



An
Bord
Pleanála

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

Inspector's Report ABP-305857-19

Strategic Housing Development	252 no. residential units (5 no. houses, 247 no. apartments), creche and associated site works.
Location	St. Edmunds, St. Lomans Road, Palmerstown, Dublin 20.
Planning Authority	South Dublin County Council
Applicant	Saint Edmunds Phase 3 Ltd
Prescribed Bodies	<ol style="list-style-type: none">1. National Transport Authority (NTA)2. Transport Infrastructure Ireland (TII)3. Irish Water (IW)4. Coras Iompair Eireann5. South Dublin County Childcare Committee.

Observer(s) 8 number observations, see Appendix 1 attached, for list of names.

Date of Site Inspection 30.01.2019

Inspector Fiona Fair

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site is located approximately 10km west of Dublin City Centre and to the west of the Liffey Valley interchange of the M50 orbital motorway and the N4 national primary road. The Liffey Valley shopping centre is approximately 750m to the east.
- 2.1.2. The site, which extends to 2.06 hectares (with additional area of 4400sqm embankment area along eastern boundary in SDCC ownership), is situated to the south of the N4, just north of the roundabout connecting Saint Lowman's Road, with Fonthill Road. This is a main roundabout accessing the Liffey Valley Shopping Centre from the west.
- 2.1.3. To the east is the Fonthill Road, to the south is St. Loman's Road, to the west is an existing access road serving phase 1 of St. Edmunds apartment (5 Storey with setback 6th floor) and housing scheme. To the south on the opposite side of Saint Lowman's Road is a HSE Clondalkin / Lucan Centre. Bally Dowd Special Care Unit is located to the north and to the north east are lands allocated for traveller accommodation. Further to the north east on the opposite side of the M4 slip road is the Clayton Hotel.
- 2.1.4. There is a bus stop and bus lane along the N4 north of the site which is serviced by a number of high frequency routes. To the south of the site along Fonthill Road North there is also a bus stop.
- 2.1.5. Vehicular access to the site is from an existing shared unnamed road with St. Edmund's Park to the west of the subject site. This is a well landscaped tree lined route. There will be a controlled pedestrian entrance to the south of the site along St. Loman's Road. A new pedestrian entrance will open the site to the Fonthill Road (R113). The existing pedestrian and vehicular entrance will remain to the west of the site.

2.1.6. The site is free from structures other than, 4, it is contended temporary, traveller accommodation dwellings located to the north east of the site. The site is not located within a Conservation Area or an Architectural Conservation Area. A pedestrian footpath and cycle lane separate the site from St. Loman's Road and Fonthill Road (R113). The topography of the site rises from the west of the site to the east (max c. 2.6m) and rises from the north of the site to the south (max c. 1.8m).

3.0 Proposed Strategic Housing Development

3.1.1. The proposed development is for a mixed-use scheme which consists of:

a) 252 residential units in 3 no. blocks made up of:

- 247 no. apartment/ duplex units within 2 no. 2-8 storey blocks (1 of which is over podium car park) comprising:
 - 119 no. one bed units,
 - 125 no. two bed units, and
 - 3 no. three bed units;
- 5 no. 2 storey three bed semi-detached/terraced house;
- All of the residential units will have associated private open space/ balconies/ terraces facing north/ south/ east/ west;

b) A separate non-residential block measuring c. 1118 sq. m (total floor area) and will comprise a creche (c. 430sq.m), retail unit (c. 269sq.m), gym (c. 152sq.m), community room (c. 231sq.m), and concierge (c. 36sq.m).

- The development will have 225 no. car parking spaces (145 no. spaces at undercroft level, 70 no. spaces at surface level and 10 no. spaces at the 5 no. houses), 5 motorcycle parking spaces and 308 no. secure bike parking spaces. The site is accessed through the existing vehicular access to the west, off the unnamed road to the west. There will be a number of pedestrian entrances along St. Loman's Road, the Fonthill Road (R113) and the unnamed road to the west.
- In addition to all of the new facilities all other site services and works to enable the development of the site will also be provided including site, bin stores, ESB

substations, associated roadworks and services connections, a large quantity of public and communal open space, boundary treatment works and landscaping.

- 3.1.2. The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016-2022.”
- 3.1.3. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.
- 3.1.4. The following tables set out some of the key elements of the proposed scheme:

Table 1: Development Standards

Parameter	Site Proposal
Application Site	2.06 ha gross (2.6 ha incl. SDCC lands).
No. of Units	252 residential units (230 apartment and 17 duplex apartments in two blocks; and 5 terraced houses).
Density	122 units/ha.
Plot Ratio	1.02
Site coverage	31%
Height	2/8 storeys.
Other Uses	1 block (no. 4) of non-residential use comprising ground floor retail unit (269sqm), childcare facility (430sqm), gym (152sqm), concierge (36 sq. m) and community room (231sqm).
Car Parking	Total 225, 145 undercroft car parking spaces and 70 surface (0.9 spaces per apartment) and 10 for houses).
Cycle Parking	308
Vehicular Access	From existing street serving existing St. Edmund's development, with access to this off St. Lomans Road, west of the roundabout with Fonthill Road (exit to N4) and Liffey Valley Shopping Centre. Provision made for

	future vehicular and pedestrian connections to surrounding lands to west with direct eastern pedestrian connection to Fonthill Road.
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3.1.5. **Table 2: The breakdown of unit types is as follows:**

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Apartments	119	125	3		
Houses			5		
Total					252
% Total	47%	50%	3%	0%	100%

Table 3: Building Height

Block	Storeys	Parapet Height mOSD
1	2 - 8	26.31
2	5	16.5
3 (5 no. houses)	2	8
4 (non-residential)	3	13.77

Table 4: Part V Provision

Provision:	25 units
	The proposed mix of Part V units to be transferred includes 13 no. one bed apartments, 12 no. two bed apartments.

Table 5: Childcare Provision

Creche	430 sq. m which can cater for 84 childcare spaces
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3.1.6. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.

4.0 Planning History

Overall St. Edmunds Development:

PL06S.213918 / Reg Ref: SD05A/0090 – Permission granted (25/01/2006) by ABP on 8.6 ha site for 577 residential units, medical centre, leisure centre, retail unit and crèche.

SE05A/0090/EP – Extension of Duration for 5 years of PL06S.213918.

SD06A/0519 – Permission granted for modifications to previously permitted housing.

SD06A/0958 – Permission granted for modifications to previously permitted housing.

SD07A/0485 – Permission granted for construction of 2 ESB substations.

SD08A/0203 – Permission granted (27/08/08) for 6 no. dwellings comprising of 4 no. 2 storey 3 bedroom houses and 2 no. 2 storey 2 bedroom houses together with associated site development works and surface car parking.

SD09A/0002 – Permission granted (14/04/09) for change of permitted PL06A.213918, from 97 units (housing, duplex and apartments) to 82 semi-detached and terraced houses.

SD15A/0012 – Permission granted (17/07/15) for modifications to residential layout and unit mix, replacing 59 house and 75 apartments, with 104 semi-detached and terraced houses.

5.0 Section 5 Pre Application Consultation

- 5.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 15th July 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted **would require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

5.2. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Design and Layout - Further consideration/justification of the documents as they relate to the street level interface of units at ground level of Block 1 and materials and finishes to the proposed buildings. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby 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 arising from this notification:

1. Site layout plan to be reviewed in context of DMURS and consideration of vehicular access to basement level to provide for HGV movement; consideration of pedestrian movement through the basement; parking provision for non-residential building and interface with the public open space to be reviewed; pedestrian movement west to the existing St. Edmund's development to be indicated on the site plan and provision made for safe pedestrian crossing facilities.
2. TIA to be submitted including inter alia information in relation to surrounding road network, access to public transport and pedestrian routes.
3. Response to issues raised in Parks and Landscape Services/Public Realm report dated 25.06.19, accompanying the PA Opinion dated 28.06.19.
4. A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban housing: Design Standards for New Apartments (2018). The report should have regard to the long term management and maintenance of the proposed development. The applicant should consider

the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, podium design, pathways, and all boundary treatments. 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.

5. A detailed analysis of car parking and bicycle parking provision, including for the non-residential building. Mobility management plan to be submitted and consideration to be given to electric charging points.
6. Detailed drawings, sections, elevations, including a CGI of the site from the N4 exit onto the Fonthill Road, and to demonstrate that the development provides an appropriate interface and treatment of the public realm.
7. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development, including a crèche of suitable scale to meet the needs of existing St. Edmunds phase 1 as well as proposed development. The analysis should include inter alia existing unit numbers and types in the wider St. Edmund's scheme.
8. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
9. A detailed Landscaping Plan is required, to include details of size, species and location of all trees, shrubs, and wildflowers to be planted within the scheme; detailed design and layout of public open space having regard to existing open space facilities in the wider St. Edmund's development; design of entrance from the east/Fonthill Road, and details of SUDS features within the scheme and how these will support biodiversity within the site; overlay of SUDS proposals and consultation with arborist to ensure no impact on trees; plan should include a management plan in relation to the existing tree line to the west providing for their phased replacement/supplementation given 10 year life span of existing trees; tree protection measures for construction phase of development,

10. Respond to issues raised in the Water Services Planning Report dated 21.06.19, contained within the PA Opinion dated 28.06.19, including inter alia a detailed SUDS strategy to include details for the proposed scheme, including location authority lands to the east.
11. Internal daylight/sunlight analysis to ensure adequate amenity of future residents and including areas of open space in the assessment.
12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
13. Site Specific Construction and Demolition Waste Management Plan.

6.0 Applicant's Statement

6.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the **thirteen** issues raised in the Opinion.

