



An
Bord
Pleanála

Inspector's Report ABP 306758-20.

Development	Demolition of residential dwelling and amendments to an approved residential development (D18A/0313; ABP301940) seeking to add 12 no. apartments.
Location	36, 36A and 'Keem' Church Road, Killiney & Mountain Villa, Ballybrack, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	D19A/0927
Applicant	Midgard Construction
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Midgard Construction
Observers	(1) Patrick Rellis

Date of Site Inspection

10/7/20

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located on the western side of Church Road, Ballybrack Village, Co. Dublin. It is situated to the north of the retail/commercial core of the village. The site is bounded by a laneway to the south and a Dry Cleaners, Ballybrack Credit Union and a vacant retail unit are the ground floor units located within the three-storey building to the south. These premises are served by a parking bay to the front.
- 1.2. The subject site, which has a stated area of 0.253 hectares comprises the plots of four separate properties. No. 36, No. 36A and 'Keem' Church Road, Killiney & Mountain Villa, Ballybrack, Co. Dublin. No. 36 and No. 36A are derelict properties and the site is extremely overgrown. 'Keem' is a detached two-storey dwelling. Mountain Villa is a detached two-storey dwelling which is vacant.
- 1.3. The site has frontage of 35m along Church Road. It extends back 55m to the west along the laneway. Mountain Villa a cul-de-sac of 6 no. semi-detached dwellings is situated to the west.
- 1.4. Vevay House a Protected Structure lies to the north of the site. Vevay Lodge located to the south of the gate serving Vevay is situated 10m from the site.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of residential dwelling and amendments to an approved residential development (D18A/0313; ABP301940) seeking to add 12 no. apartments.
- 2.2. This application seeks to extend the previously approved development northwards along Church Road on the site of the adjoining house 'Keem', 37 Church Road. The site area of 'Keem' is 506m². The proposed development will add 12 apartments (increasing the overall number of apartments from 20 to 32) with 3, two-bedroom apartments at upper ground floor, first floor and second floor and 2, two-bedroom apartments and 1, one-bedroom apartment at third floor; with balconies provided to the units at first and second floors and roof terraces to units at third floor level. Permission is sought for the following amendments to the previously approved

scheme - (i) revisions to lower ground floor to extend the permitted undercroft car park to provide an additional 11 car parking spaces (overall total now 34). The number of bicycle parking bays will increase by 15 (overall total now 60), (ii) the inclusion of a smoke lobby to the main stair and lift core, (iii) relocation of the entrance doors in Apartments 3 and 4 on lower ground floor level and consequential minor amendments to ground floor elevations on to Mountain Villas, (iv) removal of the previously approved voids outside Apartment 9 at ground floor level, (v) relocation of external stairs from upper ground floor to third floor, (vi) addition of external walkways at the rear to provide walkways at each floor level, (vii) amendments to increase the area of Apartment 19 at second floor and extend the gable wall northwards, (viii) amendments to Apartment 20 at 3rd floor level to change from a three bedroom apartment to a two bedroom apartment including minor amendments to the roof top terrace, (ix) introduction of a new two-bedroom apartment on the corner of Church Road and the laneway, (x) amendments to the upper ground floor landscaped courtyard to incorporate the adjoining site and all associated site works on a site extending 2,534m².

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason;

1. Notwithstanding the additional site area, it is considered that the proposed development of 12 apartments, in conjunction with the previously approved 20 no. apartments as permitted under Plan Reg. D18A/0313 (ABP-301940-18), would result in the overdevelopment of the site and is an inappropriate design response for this location, by reason of the cumulative scale, bulk and massing of the apartment block proposed. It is also considered that the design height, bulk and mass of the proposed apartment block in particular to the northern and eastern site boundaries would appear overbearing and would adversely impact on the amenities of adjacent properties. Furthermore, the proposed bulk and scale of the proposed apartment block to the front portion of the site adjoining Church Road would appear visually dominant as viewed on the approach to and from Ballybrack Village and would, therefore, unduly

