



An
Bord
Pleanála

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

Inspector's Report ABP-314408-22

Strategic Housing Development

Demolition of existing office building and construct 176 residential units in one block of up to nine storeys in height, and all associated site works.

Location

Rosemount House, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17.

Planning Authority

Dublin City Council

Applicant

Walls Construction Limited

Prescribed Bodies

1. Irish Water (IW)
2. Dublin Airport Authority (DAA)
3. Transport Infrastructure Ireland (TII)

Observer(s)

None

Date of Site Inspection

28th October 2022

Inspector

Paul O'Brien

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

2.1. The subject site with a stated area of 0.64 hectares, comprises an office building and lands to the north western part of the Northern Cross Development, Dublin 17, approximately 8 km to the north east of Dublin City Centre. The mixed use northern cross development is located to the west of the R107/ Malahide Road and to the north of the R139 road. The R139 connects Donaghmede/ Clare Hall to the east with the M50/ M1 to the west. This part of Northern Cross is located to the south of the Mayne River and is located within the Dublin City area, just to the south of the Fingal County Council area with the river forming the separation between the two administrative areas.

2.2. The site is currently in use as an office block, Rosemount House, and which is occupied by Walls Construction. This is a three-storey building, though floor to ceiling heights give it a much taller appearance. The site is rectangular in shape, the long section on a west to east axis and the building is located towards the centre of the site with car parking surrounding it on all sides. To the west of the site is Mayne River Avenue which provides a connection to the R139 to the south; the R139 was previously designated as the N32 and connects the Malahide Road to the M50/ M1 to the west. Access to the subject site is also from Mayne River Avenue but this section is on an east to west axis with a connection to the Malahide Road/ R107 to the east.

2.3. Adjoining uses consist of Bewleys production centre/ head office to the west, a site in use as a building compound located to the north, and the rest of the northern cross development consists of a mix of residential, commercial, retail, childcare facilities, and nursing home uses.

2.4. A number of bus routes serve the area and I have summarised them in the following table:

Route (operated by):	Location/ Walking distance from site:	From	To	Frequency – Off Peak Weekday
15 (Dublin Bus)	Temple View Rise Stop – R139: 630 m to south east	Clongriffin	Ballycullen via City Centre	Every 10 minutes. Operates 24 hours a day with a 30- minute frequency from Midnight to 6 am.
27 (Dublin Bus)	Temple View Rise Stop – R139: 630 m to south east	Clare Hall (this is the first stop)	Jobstown via City Centre and Walkinstown	Every 10 minutes.
27X (Dublin Bus)	Temple View Rise Stop – R139: 630 m to south east	Clare Hall (this is the first stop)	UCD via City Centre	2 in AM Peak to UCD and 1 in PM Peak from UCD
42 (Dublin Bus)	Balgriffin, Malahide Road – 700 m to the north east	Portmarnock (Sand's Hotel) via Malahide	City Centre	Every 30 minutes.
43 (Dublin Bus)	Balgriffin, Malahide Road – 700 m to the north east	Swords Business Park	City Centre via Feltrim	Approximatel y an hourly service

2.5. All routes can be accessed at the Clare Hall Shopping Centre stop and which is approximately 560 m to the south/ south east of the subject site. The listed stops in the above table are the nearest to the subject site at present (October 2022). No bus routes currently serve the R139 westwards, though a shuttle bus service

operates from the Hilton Hotel to Dublin Airport, it is not clear if the public can use this service.

2.6. Clongriffin railway station is located circa 2.3 km to the east of the subject site. Off peak service frequency is approximately three northbound DARTs to Malahide and three southbound to the City Centre, all continuing to Bray with one extending to Greystones. The 15 bus provides a link between Clare Hall Shopping Centre and Temple View Rise to Clongriffin.

2.7. Under Bus Connects, there is proposed to be a significant revision to the local bus network, and I have summarised this in the following table.

Bus Route	Nearest Stop	From	To	Frequency – Off Peak Weekday
20	Balgriffin, Malahide Road – 576 m to the north east	Malahide	City Centre	Every 30 minutes
21	Balgriffin, Malahide Road – 576 m to the north east	Seatown, Malahide	City Centre	Every 30 minutes
D Spine (D1, D2, D3)	Temple View Rise – 690 m to the South East or Clare Hall SC – 714 m to the south/ south east	D1/ D3 – Clongriffin D2 – Clare Hall	D1 – Foxborough/ Lucan D2 – Citywest D3 – Deansrath All via the City Centre	Each operate every 15 minutes providing 12 buses an hour from Clare Hall SC.

L80	Temple View Rise – 690 m to the South East	Clongriffin Station	DCU	Every 20 to 40 minutes.
N8	Temple View Rise – 690 m to the South East	Clongriffin Station	Blanchardstown Shopping Centre via Dublin Airport	Every 30 minutes

Note: This is only indicative as changes are made as the NTA rolls out this revised network. Bus stop locations may also change and there may also be a difference of bus operator.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the demolition of a three-storey office block with a stated floor area of 3,315 sqm and for the construction of one apartment block providing for 176 residential units. The apartment block varies in height between four and nine storeys over a basement level, primarily providing for car parking. In addition, the proposed development provides for a café, and office/ support rooms on the ground floor.

The following tables set out some of the key elements of the proposed development:

Table 1: Key Figures

Net Site Area	0.6462 hectares
Site Coverage	57%
Plot Ratio	3.20
No. of Houses	0
No. of Apartments	176
Total	176
Density –	

Total Site Area	272 units per hectare
Public Open Space Provision	1,577 sq m
Communal Open Space	1,846 sq m
Car Parking –	
Residents	121
Residents Accessible Spaces	6
Offices Spaces	6
Offices Spaces Accessible	1
Total	134
Bicycle Parking	434
Motorcycle Parking	7

Table 2: Unit Mix:

	Bedrooms			
Floor	1 Bed	2 Beds	3 Beds	Total
Ground	0	0	0	0
First	13	4	15	32
Second	13	8	3	24
Third	13	6	11	30
Fourth	11	8	3	22
Fifth	11	6	9	26
Sixth	11	8	3	22
Seventh	0	17	3	20
Eight	Provides for upper floors in duplex units			
Total (%)	72 (41)	57 (32)	47 (27)	176

Table 3: Residential Amenity (non-open space):

Floor	Cinema	Games Room	Co-Work Space	Gym	Total
Ground	58 sq m	81.3 sq m	514 sq m	158 sq m	811.3 sq m

Table 4: Commercial Development:

Floor	Café	Offices/ Support Rooms	Ancillary Space	Total
Ground	143.7 sq m	1,050.8 sq m	13.5 sq m	1,208 sq m

- The total internal gross floor area is stated to be 20,704 sq m.
- The Vehicular access to the site is form the north west corner and onto Mayne River Avenue. This access is a direct connection into a basement car park. Mayne River Avenue provides a direct connection to the Malahide Road and the junction with the Malahide Road is left in/ left out only.
- Water supply and foul drainage connections to the existing public network will be provided.
- The provision of public and communal open space to serve residents/ amenity needs of the area.

3.2. The application was accompanied by various technical reports and drawings, including the following:

- Statement of Consistency with Planning Policy – John Spain Associates
- Material Contravention Statement – John Spain Associates
- Statement of Response to ABP's Opinion – John Spain Associates
- Northern Cross Masterplan Report – John Spain Associates
- Social & Community Infrastructure Audit – John Spain Associates
- Architectural Design Report – Plus Architecture
- Landscape Design Report – Plus Architecture
- Landscape Works & Landscape Maintenance Specification – Plus Architecture
- Verified Views – Plus Architecture
- Building Lifecycle Report – Aramark
- Infrastructure Design Report - DBFL Consulting Engineers

- Basement Impact Assessment – Byrne Looby
- Traffic & Transport Assessment – DBFL Consulting Engineers
- DMURS Design Statement – DBFL Consulting Engineers
- Site Specific Flood Risk Assessment Report – DBFL Consulting Engineers
- Construction and Environmental Management Plan – DBFL Consulting Engineers
- Public Transport Capacity Study – Transport Insights
- Arboricultural Assessment – J M McConville & Associates
- Landscape & Visual Impact Assessment – Mitchell + Associates
- Energy & Sustainability Report – O'Connor Sutton Cronin
- Public Lighting Report – O'Connor Sutton Cronin
- Glint & Glare Analysis Report – Macroworks
- Noise & Vibration Impact Assessment Report – Redkite Environmental
- Utility Report – O'Connor Sutton Cronin
- Pedestrian Wind Comfort Study - O'Connor Sutton Cronin
- Appropriate Assessment Screening & Natura Impact Statement – Altemar Marine & Environmental Consultancy
- Environmental Impact Assessment Screening Report - Enviroguide Consulting
- Archaeological Assessment – IAC Archaeology
- Statement in accordance with Article 299B(1)(b)(ii)(II)(C) – Enviroguide Consulting
- Daylight, Sunlight & Overshadowing Report – O'Connor Sutton Cronin
- Energy & Sustainability Report - O'Connor Sutton Cronin
- Ecological Impact Assessment– Altemar Marine & Environmental Consultancy
- Operational Waste Management Plan – AWN Consulting
- Resource and Waste Management Plan – AWN Consulting
- Telecommunications Report - Independent Site Management (ISM) Limited

4.0 Planning History

Subject site:

PA Ref. 2527/99 refers to a November 1999 decision to grant permission for a 3060 sq m three storeys headquarter office building, ESB sub-station, ancillary road and site development works.

Adjoining Lands:

2409/14 refers to a June 2014 decision to grant permission for the provision of 207 car parking spaces and all associated site works, to serve Block E of the City Junction Business Park. This is the site located to the north of the subject site.

Condition no. 2 states:

‘This Planning Permission is granted for a limited period of 5 years from the date of this grant at which date the Permission shall cease and the use hereby approved shall cease and the land returned to its former state unless a further Permission has been granted before the expiry of that date. Reason: In the interests of the proper planning and development of the area, and so that the effect of the development may be reviewed having regard to the circumstances then prevailing’.

PA Ref. 3975/19/ ABP Ref. 308761-20 refers to a May 2021 decision to refuse permission for the retention & permission for a car park for a further 5 years. Two reasons for refusal were issued as follows:

1. ‘The site is located within an existing and largely developed area of land with a Z14 zoning designation with the Clongriffin-Belmayne Area, identified as a Strategic Development and Regeneration Area 1 (SDRA 1) growth area within the city. It is considered that the retention and continued use of the site as a surface car park is a substandard and unsustainable use of a zoned and service site which is not consistent with the planning history of the site and adjoining lands or the Z14 zoning designation. It is not considered that any exceptional circumstances apply to justify the continued use of this land as car parking beyond the already permitted five-year temporary permission. The retention and continuation of the use would therefore be contrary to the policies and objectives of both the Dublin City Development Plan 2016-2022

and the Clongriffin-Belmayne Local Area Plan 2012-2022 and would be contrary to the proper planning and sustainable development of the area’.

2. ‘It is considered that the retention of the site for carparking would result in an excess of carparking spaces in the area over and above the maximum permitted in table 16.1 of the Dublin City Development Plan 2016-2022 and would be contrary to policies MT2, MT13, MT15, MT16 and MT21 of the Development Plan with regard to promoting a modal shift from private car use towards sustainable transport policies. It is not considered that exceptional circumstances apply to permit an exemption to these policies and guidelines figures. The proposed development would, therefore, be contrary to the guidelines and policies set out in the Dublin City Development Plan 2016-2022 and would thus be contrary to the proper planning and sustainable development of the Clongriffin-Belmayne area’.

ABP Ref. 314386-22 refers to a Strategic Housing Development application for 156 apartments in two blocks and all associated site works. This refers to the site to the north of the subject site and no decision has been made to date.

ABP Ref. 307887-20 refers to a December 2020 decision to grant permission for a Strategic Housing Development of 191 no. apartments and associated site works. This refers to the lands to the east of the subject site, known as Site/ Block 2.

P.A. Ref. 2200/07 refers to a September 2007 decision to grant permission for 107 no. apartments in a single block with a height up to 7 storeys over basement and lower basement structures on lands immediately adjoining the subject site to the east, known as at Northern Cross Site 2. No work commenced on site and a subsequent application was made under ABP Ref. 307887-20.

The applicant provides a more comprehensive planning history in their ‘Statement of Consistency with Planning Policy’, prepared by JSA. I have only listed those that are most relevant to this site.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place, remotely via Microsoft Team due to Covid-19 restrictions in place, on the 21st of April 2022; Reference ABP-312248-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the demolition of buildings, construction of 176 no. apartments and associated site works at Northern Cross, Malahide Road, Dublin 17.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultation constitute a reasonable basis for an application for strategic housing development. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Submission of Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings illustrating the visual impact of the proposed development in the context of the impact on the permitted and proposed apartment blocks in the vicinity of the site.
2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

3. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
4. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
5. Submission of Wind and Pedestrian Comfort Study.
6. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee
5. Irish Aviation Authority
6. Dublin Airport Operator

7. Fingal County Council

5.4. Applicant's Statement

5.4.1. John Spain & Associates prepared a 'Statement of Response to ABP's Opinion' and this was submitted in accordance with Section 8(1)(iv) of the Act of 2016.

5.4.2. The following information was provided in response to the opinion:

Issue 1 – Provision of additional CGIs and images: In response the applicant has provided an Architectural Design Statement, contiguous elevational drawings and Photomontages prepared by Plus Architecture, Certified Views prepared by Digital Dimensions, and a Landscape & Visual Impact Assessment, prepared by Mitchell and Associates. The Architectural Design Statement includes additional CGIs and photomontages, and the applicant has provided full details on what these images display. The submitted details now include additional external, and internal images. Full details are also provided on the Certified Views and the Landscape & Visual Impact Assessment included in support of the application.

Issue 2 - Material & Finishes details: The submitted Architectural Design Statement', and the 'Landscape Works & Landscape Maintenance Specification' document, both prepared by Plus Architecture are provided in response. Full details of materials are provided in the Architectural Design Statement, having regard to the existing building in Northern Cross. Elevational treatments consist of a mix of brick and render. The Landscape Works & Landscape Maintenance Specification provides full details on the proposed site landscaping and also the provision/ maintenance of associated areas/ outdoor furniture etc.

A 'Building Lifecycle Report' prepared by Aramark provides full details on the long-term running and maintenance costs of the proposed development, and this report demonstrates how it has been prepared in order to meet the requirements outlined in sections 6.11 to 6.15 of the apartment guidelines.

Issue 3 - Sunlight, Daylight & Overshadowing Analysis: A 'Sunlight, Daylight & Overshadowing Analysis Report' was prepared by OCSC in support of the proposed development. Full details of the methodology used in the assessment are provided

by the applicant. The submitted report also assesses the impact of the proposed development on surrounding properties that may be impacted by the proposed development. The report provides full details/ results of these assessments.

Issue 4 – Material Contravention Issues: A ‘Material Contravention Statement’, prepared by John Spain Associates, is provided in support of this SHD application, and which is referenced in the public notices. The submitted Material Contravention Statement provides a justification for potential material contraventions of the Dublin City Development Plan 2016 – 2022, and the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012 – 2018, as extended to 2022. The identified issues include:

- Section 16.7.2 of the Dublin City Development Plan 2016 - 2022 and Section 7.9/ Objective UD07 of the LAP in relation to building height. The Local Area Plan provides for heights of three storeys in this location and the proposed development provides for a single block of between four and eight storeys over basement level.
- Section 16.10.1 of the Development Plan as it relates to unit mix, and site coverage. The proposed development provides for 41% one-bedroom units and the 2016 – 2022 Development Plan indicates a maximum of 25 to 30% one bedroom units.

The Material Contravention Statement also provides a justification for a potential material contravention of the Dublin City Development Plan 2022 - 2028 in the event that a decision on the application is made subsequent to the new Dublin City Development Plan 2022 - 2028 coming into effect, as it relates to cultural facilities as set out in Objective CUO22 of the draft Development Plan, and Section 15.5.5 where it relates to densities.

Issue 5 - Wind and Pedestrian Comfort Study: A ‘Pedestrian Wind Comfort Study’ has been prepared by OCSC and is submitted in support of the proposed development. The industry accepted standard of the Lawson Criteria was utilised in this assessment and data was obtained from the Dublin Airport Weather Station. The assessment conclusion states the following:

‘Based on the CFD modelling results, the proposed development will be a comfortable environment for occupants. Certain areas have been highlighted as being potentially uncomfortable for a limited period of time, however, these concerns

have been largely addressed through the incorporation of landscaping which will mitigate excessive wind speeds in these areas.