Item 1. Response to Specific Item: Design and Layout

- 6.1.1. Street Level Interface of units at Ground Floor Level. This has been addressed in a number of ways:
- 6.1.2. Private courtyards are provided for each unit at ground floor level of Block 1. The courtyards increase the buffer zone between the units and public areas surrounding the block. These courtyards are enclosed by a glass balustrade, gate and hedge to increase privacy within the units. Further planting has been incorporated throughout further defining which areas are public spaces and which areas are private space.
- 6.1.3. The Stage 2 Application had a significant amount of on street carparking located towards the west and south of Block 1. The revised layout has omitted carparking at these locations. The areas to the west/ south/ east of Block 1 are now completely car free and are now usable open space. This in turn has a lot of benefits for the ground floor units within Block 1. The public areas now become more liveable and safer; people no longer have to walk on the footpaths which were located close to the ground floor units.

- 6.1.4. The removal of cars in these locations will reduce noise and pollutants for the future occupants. This also increases the separation distances between the public and private areas and allows for increased planting.
- 6.1.5. The combination of increasing private open space and planting, and the removal of carparking to the west and south of Block 1 has as a result provided more attractive ground floor units and additional usable open space. As this open space has become a safer environment it also has increased the level of passive surveillance.
- 6.1.6. The previous St Edmunds developments are characterised by a combination of red/ brown brick; and yellow/ off white render. The elevation and façade design adopts a new approach for this phase. The recessed balconies, repeated fenestrations and the proportioning of the blocks creates crisp elegant facades. New materials will be distinct for this scheme but that will also complement the previous phases. The buildings will be predominantly finished in brick. A natural durable material appropriate to the semi exposed nature of the site adjacent to the public roads. This field material of brick will be accentuated with areas of stone cladding particularly at core entrances and to frame balconies. Metal detailing and glass balustrades to balconies then complete the facades. Recessed penthouse levels to Block 1 and Block 2 are finished in metal cladding as a nod to the penthouse treatments in Phase 1. The internal courtyard areas in Block 1 will be finished in render to create contrast and to improve daylighting. As these areas are more sheltered from the elements they lend themselves to a render finish. Green roofs are proposed for low level roofs which will be overlooked and an extensive landscaping plan incorporating hard and soft surfaces is proposed. The roads are distinguished with areas of shared surfacing creating pedestrian priority and providing a higher quality streetscape. Footpaths and routeways around the buildings are paved and incidental areas of planting and landscaping enliven the ground plane.
- 6.2. A consistent palette of brick, render and metal cladding unifies the blocks giving them a crisp elegant appearance and the massing of the blocks is proportioned by the strategic use of recessed balconies and repeated fenestration.

Consideration of vehicular access to basement level to provide for HGV movement.

- 6.3. HGV access is not provided within the basement (undercroft) as it would require the floor to ceiling heights to be significantly increased which would not suit the scheme. The only reason for HGV access to the basement (undercroft) would be for refuse collection.
- 6.4. It is proposed that the bin stores will have compactors which will be brought out to a refuse collection point at surface level by the Management Company on the morning of refuse collection as explained in the Operational Waste and Recycling Management Plan prepared by Traynor Environmental Limited. These compactors will be returned to the bin stores within the undercroft once they have been collected. This proposal will mitigate against the need for HGV access to the basement (undercroft).

Consideration of pedestrian movement through the basement

- 6.5. The design team considered pedestrian movement through the undercroft car park (other than for those coming to and from their cars/bicycles) and decided it would not be a desirable general pedestrian route. Instead of having a public route through the basement (undercroft) the revised scheme provides a pedestrian route to the west/ south/ and east of Block 1. This has been facilitated by the omission of carparking to the west and south of Block 1 making for a more pedestrian friendly route that is well landscaped, overlooked and safe.
- 6.6. This route will provide a safe and efficient route around Block 1 which is accessed by numerous own door units and apartment cores within Block 1. This route will link up to the existing phases of St Edmunds, the commercial uses within Block 4 and the large central open space.
- 6.7. Although the scheme is not providing a through-pedestrian route through the car park it does provide for a safe pedestrian environment for residents to reach their cars, bicycles and bin storage areas. Direct entrances to the basement will be available to residents within Block 1. The revised design is far more permeable than the Stage 2 Application with numerous entrances throughout to the bike stores and apartment cores.

Parking provision for non-residential building and interface with the public open space to be reviewed

- 6.8. The Stage 2 SHD Application proposed carparking on 3 sides of the central open space. The revised Site Plan now proposed has relocated the carparking which was on the west side of the central open space leaving it car free. This parking has been relocated to the west of Block 4.
- 6.9. Now Block 4 directly overlooks the central open space offering excellent passive surveillance. Carparking has also been omitted to the south of the central open space. This is a significant improvement compared to the previous proposal as now 3 no. sides of the central open space are car free. This makes the area more attractive, safer and more user friendly. Block 4 opens out onto the open space ensuring active use throughout the day and evening.

Pedestrian movement west to the existing St. Edmund's development to be indicated on the site plan and provision made for safe pedestrian crossing facilities.

- 6.10. As set out pedestrian permeability through the scheme is of the utmost importance. The Stage 2 SHD Application had a large amount of surface parking to the west and south of Block 1. This parking has been removed to allow for a dedicated pedestrian route. An additional pedestrian route to the east of Block 1 is also provided which connects with the main pedestrian entrance from the east.
- 6.11. The dedicated pedestrian route along Block 1 connects with the existing St Edmunds scheme to the west; the community Block 4, the existing pedestrian, cycle and road network along St Loman's Road to the south; and the new pedestrian link to the N4 quality bus corridor and Liffey Valley to the east of the site. These routes are all overlooked by apartments and are safe. Additional detail with regard to pedestrian movement west to the existing St Edmund's development is now shown. The western boundary of the subject site comprises of a row of mature trees which are retained as part of this application. There is a new pedestrian entrance proposed at the south west corner which meets up with a pedestrian crossing linking the site to the existing St Edmund's development. The main entrance to the scheme also provides for a formal pedestrian connection to the existing St Edmund's development. The revised Landscape Masterplan prepared by Ronan MacDiarmada

& Associates Ltd and Site Plan prepared by MCORM now clearly show pedestrian movement west to the existing St Edmund's development.

1. Design Manual for Urban Roads and Streets, 2013

All of the design revisions are considered in accordance with DMURS and the four core principles as outlined below:

- Connected Networks
- Multi-Functional Streets
- Pedestrian Priority
- Multi-Disciplinary Approach

2. TIA to be submitted including inter alia information in relation to surrounding road network, access to public transport and pedestrian routes.

6.12. The application is accompanied by a Traffic Impact Assessment, Pedestrian Accessibility Report and Mobility Management Plan prepared by TPS Transport. This Plan provides information in relation to surrounding road network, access to public transport and pedestrian routes.

3. Response to issues raised in Parks and Landscape Services/Public Realm report dated 25.06.19, accompanying the PA Opinion dated 28.06.19.

6.13. A Landscape Rationale and revised Drawings has been prepared by Ronan MacDiarmada & Associates Ltd.; and Drawings, Design Statement and Life Cycle Report prepared by MCORM Architects; full details on the revised layout and landscape proposals are laid out.

6.14. A Bat Survey was conducted in in September 2019, prepared by Brian Keeley B. Sc. (Hons) in Zool. MCIEEM which accompanies this application. The documents prepared by Whitehill Environmental were also update in September 2019.

A "Taking in Charge" drawing was prepared by MCORM which demonstrates the areas to be taken in charge by South Dublin County Council.

4. Requirement for a building life cycle report.

- 6.15. MCORM Architects have prepared a Building Life Cycle Report for the proposed development. This gives full details on the proposed materials and finishes; and the long-term management and maintenance strategy for the scheme.
- 6.16. The finishes and treatments within the scheme are of the highest quality to ensure the long-term sustainability of the scheme with minimal management. The apartment balconies are constructed out of steel and glass balustrades. The glass chosen is thick to facilitate mitigation measures proposed in the Traffic Noise Impact Assessment prepared by CLV Consulting. This ensures that noise levels within the apartments will not exceed BER standards.
- 6.17. The application is accompanied by a series of landscape drawings and a Landscape Rational prepared by Ronan MacDiarmada & Associates Ltd. These documents give detail of all landscaped areas including public, communal and private open space. The Landscape Rational and drawings gives detail on the podium design, pathways, and all boundary treatments.

A planting schedule is also submitted which list the species and sizes of trees, shrubs, and wildflowers around the site prepared by Ronan MacDiarmada & Associates Ltd. A Tree Management Plan prepared by Tree Management Services stating the how any damaged trees along the western boundary will be replaced over time.

5. A detailed analysis of car parking and bicycle parking provision, including for the non-residential building. Mobility management plan to be submitted and consideration to be given to electric charging points.

- 6.18. The application is accompanied by a Traffic Impact Assessment, Pedestrian Accessibility Report and Mobility Management Plan prepared by TPS Transport. This Plan gives detailed analysis of car parking and bicycle parking provisions within the development including the non-residential building. This document gives details on the location of electric charging points and the provision of GoCar parking spaces. The Site Plan and Ground Floor Plan; and Schedule of Accommodation prepared by MCORM show the location and quantum of the car, motorcycle and bicycle parking throughout the site.

6. Detailed drawings, sections, elevations, including a CGI of the site from the N4 exit onto the Fonthill Road, and to demonstrate that the development provides an appropriate interface and treatment of the public realm.