impact on the character and visual amenity of the streetscape. Therefore, it is considered that the proposed development is, contrary to Policy UD1: Urban Design Principles of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan. The proposed development would, therefore, be seriously injurious to the visual amenities and character of the area and would be contrary to the proper planning and sustainable development of this location.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded that the proposed development would due to the overall height, bulk and scale be visually unacceptable and would not enhance the streetscape along Church Road. Notwithstanding the planning history on site it was considered that the proposed development would be very dense for this restricted site. It is considered that the scale and extent of the proposed apartment block would appear overbearing and visually dominant when viewed from the directly adjoining sites and on approach to and from Ballybrack Village and it would therefore detract from the streetscape.

3.2.2. Other Technical Reports

Housing Department – If permission is granted a condition should be attached requiring the applicant/developer to enter into an agreement under Part V of the Planning and Development Act 2000, as amended.

Drainage Planning – Further information was requested regarding surface water drainage and the strategy to protect the carpark from flooding.

Public Lighting – Further information was requested regarding the submission of a lighting design report.

Transportation Planning – Further information was requested in relation to the consent of the landowner of the laneway/access road to the proposed development to provide their consent to the necessary works to the laneway/access road. Design details were sought in relation to the vehicular access arrangements and car parking, bicycle parking and motorcycle parking. A Construction Management Plan including a traffic management plan was also required.

3.3. Prescribed Bodies

Irish Water – no objections

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 4 no. submissions/observations in relation to the application. The issues raised concerned the additional traffic which would be generated, that the site is not well served by public transport. The construction and operational phase of the scheme would negatively impact on nearby dwellings. Insufficient car parking is proposed which would result in overflow parking in the neighbouring Killiney Gate estate. Concern is expressed regarding the adequacy of the existing drainage system. The proposed scheme would cause overlooking and loss of privacy to Vevay Lodge.

4.0 Planning History

There is an extensive planning history on the site which is fully detailed in the report of the Planning Officer. The most recent relevant cases are as follows;

PA Reg. Ref. D18A/303 & ABP 301940 – Permission was granted for the demolition of 36 Church Road, 36a Church Road and 7 Mountain Villa along with all other existing structures on the site and the construction of a 5 Storey apartment block comprising of 20 No. apartments. The scheme feature a mix of 3, 2 and 1 bedroom apartments. Undercroft parking provision at lower ground floor level.

PA D15A/0792 & PL06D.246894 – Permission was granted for the demolition of structures and 8 No. dwellings on the site. This permission has not been implemented and will not expire until November 2021.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can

support sustainable development and at an appropriate scale of provision relative to location”.

- 5.1.2. National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- 5.1.3. National Planning Objective 13 also provides that “In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

5.2. **Section 28 Ministerial Guidelines**

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
 - ‘Urban Development and Building Heights’ Guidelines for Planning Authorities
 - ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
 - ‘Design Manual for Urban Roads and Streets’ (DMURS)
 - ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
 - ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

5.3. **Dún Laoghaire Rathdown County Development Plan, 2016-2022:**

- 5.3.1. Land Use Zoning: The site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘To protect and-or improve residential amenity’.

- 5.3.2. Chapter 8 – Principle of Development
- 5.3.3. Section 8.2.3 – refers to Residential Development
- 5.3.4. Policy UD1: refers to Urban Design Principles
- 5.3.5. RPS No: 1711 - Vevay House, Church Road, Killiney, Co. Dublin.

5.4. **Natural Heritage Designations**

- 5.4.1. The nearest Natura 2000 sites are;
 - Rockabill to Dalkey Island SAC (Site Code 003000) is located c. 2.3km to the east.
 - Dalkey Island SPA (Site Code 004172) is located c. 3.2km to the north-east.
 - South Dublin Bay SAC (000210) is located c. 5km to the north.
 - South Dublin Bay and River Tolka Estuary SPA (004024) is located c. 5km to the north.