Overall, the proposed development will be a high-quality, comfortable environment for occupants throughout the year’.

Issue 6 - Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, in the absence of an

EIAR: An EIAR is not required and an ‘Article 299B(1)(b)(ii)(II) and Article 299B(1)(c) Statement’ has been prepared by Enviroguide Consulting.

In conclusion, each of the points of specific requested information are provided in support of the applicant and the applicant concludes by stating:

‘It is respectfully submitted that the proposed development provides for a high level of residential amenity, for residents of the proposed development and also adjacent developments, while the proposal represents a suitable intensification of use on site, providing for a mix of uses at a highly accessible and suitable location’.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘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 Planning Objective 11 provides that ‘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’.

- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, 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 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2. Climate Action Plan

This Plan seeks to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and to reach net-zero emissions no later than by 2050. Action 78 seeks to ‘Implement the National Planning Framework’ and the following ‘Steps Necessary for Delivery’ are:

‘Develop indicators and timelines to achieve NPF targets for residential development on vacant/redevelopment sites to minimise sprawl’.

6.1.3. Section 28 Ministerial Guidelines

The following is a list of Section 28 - Ministerial Guidelines 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 – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

Other Relevant Policy Documents include

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031

The Eastern & Midland Regional Assembly ‘Regional Spatial & Economic Strategy 2019-2031’ provides for the development of nine counties including Dublin City and supports the implementation of the National Development Plan (NDP). There are no

specific references to the site, but the Clongriffin/ Belmayne area is listed under Level 3 of the 'Retail Hierarchy for the Region'. In relation to the North Fringe, it is recognised in Table 5.1: 'Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing' that the area is to see large scale residential development, retail/ service provision will be provided through the completion of mixed-use districts and there will be suitable infrastructure upgrades to serve the continued development of the area.

6.3. Local/ County Policy

6.3.1. Dublin City Development Plan 2022 - 2028

The Dublin City Development Plan 2022 - 2028 is the current statutory plan for Dublin City, including the subject site. The site is zoned Z14 Strategic Development and Regeneration Areas with objective: 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'.

The site is located within the:

- Clongriffin-Belmayne (North Fringe) LAP 2012-2018 (extended to 2022)
- Strategic Development and Regeneration Area (SDRA) 1 North Fringe (Clongriffin-Belmayne)

6.3.2. Chapter 13 of the city plan refers to Strategic Development Regeneration Areas (SDRAS). At the time of drafting the plan, there were 52 hectares of undeveloped land within this SDRA. The focus here is for increased residential development and the Northern Cross area is designated as one of two Key Urban Villages (KUV). The plan identifies the need for a number of key infrastructural developments and relevant to the subject site are:

- The completion / upgrade of Belmayne Main Street in order to provide a strategic an east-west connection that would link the Key Urban Village (KUV) at Clongriffin Railway Station Square to the Key Urban Village (KUV) centre at Belmayne Town Centre at Malahide Road. This would facilitate high quality bus, cycle and pedestrian facilities. Dublin City Council have approved this under the

Part 8 planning process, and they have received funding from LIHAF. The route will also incorporate Core Bus Corridor No. 1 from Clongriffin Railway Station to the city centre, under the Bus Connects project and this link will open up lands for development as well as facilitating the development of Belmayne Town Centre.

- The provision of a green link that would improve connections between the four quadrants of the Malahide Road junction and provides a connection between the Town Centre and major areas of open space such as Darndale Park to Father Collins Park, schools and other amenities.
- The provision of a new link street - 'Belcamp Parkway' which is to be provided between Malahide Road and the R139 and which would bypass the R139/ R107 junction, with new signalised access off Malahide Road. This would allow for the redesign of the R139/ R107 junction to better cater for pedestrians and cyclists and public transport and would also allow for future development in the area.
- Ensure that development in the area includes links between different schemes.
- Provision of the Mayne River Greenway and Linear Park that would link the SDRA lands to the coastal greenway.
- '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'.

Under the Section 'Land Use & Activity' the following are relevant:

- '...Commercial uses will be located along the Malahide Road and around the Town Squares at the Malahide Road junction'.
- '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'.

Under the heading Height:

- '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’.

- ‘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’.
- ‘The following building heights shall be applied:
 - Minimum heights of 5 storeys to the Key Urban Village centres at Clongriffin Rail Station and Belmayne Town Centre at the R139/R107 junction.
 - Minimum heights of four to five storeys for Main Street Boulevard.
 - A locally higher building adjacent to the rail station and at the junction of Malahide Road / R152.
- Any proposed height must have regard to existing neighbourhoods and character, in order to protect residential and visual amenity’.

6.3.3. The policy chapters, especially Chapters 5 – Quality Housing and Sustainable Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, are to be consulted to inform any proposed residential development.

6.3.4. Policy QHSN10 of the development plan promotes sustainable densities in accordance with the Core Strategy, in particular on vacant and/ or underutilised sites.

6.3.5. Objective QHSN04 seeks to support the ongoing densification of the suburbs and to support infill development.

6.3.6. Policy QHSN11 seeks ‘To promote the realisation of the 15-minute city which provides for liveable, sustainable urban neighbourhoods and villages throughout the city that deliver healthy placemaking, high quality housing and well designed, intergenerational and accessible, safe and inclusive public spaces served by local services, amenities, sports facilities and sustainable modes of public and accessible transport where feasible’.

6.3.7. The following policies are also considered relevant:

- Policy QHSN36 – promote the development of high-quality apartments and sustainable neighbourhoods with suitable supporting infrastructure/ facilities to be provided.
- Policy QHSN38 – encourage a greater mix of housing types.
- Policy QHSN48 – Need for a Community and Social Audit for all developments in excess of 50 units.
- Objective QHSN015 – Need for a Community Safety Strategy for all developments in excess of 100 units.

6.3.8. Chapter 8 refers to Sustainable Movement and Transport and Chapter 10 refers to Green Infrastructure and Recreation.

6.3.9. Chapter 15 refers to Development Standards. Documents to be provided in support of applications in terms of thresholds is provided in Table 15-1. The issues of Height and Plot Ratio are addressed in Appendix 3. Increased density is to be supported where this can be demonstrated to be appropriate.

6.3.10. Section 15.8 refers to Residential Development. A number of sections are highlighted here:

- Public Realm is addressed under Section 15.8.5.
- Public open space to be provided at 10% minimum of the Site Area for Z14 zoned lands (Table 15-4).

6.3.11. Section 15.9 refers to Apartment Standards.

- Unit mix is covered under Section 15.9.1 and states:

‘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 three or more bedrooms unless specified as a result

of a Housing Need and Demand Assessment (HNDA) carried out by the Planning Authority as part of the development plan process’.

- Unit Size/ Layout is addressed under Section 15.9.2 and Table 15-5.
- Dual Aspect units under Section 15.9.3. Inset balconies with two internal elevations do not provide for dual aspect units or where facing walls are deemed to be too close.
- Communal Amenity Space under Section 15.9.8
- Microclimate under Section 15.9.16
- Daylight and Sunlight under Section 15.9.16.1, Wind under Section 15.9.16.2 and Noise under Section 15.9.16.3

Transport is addressed within Appendix 5.

6.3.12. Volume 2 of the City Plan provides the Appendices and Appendix 1 – Housing Strategy, Appendix 3 – Achieving Sustainable Compact Growth, Appendix 5 – Transport and Mobility: Technical Requirements, Appendix 13: Surface Water Management Guidance and Appendix 16: Sunlight and Daylight are noted as most relevant to this development.

6.3.13. Appendix 3 includes a Height Strategy for Dublin City and I note the following:

‘Prevailing Height: This is the most commonly occurring height in any given area. It relates the scale, character and existing pattern of development in an area. Within such areas, there may be amplified height. This is where existing buildings within the streetscape deviate from the prevailing height context, albeit not to a significant extent, such as local pop-up features. Such amplified height can provide visual interest, allow for architectural innovation and contribute to a schemes legibility’.

6.3.14. Key Criteria for increased height are indicated in Table 3 of Appendix 3. Density is addressed under Section 3.2. The SDRAs have a density of 100 to 250 units per hectare and there is a presumption against densities of 300 units per hectare. Plot Ratios in Regeneration Areas are between 1.5 – 3.0 and with an Indicative Site Coverage of 50-60% (Table 2).

6.3.15. Transport and Mobility is addressed within Appendix 5. Car Parking and Cycle Management is detailed under section 2.5. Table 1 provides 'Bicycle Parking Standards for Various Lane Uses' and Table 2 provides 'Maximum Car Parking Standards for Various Land Uses'.

7.0 Third Party Submissions

7.1. No third-party submissions were received.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 17th of October 2022. The report details the site location/ site zoning, provides a description of the proposed development, details pre-submission meetings, planning history, the internal reports of Dublin City Council are summarised, details the relevant Development Plan policies and objectives which at the time was the Dublin City Development Plan 2016 - 2022, and provides a planning assessment of the development. In conclusion, the Planning Authority recommend that permission be granted subject to conditions.

Note: At the time of preparation of the CE report, the Dublin City Development Plan 2016 – 2022 was the operative plan.

8.2. The CE report, in Appendix B, also includes a summary of the views of the elected members of the North-Central Area Committee held on the 19th of September 2022. Some of the comments refer to the combination of this development and a proposed development of the lands to the north of the subject site.

The issues are outlined as follows:

- A query was raised about the quantity of Part V housing proposed as part of this development.
- Details were sought on the material finishes proposed for this development.

Combined issues with the development to the north of the site:

- Issues raised about the number of dual aspect units and also details on the floor to ceiling heights.
- Query over the public transport provision serving this area.
- Query as to whether the proposed development was a material contravention.
- Concern about the potential loss of car parking/ under provision of adequate car parking to serve the development.
- Support given for the integration of open space between the two developments; a query arose as to how this was to be maintained.
- Issue over loss of sunlight to Site/ Block 2 and if the separation distances were adequate here.
- Confirmation was sought if the Walls Office building was to be demolished.
- The lack of a community/ social facility on site was raised. Requested that a Social and Community Audit be conducted for the proposed development of these lands.
- The commercial units should be fully fitted out and ready for use. The provision of empty shells makes their use prohibitive for new businesses.

8.3. Interdepartmental Reports have been received from Housing and Community Services, Environmental Health, Air Monitoring and Noise Control Unit, Roads and Traffic Division, Drainage Division and Parks, Biodiversity & Landscape Services.

External reports were received from Irish Water, Transport Infrastructure Ireland, and the Dublin Airport Authority.

8.4. **Planning Assessment**

This is summarised as follows under the headings of the Chief Executive Report.

Principle:

- The proposed development is acceptable in regard to the Z14 zoning that applies to this site, and which allows for residential, office and restaurant uses.
- The proposed development requires the demolition of an existing building and whilst its loss is unfortunate considering the embedded carbon and it is a modern/

well-built structure, the proposed development will provide for a more intensive use on this site, which is welcomed by the Planning Authority.

Statement of Consistency and Material Contravention Statement:

The Planning Authority report that a 'Statement of Consistency' and a 'Material Contravention Statement' have been submitted in support of the proposed development. The Material Contravention Statement identifies policy where the proposed development could constitute a contravention of the Dublin City Development Plan and/ or Clongriffin - Belmayne Local Area Plan under the following headings:

- Section 16.7.2 of the Dublin City Development Plan 2016 – 2022 and Section 7.9 / Objective UD07 of the Local Area Plan as relating to Building Height
- Section 16.10.1 of the Dublin City Development Plan 2016 – 2022 as relating to unit mix
- Section 16.6 Site Coverage

The Planning Authority report that they consider that the applicant has made a reasonable argument for contravening each of the identified policies with regard to national policy, which supersedes the Dublin City Development Plan (at that time, the Dublin City Development Plan 2016 – 2022).

Schedule of Accommodation:

- The Planning Authority report that 176 apartment units are proposed, and which are not Build-To-Rent. 72 (41%) of the units are one bed, 57 (32%) are two-bedroom units and 47 (27%) are three bed units. 43% of the units are dual aspect and there is no single aspect, north facing only units.
- The Planning Authority note that whilst the number of one-bedroom units is high, the number of three-bedroom units is also high and the Planning Authority consider 'the levels of each such unit balance out'. The unit mix and aspect ratio are in accordance with the apartment guidelines.

Height, Scale and Design:

Height:

- The applicant has indicated that the proposed development may materially contravene the Dublin City Development Plan 2016 – 2022 and the Clongriffin-Belmayne LAP in relation to height. The proposed block provides for a perimeter layout that presents a hard edge onto Mayne River Avenue and is set back from the other three sides. Landscaping is proposed between the block and the boundary on the east, west and northern sides. The following provides a summary of the heights:
 - South Elevation: Four storey mid-block, book ended with eight storey parts to the east and west. A communal terrace will be provided above the fourth-floor section.
 - West Elevation: Eight storeys to the north west and south west corners with a seven storey mid-block section. This will have a part two storey section that is set back from the rest of the elevation, giving a maximum height of nine storeys.
 - East Elevation: Eight storeys with a mid-section of nine storeys, with the upper floor set back.
 - North Elevation: Eight storeys to the north west and south west corners with a seven storey mid-block section. A terrace area will be provided at roof level.
- The site is located within the Northern Cross district, which consists of mixed-use development and a varied building height generally of five to seven storeys, with some landmark blocks extending to twelve storeys. The Planning Authority reference Policy SC16 of the Dublin City Development Plan and which ‘acknowledges the intrinsic quality of Dublin as a low-rise city and that it should predominantly remain so’.
- The Planning Authority reference Section 16.7.2 of the Dublin City Development Plan and which states: ‘Planning applications will be assessed against the building heights and development principles established in a relevant LAP/SDZ/SDRA. Proposals for high buildings should be in accordance with the provisions of the relevant LAP/SDZ/SDRA in addition to the assessment criteria

for high buildings and development plan standards. Chapter 15 provides guiding principles for the design of potential high buildings in SDRAs, where appropriate. All areas outlined in the table below are considered to be in the low-rise category unless the provisions of a LAP/SDZ/SDRA indicate otherwise'. Section 16.7 provides details on 'Building Height in a Sustainable City' and in summary allows for 24 m in the Inner City for residential development, and 16 m for the outer city. The development plan allows for up to 50 m in the case of 'Mid Rise' areas. The Planning Authority report that the subject site is located within the North Fringe SDRA1 and is identified as a Mid Rise location.

- Section 7.9 Objective UD07 of the Clongriffin-Belmayne Local Area Plan states the following in relation to building heights:
 'The height strategy for the LAP will seek positive integration of new building height with established character. Locations identified for special height character are the designated Key District Centres (in general 5 storeys minimum) and the Main Street Boulevard axis (in general four to five storeys). Heights of 2-6 storeys (including a setback at the top floor of a 5/6 storey building) may be facilitated subject to quality design criteria and set back requirements along the river corridor to complete the urban form of pavilion buildings to complete Marrsfield, one location for a landmark profiled building 14 (10-14 storey office height equivalent) is designated adjacent to Clongriffin Rail Station. In other locations, where 4storeys residential height is proposed, some flexibility will be allowed on the height equivalent (13m) to achieve design improvements to the façade'. The Planning Authority report that the minimum building height of five storeys, within the Northern Cross area, has been exceeded in most cases.
- The proposed building would have a maximum height of nine storeys/ 33.975 m. The roof levels include mechanical plant which is set back from the building edges and also includes a green roof and a bank of photovoltaic panels.
- The Planning Authority consider that the wording of Objective UD07 is such as to allow for taller buildings within the Key District Centres, but the maximum/ exceptional height is the 10 – 14 storey office equivalent building at Station

Square, Clongriffin. The Planning Authority report ‘that the proposed nine max storeys of the scheme does accord with the policy set out in the LAP and so is not a material contravention, however, due to wording this is a subjective assessment’. It notes the issue of height as provided for in the Building Heights Guidelines for Planning Authorities (December 2018) and that the Material Contravention Statement provides a reasoned case for increased heights in terms of national and regional guidance such as the National Planning Framework and the Urban Development and Building Heights Guidelines.

- The Planning Authority restate SPPR 1 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018) and Section 3.2. The Planning Authority consider that the guidelines cannot be applied on a blanket basis but only where certain criteria can be met/ demonstrated. The applicant has outlined why they consider this site is suitable for increased height and the Planning Authority reports that a number of documents have been provided by the applicant in support of this development.
- The Planning Authority state that they consider that ‘the subject site is an appropriate location to accommodate a building or buildings of height given the zoning designation of the immediate area as an SDRA and a Key District Centre and considering the wording of allowances set out in the LAP for buildings within the KDC. As well as having due consideration of national policy which supersedes the Development Plan and other local statutory plans’. The Planning Authority report that it supports the development/ increased height in this location, subject to consideration of residential amenity, visual amenity and placemaking, all of which are considered further in the CE report.