- 6.19. Chris Shackleton Consulting have prepared a number of CGI's and Photomontages from different locations surrounding the site including a CGI of the site from the N4 exit onto the Fonthill Road, which demonstrates that the development provides an appropriate interface and treatment of the public realm. These are submitted as part of this Stage 3 Application.
- 6.20. The application is accompanied by a full set of architectural drawings including detailed sections, elevations and floor plans prepared by MCORM Architects.

7. Childcare demand analysis.

- 6.21. The current proposal includes a creche of c. 430 sq.m which can cater for 84 childcare spaces. The facility has been sized to cater for the expected childcare care demand of the overall St. Edmunds development, existing and proposed.
- 6.22. A childcare demand analysis has been prepared by McGill Planning Ltd. which assessed the likely demand for childcare places resulting from the proposed development and the existing St Edmunds Phase 1 development.

The tables below identify the number of dwellings proposed as part of this application and the previous St Edmunds Phase 1.

The existing and proposed developments at St Edmunds will consist of 636 no. dwellings comprising of:

Proposed:		Existing:	
Studio	0	Studio	0
1 bed	119	1 bed	21
2 bed	125	2 bed	233
3 bed	8	3 bed	71
4 bed	0	4 bed	59
Total	252	Total	384

- 6.23. The Sustainable Urban Housing: Design Standards for New Apartments, 2018 state that 1-beds, and in some cases 2-beds can be excluded from the childcare demand calculation for new apartment developments. Section 4.7 states “the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development.... One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision.... this may also apply in part or whole, to units with two or more bedrooms.”
- 6.24. When the 1-beds are excluded from the combined developments there are 496 dwelling units remaining. The “Childcare Facilities Guidelines for Planning Authorities, 2001” states that a “minimum 20 childcare places per approximately 75 dwellings” must be provided within new residential schemes. Based on the 2001 Guidelines excluding 1-beds, this would generate a demand for 132 no. childcare spaces.
- 6.25. When 1 and 2 beds are excluded there are only 138 dwellings remaining. Applying the 2001 Guideline standard then the demand created by the 3+ bed units is only 37 childcare spaces.
- 6.26. As an alternative to the 2001 Guidelines calculation, which is now considered somewhat rudimentary, we have also estimated likely childcare demand based on current CSO information, namely the 2016 Census and Quarterly National Housing Survey. The 2016 Census states that 9.78% of the population in the local catchment area (Lucan-Esker Electoral Division) are in the childcare age range 0-4 years. When an average household size of 2.7 is applied then the estimated future population of the St. Edmunds development (existing and proposed – 636 units) is 1,717. Of these people, 168 are estimated to be in the 0-4 age range (9.78%).
- 6.27. However, not all of these children would be expected to attend or require private childcare. To estimate what proportion would, we refer to the Quarterly National Household Survey (QNHS) carried out by the CSO which includes a Special Module on Private Childcare. The most recent report on this module was published for Quarter 4 2016.
- 6.28. What the survey indicates is that crèche/Montessori attendance for pre-school age children nationally is 19%, whilst the Dublin region unsurprisingly has the highest

rate (25%). At the same time the majority of childcare is still carried out by a parent/partner or relative/friend in the Dublin area

- 6.29. Applying the Dublin figure of 25% to the estimated pre-school population (168 children in the 0-4 age range) for St. Edmunds, indicates that c. 42 of pre-school children would require private childcare.
- 6.30. This demand can readily be met by the proposed creche which will have the capacity for 84 no. childcare places. Of course, the 25% QNHS estimate for the Dublin Region applied above is an average and one would expect the percentage to be greater in areas where there are higher instances of both parents working, and therefore needing private childcare. Therefore, we have also assumed a “worst case” scenario where 50% of children aged 0-4 years in the existing/proposed St. Edmunds development may require private childcare. This would be double the average for Dublin according to the QHNHS. In that instance the total number of childcare spaces needed would be 84. Nevertheless, the proposed creche is still of adequate size and capacity to meet such exceptional demand should it occur.
- 6.31. In summary, the above analysis demonstrates that the proposed creche will be of adequate size to cater for both the existing and proposed St Edmunds developments.

8. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018.

- 6.32. A revised Schedule of Accommodation has been prepared by MCORM Architects and is submitted as part of this Application.

9. A detailed Landscaping Plan is required,

- 6.33. The application is accompanied by a Landscape Masterplan, landscape drawings, and Landscape Rational prepared by Ronan MacDiarmada & Associates Ltd. These documents give detail of the size, species and location of all trees, shrubs, and wildflowers to be planted within the scheme; layout of public open spaces within

existing facilities in the wider St. Edmund's development; design of entrance to the east of the site to Fonthill Road.

- 6.34. Ronan MacDiarmada & Associates Ltd, and Tree Management Services have prepared a Tree Management Plan for the existing tree line to the west providing for their phased replacement/supplementation given 10 year life span of existing trees, and the tree protection measures during the construction phase of development.
- 6.35. Kavanagh Burke Consulting Engineers and Ronan MacDiarmada & Associates Ltd. have prepared documents which provide details of SUDS features within the scheme and how they will support biodiversity within the site.

10. Respond to issues raised in the Water Services Planning Report.

- 6.36. Kavanagh Burke Consulting Engineers and Ronan MacDiarmada & Associates Ltd. have prepared documents which provide details of SUDS features within the scheme and how they will support biodiversity within the site.

11. Internal daylight/sunlight analysis to ensure adequate amenity of future residents and including areas of open space in the assessment.

- 6.37. A revised Daylight, Sunlight and Overshadowing Study has been prepared by Integrated Environmental Solutions and is submitted as part of this Application.

12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

- 6.38. Please refer to "Taking in Charge" drawing prepared by MCORM Architects which clearly indicates which areas are to be taken in charge by the planning authority.

13. Site Specific Construction and Demolition Waste Management Plan.

- 6.38.1. A revised Site Specific Construction & Demolition Waste Management Plan has been prepared by Traynor Environmental Limited and is submitted as part of this Application.

7.0 Relevant Planning Policy

7.1. National Planning Policy

7.1.1. The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.
- Draft Eastern and Midland Region Spatial and Economic Strategy (RSES) published on 5th November 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection

7.2. Local Planning Policy

7.2.1. South Dublin County Council Development Plan 2016-2022

7.2.2. The site has a land use zoning 'objective RES – To protect and / or improve residential amenity'. The residential and local-shop uses proposed are permitted uses under this zoning. Both childcare facilities and recreational facilities (gym and community room) are also open for consideration under this zoning.

- 7.2.3. There are no protected structures on the site or in the immediate vicinity. The subject site is not within a Conservation Area or an Architectural Conservation Area.
- 7.2.4. The north-east of the site there is an existing Part 8 permission for traveller accommodation to be provided on the adjoining lands immediately north of the site and it is understood that SDCC intend to develop this permission in accordance with the Traveller Accommodation objective for the lands as per the zoning map.

Core & Settlement Strategy

- 7.2.5. The Planning and Development (Amendment) Act 2010 introduced the requirement for an evidence-based “Core Strategy” (CS) to be incorporated as part of County Development Plans. The purpose of a Core Strategy is to articulate a medium-to longer term quantitative-based strategy for the spatial development of the area of the Planning Authority, and, in so doing, to demonstrate that a Development Plan and its policies and objectives are entirely consistent with National and Regional development objectives as set out in the National Spatial Strategy 2002-2022 (NSS) and Regional Planning Guidelines 2010-2022 (RPGs).
- 7.2.6. The central focus of the Core Strategy is on residential development and ensuring that there is an acceptable equilibrium between the supply of zoned, serviced land for residential development and the projected demand for new housing during the lifetime of the Plan.

Residential Development Policies

- 7.2.7. The Development Plan promotes the future provision of housing within the following location typologies:
- 7.2.8. In a predominantly urban county such as South Dublin, new housing will be delivered in established areas through sustainable intensification, infill development and the re-use of brownfield lands while respecting the amenity value of existing public open spaces. Expansion will focus on the creation of sustainable new communities at locations that can be served by high quality public transport. This approach will make the best use of the County’s land and infrastructure resources by ensuring that in the first instance, new development is linked to existing transport services, physical and social infrastructure and amenities. Future housing provision will take account of the housing needs of the County’s population and in particular changing demographic

factors such as the decline in average household size and the increasing number of people aged over 65.

Residential Density

7.2.9. The Plan promotes densities greater than 35 units per hectare.

Open Space

7.2.10. The Development Plan outline quantitative and qualitative standards for public and communal open space. In new residential developments 10% of the site area is normally expected to be reserved as public open space.

Dwelling Standards

7.2.11. The Development Plan sets out a minimum floor space of 92sq.m. for 3 bedroom houses and a minimum of 60sq.m. private open space.

Parking

7.2.12. All car and cycle parking are in accordance with sections 11.4.1 and 11.4.2 of The Plan.

Applicant's Statement of Consistency

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

8.0 Third Party Submissions

8.1. Eight number third party submission received they are collectively summarised under the following headings:

Principle

- Lack of owner occupiers
- Ownership structure involves one landlord renting out lions share to corporate customers and professionals who commute to work for multinational companies.

Design, Height, Density, Scale and Amenity

- Location is not part of an integrated community setting
- Proposal is overbearing and oppressive and out of character
- Design would be better suited to a city centre location and high-density zoning.

- Design is off poor quality
- Potential to become a slum due to poor design of the scheme
- Contrary to the zoning to protect and or improve residential amenity.
- Density is excessive and not in keeping with the area.
- Character of the area / existing context is low rise residential.
- Lower density and larger apartments needed, rather than accommodation catering for transient working commuter populations.
- Completion of development on this vacant site is welcomed but scale and density is not in keeping with the area.
- Height is excessive at 8 stories and contrary to the County Development Plan, which recommends a height of 3 storeys for any new building in Palmerstown
- Height will give rise to overlooking of existing homes in the estate
- Precedent against high rise in the area. Refer to previous refusal for SHD in Palmerstown.
- High rise better suited to city centre, Clonburriss or to SDZs
- Development of 1 – 2 storey small scale community and leisure development fronting play spaces and if required some own door access or 1 – 2 storey sheltered housing or nursing home would be more appropriate for this site.

