site's location within the established urban area of Dublin City with a land-use zoning objective for 'Z10 - Inner Suburban and Inner City Sustainable Mixed-Uses' under the Dublin City Development Plan 2022-2028;
- b) The policies and objectives in the Dublin City Development Plan 2022-2028;
- c) Nature, scale and design of the proposed development and the availability in the area of infrastructure;
- d) Pattern of existing development in the area;
- e) the provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- f) the provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- g) Sustainable Urban Housing: Design Standards for New Apartments, 2022;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- i) Submissions and observations received; and
- j) 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 preliminary examination for environmental impact assessment of the proposed development and concluded that it would not have the potential to have significant effects on the environment, having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended);
- The location of the site on lands that is zoned 'Z10 - Inner Suburban and Inner City Mixed Uses' in the Dublin City Development Plan 2022-2028 with a stated objective 'to consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses';
- 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 location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended);
- 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); and

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

It is considered that the proposed development would not have the potential to have likely to have significant effects on the environment and that the preparation and submission of the information set out in Schedule 7A of the regulations or 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.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 14th June 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) the 4 no. bicycle stands featuring immediately east of the proposed vehicular entrance shall relocated so as to ensure sightlines are unobstructed.</p> <p>Revised drawings showing compliance with this requirement shall be submitted to, and 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.</p> <p>Reason: In the interest of traffic safety.</p>

3.	<p>This permission shall be for a period of 5 years from the date of this order.</p> <p>Reason: In the interest of orderly development.</p>
4.	<p>The final layout and specifications for the interface between Kylemore Way and Jamestown Road shall be agreed with the Planning Authority in writing prior to commencement of development. The final layout of the public realm works to the front of the scheme, west of the laneway through the scheme, shall also be agreed in writing.</p> <p>Reason: In the interests of permeability, sustainable transport, and community safety.</p>
5.	<p>Prior to the first occupation of the residential units hereby approved, the childcare facility, retail unit, healthcare unit, and café/restaurant hereby approved, shall be fully-fitted out and suitable for immediate occupation and operation.</p> <p>Reason: To ensure the orderly development of the site and to comply with the land-use zoning objectives of the Dublin City Development Plan 2022-2028.</p>
6.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Prior to the occupation of the proposed non-residential units (childcare facility, retail unit, healthcare unit, and café/restaurant), finalised service details, as well as details of any proposed signage to be applied to the elevations of the respective buildings, including details of the glazing, materials, colour, lettering and depth of the signage, shall first be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of clarity and the visual amenity of the area.</p>
8.	<p>No advertisement or advertisement structure shall be erected or displayed on the buildings (or within the curtilage of the site) in such a manner as to be</p>

	<p>visible from outside the building, unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
9.	<p>The opening hours for all non-residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any operations in each respective unit.</p> <p>Reason: In the interests of residential amenity.</p>
10.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
11.	<p>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 and for the ongoing operation of these facilities for each apartment and non-residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
12.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations</p>

	<p>to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
13.	<p>The construction of the development shall be managed in accordance with a final project Construction and Environmental 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 the construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s), including areas identified for the storage of construction refuse; b) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings; c) Details of on-site car parking facilities for site workers during the course of construction; d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site. e) Measures to obviate queuing of construction traffic on the adjoining road network; f) Details of construction phase mobility strategy, incorporating onsite mobility provisions; g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works; i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to

	<p>Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.</p> <p>j) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;</p> <p>k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or watercourses;</p> <p>n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;</p> <p>o) Invasive species management plan.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
14.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting for the public open spaces, communal spaces and parking / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
15.	<p>All mitigation measures set out in the submitted Ecological Impact Assessment and Bat Survey/Assessment shall be implemented in full in the carrying out and occupation of the permitted development. All biodiversity enhancement and monitoring measures shall be carried out in accordance with the Biodiversity Enhancement Plan.</p> <p>Reason: In the interest of protecting the environment during the construction and operational phases of the development.</p>

16.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
17.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
18.	<p>Prior to the occupation of the development, a finalised Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This plan shall include modal shift targets and shall provide for incentives to</p>

	<p>encourage the use of public transport, cycling, walking and carpooling by residents of the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
19.	<p>(a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.</p> <p>(b) 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.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.</p>
20.	<p>A minimum of 10% of all car parking spaces should 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 or stations at a later date. Where proposals relating to the installation of electric-vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development. The car parking spaces for sole use of the car-sharing club shall also be provided with functioning electric-vehicle charging stations or points.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
21.	<p>The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the</p>

	<p>application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of residential and visual amenity.</p>
22.	<p>The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.</p> <p>Reason: In order to ensure the satisfactory of the public open space areas, and their continued use for this purpose</p>
23.	<p>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.</p> <p>Reason: To protect the visual amenities of the area.</p>
24.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
25.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
26.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act, 2000 (as amended), unless an exemption certificate shall have been applied for</p>

	<p>and been granted under Section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended), and of the housing strategy in the development plan of the area.</p>
27.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion 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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
28.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be</p>

	<p>referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act, 2000 (as amended), that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Margaret Commane
Planning Inspector