Scale:

The Planning Authority report on the design/ context of the development and consider that the scale of the proposed development is acceptable in this location and is in accordance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018).

Design:

- The proposed development has been designed to ensure that the bulk and massing of the block does not present as a slab of elevation when viewed from adjoining lands.
- The proposed bookend sections will be clad in yellow brick and white fibrocement panels and the mid-block sections would be finished with a black brick latticed face with grey fibrocement panels behind. This ensures that the elevational treatment is not oppressive.
- The street frontage is fully glazed, and this identifies the office portion, residents' communal facilities and the café, all located on the ground floor. Glazing along the ground floor elevation allows for passive surveillance of adjoining areas.

The CE report provides for a detailed description of the materials and finishes to be used in the building design. Overall, they consider that good use has been made of the site and that regard has been had to the proposed development of Block 10 to the north. A distinctive design/ finish has been proposed that allows for 'an appropriate west end point of the urban district of Northern Cross'.

Office Use:

The existing office, which is proposed for demolition, provides for 3,315 sq m of accommodation and the proposed development will provide for 1,050.8 sqm of office space, located to the western side of the block. The Planning Authority welcome the provision of this office space as it ensures that a diversity of uses on site is maintained and will also provide for passive surveillance of the public open space to the rear/ north of the block.

Café:

The proposed café would have a floor area of 143.8 sq m and would have frontage to the southern side/ facing Mayne River Avenue and to the east onto a proposed public plaza. The Planning Authority report that the café is acceptable in principle and provides for a focus point between the Mayne River and Northern Cross. The final details regarding the layout/ use of the café can be agreed by way of condition.

Site Development Standards – Density, Site Coverage and Plot Ratio:

The Statement of Consistency submitted in support of the application indicates that the density is 272 units per hectare, plot ratio is 2.6 and site coverage is 58 %. The Planning Authority reports no concern in relation to these figures. The site is within walking distance of high-capacity public transport, amenities, and employment. Bus services are available within the Northern Cross area and although Clongriffin station is not immediately proximate, it is accessible by walking, bicycle, and bus.

Residential Amenity and Residential Quality Standards:

- Standards for residential amenity are provided in Section 16.10.1 of the Dublin City Development Plan and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The submitted details indicate that 43% of the units will be Dual aspect and the Planning Authority report that these are true dual aspect units and no single aspect units, facing north are proposed.
- The submitted floor plans indicate all apartments are accessible from two cores and true duplex units are proposed.

The Planning Authority report that the layout and floor areas of all units are acceptable. Issues in relation to communal open space, privacy and availability of light are considered further in the CE report.

Residential Facilities:

The Planning Authority note that Section 5.5 of the apartment guidelines requires the provision of dedicated amenities and facilities specifically for residents in the case of Build-To-Rent (BTR) developments. This is not a BTR development, but residential facilities are proposed in the form of a 189.5 sq m concierge/ entry point space to Mayne River Avenue, to the rear is a garden space and to the north of the garden is a 158.1 sq m gym and a 57.9 sq m cinema room. In addition, on the ground floor, is a 513.9 sq m co-working area and an 87.7 sq m post room. A pool/ games room of 81.4 sq m is proposed which would frontage onto a pedestrian walkway located to the eastern side of the building. The residents' spaces would have large areas of glazing that face onto the external public areas.

The Planning Authority, whilst welcoming these areas, do query the layout of some of these spaces such as the gym and cinema located next to each other. The efficiency and usability of some of the spaces is also questioned. The Planning Authority have made recommendations as to a revised ground floor plan. The Planning Authority requests that a condition is attached to any grant which requires that the identified resident facilities shall be occupied as part of the development and shall not be occupied as separate, commercial facilities. In addition, a further condition should be provided in regard to the management and accessibility of these facilities for residential use.

Open Space:

Private Open Space:

- Private open space is to be provided in the form of balconies, most of which are recessed into the building envelope.
- The units on the eight floor are 'saw tooth' shaped and would be provided with large terraces on their inward side. The Pedestrian Wind Comfort report has assessed the impact of wind on these amenity spaces and one unit has given rise for concern. Trellis/ wind break structures can be put in place to address issues of concern.
- The balconies are considered to be acceptable in terms of size and dimensions. Some units, located on the eastern elevation, may not receive adequate sunlight but would still provide for good levels of residential amenity.

Communal Open Space:

- The proposed development provides for communal open space on the fourth and seventh floors terrace levels. These spaces are to have southerly aspects and the communal spaces to have a total area of 1,846 sq m. The fourth-floor terrace includes play equipment provision.
- The Planning Authority report that whilst the spaces themselves would be to an acceptable standard, there is concern at the impact these spaces would have on the privacy/ residential amenity of units that face onto these spaces. The

Planning Authority list the units of concern in their report and includes units on the first floor, fourth floor and seventh floor. Measures can be provided to improve the levels of privacy, however not all units can be adequately addressed – with reference to Unit D.02 and D.01. Overall, the Planning Authority do not oppose the development in regard to these issues.

Public Open Space:

- Public open space is provided in the form of a 442 sq m plaza located to the south eastern corner of the site and also in the form of a pedestrian link to the east of the site that connects to Site 10 to the north and in turn provides a link to the Mayne River to the north. The Planning Authority report that a total of 1,577 sq m of public open space is proposed.
- The Pedestrian Wind Comfort assessment does not give rise to any issue of concern.
- The Planning Authority report that the linking of the proposed open space with the proposed development to the north, Site 10, and the provision of a public open space plaza are to be welcomed.
- The Planning Authority report that the Dublin City Council Parks, Landscape and Biodiversity Division are generally satisfied with the proposed development as submitted.

Visual Impact:

- The Planning Authority support the development of this site, which is currently occupied by a three-storey office block surrounded by surface car parking. The existing building is considered to be out of character with the prevailing form of development in Northern Cross. Taken in conjunction with the proposed development of Site 10 to the north, the development of the site is considered to be visually acceptable.
- The Planning Authority report that the submitted photomontages present some limitations and that those submitted in support of Site 10, to the north of the subject site are more useful in illustrating the impact on the visual amenity of the

area. In conclusion, the Planning Authority consider that the redevelopment of this site would result in a modest impact on the visual amenity of the area.

Operational Management and Long-Term Maintenance:

The Planning Authority report that a Building Lifecycle Report and a Property Management Strategy Report have been submitted in support of the application. The Planning Authority consider it appropriate that a condition be attached which requires the preparation of an Operation Management Plan.

Part V:

The applicant has consulted with the Housing and Community Services section of Dublin City Council and final details will only be agreed when a grant of permission is issued.

Overshadowing, Daylight and Sunlight:

- A Daylight and Sunlight Assessment has been submitted in support of the application. The Planning Authority outlines the relevant assessments and expected findings of these. The applicant has considered both ADF as per BS8206 as well as the newer 2022 Target Illuminance and Minimum Target Illuminance in their assessments.

Daylight:

The Planning Authority report the following:

‘The assessment considers rooms for both ADF and Illuminance at first floor and over. The room designations chosen do not correspond to the architectural plans but differentiate between bedrooms and Living/Kitchen/Dining (LKD) rooms on the floor plan but do not do so on the tables which run the LKD directly on from the bedrooms. This is a less than preferable presentation of the assessment’.

The report continues:

‘All first floor rooms pass ADF. The great majority of rooms – both bedroom and Living/Kitchen/Dining – pass Illuminance Target and Minimum Target Illuminance.

Five bedrooms fail Illuminance for 50% of the room at 300 Lux but pass 95% at 100 Lux'. The Planning Authority consider the results for the tested floors/ units. The Planning Authority report that of the '502 rooms assessed no room failed ADF while 6 LKDs failed the 2022 methodology as well as 20 bedrooms for a total compliance of 94.8%'. Good light penetration is reported except for some points on the east elevation.

Sunlight:

The Planning Authority report that of the 1,215 windows analysed in the applicant's assessment, some 55% achieve the minimum levels of direct sunlight recommended by the 2022 Methodology. Open space areas receive good sunlight except those on the northern elevation, as expected.

The Planning Authority report that 'It is apparent from the assessment that the proposed units generally have reasonable levels of daylight and sunlight to the majority of units whether north facing or not. Certain units would experience less than optimal daylight, mainly on the east elevation to first and second floor, while other units, mainly north facing, would not receive direct sunlight but would have good levels of daylight'. The Planning Authority also report that the nature of the development, in the form of a perimeter block building, will inevitably result in some units receiving a reduced level of sunlight due to their location/ orientation on site.

Impact on Adjoining Sites:

A number of assessments are provided by the applicant and the Planning Authority have assessed each of them in relation to the adjoining sites, and summarised as follows:

Block 10, north of the site: The Planning Authority report that within the submitted 'Daylight, Sunlight & Overshadowing Report, that the majority of the tested windows would (sic) fail to retain >80% of their former value with only four exceeding this measure. No window scores less than 60% of existing VSC. While a greater VSC score is preferable the existing office block on site can be regarded as an underuse of zoned and serviced lands and in the context of the evolving urban block form of

Northern Cross this is an anomaly. Regard must also be paid to the fact that, if approved, Rosemount and Block 10 would potentially be constructed on similar time lines future occupants of Block 10 would likely never have conditions where they have Vertical Sky Component values as set out in the applicant's report. The Average Daylight Factor is also considered and again, the nature of the development is such that future occupants of Site 10 would not suffer undue residential amenity.

Site/ Block 2: To the East: The Planning Authority report that it 'is found that the majority of windows fail to have a VSC value of >80% of the current conditions with only four windows exceeding 80% of the former value. It is noted, however, that the existing condition is with a three storey office block set well back from the shared boundary with surface car parking immediately adjacent to the site which, as stated extensively, is not an optimal use of a zoned and serviced site within a designated SDRA and KDC'. The Planning Authority also report that 'As has been stated previously occupants of Block 2 would likely not experience the unrestricted sunlight currently available for any sustained period given that block is under construction'.

Overlooking and Separation Distances to Neighbouring Properties:

The Planning Authority do not oppose the proposed development and consider that the impact on adjoining properties is acceptable. Suitable measures have been incorporated into the development design such as recessed balconies that ensure that overlooking is addressed.

Childcare Facilities:

- The Planning Authority refers to Appendix 13 of the Development Plan 2016 - 2022 and the Guidelines for Planning Authorities on Childcare Facilities (2001) require the provision of a childcare facility with capacity for 20 no. children in a residential development of over 75 no. units. Section 4.7 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020, generally excludes one-bedroom units from the calculations and two-bedroom units may also be excluded, either in total or in part.

- The proposed development includes the provision of 104 two-bedroom and three-bedroom units. The applicant has undertaken a Social and Community Infrastructure Audit and which identifies that there are vacancies for 47 children in the area. The proposed development has a calculated requirement for 27.7 children who would be of childcare age; there is adequate capacity in the area to cater for these children. Regard is also had to a potential demand for 22 spaces associated with the development of Site 10 to the north.
- The Planning Authority note this and consider that 'the non-provision of a childcare facility on site is reasonable' having regard to the site location and the low number of children that the development is expected to accommodate. Reference is made on the economics of such a facility.

Social Audit:

A social audit has been submitted in accordance with Policy SN5 and Section 16.10.4 of the Dublin City Development Plan 2016 – 2022. The submitted audit provides detail on the availability of health services, education facilities, community services and facilities and sports and recreational facilities in the vicinity of the subject site. The submitted information is acceptable to the Planning Authority.

Waste Management:

A Construction, Demolition and Environmental Waste Management Plan and a separate Operational Waste Management Plan have been submitted in support of the application; these are acceptable to the Planning Authority.

Transportation:

The Dublin City Transportation Planning Division have provided a detailed report and, which outlines that there is no objection to the development, subject to recommended conditions.

Appropriate Assessment:

The Planning Authority note that the Board is the competent authority on this particular matter.

Environmental Impact Assessment:

The Planning Authority note that the Board is the competent authority on this particular matter.

Mobile Telecommunication Infrastructure:

The submitted application includes the provision of two no. 5G antennae and two no. 2G/3G/4G antennae, which are to be fixed to steel support poles mounted on two no. ballast mounts enclosed within radio friendly GRP. The support poles would be located at the north east corner of the proposed building. A Telecommunications Report is submitted in support of the application. The structures/ antennae are acceptable to the Planning Authority in terms of visual amenity. The Planning Authority report that the proposed telecoms installations are consistent with Development Plan policy which seeks to support provision of telecommunications infrastructure.

Conclusion:

The Planning Authority conclude that the overall residential quality of the development is good, and issues of overlooking are addressed. Any impact on daylight and sunlight would be acceptable having regard to the benefit of the redevelopment of this site. The proposed development is a more appropriate use of this site than is the case at present and would ensure a suitable level of integration with the development of Site 10 to the north of the subject site.

The Planning Authority recommend that permission be granted subject to recommended conditions.

8.5. In addition to the CE report, additional Dublin City Council internal reports have been provided and are included in Appendix A of the CE report.

- Transportation Planning Division: The report considers all issues relevant to traffic, travel, and car parking. In conclusion it is recommended that permission be granted subject to conditions, which are standard for a development of this nature.
- Drainage Report: There is no objection to the development, subject to the development complying with the Greater Dublin Regional Code of Practice for Drainage Works. A list of conditions is included in the event that permission is recommended.
- Environmental Health Officer: Conditions are recommended including the need for a Construction Management Plan, limit on the hours of construction on site and noise and air quality limits are provided.
- Part V – Housing & Community Services: Engagement has been had between the developer and the Housing & Community Services in relation to meeting Part V requirements, the developer is suitably aware of their obligations in relation to the provision of Part V housing.
- Parks & Landscape Services: There is no objection to the development subject to conditions.
- Planning & Property Development Department: Request that a bond condition and a Section 48 development contribution be applied in the event that permission is granted for the proposed development. This is provided in Appendix C of the CE report.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Dublin Airport Authority (DAA)

- Transport Infrastructure Ireland (TII)
- Fingal County Council – No response received.

The following is a brief summary of the issues raised.

9.2. **Irish Water:**

9.2.1. Irish Water have reported that a connection to the public water and foul drainage system can be made without any need for upgrade works by Irish Water.

9.2.2. Irish Water has requested that in the event that permission is granted that conditions be included as follows:

- ‘The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network’.
- ‘Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved. (a) Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement’.
- ‘All development is to be carried out in compliance with Irish Water Standards codes and practices’.

9.3. **Dublin Airport Authority (DAA)**

9.3.1. The DAA report that the site is located within Noise Zone C and refers to Objective DA07 of the Fingal Development Plan 2017 – 2022. The subject site is located within the Dublin City Council area and objective DA07 is not relevant to this site. I am unsure if this report was submitted in error.

9.4. **Transport Infrastructure Ireland (TII)**

9.4.1. TII have no observations to make on this proposed development.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/ regional/ national policies and guidance.

The assessment of the submitted development is therefore arranged as follows:

- Principle of Development
- Development Height
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Comment on Submission/ Observations of the North East Area Committee
- Other Matters
- Material Contravention
- Appropriate Assessment Screening
- Environmental Impact Assessment Screening

Note: The Dublin City Development Plan 2022 – 2028 is the operative plan relevant to this application, which I have had full regard to in the preparation of my report. At the time of submission of the application, the Dublin City Development Plan 2016 – 2022 was the operative plan and was referred to in the applicant's documentation.

10.2. Principle of Development

10.2.1. Having regard to the nature and scale of proposed development, which is in the form of 176 no. residential units in 1 no. block with a maximum height of 9

storeys above basement, with approximately 1,050.8 sq m of office space, a café unit, and residential amenities located at ground floor level on a gross site area of approximately 0.65 hectares on lands zoned for Strategic Development and Regeneration Area under the Z14 zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2. The subject site is zoned 'Z14' in the Dublin City Development Plan 2022 – 2028 with the objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'. This zoning objective permits a range of uses including residential and related uses, offices, restaurant and open space. I am satisfied that the development is in accordance with the Z14 zoning objective.

10.2.3. The site is located within a Strategic Development and Regeneration Area – SDRA 1 North Fringe (including Clongriffin/ Belmayne).