Accessibility and Permeability

- Insufficient pedestrian crossings in the vicinity of the proposed development
- No priority given to pedestrians and cyclists
- Only priority given is at the access on the eastern side, but no crossing provided at this point on a very busy road.
- Additional access required
- Main entrance to estate is already too busy.

Traffic and Transportation

- Lack of adequate public transport. Buses already full when they reach Liffey Valley / N4 bus stops
- To allow such high-density development on the basis of the QBC being available is not a true reflection of the reality faced by commuters.
- Existing transport service has declined in the past 10 years

- Exacerbation of traffic congestion in the area, in particular at the Fonthill Roundabout.
- There is a need for a suitable traffic management plan for the estate and wider area
- Lack of pedestrian permeability.
- Applications for expansion of Liffey Valley retail park have been refused in the absence of an integrated mobility strategy for the area.

Landscaping

- Lack of access to green space / play areas in St. Edmunds
- Landscaping / planting of trees proposed is of no benefit to existing residents
- Trees existing onsite and bordering the existing estate should be retained.

Communal Facilities / Commercial units

- Concern regarding provision and management of communal facilities
- Sufficient provision of gyms currently in the area
- Previously granted community facilities never materialised
- Communal space to the north of 8 storey block is not orientated to ensure adequate levels of sunlight through-out the year.
- Clarity needed as to intended use and management of proposed non-residential units
- Hours of operation should be limited to daytime only.
- Concern of anti-social behaviour in relation to playing pitch and its location.

Other Issues

- Issue of no compliance with planning permission for existing development
- Can leverage be applied on developer to finish previous phases of St. Edmunds Estate.
- Can the Board apply conditions to ensure that similar issues do not apply.
- The red line boundary encompasses communal roads in ownership by existing residents. Clarification required.
- Clarity required regarding relocation of existing families residing on the site

- Clarity required regarding transfer of Council lands to the applicant without consultation.
- Health and safety concern to residents during construction phase. Robust health and safety measures need to be put in place.

9.0 **Planning Authority Submission**

9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 10th January 2020. The report may be summarised as follows:

9.2. Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports and consultees. A summary of representations received was outlined and a summary of the views of the elected members as expressed at the Area Committee Meeting.

9.3. **Summary of Inter-Departmental Reports**

Roads Department: No objections subject to conditions.

Environmental Services: Water and Drainage – a report received raises concern regarding the steep side slope gradients of the proposed swales within South Dublin County Council lands to the east of the proposed development. The report notes that the side slopes should be of shallow gradient to allow maintenance and terracing of side slopes. All surface water swales and detention basin side slope details must be agreed with South Dublin County councils public realm department to ensure maintenance can be carried out. No objections subject to conditions, in the event of a grant.

Parks & Landscape Services / Public Realm Department: Report received raises concerns with the details of the submitted landscape plan planting provision, tunnelling effect between buildings, open space play provision, play facilities and taking – in – charge components. Conditions recommended in the event of a grant.

Waste Management: No report received within prescribed period.

Heritage Officer: No report received within prescribed period.

Housing Strategy Unit: No objections subject to conditions, in the event of a grant.

Traveller accommodation unit: No report received within prescribed period.

Public Lighting Section: No report received within prescribed period.

Department of Defence: No report received within prescribed period.

Department of Education and Skills: No report received within prescribed period.

HSE Environmental Health Officer: Report received highlights the potential concern for noise disturbance during the construction phase, particularly with regard to Ballydowd special care unit to the north and residential properties to the west. The potential for traffic noise impacts on residents is also raised given the proposed sites position directly beside a very busy intersection. Conditions recommended in the event of a grant.

TUSLA: No report received within prescribed period.

Irish Aviation Authority: Submission received it requires that should permission be granted that a condition be attached to require the applicant / developer to contact the operator of Weston Aerodrome, the Property Management Branch of the Department of Defence and the Authority of the intention to commence crane operations with a minimum of 30 days prior notification of their erection.

The main issues raised in the p.a. submission are summarised as follows:

- The proposed site is subject to zoning objective: RES – To protect and / or improve residential amenity. The proposed uses incorporating residential and accompanying retail, gym, community room, concierge and childcare facilities, are considered acceptable in terms of site zoning subject to satisfying relevant Development Plan policies and objectives.
- The site is located in close proximity to Liffey Valley Shopping Centre which is subject to zoning objective 'MRC': 'To protect, improve and provide for the future development of a major retail centre.' It is considered that the scale of the commercial use is therefore acceptable in this context.

- The proposed development makes use of a vacant site which is in the final phase of the overall St. Edmunds development to bring into use a site for residential and commercial use, which is located in a strategic location in close proximity to public transport and services.
- The p.a. is satisfied that the proposed development, incl. the 8 storey element will not have an adverse impact on the visual amenity of the area.
- Whilst permeability and connectivity through the site has been improved, along with enhanced street frontage within the site the p.a. still has concerns in relation to the layout of Block 1. In order to ensure appropriate residential amenity for the apartments at first floor level opening onto the communal courtyards, detailed proposals for the boundary treatment of the balconies and planting of the defensible space should be submitted by condition.
- The relocation of car parking from around the perimeter of the central communal open space, to the western side of Block 4, is welcomed by the p.a.
- The p.a. consider that the quantum of car parking proposed is acceptable.
- Concern expressed with respect to the proposal for the north east corner of the site at the interface of the proposed 5 number dwellings and the Ballydowd Special Care Unit.
- There are concerns expressed regarding the amenity value of apartments units 4 and 36 located at first floor level of block 1. The remainder of the units all face either east, west or south. Whilst unit 36 would have a view of the central open space, unit 4 would look directly into Block 3. The p.a. therefore recommends that the single aspect north facing units in block 1 are omitted from the scheme and the internal layout of these blocks amended accordingly.
- The absence of three bedroom units raises concerns with regard to lifetime adaptability of the scheme and to provide for a greater mix of housing type.
- Landscaping to be in accordance with conditions recommended by the Parks Department.
- A condition recommending the implementation of appropriate mitigation measures is recommended in the event of a grant.

- Childcare facility is acceptable to the p.a.
- Gym and commercial facilities proposed are consider acceptable subject to condition requiring agreement on the end user (s) within the parameters of the class of uses specified in Schedule 2 of the Planning and Development Regulations 2001 – 2019.
- 7 conditions relating to basement headroom, autotrack analysis, charging of E.V., mobility management plan, a public lighting scheme, area for taking in charge and a construction management plan should be applied in the event of a grant of planning permission.
- Condition should be attached with respect to noise.
- The layout proposed as part of the SHD application has had regard to the approved Part 8 Scheme.
- It is concluded that the proposed development is acceptable.

Grant Recommended

The planning authority recommends that permission be granted subject to 32 number conditions.

Conditions attached – 32 conditions.

10.0 Prescribed Bodies

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

- Transport Infrastructure Ireland
- National Transport Authority
- Inland Fisheries Ireland
- Irish Water

Transport Infrastructure Ireland:

Proposed development to be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment.

National Transport Authority:

Submission received which expresses concern with regard to provisions for pedestrian and cycling movements to / from the site towards Liffey Valley to the east and bus stops on the N4 to the north and bicycle parking provision. The submission notes that any changes to the st. Lowmans roundabout should ensure that the capacity of the N4 national road is protected in line with TII's 'Spatial Planning and national Roads – Guidelines for Planning Authorities.'

Inland Fisheries Ireland:

Submission received which notes the requirement for comprehensive surface and waste water management measures to be put in place and for all construction works to be in line with a detailed Site Specific CEMP.

Irish Water:

Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

11.0 Oral Hearing Request

None requested.

12.0 Assessment

12.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- **Principle and Quantum of Development**
- **Layout, Building Height and Visual Impacts**
- **Residential Amenity and Quality of Development**
- **Non Residential Uses**
- **Childcare Facilities**
- **Impacts on Residential Amenities**
- **Traffic and Transport**
- **Other Issues**
 - **Material Contravention**
 - **Drainage, Flood Risk and Site Services**
 - **Part V**

These matters are considered separately below. Furthermore, I have carried out Environmental Impact Assessment and Stage 1 Appropriate Assessment in respect of the proposed development, as detailed in Sections 12.0 and 13.0 below.

12.2. Principle and Quantum of Development

12.2.1. The site is located within the metropolitan area of Dublin City, c. 11Km west of Dublin City Centre close to the N4 Dublin to Sligo/Galway Road and c. 750m west of Liffey Valley Shopping Centre on St. Loman's Road, Palmerstown, Dublin 20. The proposed development is primarily residential with ancillary retail, childcare and community uses proposed.

12.2.2. The site has the zoning objective 'RES' with an objective "to protect and/or improve residential amenity" in the South Dublin County Development Plan 2016-2022. The Liffey Valley Shopping Centre has a zoning objective 'MRC' with an objective "to protect, improve and provide for the future development of a Major Retail Centre".

There is an objective in the County Development Plan 2016 – 2022 on the site 'TA' to provide for Traveller Accommodation.