5.5. **EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A first party appeal was submitted by Pames Development Limited on behalf of the applicant Midgard Construction. The issues raised are as follows;

- Pre planning discussions were held with the Dún Laoghaire Rathdown Co. Council planning department in February 2018 in relation to the development of the site. The matter of the applicant acquiring the property 'Keem' and this being add to the site was discussed. The applicant states that they were

advised that the inclusion of 'Keem' would improve the quality of the site and the development along Church Road would be an enhancement to the streetscape. An application was made under Reg. Ref. D18A/0313, the Board granted permission on appeal for the proposal. The application site did not include the property 'Keem'. The applicant has now acquired 'Keem' and the current application broadly reflects the scheme which was discussed at the pre planning meeting in February 2018.

- The current scheme proposes the demolition of the property 'Keem'. This provides for the site to be extended north along Church Road.
- The proposed development increases the number of apartments to 32 on an enlarged site with an area of 0.253 hectares. The density proposed is 126 dwellings per hectare. The report of the Planning Officer stated that the density was significantly in excess of the requirements of Policy RES3 of the Development Plan. Policy RES3 advises that 'where a site is located within circa 1km pedestrian catchment of a Rail Station, Luas Line, BRT, Prior 1 Quality Bus Corridor and/or 500m of a Bus Priority Route, and/or 1 km of a Town or District Centre, higher densities at a minimum of 50 units per hectares will be encouraged'.
- The site is located in an established residential area on the boundary between Killiney and Ballybrack. The site is well served by public transport. Killiney Dart Station is located 1.1km from the site. The 45A bus route operates along Church Road and there is a quality bus corridor along the R118 to the north-west of the site. It is submitted that the proposal accords with the provisions of Policy RES3. Policy RES3 sets out a minimum standard and does not set out a maximum standard.
- It is opinion of the appellant that the scheme does not represent overdevelopment of the site. The scheme is considered to represent sustainable development in line with the National Framework Strategy.
- In relation to the matter of the height, mass and bulk of the block, specifically the extension of the building along Church Road and how the building addresses the property 'Vevay' the appellant has considered the report of the Planning Officer. Revised proposals have been submitted which modify the

design of balconies onto Church Road. The originally proposed projecting balconies have been redesigned as recessed balconies. Two slightly projecting balconies are proposed to the elevation onto Church Road.

- The proposed modifications are illustrated on revised drawings and revised photomontages. It is submitted that these drawings and photomontages illustrate that the proposed building fronting onto Church Road would not appear visually dominant and would not unduly impact on the character and visual amenity of the streetscape.
- On the northern boundary it is stated that the building mass has been greatly reduced in order that the section of the building in close proximity to 'Vevay' is predominantly two-storey.
- The report of the Planning Officer refers to the pathway between the gable of the development and the boundary wall of 'Vevay'. The proposed scheme includes the setting back of the building from the boundary with 'Vevay' to provide for the construction of the development with minimum structural impact on the existing boundary wall of 'Vevay'. The proposed pathway will be gated at both ends and it is intended to facilitate maintenance access to the gable wall of the building.
- Revised drawings and details have been provided to clarify surface water attenuation. Details outlining the flood strategy for the car park have been provided. Details have been submitted of proposals to provide green roofs over 60% of the building roof area.
- Issues in relation sightlines, footpath width in the laneway and other traffic matters were addressed in the previous application under Reg. Ref. D18A/0313 & ABP 301940-18). Plans and documents from AECOM have been submitted with the appeal. In relation to the currently proposed scheme as detailed in the report of the Planning Officer the Transportation Planning Department considered that the proposed development with an additional 12 number apartments to that previously approved will not have any significant adverse traffic impacts on the surrounding strategic and local road network.
- The car parking scheme includes 1 no. disabled car space and 3 no. dedicated visitor spaces. 4 no. fully equipped electric charger spaces and

provision for future extension of the electric charger spaces throughout the car park is proposed.