10.2.4. It is national and local policy to maximise the use of available lands and in established urban areas. The site zoning allows for residential development, and as part of the proposal, an existing office block, currently occupied by Walls Construction, is to be demolished to allow for the comprehensive redevelopment of this site. The area is predominately characterised by residential development, however, the presence of the Bewleys office/ manufacturing unit to the west of the site demonstrates the mixed-use nature of the larger surrounding area. The proposed development is suitable in context of the designation of the site as a SDRA, the provision of additional residential units will ensure that the area develops as a sustainable urban district. I consider that the proposed development is acceptable in principle.

10.2.5. The proposal of 176 apartment units on a site area of 0.64 hectares provides for a density of 272 units per hectare, which is a relatively high residential density. The site is located in an established urban area, where public transport is available and where community/ retail/ amenity infrastructure is within walking distance. Whilst the principle of development is accepted to be in accordance with

the Z14 zoning objective, and is in accordance with local/ national policy, the impact on the adjoining area is considered further in this report.

10.2.6. **Conclusion on Section 11.3:** The site zoning is suitable for residential development of the nature proposed and the proposal would see the demolition of an existing office block and the provision of 176 residential units, office space a café on a site in an established urban area, where public transport is available. The Planning Authority recommended that permission be granted subject to conditions. Considering the zoning of the subject site, and the nature of the proposed development as submitted, there is no reason to recommend a refusal to the Board.

10.3. Development Height

10.3.1. The issue of height was identified as an issue by the Planning Authority, as the proposed development varies in height between four and nine storeys and the site is identified as a Mid Rise location within the North Fringe SDRA 1, with a minimum building height of five storeys in the designated Key District Centres (KDC). The Planning Authority report that it 'considers, on balance, that the proposed nine max storeys of the scheme does accord with the policy set out in the LAP and so is not a material contravention, however, due to wording this is a subjective assessment. As is the case for Site 10 where 10-11 storeys is considered to be a contravention on the basis of its height, again, it is for An Bord Pleanála as the competent authority to make this decision. The Planning Authority through the CE Report also report that it 'supports blocks of the height proposed at this location. The acceptability of the scheme is also subject to other considerations such as protecting the residential amenities of existing and future residents, visual amenities and urban placemaking' and they consider this further in their submitted report.

10.3.2. Section 3.2 – 'Development Management Criteria' of the 'Urban Development and Building Heights – Guidelines for Planning Authorities', December 2018, sets out a number of considerations for developments with increased heights.

In the interest of convenience, I have set these out in the following table:

At the scale of the relevant city/ town	
Criteria	Response

<p>The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.</p>	<p>Public transport is available in the form of Dublin Bus Routes 15, 27, 42 and 43, with bus stops less than 700 m from the site. Route 15 operates on an off-peak frequency of every 10 minutes, route 27 every 10 minutes, route 42 is every 30 minutes and route 43 is approximately an hourly service in the off-peak. There are therefore approximately fifteen buses an hour within 700 m of the site, operating to and from the city. Route 15 provides a connection to Clongriffin train station, route 42 serves Malahide and northern Portmarnock and route 43 serves Feltrim and Swords.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection. • A Verified Views report by Plus Architecture has been prepared and submitted in support of the application. • A 'Landscape Design Report' and a separate 'Landscape Works & Landscape Maintenance Specification' have been prepared by Plus Architecture

	<ul style="list-style-type: none"> • A 'Landscape & Visual Impact Assessment' has been prepared by Mitchell + Associates.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	<ul style="list-style-type: none"> • The proposed block will provide for a strong street frontage to the south and west, in particular as they adjoin public streets. The south elevation in particular will provide for a high-quality street frontage. • The south elevation will also provide for an active frontage through the café and activity associated with the office element of the development. • The other elevations are considered to be appropriate to their location and activity. • An Architectural Design Statement by Plus Architecture has been submitted in support of the development.
At the scale of district/ neighbourhood/ street	
Criteria	Response
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.	<ul style="list-style-type: none"> • The development will provide for good frontages to its southern and western sides, where they adjoin the local street network. • The development will provide a strong urban edge through its location on part of the northern sides of the Northern Cross development.

<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> • Although a single block is proposed, there is a variety in the block height and the development includes a mix of building materials/ colours which ensures that the development is not monolithic. • The design includes careful articulation of fenestration and detailing that ensure that the massing of the blocks is suitably broken up to ensure that the design of the development is not monolithic.
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> • The design provides for a suitable mixed use, though predominately residential development in Northern Cross which to date has provided for mix uses. Open space is provided on site, and which is proposed to be accessible to public use. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment Report has been prepared by DBFL Consulting Engineers.
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the</p>	<ul style="list-style-type: none"> • Improved legibility is provided in the form of strong elevations, with particular reference to the southern and western sides of the proposed building block.

development is situated and integrates in a cohesive manner.	
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	<ul style="list-style-type: none"> The proposed development will provide for a mix of one and two-bedroom apartment units. The immediate area is characterised by similar type housing, however the adjoining area to the north in Belcamp provides for family type housing.
At the scale of the site/ building	
Criteria	Response
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	<ul style="list-style-type: none"> Although the development is in the form of one block, the structure provides for a mix of building heights. This allows for good access to natural light and reduces the potential for overshadowing of adjoining sites.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.	<ul style="list-style-type: none"> The applicant has engaged the services of O'Connor Sutton Cronin to prepare a Daylight, Sunlight & Overshadowing Report and which is included with the application.
Where a proposal may not be able to fully meet all the requirements of	<ul style="list-style-type: none"> As above.

<p>the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	
<p>Specific Assessment</p>	
<p>Criteria</p>	<p>Response</p>
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an</p>	<ul style="list-style-type: none"> Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable.

assessment of the cumulative micro-climatic effects where taller buildings are clustered.	
In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.	<ul style="list-style-type: none"> • An Ecological Impact Assessment and a Natura Impact Statement have been prepared by Altermar in support of the application and which fully consider the impact of the development on biodiversity.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	<ul style="list-style-type: none"> • A Telecommunications Report has been prepared by Independent Site Management Limited and no issues of concern were raised.
An assessment that the proposal maintains safe air navigation.	<ul style="list-style-type: none"> • N/A Due to the location of the development and height proposed.
An urban design statement including, as appropriate, impact on the historic built environment.	<ul style="list-style-type: none"> • Included with the application is an Architectural Design Statement prepared by Plus Architecture and which demonstrates how the development will integrate into its surroundings.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. • EcIA and AA screening report/ NIS are submitted with the application.

10.3.3. The above table demonstrates that the development complies with Section 3.2 of the 'Urban Development and Building Height' guidelines and that the criteria are suitably incorporated into the development proposal. Many of the issues identified in the table are assessed in greater depth in the following sections of my report.

10.3.4. The proposed development consists of a single block with a variation in heights between four storeys and nine storeys, summarised as follows:

- East: Nine storeys – Max Height of 33.98 m
- West: Nine storeys – Max Height of 32.3 m
- North: Eight storeys – Max Height of 32.3 m
- South: Four storeys towards the centre of the block, Eight Storeys in the corners of the proposed block – Max Height of 33.98 m.

In addition to these heights, roof plant and lift overruns increase the overall height in places, however these are set back from the elevations of the building and do not give rise to a negative visual impact when viewed from adjoining ground level locations. In addition to photovoltaic cells, 5G antennae are proposed to the north east corner of the building.

10.3.5. The Dublin City Development Plan under the section Height of Chapter 13 specifies minimum heights of 5 storeys for the Key District Centres at Clongriffin railway station and the Belmayne Town Centre. No specific height is indicated for the subject site and the plan states that 'Any proposed height must have regard to existing neighbourhoods and character, in order to protect residential and visual amenity'. I note that Block 2 to the east, which was under construction on the day of the site visit is between eight and nine storeys in height, therefore the proposed development is in accordance with the existing form of development in the area.

10.3.6. National and local policy is to provide for increased heights and density on sites that can be demonstrated to be appropriate/ suitable for such development. The above table includes appropriate considerations for such development. The proposed development provides for the demolition of a three-storey office block and its replacement with a building with a maximum height of nine storeys. In addition to the residential uses, it is proposed that office and a café use will be incorporated into

the ground floor. The development therefore provides for a suitable mixed-use development on this site, and an increased intensification/ density on this site.

10.3.7. I note that no third party submissions were received in relation to this development and the issue of height was not therefore raised as an issue of concern by residents etc. in the adjoining area.

10.3.8. The issue of Material Contravention is considered further in this report under Section 11.14.

10.3.9. **CE Report Comments:** The Planning Authority, consider that the proposed development may give rise to material contravention in terms of height, however, they have clearly stated that they support the proposed development, and that the height of the building is appropriate for this location.

10.3.10. **Conclusion on Section 11.4:** I have considered in full the report of the Planning Authority and relevant documentation in support of the design aspect of this development. The proposed development provides for a development in the form of a perimeter block building, and which has a proposed maximum height of 33.98 m. This height is similar to that of Block 2 located to the east of the subject site and the development therefore complies with Table 3 of the Dublin City Development Plan 2022 – 2028. The issue of Material Contravention is considered later under Section 11.14 of this report.

10.3.11. I have no reason to recommend a refusal of permission on the basis of height of the proposed development.

10.4. **Design and Layout**

10.4.1. As already reported, the site is located on lands that are zoned Z14 and are suitable for residential development. The focus is therefore to integrate such a development into the existing established urban area, in this case the rest of the Northern Cross development area. The development site consists of an operational office block with its associated car parking/ ancillary land uses.

10.4.2. The proposed development consists of a single perimeter block building on this site. This replaces a three-storey office building, and the footprint of the new building is significantly greater than what is there at present. Access to the

site is via the existing road network, from the north west corner, and no new junctions or significant road improvements are required to serve the development.

10.4.3. At present the office block is served by surface car parking and the proposed development will see the provision of car parking in a single basement level. The submitted basement plan indicates that car parking for the offices will be provided to the western side. A total of four separate lift/ stair cores provides direct access from the basement level to each of the upper floors.

10.4.4. The Architectural Design Statement includes a number of 'Interior Visualisations' in Section 7.0. Whilst these are limited, they do present a clear indication of how the development will appear post construction.

10.4.5. **CE Report comments:** The Planning Authority raised no particular concerns in respect of the layout/ design of the development.

10.4.6. **Conclusion on Section 11.5:** The proposed design is considered to be acceptable for this location. The site is constrained by the available site area and the location of buildings on adjoining sites. I am satisfied that the replacement of the existing office block with the proposed development will result in a suitable scale and density of development on this site. There is no reason to recommend a refusal of permission to the Board in terms of the proposed design and layout.

10.5. Visual Impact

10.5.1. The Architectural Design Statement and the Building Landscape Design Report, both by Plus Architecture, describes the elevational treatment and design of the proposed development, including associated landscaping. Section 5 – Design Proposal, of the Architectural Design Statement, provides full details on the materials and their colours that are to be used on the elevational treatment of this building, in terms of their location. Full details on the materials are provided in Section 6.0 – Materials and Bay Studies. The indicated brick colours are yellow brick and black brick, and a number of cladding materials are also proposed.

10.5.2. From the site visit, it was apparent that the west and south elevations are the most significant as these will provide for important street frontages. The ground floors for each elevation are primarily glazed and this is considered to be appropriate as it presents an active frontage as well as allowing for passive surveillance of the

adjoining streetscape. The south elevation consists of a central four storey section that is flanked by eight storey sections; this design breaks up what could be an otherwise monotonous elevational design. The west elevation is nine storeys in height, but the height is reduced by the use of a two-storey setback over the central section and the window/ balcony design provides for a frontage based on plots.

10.5.3. The majority of the proposed balconies/ private amenity spaces are to be recessed into the elevation of the building. A number of projecting balconies are proposed, and these will provide for some architectural interest when viewed from the adjoining streets. The recessed balcony railings are to be coloured dark grey or red wine in the case of the projecting balconies.

10.5.4. In addition to the above reports, the applicant has submitted 'Verified Views' prepared by Digital Dimensions in support of the application. The photomontages present a clear impression of how the development will appear post construction. I am satisfied that the design is of a high quality and will provide for a suitable form of development into the existing urban area. The various design detailing is clearly illustrated in these photomontages, including the brick finishes, the design of the balconies and the angled/ deflected windows used to prevent overlooking of adjoining sites.

10.5.5. The submitted photomontages also demonstrates what the impact of the development will be on the adjoining area. The location of the different assessed viewpoints is clearly indicated on the 'Location Map' included with the assessment, and these viewpoints are provided to the south and east of the subject site. I am satisfied that the proposed development will not have a negative impact on the visual amenity of the area and the submitted documentation confirms this. The adjoining sites have or are proposed to be developed with a similar scale of development and therefore the scheme as submitted would not a negative impact on the visual character of the immediate area.

10.5.6. **CE Report comments:** The Planning Authority do not report any significant issues in relation to the proposed design/ visual impact of this development. This is not a greenfield site and provides for a more appropriate development of this site for high density residential accommodation, with commercial uses proposed at ground floor level.

10.5.7. Conclusion on Section 11.5:

10.5.8. The proposed building in the form of a perimeter block is considered to be visually acceptable, and the mix of brick and other architectural detailing is considered to be appropriate for this location. The Northern Cross area has developed over the last two decades, with a mix of uses and building types, but there is a level of consistency in the design of the units. The proposed scheme will integrate with the existing form of development in Northern Cross and will not impact on the development of the Belcamp lands to the north.

10.5.9. The proposed mixed-use development in the form of a single block is considered to be visually acceptable and will integrate into this established urban area. There is no reason to recommend a refusal of permission to the Board in terms of the impact on visual amenity.

10.6. Residential Amenity – Future Occupants

10.6.1. Unit Mix: A total of 72 one-bedroom units, 57 two-bedroom units and 47 three-bedroom units are proposed. The two-bedroom units can either accommodate three or four people, and the three-bedroom units can either accommodate five or six people. This unit mix is considered to be acceptable. The provision of three-bedroom units is welcomed. Northern Cross has to date provided for high density residential development and the proposed development will provide for homes for those wanting units able to accommodate between two and six people.

10.6.2. A 'Housing Quality Assessment' has been prepared in support of the application and this provides a detailed breakdown of each of the proposed apartment units. All units exceed the minimum required floor areas, with a majority of units providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.6.3. Storage: All units are provided with adequate storage space, and which is accessible within the individual apartment. I note that some units are provided with storage spaces that are in excess of 3.5 sq m, however the layout of these is such that they cannot be used as additional habitable floor space by reason

of their narrow width and location within the footprint of the individual floors of this building.

10.6.4. Aspect: A total of 75 units (43%) are dual aspect units and none of the single aspect units are north facing only. The proposed floor to ceiling heights within the apartment units are 2.5. This is in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.6.5. Lift Cores: A total of four lift/ stair cores are proposed and which extend from the basement to the top floor. SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' provides for a maximum of 12 units per core. The number of units per core varies, but as I have reported all units are accessible to two cores and therefore the maximum number of units per core is not exceeded.

10.6.6. Ancillary Residential Amenity: The ground floor includes space that is designated for use by the future residents of this development. Included is a gym, a cinema, post room, games room and a co-working space. Also indicated on the floor plans is a concierge space at the front/ southern side of the building. The floor plans indicate that seating areas are also provided in this space.

10.6.7. I welcome the provision of these spaces for residents and these extra facilities would add significantly to the amenity of the future occupants of this development. I note the comments of the Planning Authority in relation to these spaces and in general I would agree with these. The layout/ location of these residential amenity spaces is somewhat unusual and in particular the layout of the gym separated by the cinema space; as the Planning Authority reported, the proximity of the cinema to the gym may impact on its function. Swapping the cinema space with the games room may be more appropriate in terms of uses. The size and the function of the post room is also not clear, generally a post room would be a small room than that proposed. There is no objection or concern about these spaces other than they may not function as proposed. A condition could be included that the final layout be agreed with the Planning Authority.

10.6.8. **Conclusion on Sections 11.7.1 - 11.7.4:** The proposed development provides for an adequate mix of unit types. The internal layout of these units is

acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

10.6.9. Quality of Units – Amenity Space: All units are provided with adequate private amenity space in the form of balconies and the depth of this amenity space is acceptable. Access to the balconies is from the living/ dining room area for all units and as reported, the majority of the balconies are recessed, though there are some projecting balconies that provide for some architectural interest.

10.6.10. The majority of the balconies adjoin a bedroom, and the balcony space allows for daylight/ sunlight to be received in the relevant bedroom. I am satisfied that this does not reduce the amenity of the relevant bedroom and allows for additional access to the balcony from a bedroom. All balconies are provided with least 1.5 m of depth.