- 12.2.3. The site is free from structures other than, 4 traveller accommodation dwellings to its north east. The applicant submits that these are temporary, and they have consulted with SDCC Housing Department in relation to the 'TA' objective. In this regard it is noted that there is an extant Part 8 permission for permanent traveller accommodation on the land immediately to the north (also in the ownership of the applicant). The applicant is in consultation with SDCC Housing Dept in relation to delivery of the Part 8 scheme presently.
- 12.2.4. The principle of residential development on this site has been established and accepted with granting of permission PL06S.213918 / SDCC Reg. Ref. SD05A/0090 and other modification applications. PL06S.213918 / Reg Ref: SD05A/0090 permitted 577 no. residential units across the entire St. Edmunds Site. This application seeks to complete the final stage of the St. Edmunds development. The proposed mixed-use development will comprise the construction of 252 residential units. This includes: 247 no. apartment/ duplex units within 2 no. 2-8 storey blocks (1 of which is over podium car park) comprising 119 no. one bed units, 125 no. two bed units, and 3 no. three bed units; 5 no. 2 storey three bed semi-detached/ terraced house. The proposed non-residential block (total floor area c. 1118 sq. m) will comprise a creche (c. 430sq.m), retail unit (c. 269sq.m), gym (c. 152sq.m), community room (c. 231sq.m), and concierge (c. 36sq.m).
- 12.2.5. The mixed-use development is located on land zoned for residential development. The creche, gym, retail unit and concierge element of the development are all permissible uses under this zoning. The density of the development equates to c. 122 units / Ha which is in line with the Development Plan policy, which sets no upper limits. Heights range from 2 to 8 storeys throughout the site. The 8 storey element of the development will front onto St. Loman's Road and Fonthill Road offering strong frontage at street level.
- 12.2.6. In terms of the quantum of development proposed, the site is at a location suitable for higher residential densities in accordance with the 'Guidelines on Sustainable Residential Development in Urban Areas' and RES3 of the Development Plan due to its proximity to Liffey Valley Shopping Centre, within 500m of a QBC. The proposed

development makes use of a vacant site which is in the final phase of the overall St. Edmunds development and brings into use a site for residential and commercial use, which is located in a strategic location in close proximity to public transport and services.

12.2.7. On the basis of the foregoing, I consider that the proposed development is acceptable in principle and quantum.

12.3. Layout, Building Height and Visual Impact

12.3.1. The proposed development will result in the creation of a new series of buildings, ranging in height from 2 to 8 storeys on a currently open, greenfield site. Having regard to the location of the development, at a visible location on a busy roundabout accessing the Liffey Valley Shopping Centre, at the junction of St. Lowman's road and Fonthill Road (Fonthill Roundabout), I agree with the planning authority that the incorporation of good design, placemaking, integration and linkages are all critical factors to the future residential and visual amenity of the development.

12.3.2. The scheme comprises 4 no. blocks of development. Block 1 is located towards the south of the site and contains both duplex units and apartments comprising of 14 no. 2-bed duplex units and 3 no. 3-bed duplex units and 230 no. apartments comprising of 106 no. 1-beds and 91 no. 2-beds across 6 no. cores. This block has a shared communal courtyard at podium level and undercroft parking at ground floor level. This block ranges in height from 2-8 storeys creating a strong frontage along this import intersection at the corner of St. Loman's Road and Fonthill Road. This block has been stepped back from the western boundary to respect the root protection zone for the existing trees and adequate space for fire tender access.

12.3.3. To maximise sunlight to both the apartments and the communal open spaces the height of Block 1 ranges from 2-storey duplex units up to 8 storey apartments. This also breaks up the scale and massing of the block.

12.3.4. Block 2 is an apartment block located towards the east of the site providing 33 no. apartments comprising of 13 no. 1-beds and 20 no. 2-beds across 5 storeys. This block is screened from Fonthill Road by a strand of existing mature trees. As part of the development the SDCC Lands to the east will be heavily landscaped with trees

and shrubs. Blocks 1, 2 and 4 all overlook the public open space towards the centre of the site offering good passive surveillance. This public open space also acts as a barrier to avoid overlooking of the neighbouring Ballydowd Special Care Unit. Residential blocks have been orientated to avoid overlooking of this site.

- 12.3.5. Block 3 is a terrace of 5 no. 2 storey, 3-bed houses located towards the north of the site. The height of this block is 2 storeys to respect the proposed traveller accommodation site to the north of the site. It is submitted that this accommodation will be for 6 no. bungalows. The terrace of houses in Block 3 have rear gardens which exceed 11 metres in length to the boundary to further enhance privacy for the proposed neighbouring dwellings.
- 12.3.6. Block 4 is a non-residential mixed-use building which contains a creche, gym, retail unit, community room and concierge located towards the west of the site. This block is up to 3 storeys in height.
- 12.3.7. The layout as proposed allows for the provision of a private courtyard for each unit at ground floor level, which is enclosed by a glass balustrade, gate and planting. The courtyards increase the buffer zone between the ground floor units and the public areas surrounding and results in an active street frontage. The site layout provides a pedestrian route to the west, south and east of Block 1, providing for a pedestrian friendly route. This route will link up to the existing phase of St. Edmunds to the west, the community facilities in Block 4 and to the central public open space.
- 12.3.8. Whilst it is noted that creation of street frontage, permeability and connectivity through the site has been considered, the planning authority has concerns in relation to the layout of Block 1. It is recommended that in order to ensure appropriate residential amenity for the apartments at first floor level opening onto the communal courtyards, detailed proposals for the boundary treatment of balconies and planting of the defensible space should be submitted by condition. I agree that a condition in this regard would be relevant and should be included in any grant of planning permission forthcoming from the Board.
- 12.3.9. The overlooking of public open space from Block 4, which opens out onto the open space ensuring active use throughout the day and evening is welcomed.
- 12.3.10. The general height of development in the vicinity is relatively mixed with six storeys addressing the perimeter blocks to the west in St. Edmunds phase 1. The

variation in building heights and locating the tallest elements of the scheme to the south east of the site ensures that the development will not have a detrimental impact on the amenity of the existing surrounding properties in terms of negative visual impact, overshadowing, overlooking or loss of light.

12.3.11. The proposed development will be visible from the residential properties to the west, Ballydowd Special Care Unit to the north, commercial units to the east on the opposite side of the Fonthill Road and the Clondalkin Lucan HSE Centre to the south on the opposite side of St. Loman's Road. The views from these areas and the public footpaths surrounding the site will be improved, as a vacant, un-used site will be enhanced to provide attractive housing in this area. The overall effect of this proposal, when viewed from the surrounding areas is considered to be positive.

12.3.12. In agreement with the Planning Authority I am satisfied that the proposed layout has successfully responded to the subject site and represents a high standard of urban design in accordance with the principles set out in Policy H7 Urban Design in Residential Developments set out in the County Development Plan 2016-2022, the Design Manual for Urban Roads and Streets, 2013, the Urban Design Manual, A Best Practice Guide, 2009 and the National Planning Framework 2018.

12.3.13. An appropriate mix of unit types has been chosen to provide housing options for a variety of people. This comprises of c. 47.2% no. 1 bed, 49.6% no. 2 bed, and 3.2% no. 3 bed dwellings. This mix will provide greater choice within the wider area, which is dominated by 2 storey detached, semi-detached and terraced houses.

12.3.14. The scheme has evolved around a central public open space which provides high quality open space. This central public open space is overlooked by Blocks 1, 2 and 4 and contains a variety of spaces to enjoy including a children's play areas, goal posts, seating areas, kickabout area, and landscaped areas. The public open space also acts as a privacy buffer to the neighbouring Ballydowd Special Care Unit.

12.3.15. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) relate to building heights for apartment buildings. Building up urban infill sites is required to meet the needs of a growing population without growing urban areas outwards and "increased building height is a significant component in making optimal use of the capacity of sites in urban areas..." Section 3.1 states that "it is Government policy that building heights must be generally

increased in appropriate urban locations. There is therefore a presumption in favor of increased heights in ... urban locations with good public transport accessibility". The site is proximate to public transport, with bus routes including nos. 25, 25a, 25b, 25d, 66, 66a, 66b, 66e and 67 all within a 10 minute walk of the site. Liffey Valley has access to high quality public transport including high frequency bus services along the N4 QBC and has potential to promote sustainable mobility.

12.3.16. The applicant has provided a rational for the increased building height in their report. A visual impact assessment has also been submitted along with CGI's from specific views. The PA is satisfied that the proposed development, including the 8 storey element will not have an adverse impact on the visual amenity of the area. The materials include brick, zinc, metal cladding, glass, steel balustrades, render, stone, and concrete panels which will reflect and complement this existing building elevations in the area. I have inspected the site and viewed it from a variety of locations in the area. While the proposed development will change the outlook from the adjoining areas, I consider the visual and landscape impacts to be acceptable in the context of the evolving, mixed character of the wider area. The proposed development will have high quality materials throughout and high-quality landscaping.

12.4. Residential Amenity and Quality of Development

12.4.1. The following assessment considers the quality of the proposed residential development with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated Urban Design Manual and the South Dublin County Council County Development Plan 2016-2022.

12.4.2. Housing Mix

Table 6: The development provides the following housing mix:

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
Apartments	119	111			

Duplex		14	3		
Houses			5		
Total					252
% Total	47%	50%	3%	0%	100%

12.4.3. The proposed development includes a combination of own door, duplex and standard apartment types. The mix is considered satisfactory with regard to development plan housing policy and SPPRs 1 and 2 of the apartment guidelines. The PA express concern in relation to the low proportion of 3-bed units and absence of larger units, to expand the level of choice available to residents. While I acknowledge concerns of the PA, I would note that the proposed development meets the standards set out in national guidance with regard to housing mix and that there is a predominance of larger 3 bed + units within the wider suburbs. The proposed housing mix is, therefore, acceptable in my view.