16th November 2023

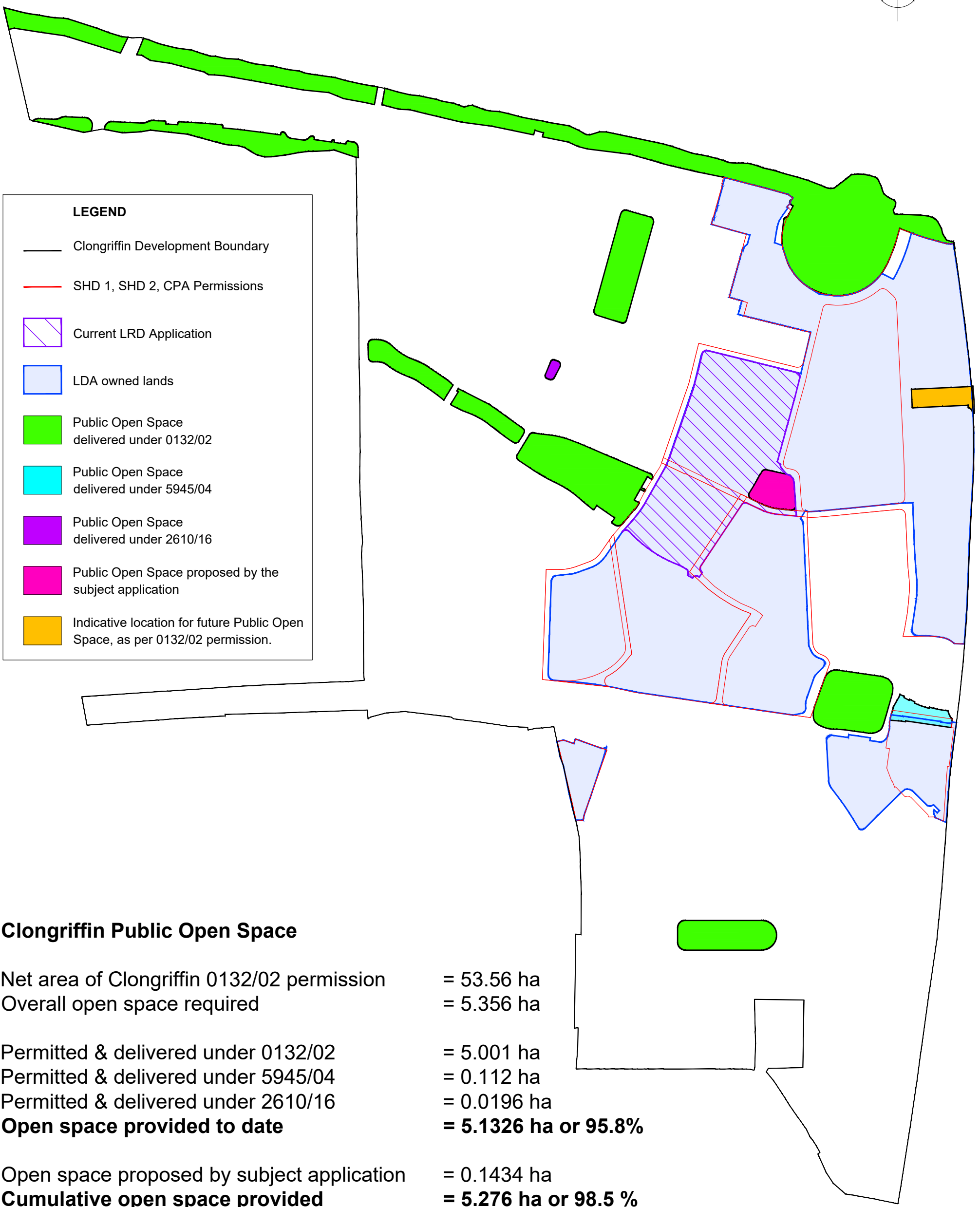
Appendix 1 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317935-23	
Development Summary	Construction of 128 apartments, a childcare facility, retail unit, healthcare unit, and café/restaurant at No. 86 and Nos. 90-96 Jamestown Road, Inchicore, Dublin 8	
Examination		
		Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?		No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?		No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No
Comment (if relevant)		
<p>Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ 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. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.</p>		
Conclusion		
<p>Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?</p>		
There is no real likelihood of significant effects on the environment	EIAR not required	✓

There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required		
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Inspector: Margaret Commane

Date: 16th November 2023



LEGEND

- Clongriffin Development Boundary
- SHD 1, SHD 2, CPA Permissions
- ▨ Current LRD Application
- LDA owned lands
- Public Open Space delivered under 0132/02
- Public Open Space delivered under 5945/04
- Public Open Space delivered under 2610/16
- Public Open Space proposed by the subject application
- Indicative location for future Public Open Space, as per 0132/02 permission.

Clongriffin Public Open Space

Net area of Clongriffin 0132/02 permission	= 53.56 ha
Overall open space required	= 5.356 ha
Permitted & delivered under 0132/02	= 5.001 ha
Permitted & delivered under 5945/04	= 0.112 ha
Permitted & delivered under 2610/16	= 0.0196 ha
Open space provided to date	= 5.1326 ha or 95.8%
Open space proposed by subject application	= 0.1434 ha
Cumulative open space provided	= 5.276 ha or 98.5 %
Open space required by future development	= 0.080 ha
Total open space provided	= 5.356 ha or 100%