10.6.11. The applicant has proposed a total of 1,577 sq m of public open space consisting of a plaza (442 sq m) to the south east corner of the site and pedestrian greenways to the east and north of the site. These are relatively constrained areas of land, but the proposal includes provision for the integration of the open space to the lands to the north forming Site 10 and in turn this would provide a link from the subject site to the Mayne River and associated open space. The Pedestrian Wind Comfort assessment gives rise to no issues of concern in relation to the use of these open spaces.

10.6.12. Communal open space, 1,846 sq m, is proposed in the form of roof terraces on the fourth and seventh floors, in addition to a first-floor podium space and a ground floor garden area, which is located to the rear of the concierge area. All units therefore have access to the communal open space by way of lift/ stairs.

10.6.13. I am satisfied that the developer has proposed an adequate area of open space on site to serve the future residents of this development. The proposed open space will be appropriately overlooked ensuring passive surveillance.

10.6.14. **CE Report comments:** The Planning Authority raised no issues of concern in relation to the proposed amenity spaces to serve this development and welcomes the integration of the open space with the proposed development of Site 10 to the north. The Dublin City Parks, Landscape and Biodiversity Division have

reported that the submitted landscape scheme is acceptable subject to recommended conditions.

10.6.15. **Conclusion on Sections 11.7.6 – 11.7.8:** The proposed development provides for adequate private, communal, and public open space areas. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

10.6.16. **Daylight and Sunlight:** The applicant has engaged the services of O'Connor Sutton Cronin (OCSC) to prepare a 'Daylight, Sunlight & Overshadowing Report' to assess the impact of the development in relation to daylight and sunlight on residential amenity. This assessment has been prepared based on best practice guidance set out in the following documents:

- The British Research Establishments 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide' by PJ Littlefair, 2011 Second Edition.
- The British Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide' by PJ Littlefair, 2022 Third Edition.

The submitted assessment undertook a number of tests and these are detailed in the following section of this report. A detailed description of the development and the adjoining area is provided in the submitted report. A list and consideration of relevant planning policies is also provided.

10.6.17. **Daylight to proposed apartments:** The method of calculation selected for the internal daylight analysis by the applicant for this development is the Average Daylight Factor (ADF). The architectural plans/ elevations prepared by Plus Architecture formed the basis of this assessment. The minimum average daylight factor (ADF) is as follows:

Bedroom	1%
Living Rooms	1.5%
Kitchen	2%

BS 8206 outlines that for a room that serves more than one purpose, the minimum ADF should be that for the room type with the highest value. For example, in a

combined living/kitchen space, the minimum recommended ADF value should be 2%.

A 3D model was developed of the proposed development and the ADFs achieved were derived from this. The OCSC report comments on the layout of the apartments and the provision of large windows as well as dual aspect units where this is possible.

10.6.18. Regard has been had to BS 8206 and the 2022 Methodology which considers Target Illuminance and Minimum Target Illuminance. The following criteria are to be met for compliance:

- Criterion one recommends that in the analysed space an illuminance of ≥ 100 lux must be achieved for half of the daylight time in a year (2,190 hours), across $\geq 95\%$ of the floor area of the given space.
- Criterion two recommends that in the analysed space an illuminance of ≥ 300 lux must be achieved for half of the daylight time in a year (2,190 hours), across $\geq 50\%$ of the floor area of the given space.

10.6.19. The applicant has considered both ADF and Illuminance targets for the first floor and those over. Table 2 to 17 of the applicant's report provides the assessment results. All units met the requirements for ADF, however out of 502 assessed rooms, 26 do not meet the requirements for illuminance.

10.6.20. The following rooms do not meet the requirements of BS8206 – 2022 Methodology:

Floor	Apartment	Room	Criterion 1	Criterion 2
First	C.10	Bedroom LO1 - 13	Yes – 100%	No – 13%
First	C.09	Bedroom LO1 - 14	Yes – 100%	No – 13%
First	C.08	Bedroom LO1 - 15	Yes – 100%	No – 20%
First	C.07	Bedroom LO1 - 16	Yes – 100%	No – 20%
First	C.06	Bedroom LO1 - 17	Yes – 100%	No – 27%
First	A.05	Living/ Kitchen/ Dining LO1 – LKD3	No - 85%	No – 30%

First	A.06	Living/ Kitchen/ Dining LO1 – LKD4	No – 82%	No – 30%
First	A.07	Living/ Kitchen/ Dining LO1 – LKD5	No – 80%	No – 30%
Second	A.14	Bedroom LO2 - 13	Yes – 100%	No – 13%
Second	A.15	Bedroom LO2 – 14	Yes – 100%	No – 13%
Second	A.16	Bedroom LO2 – 15	Yes – 100%	No – 20%
Second	A.17	Bedroom LO2 – 16	Yes – 100%	No – 20%
Second	A.18	Bedroom LO2 – 17	Yes – 100%	No – 27%
Second	B.08	Bedroom LO2 – 52	Yes – 100%	No – 33%
Second	A.14	Living/ Kitchen/ Dining LO2 – LKD8	No - 85%	No – 37%
Second	A.15	Living/ Kitchen/ Dining LO2 – LKD9	No - 85%	No – 30%
Second	A.16	Living/ Kitchen/ Dining LO2 – LKD10	No - 87%	No – 40%
Third	A.23	Bedroom LO3 – 13	Yes – 100%	No – 20%
Third	A.24	Bedroom LO3 – 14	Yes – 100%	No – 20%
Third	A.25	Bedroom LO3 – 15	Yes – 100%	No – 20%
Third	A.26	Bedroom LO3 – 16	Yes – 100%	No – 26%
Third	A.27	Bedroom LO3 – 17	Yes – 100%	No – 44%
Fourth	A.32	Bedroom LO4 – 13	Yes – 100%	No – 33%
Fourth	A.33	Bedroom LO4 – 14	Yes – 100%	No – 40%
Fourth	A.34	Bedroom LO4 – 15	Yes – 100%	No – 40%
Fourth	A.35	Bedroom LO4 – 16	Yes – 100%	No – 33%

The majority of the above units are east facing. As reported, all units meet the ADF requirements, and the compliance rate is 94.8 % for a total of 502 tested rooms.

10.6.21. Sunlight to amenity spaces: Table 19 and Figure 14 of the applicant's report indicates the availability of sunlight on the 21st of March to the areas of open space serving the development; this refers to both communal and public open space areas. The criteria are met in all cases in terms of 50% of the relevant site area receiving two hours sunlight on the 21st of March.

10.6.22. The applicant has also undertaken the assessment for balcony spaces, even though the BRE Guidelines do not give specific recommendations for these areas of private amenity space. The majority of units would receive adequate sunlight, though as expected the northern balconies would not receive good sunlight.

10.6.23. Sunlight within the Proposed Development: This is calculated by the Annual Probable Sunlight Hours (APSH) assessment method and as outlined in the BRE Guidelines, 2022. Assessed windows should receive a minimum of 1.5 hours of direct sunlight on the test day, March 21st. In addition, there is also a standard set for medium (2 hours) and high (4 hours) levels of direct sunlight.

10.6.24. A total of 1,215 windows were analysed and 55% achieve the minimum levels of direct sunlight. Figures 23 to 34 illustrate the sunlight exposure on the test date. Results are as expected with no direct sunlight on the northern elevation and the north facing courtyard windows similarly receive poor sunlight.

10.6.25. **CE Report Comments:** Note that a Daylight, Sunlight & Overshadowing study has been submitted in accordance with the Dublin City Development Plan. The Planning Authority report that all units complied with the ADF requirements and that 26 out of 502 rooms failed. These are located to the eastern side of the building and would be impacted by their proximity to Site/ Block 2 located to the east of the subject site.

10.6.26. The results are as expected for a development such as this, a perimeter block scheme of eight floors.

10.6.27. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (3rd edition). The proposed development is restricted by its location and the form of development undertaken on adjoining lands. Northern Cross has developed in a high-density format and the proposed scheme would match that form of

development. The primary areas with reduced amenity are located to the north/ east and this is as expected.

10.6.28. A reduction in building heights/ loss of units would not address any issues of reduced residential amenity. The proposed development is provided with good communal open space and additional residential amenity through the rooms for residential use located on the ground floor of this development.

10.6.29. Having regard to the location of the proposed scheme and the nature of development undertaken to date, I have no reason to recommend a refusal of permission due to daylight and sunlight reasons.

10.6.30. **Childcare Provision:** The proposed development provides for a total of 176 residential units, and it is not proposed to provide for a childcare facility to serve this development. In support of the application, a 'Social and Community Infrastructure Audit' has been prepared by JSA. Reference is made to the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which 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 or more bedrooms'.

10.6.31. Childcare provision would therefore only apply to the two-bedroom units, 57 and the three-bedroom units of which there are 47 in total. I have made the following calculations in the interests of simplicity:

	2001 Childcare Guidelines	2020 Apartment Guidelines – without one-bedroom units	2020 Apartment Guidelines – without one-bedroom units and only 50% of the two-bedroom units
Number of Units	176	104	75
One Facility with capacity for 20 children	47	28	20

for every 75 units			
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10.6.32. The applicant is not proposing to provide any facility to serve this development as a facility operating as Giraffe Childcare is intended to meet the childcare needs of the Northern Cross development. This facility may extend if demand is sufficient to do so. The applicant has identified a vacant childcare facility in the Clare Village development, which is approximately 500 m from this site. This facility would have capacity for 47 children. Additional facilities in the area are identified by the applicant in their report.

10.6.33. **CE Report Comments:** Note that no childcare provision is to be made and that there is capacity in the area to accommodate the potential demand from this development. The Planning Authority agree with the applicant's report.

10.6.34. **Conclusion on Childcare Provision:** The proposed development provides for a mix of one-, two- and three-bedroom units, however the likely demand for childcare has been demonstrated to be very low and there is existing available childcare provision in the immediate area. I agree with this conclusion and there is no need for a facility on this site. The submitted details by the applicant indicates that capacity for childcare is available in the immediate area.

10.6.35. **Conclusion on Residential Amenity:** Overall the proposed development will provide for a high quality of residential amenity in this established urban area. Room sizes and amenity spaces are of a good standard. The applicant has proposed the provision of additional residential amenity through facilities located on the ground floor level. The site is restricted by its urban location and the site layout, but the proposed scheme will provide for a suitable development of this serviced urban site. The development complies with the requirements of National and Local policies.

10.7. Residential Amenity – Existing/ Adjacent Residents

10.7.1. Existing Site: The development of any site within an established urban setting will give rise to a level of nuisance and disturbance to residents, especially during the demolition and subsequent construction phases. It is accepted that any form of development of a site of this scale and located in such an area will give rise

to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site. There is on-going construction in the area associated with the development of Site/ Block 2 to the east, the site to the north, site 10, is subject to an application for development and the lands to the west are in use by Bewleys as part of their baking/ coffee business.

10.7.2. A Construction Management Plan will be put in place prior to the commencement of demolition and subsequent development of the site. Access to the site is via the existing access from the R139 and there is no requirement for a haul road to access the development site etc.

10.7.3. A 'Basement Impact Assessment' has been prepared by Byrne Looby and is a requirement of Dublin City Council where a basement is to be constructed in order to ascertain the potential impact of such a development on adjoining sites etc. The proposed development of the basement is unlikely to impede or block groundwater flows as they will be founded in the boulder clay of the area. Impact on existing basements is expected to be minimal. The site is located in an area with a low risk of flooding. In conclusion no issues of concern were raised, though it is recommended that monitoring be undertaken during the construction phase.

10.7.4. I note this report and the submitted information does not give rise to any issues of concern. The proposed development is located in an area where significant development has occurred over the last 25 years and modern methods of construction have been used, thereby giving some certainty as to the quality of build. The monitoring of the construction stage of development would be expected/ standard for a development of this scale and nature.

10.7.5. **Daylight and Sunlight:** The impact of the development in terms of daylight and sunlight on adjoining properties is considered in the Daylight, Sunlight & Overshadowing Report by OCSC. This assessment has been prepared based on best practice guidance set out in the following documents:

- BR209 2022: Site Layout Planning for Daylight and Sunlight (Third edition).

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

10.7.6. Daylight & Sunlight Analysis: The assessment is undertaken in three steps:

Step 1: The loss of light to existing windows of adjoining properties is not required to be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing windows.

Step 2: If a proposed development falls beneath a 25° angle taken from a point 1.6 metres above ground level from any adjacent properties, then the BRE Guidelines state that no further analysis is required in relation to impact on surrounding properties, as adequate skylight will still be available to them. If the proposed development extends beyond the 25° line, then further analysis is required, progressing to Step 3.

Step 3: The next step is the Vertical Sky Component (VSC) assessment, and which is the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. Even if the VSC is less than 27%, as long as the VSC value is still greater than 80% of its former value, prior to the construction of the adjoining development, this would be acceptable and thus the impact would be considered negligible on the host site.

Step 4: This is the No Sky Line or Daylight Distribution Method. This is considered to be a somewhat limited assessment and Step 3 is considered to be more appropriate.

Average Daylight Factor (ADF) and Annual Probable Sunlight Hours (APSH) are also considered to be relevant assessments.

10.7.7. The applicant has assessed the impact of the development on adjoining sites as follows:

Block 10: Located to the north of the subject site. An application for a residential development has been submitted to An Bord Pleanála under ABP Ref. 314386-22 for 156 units. As demonstrated by Table 22 of the applicant's report, 22 windows were assessed and only 4 passed the VSC tests. All windows pass the ADF target % and demonstrates that all units will receive good daylight.

Block 2: Located to the east of the site, this apartment block is under construction and is nearing completion at present. 4 windows out of 16 tested, were found to comply with VSC requirements and ADF targets would be met for 6 out of 7 rooms. The room that failed the ADF was a Living/ Kitchen/ Dining combined room which should meet the higher figure of 2% but achieved 1.5%.

APSH was assessed for both Block 2 and 10. Target figures were not generally reached in the case of both Block 2 and 10. These are outlined in Tables 26 and 27 of the applicant's report. The applicant reports that targets may not be met anyway even if no development occurs on site, and this is noted.

10.7.8. **Overshadowing to existing amenity areas:** Section 9 of the applicant's report assessed the impact of the proposed development on existing and proposed amenity spaces associated with adjoining developments. The assessments find that open space will achieve compliance with the recommendations of the BRE Guidelines.

10.7.9. **CE Report Comment:** The Planning Authority through the CE report do not oppose the proposed development. They note that the identification of tested rooms/ windows does not necessarily correspond to the applicant's own identification of apartments, thereby making assessment somewhat complicated at times.

10.7.10. The proposed development is considered to be worthwhile as it proposes a greater intensification and suitable residential density on this site. The impact on Block/ Sites 2 and 10 is likely to be minimal considering that residents may only occupy units for a relatively short time before this site is developed.

10.7.11. **Conclusion on sunlight/ daylight impacts to neighbouring properties:** It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines and within the Dublin City Development Plan 2022 - 2028 to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin city area, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents from such development is not significantly negative and is mitigated in so far as is reasonable and practical. I have no reason, therefore, to recommend to the Board that permission be refused.

10.7.12. **Potential overlooking:** In addition to the issues of height, availability of daylight/ sunlight, the issue of separation distance is one of the major issues to be considered in the assessment of this proposed development, with particular

reference to overlooking. The potential impact for overlooking from the following directions are considered:

- **North Aspect:** Site 10 is located to the north and is currently undeveloped. An application for a residential development has been submitted to An Bord Pleanála under ABP Ref. 314386-22 for 156 units on this site to the north of the subject site. Separation distances of between 15.5 m and 20 m are proposed. Measures have been proposed in Block 10 to address issues of overlooking such as the use of angled windows and louvres in appropriate locations.
- **East Aspect:** A separation of at least 25 m is proposed between the proposed development and Site/ Block 2 to the east. This is considered to be acceptable.
- **South Aspect:** Separation distances between the proposed development and the site to the south are acceptable. Mayne River Avenue separates the site from the lands to the south.

10.7.13. **CE Report comment on residential amenity:** I note again the comments in the CE report. No particular issues of concern were raised in their report. The Planning Authority report that the proposed development would not have an adverse impact on either existing or proposed residential development on the adjoining sites.

10.7.14. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. The site zoning allows for residential development of the scale/ density proposed, is located in an established urban area and with access to existing services. The proposed development would see the redevelopment of an existing site replacing an office only use with a mixed-use scheme predominately made up of residential units but also providing for office and a café use. I consider this to be a good use of this site, providing for required housing but also retaining a commercial aspect on site.

10.7.15. The applicant has taken suitable measures to protect the residential amenity of adjoining sites and I note that the lands to the east and north are either under construction or are proposed for development at present. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the residential amenity of the existing area.