12.4.4. Apartment Design and Layout

The submitted Schedule of Floor Areas and Housing Quality Assessment indicate that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines. The individual apartment types also meet the requirements for internal floor areas and storage space provision as per Appendix 1 of the guidelines.

12.4.5. Section 3.7 of the guidelines stipulate that no more than 10% of the total number of two bed units in any private residential development may comprise two bedroom, three person apartments. The submitted documentation includes the number of persons per unit and indicates that all two bedroom units are four-person apartments. Section 3.8 of the guidelines ‘Safeguarding Higher Standards’ requires that the majority of all apartments in any scheme > 10 units shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bed unit types by a minimum of 10% (any studio apartments must be included in the total but are not calculable as units that exceed the minimum by at least 10%). A total of 164

apartments (66%) of the apartments exceed the floor area standard by 10% and therefore comply with this requirement.

12.4.6. SPPR 4 requires a minimum of 33% of dual aspect units in more central and accessible urban locations and a minimum of 50% in suburban or intermediate locations. A total of 52% of the proposed apartments are dual aspect, therefore in excess of this requirement. There are two single aspect north facing units. i.e. units 4 and 36 located at first floor level in Block 1. The p.a. have expressed concerns regarding the amenity value of these apartments. The remainder of the units all face either east, west or south. Whilst unit 36 would have a view of the central open space, unit 4 would look directly into Block 3. The p.a. therefore recommends that the single aspect north facing units in block 1 are omitted from the scheme and the internal layout of these blocks amended accordingly. I note for the attention of the Board that the both units are one bedroom, 2 person units, with a stated GFA of 52.6 sq. m. and a balcony area of 8.2 sq. m. Given that only two units in the overall development are north facing and the size of the units is well above the minimum standard and that the apartments will have a view over the main public open space area and also having regard to the overall quality of the development, I consider the two units are acceptable in this context.

12.4.7. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

12.4.8. SPPR 6 specifies a maximum of 12 apartments per floor per core. This requirement is complied with.

12.4.9. Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. I would note that these standards are not governed by SPPR. The units meet the minimum standards.

12.4.10. Private open space in the form of balconies and terraces have been provided for in both the dwellings and apartments / duplexes. Each of the proposed units will contain private open space in excess of the requirements set out in the guidelines.

12.4.11. A Daylight, Sunlight and Overshadowing Study has been carried out by IES. In this study they have demonstrated that daylighting to proposed apartments will meet and exceed BRE standards.

12.4.12. All units will be designed to prevent sound transmission in accordance with building regulations. Please see the Traffic Noise Impact Assessment by CLV Consulting Limited which highlights that traffic noise from St. Loman’s and Fonthill Road can be mitigated.

12.4.13. The orientation of the buildings, the location of the windows and private open space and the distances involved, including the perimeter buffer zone, protect the surrounding existing properties in terms of privacy and ensures no overlooking will occur of these properties.

12.4.14. Landscaping and Open Space Provision

In terms of quantitative provision, a total of 4,120sq.m of open space (public and semi-public) is provided as follows:

Table 7

Open Space Provision	Area
Public Open Space	2285 sq.m. (9.1%)
Communal Open Space	1835 sq.m. (7.3%)
Total	4120 sq.m. (16.4%)

12.4.15. The scheme is designed around the large central public open space. All dwellings have ease of access to this area. It is also easily accessible off St. Loman’s Road, Fonthill Road and previous phases of St. Edmunds and is overlooked by the development creating a safe and secure area.

12.4.16. The quantum of private open space is set out in the Schedule of Accommodation prepared by McCrossan O'Rourke Manning Architects. There is 4,120sqm (excluding SDCC 4,400sqm public open space) of open space throughout the scheme. This high quality landscaped open space with multiple character areas creates a very pleasant environment for future occupants. The proposed public and communal open spaces exceed the requirements of the apartment guidelines. It is considered that the location of the public areas allows for free movement within the

site and to the surrounding lands which increases permeability and connectivity through the site. The public open space is located within the centre of the scheme and communal open spaces form more privatised spaces for residential use only. The main public open space area is located centrally within the scheme to the northern portion of the site, abutting the boundary with Ballydowd Special School. This is considered desirable I note that a kickabout area and children's play area is proposed to be provided in this area. It is also noted that the applicant proposes to upgrade and re-landscape an area of public open space to the east of the site which is in the ownership of South Dublin County Council. This area is 4,400sq. m and as part of the re-landscaping pedestrian and cycle links from the site through to Fonthill Road and connection to bus routes along the N4 will be provided.

12.4.17. The distance between buildings and the layout of the buildings ensures that central podium has the benefit of daylight and sunlight throughout the day. The courtyards have a southerly aspect and based upon the sunlight and daylight analysis carried out both received adequate sunlight in line with minimum sunlight standards. This is demonstrated by the Daylight, Sunlight and Overshadowing Study by IES.

12.4.18. There is a large quantum of communal open space at podium level in Block 1. This area is accessible through many entrances for residents and is clearly defined as separate from the public open spaces. It is submitted that pedestrian permeability around the scheme and open spaces is a key design outcome. I agree that the routes are overlooked and would be easy to find one's way around.

12.4.19. The Parks Department have raised concerns with the details submitted regarding landscaping proposed, the suitability of trees proposed, the play items proposed as part of the play provision, future maintenance and taking in charge components. In the event of a grant of planning permission, I am of the opinion, the matters raised can be adequately dealt with by way of condition.

12.5. **Non Residential Uses**

12.5.1. The scheme provides a small retail unit (c. 269sq.m) and a gym (c. 152sq.m). The site is less than c. 750m from Liffey Valley Shopping Centre, it is therefore unnecessary to provide additional shops and services. The mixed-use development

is located on land zoned for residential development. The creche, gym, retail unit and concierge element of the development are all permissible uses under this zoning. The creche facility will be discussed separately in a succeeding section of this report.

12.5.2. I note the p.a. are of the opinion that the gym and commercial facilities proposed are acceptable subject to condition requiring agreement on the end user (s) within the parameters of the class of uses specified in Schedule 2 of the Planning and Development Regulations 2001 – 2019.

12.5.3. I agree that the proposed non residential uses, of the scale proposed, are appropriate at this location. The proposal will provide an appropriate form of high-quality residential development for this residential zoned site and that is consistent with planning policy for the area.

12.6. Childcare Facilities

12.6.1. The current proposal includes a creche (c.430 sq. m) in Block 4, which would have 6 no. rooms and can cater for 84 childcare spaces. The facility has been sized to cater for expected childcare care demand for the overall St. Edmunds development, existing and proposed, and is based on a childcare demand analysis submitted with the application, see paragraphs 6.21 – 6.31 of this report above.

12.6.2. I note that the proposal is acceptable to the p.a. When 1 bed and studio units are omitted, specifically from the proposed development, the remaining no. units have a childcare requirement of c. 37 childcare places based on the guidance contained in the Childcare Facilities Guidelines. On the basis of the justification submitted for childcare I am satisfied that the level of childcare provision is adequate.

12.7. Impacts on Residential Amenities

12.7.1. Potential for impacts on residential amenities arises in relation to the existing blocks within the St. Edmund estate Phase 1 to the northwest and west.

12.7.2. The issue of visual impact is considered above. In terms of overlooking I would note that Section 11.3.1 (v) 'Privacy' of the Development Plan which states: 'A separation distance of 22 metres should generally be provided between directly opposing above

ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy. Dwellings with direct street frontage should generally include a privacy strip of at least 1 metre or a front garden'. I am satisfied that the minimum clearance is met and exceeded in most cases and that no adverse overlooking would arise.

- 12.7.3. The change in building heights and locating the tallest elements of the scheme to the south east of the site ensures that the development will not have a detrimental impact on the amenity of the existing surrounding properties in terms of overshadowing, overlooking or loss of light. The orientation of the buildings, the location of the windows and private open space and the distances involved, including the perimeter buffer zone, further protect the surrounding existing properties in terms of privacy and ensures no overlooking will occur of these properties.
- 12.7.4. A Daylight, Sunlight and Overshadowing Study has been carried out by IES. In this study they have demonstrated that shadow cast is largely to the north and is most prominent in winter months. The Shadow analysis indicates predicted shadows cast, this is quantified as follows:

Morning (until 12h00)

- **St. Edmunds Apartment (North-West)** Additional shading visible from the proposed development on the apartments to the North-West during the early hours of the morning during December only. No additional shading is visible during March and June.
- **St. Edmunds Apartment (West)** Minimal additional shading visible from the proposed development on the apartments to the West during the early hours of the morning during March only. No additional shading is visible during June and December.
- **Ballydowd Special Care Unit** – additional shading visible from the proposed development on the existing care unit building during the early hours of the morning on December, as it sits to the North of the development site.

No additional shading is visible during June and March.

- **St Lomans Road Care Centre** – no additional shading visible from the proposed development on these existing care centre building South of the development site.
- **Fonthill Road Commercial Properties** – no additional shading visible from the proposed development on these existing commercial properties as its sits on the East of the development site.

Midday (from 12h00 until 14h00)

- **St. Edmunds Dwellings** – no additional shading visible from the proposed development on these apartments.
- **Ballydowd Special Care Unit** – additional shading visible from the proposed development on the existing care unit building during December only.
No additional shading is visible during March and June.
- **St Lomans Road Care Centre** – no additional shading visible from the proposed development on these existing care centre building South of the development site.
- **Fonthill Road Commercial Properties** – no additional shading visible from the proposed development on these existing commercial properties as its sits on the East of the development site.