- Motorcycle parking for 6 no. motorcycles is proposed to the lower ground floor. Bicycle parking will be provided within secure compounds with access controlled locking to the gates. Visitor bicycle parking is also proposed.
- A Construction Management Plan has been submitted.
- Written confirmation has been provided which states that the laneway is 'taken in charge' by Dún Laoghaire-Rathdown Co. Council.
- It is confirmed that the finishes to the footpath along Church Road will be in materials already used in the 'Ballybrack Improvement Scheme'.
- In relation to the potential impact of the five-storey nature of the development as viewed from Mountain Villas, the appellant states that a five-storey development is already granted under the previously approved scheme (Reg. Ref. D18A/0313 & ABP 301940-18). The current proposal does not seek to increase the height of the apartment building.
- It is submitted that the proposed development complies with the requirements of the Dún Laoghaire-Rathdown Development Plan 2016-2022 and the Design Standards for New Apartments, 2018. The scheme as redesigned in response to the issues raised in the report of the Planning Officer will ensure that it will integrate into the surrounding area with minimal impact to adjoining properties.
- The appellant requests that the Board consider the revised proposals to the scheme submitted with the appeal and overturn the decision of the Planning Authority and grant permission.

6.2. Planning Authority Response

- No further comments

6.3. Observations

An Observation to the appeal has been submitted by Patrick Rellis. The issues raised are as follows;

- The proposed increase in density to 32 no. apartments on a restricted site would generate unacceptable high levels of traffic.
- The increased traffic generated would result in congestion on Church Road and would endanger pedestrians and cyclists.
- 34 no. car parking spaces are proposed to serve the 32 no. apartments. This is considered insufficient car parking and the scheme is likely to generate overspill car parking onto the surrounding roads. There is limited parking on Church Road.
- Killiney Gate Estate is used for car parking by visitors to local shops and businesses. The proposed development would generate further overspill car parking within this estate.
- The additional traffic generated would result in noise, nuisance and pollution during the construction and operational phases of the scheme.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Visual impact and design
- Access, traffic and parking
- Appropriate Assessment

7.1. Visual impact and design

- 7.1.1. The proposal comprises amendments an approved residential development of 20 no. units within an apartment building (D18A/0313 & ABP301940). The site area has

been increased from 0.19 hectares to 0.253 hectares with the addition of the adjoining property 'Keem' to the north. Permission is sought to demolish the dwelling 'Keem' and provide amendments to the previously approved residential development with the addition of 12 no. apartments.

- 7.1.2. The Planning Authority refused permission on the basis that the proposed development would result in the overdevelopment of the site. They considered the proposal represented an inappropriate design response for the location due to the cumulative scale, bulk and massing of the proposed apartment block. The refusal reason referred specifically to the design, height, bulk and mass of the proposed apartment block in relation to the northern and eastern site boundaries which the Planning Authority considered would appear overbearing and would adversely impact on the amenities of the adjacent properties. In relation to the visual impact of the proposed development from Church Road it was considered that due to the bulk and scale of the proposed apartment block to the front portion of the site that it would appear visually dominant as viewed on the approach to and from Ballybrack Village and would, therefore, unduly impact on the character and visual amenity of the streetscape.
- 7.1.3. In response to the refusal issued by the Planning Authority the first party submit that the proposal represents an increase in the number of apartment to 32 they note that the site area has been increase to 0.253 hectares. The propose density would be equivalent to 126 units per hectare. The first party state that policy RES3 of the Development Plan encourages densities higher than 50 units per hectare where a site is located within circa 1km pedestrian catchment of a Rail Station, Luas Line, BRT, Prior 1 Quality Bus Corridor and/or 500m of a Bus Priority Route, and/or 1 km of a Town or District Centre. While I would note that policy RES3 of the Development Plan does seek to encourages densities higher than 50 units per hectare at locations which are well served by public transport it is also set out under this policy that the Council will ensure that there is a balance between the reasonable protection of existing residential amenities and the established character of areas.
- 7.1.4. It is set out in the appeal that the proposed development represent sustainable development in line with the National Framework Strategy and that it does not represent overdevelopment of the site.