10.8. Transportation, Traffic and Parking

10.8.1. The application is supported with a number of documents in relation to traffic and parking as follows:

- Traffic & Transport Assessment – DBFL
- DMURS Design Statement – DBFL
- Public Transport Capacity Study – Transport Insights
- Infrastructure Design Report – DBFL
- Public Lighting Report - OCSC
- Northern Cross Masterplan Report – John Spain Associates

10.8.2. The Traffic & Transport Assessment provides full details on walking/ cycling provision in the area, public transport services and also details the road network serving the Northern Cross area. Details are also provided on proposed infrastructure improvements in the area.

10.8.3. Traffic: The submitted reports indicate that the proposed development will not adversely impact on traffic flows in the area. Surveys undertaken in September 2019 are considered to be more representative of traffic conditions than if undertaken in 2022. Results from 2022 would be impacted by increased working from home etc.

Consideration was given to the impact on the following junctions:

- Junction 1 – Signal Control – Mayne River Avenue / R139 Northern Cross Route Extension;
- Junction 2 - Priority Control – Mayne River Avenue / R107 Malahide Road;
- Junction 3 - Priority Control – Mayne River Street / R107 Malahide Road.

10.8.4. Consideration was given to other permitted/ proposed developments in the area. It is also reported that the existing use on site, as offices, generates traffic. The assessment has found that the increase in traffic will not be significant; two additional movements in the AM peak/ eight in the PM peak compared to the existing use on site. No significant impacts to the tested junctions will occur.

10.8.5. I note the submitted DMURS Compliance Statement and this demonstrates that the layout of the development is acceptable. The pedestrian is

provided with a suitable level of priority and connections to adjoining sites are proposed.

10.8.6. Car Parking: The Traffic & Transport Assessment provides details on the proposed car parking to serve this development. A 134 car parking spaces are proposed within the basement level. Seven spaces will be allocated to the office use and the remaining 127 for the residential development at a ratio of 0.72 space per unit. Two parking spaces will be provided on Mayne River Avenue for use by a car share club and an additional two spaces will be for set down use. It is noted that the current use on site provides for 77 car parking spaces, this means that the proposed development will increase the number of parking spaces by 57. 50% of the spaces will be fitted for EV charging and all other spaces can be fitted in the future with suitable provision made for this.

10.8.7. Bicycle/ Motorcycle Parking: A total of 434 bicycle parking spaces are proposed to serve the development. This will be provided primarily at surface level with room for 398 spaces. 331 of these spaces are for long-term residential use. Spaces will be provided for the office, café and visitor use. Bicycle parking exceeds the requirements of the Dublin City Development Plan 2022 – 2028.

10.8.8. A total of seven spaces is also indicated on the submitted basement plan for motorcycle parking. The Dublin City Development Plan 2022 – 2028 specifies that there be ‘..provision for motorcycle parking in designated, signposted areas at a rate of 5% of the number of car parking spaces provided’. 5% of 134 is 6.7 spaces, therefore the proposed provision demonstrates compliance with the development plan requirements.

10.8.9. Public Transport: The applicant has outlined the public transport provision in the area in the submitted Planning Report but also through the Public Transport Capacity Study prepared by Transport Insights. I note Table 2.1, and which provides the ‘Current Public Transport Services in Application Site’s Vicinity’.

10.8.10. Generally, this is acceptable, though I have reported the bus frequency in section 2.4 of my report, and I note some differences between frequency. For example, the current Dublin Bus timetable indicates an off-peak frequency of every 10 minutes on the number 27 bus route, the applicant indicates

this to be every 20 minutes. I consider that the applicant has understated the off-peak frequency.

10.8.11. I note their survey under Table 3.1 of the AM Peak at Bus Stop no. 4563 on the Malahide Road. In conclusion the excess capacity is estimated to be 73% or 3,309 spaces (seated and standing). The PM peak was measured from Bus Stop no. 51 – Portland Row, Dublin 1 and this is appropriate as one of the last stops in the city centre heading northbound. Excess capacity was found to be 39% or 2,076 spaces. In conclusion there is adequate public transport capacity in the form of buses, to serve the needs of the proposed development.

10.8.12. Suitable details in relation to public lighting are provided in the OCSC report, though final details can be agreed with the Local Authority. I do note that the limit amount of road works will result in a corresponding limited requirement for public lighting.

10.8.13. **CE Report Comments:** Dublin City Council Transportation Planning Division raised no objection to the development in their report; conditions are provided in the event that permission is to be granted.

10.8.14. **Conclusion on Transportation, Traffic and Parking:** The development is located in an area with good public transport provision, and which is accessible within walking distance of the site. Car and bicycle parking provision is appropriate to the scale and nature of development proposed. Adequate bicycle parking is also provided. In terms of public transport, the bus network will be the primary form of transport in the short to medium term and the applicant has identified that there is adequate capacity in the current system to serve the needs of this development,

10.8.15. I have no reason to recommend refusal of permission to the Board due to any traffic or transport reasons.

10.9. Infrastructure and Flood Risk

10.9.1. Irish Water and Dublin City Council Drainage Division have reported no objection to this development in relation to the connection to public foul drainage and the public water supply systems. The applicant has engaged with Irish Water and

has submitted design proposals. Irish Water have recommended conditions in the event that permission is granted.

10.9.2. Similarly, Dublin City Council Drainage Division have provided conditions in the event that permission is granted, in relation to surface water drainage serving the development. No capacity constraints have been identified by either body.

10.9.3. A 'Site-Specific Flood Risk Assessment Report' – prepared by DBFL has been included with the application, and this report is dated August 2022. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The site area is 0.6462 hectares and is located within Northern Cross, approximately 9 km to the north of Dublin City Centre. The site slopes downwards from west to east, though this is not significant. The Mayne River is located to the north of the site beyond Site 10.

10.9.4. This flood risk assessment considers the following:

- Information to allow an informed decision by the Planning Authority in relation to flood risk
- The relevant site's flood zone category
- Appropriate flood risk mitigation and management measures for any identified residual flood risk

10.9.5. Full regard is had to a number of documents/ plans such as the Dublin City Development Plan 2016 – 2022 (as in operation at the time), the Clongriffin – Belmayne Local Area Plan 2012 - 2018, as extended, and the OPW FEMFRAMS Flood Extent Mapping 2017.

10.9.6. The submitted report has considered the following forms of potential flooding:

- Fluvial Flooding: The Mayne River is located to the north of the subject site. The ground floor level (+27.30 m) of the proposed building is 6.50 m above the interpolated 1% AEP Fluvial Flood Level. No fluvial flooding is identified in the vicinity of the site within the Fingal East Meath FRAMS

- **Pluvial Flooding:** The assessment has found there to be a medium risk from pluvial flooding. Such flooding can occur due to the design of the surface water network and human/ mechanical error. Designing the surface water system in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and ensuring that the system is properly maintained.
- **Ground Water:** As ground water levels are approximately 4 m below ground level, the risk of flooding from this source is negligible.

The subject site is assessed as located within Flood Zone C.

10.9.7. Any excess flooding in the area would be directed towards the road network in the area. The applicant's report finds that there will be no impact from flooding associated with the development on adjoining properties. Climate change has been considered for the assessment calculations. The applicant concludes their report with the following comments:

'In conclusion the proposed development is considered to have the required level of flood protection up to and including the 100-year return event.

Overland flow paths have been identified for pluvial flooding exceeding the capacity of the proposed surface water drainage network'.

The applicant's report is supported with a number of maps, assessments, and a Ground Investigation Report in attached Appendices.

10.9.8. **CE Report Comments:** The Planning Authority did not raise any issues in relation to flooding. The Dublin City Drainage Division did not report any objection to the development subject to conditions. Further details are required on the proposed attenuation tanks and surface water drainage infrastructure in areas to be taken in charge, shall be designed, and constructed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.

10.9.9. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. Wastewater will be treated at the Ringsend WWTP and having regard to the submitted information, there is no concern in relation to this facility been able to treat the foul water from this

relatively development. The submitted flood risk assessment is thorough and no issues of concern have been raised. I have no reason to recommend a refusal of permission to the Board due to water services/ drainage infrastructure, and flood risk.

10.10. Social Infrastructure

10.10.1. The 'Community & Social Infrastructure Audit' prepared by John Spain Associates provides details on services and community infrastructure in the vicinity of the subject site. This outlines available childcare facilities, schools, community/ cultural facilities, healthcare facilities and sport/ recreation facilities in the area. Generally, a radius of 2 km from the site is drawn and the number of facilities within this area is identified. Population levels within the area rose from 20,800 in 2011 to 23,302 in 2016, an increase of 12%. All age profiles rose within the surveyed areas which were the four electoral districts located within 1 km of the site, Balgriffin, Priorswood C, Grange A and Ayrfield.

10.10.2. Overall, the area appears to be well served by social, education, community, and sporting facilities. Retail provision is available within Northern Cross and at the Clare Hall shopping centre to the south east of the subject site and which is within walking distance. The proposed development provides for a café, and this will add to the variety of services in the area.

10.10.3. **CE Report Comments:** The Planning Authority report that they are satisfied with submitted Audit and they consider that the area is sufficiently well served by existing/ potential social, and community uses such as childcare, recreational, and educational facilities. Any increase in demand as a result of the proposed development can be assimilated by existing facilities without having a negative impact on the amenity of the surrounding area.

10.10.4. The Housing Department have reported that they are satisfied with the Part V proposal regarding this development. This issue can be addressed by way of condition.

10.10.5. **Conclusion on 10.10:** The proposed development is located in an area with a good range of services and facilities.

10.11. Comment on Submission/ Observations of the North Central Area Committee

10.11.1. The views of the elected members were submitted alongside and included in the Chief Executive report. Having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below. I note that comments are also provided that refer to the subject site and the proposed development of Site 10 to the north of the subject site – ABP Ref. 314386-22. Less concern was expressed specifically about the subject development. I note that queries were raised in relation to the material finishes of the proposed block and in relation to the Part V housing. I have no concerns in relation to these and I note that the Planning Authority reported no specific issues of concern.

10.11.2. Query about the number of dual aspect units in relation to that proposed for the development of Site 10 to the north and also about floor to ceiling heights within the development. I have reported on both aspects of the development, and I have no concern about them.

10.11.3. Question on the public transport provision in the area. I am satisfied that adequate capacity is available in the current bus network serving the Malahide Road/ Northern Cross areas.

10.11.4. The lack of community infrastructure was raised, and this issue has been addressed by the applicant in their submitted Community & Social Infrastructure Audit. The proposed development only forms a very small part of the overall development of Northern Cross. The residents of this block will have access to facilities specifically for their use. I am satisfied that the site is adequately serviced for the needs of the future occupants of this development.

10.11.5. It was also noted that commercial units may remain vacant if there is no demand for them. From the site visit it was apparent that commercial units in the area were occupied. This is a commercial consideration but the Z14 zoning seeks to encourage mixed use development which the proposal demonstrates.

10.11.6. Queries were raised about the SHD process and timelines for pre-planning, consultation etc. The submitted application is valid and I note that the SHD process is coming to an end.

10.12. Other Issues

10.12.1. **Microclimate Analysis:** As already reported, OCSC have been engaged by the applicant to prepare a 'Pedestrian Wind Comfort Study' in support of the proposed development. The report relies on the 'Lawson Criteria', which is the industry best practice standard for measuring pedestrian comfort. Table 1 of the applicant's report provides the 'Lawson Criteria for Pedestrian Comfort' which is provided in the form of metre per second.

10.12.2. Section 4.0 of the applicant's report provides the Assessment Methodology and which states: 'The methodology adopted for the study combines the use of Computational Fluid Dynamics (CFD) to predict air flow patterns and wind velocities around the proposed development, the use of wind data from the nearest suitable meteorological station and the recommended comfort and safety standards (The Lawson Criteria)'. Figure 2 provides the extent of the CFD assessment area. Wind data is got from the Dublin Airport weather station. Assumptions and Limitations are considered in Section 5.0 of the applicant's report. Wind Mitigation Measures are provided in Section 6.0.

10.12.3. Section 8.0 provides the conclusion and I note the following:
'Based on the CFD modelling results, the proposed development will be a comfortable environment for occupants. Certain areas have been highlighted as being potentially uncomfortable for a limited period of time, however, these concerns have been largely addressed through the incorporation of landscaping which will mitigate excessive wind speeds in these areas.

Overall, the proposed development will be a high-quality, comfortable environment for occupants throughout the year'.

10.12.4. The submitted details are noted and give rise to no concerns. I note the lack of guidance that is relevant to Ireland/ Dublin and the submitted report has been prepared with regard to suitable available information.

10.12.5. **Glint & Glare:** A 'Glint & Glare Analysis Report' has been prepared by Macroworks in support of the proposed development, and in particular the provision of PV panels at roof level. Federal Aviation Administration (FAA) approved Solar Glare Hazard Analysis Tool (SGHAT) is used as part of the assessment process. The conclusion is that there 'will not be any hazardous glint and glare effects upon

the Dublin Airport aviation receptors identified as a result of the proposed roof-mounted solar PV panels’.

10.12.6. The submitted details are noted and I am satisfied that the submitted report is thorough and provides a clear assessment of the potential impacts of the development on identified Dublin Airport receptors.

10.12.7. **Rooftop antennae:** The submitted roof plan and elevations indicate the provision of telecommunication antennae on the rooftop of the proposed building. These are located to the north eastern corner of block and are considered to be acceptable in terms of visual impact. Their location and the height of this block will ensure that they are not easily visible from adjoining lands. The ‘Telecommunications Report’ prepared by ISM provides further details on this aspect of the proposed development.

10.12.8. **Archaeology:** IAC Archaeology have prepared an ‘Archaeological Assessment’ in support of the proposed development. This detailed report concludes that the site has been subject to significant ground disturbance over time, the potential for there been significant archaeological remains on site is low.

10.12.9. I agree with the applicant that any archaeology on site is likely to have been significantly disturbed by development on site over the years. I therefore have no concern regarding the impact of the development on potential archaeology in the area.

10.12.10. **Other Reports:** All the trees on site will be removed, however these are not of any significance forming part of the landscaping associated with the development of Rosemount House.

10.12.11. A ‘Noise & Vibration Impact Assessment Report’ has been prepared by Redkite Environmental and again no issues of concern arise. The site is located in an established urban area with noise generated from road traffic, urban development and from aviation associated with Dublin Airport. Suitable noise mitigation measures are included in the design of the proposed building and no significant impacts to adjoining sites are foreseen.

10.12.12. An ‘Energy & Sustainability Report’ has been prepared by OCSC and submitted in support of the application. A BER of A2/ A3 is targeted for the proposed

building. In addition, OCSC have prepared a 'Utility Report'. AWN Consulting have prepared an Operational Waste Management Plan.

10.12.13. Ecological Impact Assessment (EclA)

10.12.14. An Ecological Impact Assessment (EclA) has been prepared by Altamar – Marine & Environmental Consultancy. I have had full regard to the contents of same. The Introduction provides details on relevant guidance, the study objectives and details on the consultancy as well as describing the proposed development. Reference is also made to other assessments submitted in support of the application such as the drainage proposal and public lighting report. The National Parks and Wildlife Service (NPWS) were consulted during the assessment process.

10.12.15. Site surveys were undertaken in June and July 2022, which included bat surveys. The site situation was such that a full survey of the site was possible. The subject site can be considered as a brownfield site with an existing occupied office block on site. There are no watercourses on site, though the Mayne River is located 85 m to the north of the subject site.

10.12.16. Out of 9 SPAs, 8 SACs, 17 pNHAs and 5 Ramsar sites, a total of two designated sites were identified within the zone of influence as follows:

- Baldoyle Bay SAC (site code 000199) – 2.5 km to the east
- Baldoyle Bay SPA (site code 004016) – 2.9 km to the east

There is potential for dust generated from the development to enter the Mayne River to the north and in turn enter Baldoyle Bay. In addition, contaminated water could enter the river if suitable mitigation measures were not put in place.

10.12.17. Assessment of Impacts: No impacts to mammals and any loss to habitats is rated as Not Significant. No impacts to bats are foreseen as the existing building is not suitable for bats. Birds are not expected to be impacted either, any nests found on site can only be removed at prescribed times of the year. operational phases of the development.

10.12.18. Mitigation Measures: Standard mitigation measures are proposed during the demolition, construction and

10.12.19. **Conclusion on the EcIA:** I note the information and details provided in the Ecological Impact Assessment report and I am satisfied that the submitted information indicates that the proposed development will not impact on any designated or protected ecological sites. The development does not directly impact on any bats, birds, terrestrial mammals, or plant species.