Late Afternoon (from 16h00)

- **St. Edmunds Dwellings** – no additional shading visible from the proposed development on these apartments.
- **Ballydowd Special Care Unit** – no additional shading visible from the proposed development on the existing care unit building as it sits to the North of the development site.
- **St Lomans Road Care Centre** – no additional shading visible from the proposed development on the existing care centre building as it sits to the South of the development site.
- **Fonthill Road Commercial Properties** – no additional shading visible from the proposed development on these existing commercial properties as its sits on the East of the development site.

12.7.5. I accept the findings of the Shadow, Sunlight and Daylight Analysis. It is clear that the proposed development would reduce the levels of sunlight and daylight currently enjoyed by neighbouring blocks to the northwest and west in particular. However, the design approach adopted in the scheme aids in achieving acceptable levels of daylight and sunlight. I consider that the level of impact arising is acceptable within this moderately to high-density urban context and that it would not constitute reasonable grounds for refusing planning permission.

12.8. Traffic and Transport

- 12.8.1. Vehicular access to the site is from an existing shared unnamed road with St. Edmund's Park to the west of the subject site. There will be a controlled pedestrian entrance to the south of the site along St. Loman's Road. A new pedestrian entrance will open the site to the Fonthill Road (R113) to the east. The existing pedestrian and vehicular entrance will remain to the west of the site. There will also be new additional pedestrian entrances to the west. An emergency vehicle access is located off St. Lowman's Road.
- 12.8.2. TPA carried out a Traffic Impact Assessment, Pedestrian Accessibility Report and Mobility Management Plan for the development. The traffic assessment had cognisance to levels of car parking, the rate of growth of car ownership as part of this scheme and the access arrangements to the car parking. Details on the locations and provision of E.V charging points and GoCar parking spaces is provided.
- 12.8.3. The scheme has been designed to create a priority for pedestrians, and cyclists. Given the sites proximity to public transport it is envisaged that there will be reduced car ownership and usage as part of this scheme. This development is not dominated by cars but instead is a well landscaped pleasant environment to be in.
- 12.8.4. The scheme has 225 no. car parking spaces and 5 no. motorbike spaces located at both undercroft and surface level. There are 225 undercroft parking area and 80 no. surface car parking spaces within the scheme. This is below the maximum spaces permitted in the Development Plan. Of these 225 no. carparking spaces 2 no. spaces will be allocated for a car sharing club such as Go Car. The development is supported by sustainable transport methods and this level of car parking is

considered acceptable. Car parking is located mainly at undercroft level and as a result large amounts of the scheme is car free. Of the 225 spaces 145 car parking spaces are located at undercroft level.

- 12.8.5. 308 bicycle parking spaces are proposed within the scheme which exceeds the minimum standards set out in the Plan. Secure bicycle parking is provided at undercroft level for the residents of Block 1, bike stores in Block 2 and visitor bicycle stands located throughout the site at surface level. The proposed scheme has been designed to provide fully integrated and safe bicycle paths, allowing ease of access throughout and secure bike parking facilities.
- 12.8.6. The transportation section of the p.a. note that existing surrounding network pedestrian and cycling infrastructure is good. The residential car parking provision is at 0.76 spaces per unit which is an acceptable ratio at this location. The p.a. consider that the proposed development will have a negligible impact on the surrounding network traffic. I note the recommendation of 7 conditions relating to basement headroom, autotrack analysis, charging of E.V., mobility management plan, a public lighting scheme, area for taking in charge and a construction management plan which should be applied in the event of a grant of planning permission.
- 12.8.7. I would concur with the view of the PA that the proposed car parking provision is acceptable having regard to the provisions of the Development Plan and national policy.
- 12.8.8. The proposed cycle parking provision is acceptable to the p.a. cognisance being had to Section 4.17 of the apartment guidelines, which specifies a general minimum cycle parking standard of 1 cycle storage space per bedroom and visitor parking at a rate of 1 space per 2 residential units.
- 12.8.9. The proposed cycle parking (308 secure bicycle parking spaces) is acceptable in my view given the sites proximity to public transport and other services. The subject site provides an opportunity to deliver residential developments on an infill suburban site. It is considered that overall connectivity, traffic and carparking is deemed acceptable in principle, subject to condition.

12.9. Other matters

Material Contravention Issue

12.10. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016-2022.”

12.11. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development. Housing Policy 9 of the 2016-22 SDCC County Development Plan states the following:

‘it is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County’ with a specific objective to ‘direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.’

12.11.1. The proposed includes apartment building heights of 6 to 8 storeys and therefore higher than the 5 storey threshold outlined in Housing Policy 9.

12.11.2. The planning authority do not state that the proposed development is a material contravention of the SDCCDP 2016 – 2022. It is considered that the applicant has provided a rationale for the increased building height. The p.a. is satisfied that the proposed development, incl. the 8 storey element will not have an adverse impact on the visual amenity of the area. I note that the recently published height guidelines take precedence over policies and objectives of the SDCCDP. The proposed 2-8 storey development complies with the national Building Heights Guidelines, and therefore the Board may grant permission under Section 9(6) of the 2016 Act.

12.11.3. In such circumstances, I consider that should the Board consider this to represent a Material Contravention of the Development Plan that the Board can grant permission under Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, which states:

“(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.”

12.12. Also section 37 (2)(b) of the 2000 Act is relevant, it states that the Board may only grant permission where it is considered that:

- i. The proposed development is of strategic or national importance,
- ii. There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- iii. Permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- iv. Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

12.12.1. Regard being had to the foregoing I am of the opinion that exemptions set out in Section 9 (6)(a) of the 2016 Act and Section 37 (2)(b) (iii) of the 2000 Act could be relied upon in this instance. The newspaper notice contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

12.13. Drainage, Flood Risk and Site Services

12.13.1. I am satisfied with the proposed foul and surface water drainage and water supply arrangements, subject to conditions.

12.14. Part V

12.14.1. 25 no. units are proposed to be provided as part of the Part V obligations. The proposed mix of Part V units to be transferred includes 13 no. one bed apartments, 12 no. two bed apartments.

12.14.2. The Housing Section of the Council considers that the proposal is capable of complying with the requirements of Part V and recommends a condition be attached requiring the applicant/developer to enter into an agreement in the event of a grant of permission. The Part V proposal is satisfactory subject to a general Part V condition being attached to any grant of planning permission.

12.14.3. Environmental Impact Assessment

12.14.4. An Ecological Impact Assessment incorporating a bat Survey was submitted with the application. The report states that a bat survey was carried out on the site on 5th September 2019 and notes that a low level of bat activity was recorded, principally in the trees within the southern and south western areas of the site. The assessment submitted recommends mitigation measures which include the incorporation of bat boxes, use of native plant species and the control of light pollution. A condition requiring the implementation of appropriate mitigation measures is recommended in the event of a grant of planning permission. I concur with this recommendation, see condition 12 attached in this regard.

12.14.5. EIA is not mandatory for the proposed project and I do not consider that there is a sub-threshold requirement. The Ecological Impact Assessment, carried out by Scott Cawley, is noted and considered acceptable.

12.14.6. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required.

12.14.7. **Appropriate Assessment (AA)**

11.9.1 Screening report

The applicant has submitted an AA screening report which details a description of the proposed development. Section 3.1 of the report provides a description of the development and section 3.2 sets out site location and surrounding environment, Habitats and Notable species. It is set out that the site has no extant habitats of natural value and that all proposed development works within the application site will take place on areas of low biodiversity value. In March 2019, it was noted that recent clearing works on the application site had removed all areas of established grassland and scrub that remained on the site. Section 3.3 provides an assessment of Natura 2000 sites identified. The report identifies seven Natura 2000 sites within 15km radius of the site. There are no sites located either within or directly adjacent to the proposed development site. The closest mapped and relevant (same sub-basin) water feature to the site is the Drimnagh Castle Stream and this is 20m north-east of the application site. This stream is a tributary of the Camac River, which is 396m north of the application site. The closest of Natura 2000 site is the Rye Water/Carton SAC and this is 5.6km west of the application site. It is not hydrologically connected to the application site and no impacts upon this site or its qualifying features are likely.

12.14.8. It is concluded that the construction and operation of the proposed development will have no impacts upon the integrity or the site structure of the designated sites identified. There are no individual elements of the proposed project that are likely to give rise to negative impacts on these sites. There are no potential pollution pathways between the application site and the designated areas, therefore potential direct and indirect impacts will be avoided

12.14.9. The report sets out that cumulative/in combination impacts have also been considered and concludes that the proposed development, either individually or cumulatively/in combination with other identified plans and projects, will not adversely affect the integrity of any Natura 2000 sites. Stage 2 appropriate assessment is therefore not required.