10.13. **Material Contravention**

10.13.1. The applicant has submitted a 'Material Contravention Statement of the Dublin City Development Plan 2016 – 2022 and the Clongriffin Belmayne (North Fringe) Local Area Plan 2012 – 2018 (as extended to December 2022) (and also the Draft Dublin City Development Plan 2022 – 2028) with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). A total of three (3) issues have been raised in the applicant's Material Contravention statement as follows:

- Building Height
- Unit Mix
- Site Coverage

The report outlines the procedure and requirements in relation to Material Contravention. As I have already reported, the draft plan has been adopted as the Dublin City Development Plan 2022 to 2028 and I have considered the issues raised in the applicant's report in terms of this plan and not the 2016 to 2022 City Development Plan.

10.13.2. **Building Height:** Under Section 16.7 of the Dublin City Development Plan 2016 - 2022, the subject site is defined as a 'mid rise area' with a prescribed maximum height of up to 50 metres for and which equates to 16 storeys. This definition does not appear in the Dublin City Development Plan 2022 – 2028. Section 7.9 of the Local Area Plan, under Objective UD07 identifies the Key District Centres as suitable for heights of a minimum of five storeys and the Main Street Boulevard of similar height. The following is also reported:

‘The height strategy for the LAP will seek positive integration of new building height with established character. Locations identified for special height character are the designated Key District Centres (in general 5 storeys minimum) and the Main Street Boulevard axis (in general four to five storeys). Heights of 2-6 storeys (including a setback at the top floor of a 5/6 storey building) may be facilitated subject to quality design criteria and set back requirements along the river corridor to complete the urban form of pavilion buildings to complete Marrsfield, one location for a landmark profiled building (10-14 storey office height equivalent) is designated adjacent to Clongriffin Rail Station. In other locations, where 4 storeys residential height is proposed, some flexibility will be allowed on the height equivalent(13m) to achieve design improvements to the façade’.

10.13.3. The applicant reports ‘we note figure 8.13 of the LAP provides indicative heights for the subject site as 2-3 storeys, as reproduced below. In this regard the proposed development may constitute a material contravention of the LAP. While Figure 8.13 may be construed to illustrate the current heights of the block, given that this illustration provides indicative heights for sites yet to be development, it has been considered prudent to include a justification for the proposed building heights, should the Board find them to constitute a Material Contravention of the Development Plan or the LAP’.

10.13.4. The applicant summarises this as a minimum height of five storeys within the Key District Centres and a landmark building of 10 to 14 storeys adjacent to Clongriffin railway station. The proposed development provides for an apartment block with a varied height of 4 to 9 storeys. The maximum height is 34 m and this is below the 50 m permissible within the North Fringe area.

10.13.5. The applicant refers to SPPR 3 (a) of the Building Height Guidelines, 2018 and provides a justification for the development in Table 4.1 of their report. In summary, the development is well served by public transport, the site is accessible, the development will integrate with its surroundings, the development will make a positive contribution to place-making, the building provides for varied heights thereby reducing monotony, the development will enhance the streetscape, and provide wayfinding within the overall development of Northern Cross. The applicant has also

assessed the impact on existing and proposed amenity of residents and no issues of significant concern arise. The proposed development is supported with documentation.

10.13.6. The Planning Authority through the CE report note that this proposed development may be considered a material contravention but support the provision of taller buildings in this area.

10.13.7. The proposed development with a maximum of 9 storeys does not exceed the maximum height of the landmark building proposed for Clongriffin railway station, therefore the status of the landmark building is not impacted by the proposed development. I therefore do not consider the proposed development to be a material contravention of the Dublin City Development Plan 2022 – 2028 or the Clongriffin-Belmayne Local Area Plan 2012 as the proposed development is in accordance with these plans.

10.13.8. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2022 – 2028 and the Clongriffin Belmayne (North Fringe) Local Area Plan 2012 – 2018, as extended, in relation to building height. The maximum height of the development is in the form of 9 storeys, or 34 m and this is below the maximum height of 50 m as specified for a mid-rise location, which the subject site is located within. The proposed development does not exceed the maximum heights specified in the local area plan but does exceed the specified minimum height and this is appropriate.

10.13.9. **Unit Mix:** Section 15.9.1 of the Dublin City Development Plan indicates that the City Plan is now in accordance with SPPR 1 of the apartment guidelines and that up to 50% of units may be one bedroom or studio type units and generally there is no minimum requirement for three or more-bedroom units.

10.13.10. The proposed development provides for 72, 41% one beds, 57, 32% two beds and 47, 27% three-bedroom units. The applicant reports that the proposed mix would not be fully consistent with the 2016 – 2022 Dublin City Development Plan as the number of one-bedroom units exceeds 30%. However, it is now clear that the proposed development is in accordance with SPPR 1 of the Apartment Guidelines

which seeks to provide up to 50% one-bedroom units and no limit on three or more-bedroom units.

10.13.11. I note the applicant's report, however this referred to the previous Dublin City Plan and the proposed development is now compliant with the operative Dublin City Development Plan 2022 – 2028. The issue of material contravention does not arise.

10.13.12. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2022 - 2028 in relation to unit mix.

10.13.13. **Site Coverage:** The submitted development provides for a site coverage of 57%. The County Development Plan provides for a site coverage of between 50 to 60% for Regeneration Areas which I consider the Z14 zoned lands to be. The development is therefore in compliance with the Indicative Site Coverage outlined in Table 2 of the Dublin City Development Plan 2022 – 2028.

10.13.14. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2022 – 2028 and the Clongriffin Belmayne (North Fringe) Local Area Plan 2012 – 2018 in relation to site coverage.

10.13.15. Draft Development Plan: The applicant was aware of the Draft Dublin City Development Plan that was under preparation and has considered the proposed development in the context of this plan and the potential for issues of material contravention. The following issues were identified:

- Density
- Provision of Community & Cultural Space
- Unit Size/ Layout/ Housing for All – Objective QHSNo10 – Universal Design

10.13.16. **Density:** Appendix 3, Section 3.2 and Table 1 provide the indicative net density range for developments in the Dublin City area. The plans states that, 'As a general rule, the following density ranges will be supported in the city' and the Densities for SDRAs are indicated to be 100 to 250 units per hectare. The Plan also

states that 'There will be a general presumption against schemes in excess of 300 units per hectare'. The proposed development provides for 272 units per hectare. NPO 32 is also relevant, 'To target the delivery of 550,000 additional households to 2040'. The applicant references other developments in the area which provide for densities in excess of 250 units per hectare.

10.13.17. The applicant has outlined justification for this density having regard to the location of the development, availability of services and the existing form of development that adjoins the site/ forms the Northern Cross area. Justification is supported by the National Planning Framework under NPO 3a – which seeks to 'deliver at least 40% of all new homes nationally within the built-up envelope of existing urban settlements' and NPO 11 which states that 'there will be a presumption in favour of development that encourages more people, jobs and activity within existing urban areas, subject to development meeting appropriate planning standards and achieving targeted growth'.

10.13.18. Comment: I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2022 - 2028 in relation to density. The indicative densities are general and do not exceed the 300 units per hectare that the plan presumes against. The proposed development is in accordance with National Policy in the form of the National Planning Framework.

10.13.19. **Provision of Community & Cultural Space:** Under Objective CUO25 it is stated that:

'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.

*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’.

10.13.20. The applicant reports that Dublin City Council aspire to providing for an 5% increase in the provision of cultural assets per annum over the life of the Development Plan and that a mapping exercise be undertaken to ascertain what is required and where cultural infrastructure be provided. The proposed development does not provide for any cultural facilities within the scheme. The applicant has justified this on the basis that the Cultural Infrastructure Study did not identify any deficit of such facilities in the Northern Cross area. The requirement would result in the need for 1,031 sq m of floor and for which no demand has been established.

10.13.21. Further justification is provided through reference to the National Planning Framework and the Apartment Guidelines and the identified need for housing in the area. The provision of the cultural space would equate to the loss of 21 no. one bedroom units. The applicant has also identified the provision of facilities that are suitable for residential use at ground floor level.

10.13.22. Comment: I note the applicant’s report and also Objective CUO25 of the Dublin City Development Plan. I consider this requirement to be unreasonable and would recommend that the applicant not have to provide this space. The objective was not in place when the applicant was designing this development and therefore, they would not have made provision in the design for such uses. The development provides for a mixed-use scheme with controlled car parking in the basement level. To open up or provide part of the floor area for community/ cultural, in effect public use, would require a redesign of the development to allow for the incorporation of car parking, set down areas and a revised access for public use. The nature of the building would change from that proposed. In addition, and as reported by the applicant, there is no identified need for this space and the provision of it may result in a long-term vacant space that is not suitable for a cultural/ community use. The objective as drafted is appropriate for new build development

that are under design at present, the requirement of the objective is clear, and the intended use can be designed at this stage into a proposed scheme.

10.13.23. Unit Size/ Layout/ Housing for All – Objective QHSNo10 –

Universal Design: Objective QHSNO10 Universal Design of the Dublin City Development Plan 2022 - 2028 states – ‘It is an Objective of Dublin City Council: To require that a minimum of 10% of dwellings in all schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the Universal Design Guidelines for Homes in Ireland 2015’.

10.13.24. The applicant reports that 99% of the units exceed the minimum floor area by 10% or more and although all units do not meet the requirements in relation to Universal Design, they all comply with the requirements in relation to Part M of the Building Regulations.

10.13.25. Comment: It is a requirement that all units comply with Part M and the applicant has clarified that they meet this requirement. In addition, the majority of units are in excess of 10% of the minimum required floor area. I am satisfied that this issue does not result in a Material Contravention.

10.13.26. Conclusion: I note the applicant's report and that Dublin City Council have adopted a new development plan. I am satisfied that the proposed development does not contravene the Dublin City Development Plan 2022 – 2028 or the Clongriffin Belmayne (North Fringe) Local Area Plan 2012 – 2018 as extended to 2022.

11.0 Appropriate Assessment

11.1. Stage 1 – Appropriate Assessment Screening

11.1.1. The applicant has engaged the services of Altemar, to carry out an appropriate assessment screening; the report is dated August 2022. I have had regard to the contents of same.

11.1.2. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 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

11.2. Compliance with Article 6(3) of the EU Habitats Directive

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

11.2.2. The subject site is located to the north of the R139/ to the north western side of the Northern Cross mixed-use development on a site area stated to be 0.6462 hectares. The site is currently occupied by an office block, car parking and ancillary facilities. A total of 176 apartment units in the form of 72 one-bedroom, 57 two-bedroom and 47 no three-bedroom units are proposed within a single block ranging in height from four to eight storeys. Also proposed is 1,050 sq m of office space, a café, and residents support facilities. Vehicular access to the site is to the existing internal road serving adjoining sites and which provides a direct connection

to the R139. The proposed development provides for open space, parking, services, and all necessary site works. The surrounding area consists of a mix of residential, commercial, and manufacturing uses. A number of supporting documents/assessment are listed in the applicant's report.

11.2.3. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

11.2.4. A total of 17 European Sites have been identified as located within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
Baldoyle Bay SAC	(000199)	2.5 km to the east
North Dublin Bay SAC	(000206)	3.3 km to the south east
Malahide Estuary SAC	(000205)	4.9 km to the north
Howth Head SAC	(000202)	6.6 km to the east/ south east
South Dublin Bay SAC	(000210)	7.1 km to the south
Ireland's Eye SAC	(002193)	7.4 km to the east
Rockabill to Dalkey Island SAC	(003000)	7.4 km to the south east
Rogerstown Estuary SAC	(000208)	10 km to the north
Lambay Island SAC	(000204)	13.4 km to the north east
Baldoyle Bay SPA	(004016)	2.9 km to the east
North Bull Island SPA	(004006)	3.3 km to the south east
South Dublin Bay and River Tolka Estuary SPA	(004024)	4.9 km to the south
Malahide Estuary SPA	(004025)	5.3 km to the north
Ireland's Eye SPA	(004117)	7.1 km to the east

Howth Head Coast SPA	(004113)	8.5 km to the east/ south east
Rogerstown Estuary SPA	(004015)	10.2 km to the north
Lambay Island SPA	(004069)	13.3 km to the north east

No designated Natura 2000 sites located outside of the Zone of Influence could be influenced by the proposed development.

11.2.5. Table 2 of the applicant's report provides an initial screening of the identified European sites with potential of a hydrological connection to the proposed development site. Each of the above sites is assessed and Baldoyle Bay SAC and Baldoyle Bay SPA are screened in. Due to an indirect hydrological pathway to Baldoyle Bay, there is a potential for pollutants to enter the Mayne River by way of the existing public surface water drainage system. Mitigation measures are required to ensure the protection of the Qualifying Interests of the SAC and the SPA. All other sites are screened out. I have listed the Qualifying Interests of Baldoyle Bay SAC and SPA below:

Name	Site Code	Distance from Site
Baldoyle Bay SAC Qualifying Interests: <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] 	(000199)	2.5 km to the east
Baldoyle Bay SPA Qualifying Interests: <ul style="list-style-type: none"> • Ringed Plover [A137] 	(004016)	2.9 km to the east

<ul style="list-style-type: none"> • Shelduck [A048] • Golden Plover [A140] • Bar-tailed Godwit [A157] • Grey Plover [141] • Light-bellied Brent Goose [A046] • Wetlands [A999] 		
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11.2.6. In-combination effects are considered and are summarised in Table 4 of the applicant's report.

11.2.7. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

11.3. **Stage 1 Screening - Test of Likely Significant Effects**

11.3.1. The proposed development is examined in relation to any possible interaction with European sites, the relevant sites have been detailed in the previous sections of this report to assess whether it may give rise to significant effects on any designated European Site. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

11.3.2. A description of the site is provided in this Appropriate Assessment Screening Report; I have already outlined the development description under Section 3.0 of this report. In summary the development is for the demolition of an office block and the construction of 176 residential units in the form of apartments contained within a single block of between four and nine storeys in height, with office and café use provided for at ground floor level, and all necessary infrastructure. The site is located to the north west of the Northern Cross mixed use development and the stated sites area is 0.64 hectares. An EIAR Screening has been submitted in support of the application.

11.3.3. **Submissions and Observations:** No Third-Party submissions were made, the Local Authority (Chief Executive report and internal departments)

submissions are summarised in Section 8.0 and Prescribed Bodies are summarised in Section 9.0 of this report.

11.3.4. **Zone of Influence:** A summary of European sites that are located proximate to the proposed development, including their conservation objectives and Qualifying Interests has been examined by the applicant. A precautionary approach in the submitted Screening Report of including all SACs within 15 km of the development site was taken to be the zone of influence of the development site, which are listed are section 11.2.4 of this report

11.3.5. 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.

11.3.6. 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. The nearest European sites are Baldoyle Bay SAC and SPA and which are between 2.5 and 2.9 km to the east of the subject site.

11.3.7. There are no watercourses on the site but the Mayne River, which flows into Baldoyle Bay, is located approximately 90 m to the north of the site. The subject site naturally drains towards the Mayne River. The applicant has identified potential for pollutants to enter the public surface water drainage network and which in turn outfalls to the Mayne River. As the Mayne River discharges to Baldoyle Bay, there is potential for these pollutants to reach the designated sites.

11.4. **Screening Determination**

11.4.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out a Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on Baldoyle Bay SAC (site code 000199) and Baldoyle

Bay SPA (site code 004016), in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required. The applicant acknowledges that this is acting on a strictly precautionary basis and I note this.

11.4.2. I confirm that the Baldoyle Bay SAC and SPA, which are screened in for appropriate assessment, are included in the NIS prepared by the project proponent.

11.4.3. The possibility of significant effects on other European sites has been excluded on the basis of the nature and scale of the works proposed, scale of intervening distances involved, lack of a direct hydrological link, dilution effect, and lack of substantive ecological linkages between the proposed works and the sites in question.

11.4.4. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

11.5. Natura Impact Statement (NIS)

11.5.1. I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016). As noted in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

11.5.2. The NIS identifies and assesses possible adverse effects of the proposed development on specific QIs and SCIs of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016). Table 5 of the applicant's report provides the 'Qualifying Interests, Conservation Status, Management Objectives, Conditions underpinning site integrity for Baldoyle Bay SAC' and Table 7 provides the 'Special Conservation Interests (SCIs) for Baldoyle Bay SPA and National

status'. I note that Golden Plover is red listed. Further details are provided in Tables 6, 8 to 9 of the applicant's report.

11.5.3. Details are provided on the potential impacts on the Baldoyle Bay SAC and Baldoyle Bay SPA. Table 10 provides details of the potential impacts on the qualifying interests and conservation objectives of the SPA and SAC during the construction and operational phases of the development. Details of mitigation measures, how, and when they will be implemented, are provided in Table 11. Subject to the proper implementation of the mitigation measures, it is reported that these 'will be sufficient to prevent adverse effects on the integrity of European sites'.

11.5.4. The NIS Conclusion states the following:

'On the basis of the content of this report, the competent authority is enabled to conduct an Appropriate Assessment and consider whether, either alone or in combination with other plans or projects, in view of best scientific knowledge and in view of the sites' conservation objectives, will adversely affect the integrity of the European site. No significant effects are likely on European sites, their features of interest or conservation objectives. The proposed project will not will adversely affect the integrity of European sites'.

11.6. NIS Assessment:

11.6.1. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

11.6.2. The following sites are subject to appropriate assessment:

- Baldoyle Bay SAC (site code 000199)
- Baldoyle Bay SPA (site code 004016)

A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and has already been outlined in this report as part

of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

11.6.3. **Aspects of the Development that could adversely affect the designated site:** The main aspect of the development that could impact the conservation objectives of the European sites are through deterioration of water quality and dust during the construction phase of the development.

11.6.4. **Mitigation:** A range of mitigation measures are provided in Table 11 of the submitted AA Screening/ NIS and these are noted. These primarily refer to the construction phase of development but some reference to the operational phase is provided in the applicant's report noting that 'Mitigation measures will be required to ensure that water quality is maintained prior to discharging to watercourses'.

11.6.5. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the Mayne River and in turn its relative proximity to Baldoyle Bay, which is only 2.5 km from the subject site. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

11.6.6. **In Combination Effects:** Consideration has been made of developments in the area in the AA Screening in Table 4. These include Site/ Block 2 to the east of the site, and which is substantially complete and a number of developments to the north of the site on the Belcamp Lands within the Fingal County Council area. The Appropriate Assessment did not give rise to any concern.

11.6.7. In June 2018, Irish Water made a planning application to An Bord Pleanála for the Greater Dublin Drainage (GDD) project. The submitted application included a detailed Natura Impact Statement (NIS). Mitigation measures were included in the project NIS and the proposed development was granted permission by An Bord Pleanála in November 2019.

11.6.8. Appropriate Assessment Conclusion:

11.6.9. The proposed residential development at Rosemount House, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17 has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

11.6.10. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

11.6.11. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016) in view of the sites' Conservation Objectives.

11.6.12. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016).

11.6.13. I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with

other plans or projects would not be likely to adversely affect the integrity of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016).

12.0 Environmental Impact Assessment Screening

12.1. 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.

12.2. The proposed development is described and consists of the demolition of an existing three storey office block and the construction of a mixed-use scheme of 176 residential units, 1,060 sq m of office space, a café of 143.7 sq m, communal and residential only open space, 134 car parking spaces, 6 motorcycle spaces and 424 bicycle parking spaces, in addition to all associated ancillary works. The subject site is located within the Northern Cross area to the west of the Malahide Road in Dublin 17. Full details of the EIA Screening Process are provided in Chapter 3 of the EIAR Screening report. The building to be demolished is a three-storey office block with a stated floor area of 3,315 sq m.

12.3. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by Enviroguide Consulting – Dated August 2022) and I have had regard to same. The report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (176), car parking (134 spaces to be provided) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

12.4. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

12.5. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

12.6. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

12.7. The proposed development is for the demolition of an operational three storey office block and the development of a mixed use consisting of 176 apartments in a single block, with ground floor office and café use, ancillary residential uses, car parking and which is not within a business district, on a stated development site area of 0.64 hectares, located to the north western side of Northern Cross, Dublin 17. 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). Northern Cross is a mixed-use scheme but the predominant prevailing form of development in this area is residential use.

12.8. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board

determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

12.9. The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

12.10. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Statement of Consistency with Planning Policy – John Spain Associates
- Northern Cross Masterplan Report – John Spain Associates
- Social & Community Infrastructure Audit – John Spain Associates
- Architectural Design Report – Plus Architecture
- Landscape Design Report – Plus Architecture
- Infrastructure Design Report - DBFL
- Traffic & Transport Assessment – DBFL
- DMURS Design Statement – DBFL
- Basement Impact Assessment – Byrne Looby
- Construction & Environmental Management Plan - DBFL
- Site Specific Flood Risk Assessment Report – DBFL
- Building Lifecycle Report – Aramark

- Daylight, Sunlight & Overshadowing Report – OCSC
- Glint and Glare Assessment – Macroworks
- Landscape and Visual Impact Assessment – Mitchell + Associates
- Verified Views – Digital Dimensions
- Public Transport Capacity Study – Transport Insights
- Energy and Sustainability Report – OCSC
- Public Lighting Report - OCSC
- Appropriate Assessment Screening & Natura Impact Statement – Altemar
- Ecological Impact Assessment (EcIA) - Altemar
- Environmental Impact Assessment Screening Report - Enviroguide Consulting
- Noise & Vibration Impact Assessment Report – Redkite Environmental
- Archaeological Assessment – IAC Archaeology
- Operational Waste Management Plan – AWN Consulting
- Pedestrian Wind Comfort Study – OCSC

12.11. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account and are listed in the 'Statement in accordance with Article 299B(1)(b)(II)(c) of the Planning and Development Regulations 2001, as amended' prepared by Enviroguide. The documents are summarised as follows (only those relevant are listed here):

Document:	Comment:	Relevant Directives:
Appropriate Assessment Screening & Natura Impact Statement prepared by Altemar		Directive 92/43/EEC, The Habitats Directive

Ecological Impact Assessment (EcIA) prepared by Altemar		Directive 92/43/EEC, The Habitats Directive
Landscape and Visual Impact Assessment prepared by Mitchell + Associates		Directive 92/43/EEC, The Habitats Directive
Infrastructure Design Report by DBFL		Directive 2000/60/EC. EU Water Framework Directive
Construction & Environmental Management Plan (CEMP) by DBFL		Directive 2000/60/EC. EU Water Framework Directive
Site Specific Flood Risk Assessment Report by DBFL		Directive 2000/60/EC. EU Water Framework Directive
Construction & Environmental Management Plan (CEMP) by DBFL		Directive 2002/49/EC. Environmental Noise Directive
Noise and Vibration Impact Assessment by Redkite Environmental Ltd.		Directive 2002/49/EC. Environmental Noise Directive
Construction & Environmental Management Plan (CEMP) by DBFL		Directive 2008/50/EC on ambient air quality and cleaner air for Europe

Traffic & Transport Assessment by DBFL		Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Site Specific Flood Risk Assessment Report by DBFL		Directive 2007/60/EC on the assessment and management of flood risks
Construction & Environmental Management Plan (CEMP) by DBFL		Directive 2007/60/EC on the assessment and management of flood risks
Ecological Impact Assessment (EcIA) prepared by Altermar	No adverse impacts are foreseen due to the site not hosting significant numbers of species designated under this convention.	Bern and Bonn Convention
Ecological Impact Assessment (EcIA) prepared by Altermar	No adverse impacts are foreseen due to the site not hosting significant numbers of species designated under this convention.	Ramsar Convention
Construction & Environmental Management Plan (CEMP) by DBFL		Directive (EU) 2018/850 on the landfill of waste
Construction & Environmental Management Plan (CEMP) by DBFL		Directive (EU) 2018/850 on the landfill of waste Directive (EU) 2018/850 on the landfill of waste

Resource & Waste Management Plan by AWN Consulting		Directive (EU) 2018/850 on the landfill of waste
Construction & Environmental Management Plan (CEMP) by DBFL		Directive 2008/98/EC on waste and repealing certain Directives
Resource & Waste Management Plan by AWN Consulting		Directive 2008/98/EC on waste and repealing certain Directives
Construction & Environmental Management Plan (CEMP) by DBFL		Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors
Noise and Vibration Impact Assessment by Redkite Environmental Ltd.		Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors
Energy & Sustainability Report by OCSC		Directive 2012/27/EU on energy efficiency
Daylight, Sunlight & Overshadowing Report by OCSC		Directive 2012/27/EU on energy efficiency
Energy & Sustainability Report by OCSC		Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing

		to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013
Daylight, Sunlight & Overshadowing Report by OCSC		Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013
Energy & Sustainability Report by OCSC		Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources
Daylight, Sunlight & Overshadowing Report by OCSC		Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources

12.12. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

12.13. I have completed an EIA screening assessment as set out in Appendix A of this report.

12.14. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

12.15. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

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

13.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential development, is a serviced site, where public transport, social, educational and commercial services are available. The proposed development is of a suitably high quality and provides for a mix of one-, two- and three- bedroom apartments which are served by high quality communal open space and residential facilities located on the ground floor level. The proposed development also provides for office space and a café, also located on the ground floor level.

I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is in accordance with National Guidance and Local Policy and is in accordance with the proper planning and sustainable development of the area.

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

14.0 Reasons and Considerations

Having regard to

- (i) the provisions of the Dublin City Development Plan 2022 - 2028, including the zoning objective Z14, which aims 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'.
- (ii) the policies set out in the Dublin City Development Plan 2022 - 2028, including the location of the site within the North Fringe Key District Centre,
- (iii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan 2022 - 2028 and appendices contained therein,

- (iv) the policies and objectives set out in the Clongriffin-Belmayne Local Area Plan 2012 – 2022,
- (v) to the Climate Action Plan, 2021 as amended,
- (vi) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (vii) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (viii) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (ix) the availability in the area of a wide range of social and transport infrastructure,
- (x) to the pattern of existing and permitted development in the area, and
- (xi) Chief Executive's Report and supporting technical reports of Dublin City Council,
- (xii) the comments made at the North Central Committee meeting,

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.

15.0 Recommended Draft Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and

particulars, lodged with An Bord Pleanála on the 23rd of August 2022 by Walls Construction Limited.

Proposed Development:

- The demolition of a three-storey office block with a stated floor area of 3,315 sq m.
- The provision of 176 no. apartment units comprising 72 one-bed units, 57 two-bed units and 47 no. three-bed units within a single block. In addition, the proposed block will contain 1,050 sq m of office space and a café unit of 143.7 sq m, all located on the ground floor level.
- The proposed building will range in height from four to nine storeys over a basement car park.
- Communal, public, and private open space will be provided, and a number of residential amenity/ support services will be provided at ground floor level and will include a cinema, games room, gym and post room.
- 134 car parking spaces will be provided at basement level, six number motorcycle parking spaces and 424 bicycle parking spaces will be provided.
- Telecommunication antennae will be provided to the north east corner of the roof of this building.
- All associated site works and ancillary services.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2022 - 2028. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas.
- The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.

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:

15.1.1. 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 observations received by it in accordance with statutory provisions.

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

- (i) the provisions of the Dublin City Development Plan 2022 - 2028, including the zoning objective Z14, which aims 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'.
- (ii) the policies set out in the Dublin City Development Plan 2022 - 2028, including the location of the site within the North Fringe Key District Centre,
- (iii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan 2022 - 2028 and appendices contained therein,
- (iv) the policies and objectives set out in the Clongriffin-Belmayne Local Area Plan 2012 – 2022,
- (v) to the Climate Action Plan, 2021 as amended
- (vi) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (vii) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

(viii) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,

(ix) the availability in the area of a wide range of social and transport infrastructure,

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

(xi) Chief Executive's Report and supporting technical reports of Dublin City Council,

(xii) the comments made at the North Central Committee meeting,

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.

(xii) the Inspectors report

15.2. Appropriate Assessment (AA):

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and reports on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016) which there are a likelihood of significant effects in the absence of necessary mitigation measures. There was therefore a requirement to carry out a Stage 2 Appropriate Assessment.

15.3. Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016) in view of the above sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended),

identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

15.3.1. Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective Z14, 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use', in the Dublin City Development Plan 2022 - 2028, and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

15.3.2. The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, 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, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

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

16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The number of residential units permitted by this grant of permission is 176 no. units in the form of 72 no. one bedroom units, 57 no. two bedroom units and 47 no. three bedroom units.

Reason: In the interests of clarity.

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

Reason: In the interest of visual amenity.

4. The final layout of the ground floor, residential facilities shall be agreed in writing, following consultation with the Planning Authority. Revisions to include the relocation of the cinema away from the gym. All other revisions to be agreed with

the Planning Authority but there shall not be any reduction in the floor area allocated to residents use.

Reason: In the interest of residential amenity.

5. The measures proposed, in the 'Pedestrian Wind Comfort Study, to ensure that residential amenity spaces are of a useable standard shall be carried out in full by the developer.

Reason: In the interest of residential amenity.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

7. 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.

Reason: In the interest of urban legibility.

8. Details of all security shuttering, external shopfront to the cafe, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the Planning Authority prior to occupation of the commercial/retail units.

Reason: In the interest of the amenities of the area/visual amenity.

9. The operating hours of the café shall be agreed in writing with the Planning Authority prior to the commencement of operation of this unit.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

13. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas and the basement car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of amenity and of traffic and pedestrian safety.

14. (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.

(b) Two of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.

(c) 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.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

15. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. All

of the car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

16. A total of 424 no. bicycle parking spaces and 6 no. motorcycle parking spaces shall be provided within the site. The development shall also provide for clearly delineated space for cargo bicycle. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

17. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health and surface water management

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

Reason: In the interest of public health.

19. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the

application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

20.(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

21.(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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

Reason: In the interest of sustainable waste management.

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;

- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

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

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

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

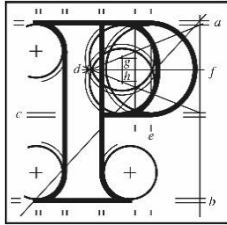
26. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,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

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

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

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

Paul O'Brien
Planning Inspector
20th December 2022



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-314408-22
Development Summary		The demolition of an existing three storey office block and the development of 176 apartment units in the form of 72 one-bedroom units, 57 two-bedroom units and 47 three-bedroom units in a single block, 1,050 sq m of office space, a café, and all associated car parking, open space and necessary infrastructure to serve the proposed development.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Natura Impact Statement were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Dublin City Development Plan 2022 - 2028 and the results of the Strategic Environmental Assessment of the plan.

	See also Section 12.10 of the Inspectors Report for details of other relevant assessments.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development comprises the demolition of	No

		an existing office block and the construction of residential units on zoned lands. A single block which varies in height from four to nine storeys over basement is proposed in an area predominantly characterised by similar development.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on a brownfield/ infill site within the Dublin City area.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such an urban development. The loss of natural resources or	No.

		local biodiversity as a result of the development of the site are not regarded as significant in nature.	
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate</p>	<p>No.</p>

		potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation	No.

		<p>of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services.</p>	<p>No.</p>

		Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management</p>	No.

		Plan will mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of	No.

		<p>development.</p> <p>Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location.</p> <p>This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, primarily characterised</p>	<p>No.</p>

		by residential development.	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	No.	<p>The site is located within the Northern Cross area and which forms part of the Clongriffin-Belmayne Area, identified as a Strategic Development and Regeneration Area 1. The proposed development is acceptable in terms of the nature of development, impact on the character of the area and will not have a negative impact on the environment in combination with other development in this area.</p>	No.

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	No European sites located on the site. A Natura Impact Statement accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any designated European sites.	No.
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	No such species use the site and no impacts on such species are anticipated.	No.
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	The site is not within or adjacent to any such sites.	No.
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No.	There are no such features arise in this urban location.	No.

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No.</p>	<p>The site is located approximately 95 m to the south of the Mayne River. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	<p>No.</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No.</p>	<p>Site is located in a built-up urban location where such impacts are not foreseen.</p>	<p>No.</p>
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No.</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents.</p>	<p>No.</p>

		No significant contribution to traffic congestion is anticipated.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are none adjacent to the subject site. A nursing home and childcare provision will not be negatively impacted by this development.	No.

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction	No.

		traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	No trans-boundary effects arise.	No.
3.3 Are there any other relevant considerations?	No.	No.	No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required.
Real likelihood of significant effects on the environment.		Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	
D. MAIN REASONS AND CONSIDERATIONS			
<p>Having regard to: -</p> <p>a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>c) the location of the site on lands governed by zoning objective Z14 of the Dublin City Development Plan 2022 - 2028, which aims 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use'.</p> <p>d) The existing use on the site and pattern of development in surrounding area,</p> <p>e) The planning history relating to the site,</p>			

- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) 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),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction Environmental Management Plan (CEMP),

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

Inspector: _____

Date: _____