12.14.10. Identification of sites

Table 6: Natura 2000 sites

Natura 2000 Code	Site Code	Distance to site (as crow flies)	Qualifying Interests
Rye Water Valley/Carton SAC	001398	5.7km west of the site	7220 Petrifying springs with tufa formation (Cratoneurion)* * denotes a priority habitat 1014 Narrow-mouthed Whorl Snail Vertigo angustior 1016 Desmoulin's Whorl Snail Vertigo moulinsiana
Glenasmole River Valley SAC	001209	14.6km south of site	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)*
South Dublin Bay and River Tolka Estuary SAC	000210	12.3km east of site	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
South Dublin Bay and River Tolka Estuary SPA	004024	11.7km east of site	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula)

[A137]
 Grey Plover (*Pluvialis squatarola*)
 [A141]
 Knot (*Calidris canutus*) [A143]
 Sanderling (*Calidris alba*) [A144]
 Dunlin (*Calidris alpina*) [A149]
 Bar-tailed Godwit (*Limosa lapponica*)
 [A157]
 Redshank (*Tringa totanus*) [A162]
 Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
 Roseate Tern (*Sterna dougallii*)
 [A192]
 Common Tern (*Sterna hirundo*)
 [A193]
 Arctic Tern (*Sterna paradisaea*)
 [A194]
 Wetlands and Waterbirds [A999]

North Bull Island
 SPA

004006

14.8km east
 of site

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046]
 Shelduck (*Tadorna tadorna*) [A048]
 Teal (*Anas crecca*) [A052]
 Pintail (*Anas acuta*) [A054]
 Shoveler (*Anas clypeata*) [A056]
 Oystercatcher (*Haematopus ostralegus*) [A130]
 Golden Plover (*Pluvialis apricaria*)
 [A140]
 Grey Plover (*Pluvialis squatarola*)
 [A141]
 Knot (*Calidris canutus*) [A143]
 Sanderling (*Calidris alba*) [A144]
 Dunlin (*Calidris alpina*) [A149]
 Black-tailed Godwit (*Limosa limosa*)
 [A156]
 Bar-tailed Godwit (*Limosa lapponica*)
 [A157]
 Curlew (*Numenius arquata*) [A160]
 Redshank (*Tringa totanus*) [A162]
 Turnstone (*Arenaria interpres*) [A169]
 Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
 Wetland and Waterbirds [A999]

North Dublin Bay SAC	000206	10.9km east of site	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
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Assessment of likely Significant Effects on Designated Sites

12.14.11. The potential for likely significant effects should be assessed in the context of the relevant sites' conservation objectives. The development site in question is not part of or located adjacent to any of the designated sites. Having regard to the 'source-pathway-receptor' model, the site is not hydrologically linked to Natura 2000 sites via a water pathway. Surface waters from the site will discharge via surface water network which eventually feeds into the River Liffey entering Dublin Bay at Dublin Port where the boundaries of the South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and North Dublin Bay SAC are located. Wastewater from the proposal will discharge to the public foul network.

12.14.12. Having regard to the lack of direct entry of surface and waste waters to any of the Natura 2000 sites; the use of best construction practices as an integral component of the development; treatment of waste waters prior to discharge; and the dilution of waters prior to enter to Dublin Bay the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites' conservation objectives.

AA screening – Conclusion

12.14.13. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS website in respect of the Natura 2000 sites identified as being within 15km radius of the development site, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Conclusion and Recommendation

13.1.1. I recommend that permission be **granted** for the proposed development subject to the following conditions:

14.0 Recommendation

14.1.1. I recommend that permission be **granted** for the proposed development subject to the following conditions:

15.0 Recommended Draft Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

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 07th day of November 2019 by St. Edmunds Phase 3 Limited of Suite 3, One Earlsfort Centre, Lower Hatch Street, Dublin 2.

Proposed Development:

A planning permission for strategic housing development on a site of 2.06 hectares located approximately 10km west of Dublin City Centre and to the west of the Liffey Valley interchange of the M50 orbital motorway and the N4 national primary road. The Liffey Valley shopping centre is located approximately 750m to the east.

The site has been cleared and is free from structures other than, 4 temporary traveller accommodation dwellings located to the north east of the site. The topography of the site rises from the west of the site to the east (max c. 2.6m) and rises from the north of the site to the south (max c. 1.8m).

The proposed development comprises of a mixed-use scheme which consists of:

a) 252 residential units in 3 no. blocks made up of:

- 247 no. apartment/ duplex units within 2 no. 2-8 storey blocks (1 of which is over podium car park) comprising:
 - 119 no. one bed units,
 - 125 no. two bed units, and
 - 3 no. three bed units;
- 5 no. 2 storey three bed semi-detached/terraced house;
- All of the residential units will have associated private open space/ balconies/ terraces facing north/ south/ east/ west;

b) A separate non-residential block measuring c. 1118 sq. m (total floor area) and will comprise a creche (c. 430sq.m), retail unit (c. 269sq.m), gym (c. 152sq.m), community room (c. 231sq.m), and concierge (c. 36sq.m).

- The development will have 225 no. car parking spaces (145 no. spaces at undercroft level, 70 no. spaces at surface level and 10 no. spaces at the 5 no. houses), 5 motorcycle parking spaces and 308 no. secure bike parking spaces. The site is accessed through the existing vehicular access to the west, off the unnamed road to the west. There will be a number of pedestrian entrances along St. Loman's Road, the Fonthill Road (R113) and the unnamed road to the west.

- In addition to all of the new facilities all other site services and works to enable the development of the site will also be provided including site, bin stores, ESB substations, associated roadworks and services connections, a large quantity of public and communal open space, boundary treatment works and landscaping.

The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016-2022.”

The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.

Housing Policy 9 of the 2016-22 SDCC County Development Plan states the following:

‘it is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County’ with a specific objective to ‘direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.’

The proposed development includes apartment building heights of 6 to 8 storeys and therefore it is considered by the applicant that this materially contravenes the 5 storey threshold outlined in Housing Policy 9 of the Development Plan.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the site's location on lands with a zoning objective 'RES' and the Objective in the South Dublin City Development Plan 2016-2022: 'to protect, provide and improve residential amenities'.
- (b) the sites setting in a strategic location, within 750 m of Liffey Valley Shopping Centre and the distances between the development site to public transport links and also the proximity of the site with regard to walking distances to economic and social facilities in addition to the separation distances proposed between this scheme and those existing, recently developed residential development most directly adjoining to the north west and west.
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the South Dublin County Development Plan and appendices contained therein and National Planning Guidance.
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in 2018,
- (i) to Section 37 (2)(b) (iii) of the Planning and Development Act 2000, as

amended

- (j) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (k) the nature, scale and design of the proposed development,
- (l) the pattern of existing and permitted development in the area and
- (m) to the submissions and observations received,
- (n) the report of the Inspector.

Appropriate Assessment Screening

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 zoned and serviced urban site, the Information for Screening for Appropriate Assessment document submitted with the application, the Inspector's report, and submissions 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, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

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, identifies and describes adequately

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

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,
(b) the absence of any significant environmental sensitivities in the area,
(c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this zoned 'Intermediate Urban Location', which would, subject to condition, not seriously injure the visual amenity of the area, would, subject to condition, be acceptable in terms of urban design, height and quantum of development and would, subject to condition, be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, a detailed phasing programme shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

3. The proposed retail / commercial units shall be restricted to uses which fall within Class 1, Class 2 or Class 8 or Class 10 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 – 2018 excluding use as a betting office, take-away or stand alone off licence. Any other use shall be subject to a planning application. Prior to occupation of units, details shall be submitted to the planning authority of the intended occupant.

Reason: In the interest of planning control.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. Prior to commencement of any works on site, the following details shall be submitted to / or erected on site at an accessible location and agreed in writing with the planning authority.

(a) Details of the materials, colours and textures of all the external finishes to the proposed apartment development.

(b) Details for the boundary treatment of balconies and planting of defensible space for the apartments at first floor level opening onto communal courtyards.

(c) Details of all hard-landscaped areas within the development.

Reason: In the interest of visual amenity.

7. (a) The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

(b) Where feasible the planting of native pollinator friendly species of plants and trees shall be incorporated into the landscape plan.

(c) Play equipment for children / young people and a piece of public Art shall be provided for in the development, the developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park / public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the Planning Authority at all times. Details shall be submitted to the planning authority for written agreement prior to the commencement of development on site.

Reason: In the interest of residential and visual amenity.

8. Each apartment shall be used as a single dwelling unit, only.

Reason: To prevent unauthorised development.

9. The glazing to the all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenity.

10. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

Reason: In the interests of traffic safety and residential amenity.

11. Balustrading to balconies should be safe for children. Balconies and terraces shall have unrestricted widths of 1.5m (minimum) in one useable length. Vertical

privacy screens should be provided between adjoining balconies and the floors or balconies should be solid and self – draining.

Reason: In the interest of safety, privacy and residential amenity.

12. (a) A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. The ecologist shall ensure the implementation of all proposals contained in the plans and particulars and Ecological report. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.

(b) All mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

13. (i) The internal road network, public footpaths within and outside the proposed development site, car parking provision (including E.V. car parking spaces, Gocar and mobility impaired car spaces) and cycle parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

(ii) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The Quality Audit team shall be approved by the Planning Authority and all measures recommended by the Auditor should be undertaken unless the Planning Authority

approves any departure in writing. A feedback report should also be submitted providing a response to each of the items.

Reason: To ensure a satisfactory standard of development.

14. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of orderly development.

15. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) Pedestrian crossing facilities shall be provided at all junctions;

(d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works, and

(e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

16. The following requirements of the Irish Aviation Authority (IAA) shall be complied with:

(a) The applicant / developer shall agree any proposals for crane operations (whether mobile or tower crane) in advance of construction with the operator of Weston Aerodrome, the Property Management Branch of the Department of Defence and the Irish Aviation Authority.

(b) The developer / applicant shall inform and receive written agreement from said authorities of the intention to commence crane operations with a minimum of 30 days prior notification of their erection.

Reason: In the interest of air safety.

17. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

18. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development

19. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

20. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

21. 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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the

planning authority or any other prospective party to the agreement to the Board 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.

22. Prior to occupation of the childcare facility full signage detail shall be submitted for the written approval of the planning authority.

Reason: In the interest of visual amenity.

23. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

24. 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 a demolition management plan, together with details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

25. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent

to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

26. 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.

27. 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.

Fiona Fair

Planning Inspector

13th February 2020

APPENDIX A- List of submissions received

1. Alan Hayes
2. Ben and Juliet Clancy
3. IFI
4. Irish Water
5. NTA
6. Paul Gogarty
7. Residents of St. Edmunds Estate
8. TII