- 7.1.5. The proposed density at 126 units per hectare is significantly higher than the prevailing density in the surrounding area. While I would note that as per Policy Objective 35 of the National Planning Framework that it seeks to increase residential density in settlements, through a range of measures including infill development schemes, I would share the concerns of the Planning Authority that the proposed density would be significantly in excess of 50 units per hectare. Given the limited site area of 0.253 and the proximity of the proposed apartment building to the site boundaries I would concur with the assessment of the Planning Authority that the proposed development would represent overdevelopment of the site.
- 7.1.6. Policy UD1 of the Dún Laoghaire Rathdown County Development Plan, 2016-2022 refers to urban design principles. It is Council policy to ensure that all development is of a high quality that assists in promoting a sense of place. Accordingly, it is important that the proposed development integrates with the existing character and the prevailing pattern of development in the area. The subject site is at a prominent location on Church Road approaching Ballybrack Village. The surrounding development is characterised by predominantly two-storey properties.
- 7.1.7. Regarding the proposed design in terms of the height, mass and bulk of the building, specifically the extension of the building along Church Road and how the building addresses the property 'Vevay' the first party had regard to the issues of concern in the report of the Planning Officer. In response to this revised proposals have been submitted with the appeal. The first party note that it is proposed to modify the design of balconies fronting onto Church Road. The roadside elevation of the building originally featured projecting balconies. Under the revised proposals recessed balconies are proposed to the elevation addressing Church Road. Two slightly projecting balconies are also proposed to the elevation onto Church Road.
- 7.1.8. The appeal includes photomontages to illustrate the proposed revisions. The first party submit that the revised drawings and photomontages illustrate that the proposed building would not appear visually dominant on Church Road and would not unduly impact on the character and visual amenity of the streetscape.
- 7.1.9. Regarding the impact of the proposed building upon the neighbouring properties to the north the first party submit that the building mass has been greatly reduced at

this location. It is stated in the appeal that the proposed revisions provide that the section of the building in close proximity to 'Vevay' is predominantly two-storey.

- 7.1.10. The site level falls from 37.64 to 34.20 from east to west. This fall in site level informed the proposed design, the building is over five storeys and it includes an undercroft car park. As the site level at Church Road is the highest point the building presents as four-storey when addressing Church Road. The fourth floor is setback circa 2.5m from the front elevation onto Church Road. The maximum height of the building is 12.05m above the road level on Church Road. The design of the building features the height being stepped down as the site level falls with the section of the building at the western boundary with Mountain Villa being two-storey. This stepping down of the building height at the western site boundary does in my opinion satisfactory mitigate potential impact upon the properties within Mountain Villa.
- 7.1.11. The proposed building would have frontage of circa 32m along Church Road. I note that the neighbouring three-storey building to the south has frontage of 25.5m along Church Road. The proposed apartment building would be setback 2m from the public road with footpath proposed along the eastern site boundary.
- 7.1.12. The proposal to recess the balconies to the roadside elevation does I consider provide an improvement to the design. The variation in external finish proposed to this elevation with a mix of red brick and architectural cladding alternated and with a vertical emphasis would also improve the design of the eastern elevation. The revisions proposed as part of the appeal include a proposal to inset the fourth storey 6m from the northern side of the building. The third storey is setback 1m from the northern side of the building however this has not been altered from the originally proposed scheme. These proposed modifications in the design do provide some improvements to elevational treatment particularly the eastern elevation, however it does not significantly reduce the height, bulk and mass of the proposed apartment block.
- 7.1.13. In relation to potential overbearing impact of the apartment building on property in the vicinity of the eastern elevation, I note that the closest dwelling is situated across the road over 21m from the north-eastern corner of the proposed building which is two-storey. The closest dwelling within Killiney Gate to the east is situated circa 36m from the building. There is mature planting of deciduous trees within the green space

to the front of Killiney Gate which would screen the views of the proposed apartment building from the dwellings to the front of that scheme while the trees are in leaf. However, during the winter months the proposed apartment building would appear more visually prominent when viewed from Killiney Gate.

- 7.1.14. Regarding potential overbearing impact of the proposed building upon properties to the north, Vevay House is located over 70m from the proposed apartment building. While I note the front of Vevay House faces south towards the site it is set in mature wooded grounds which would provide screening. Vevay lodge would be located circa 11m from the northern elevation of the proposed building. The northern elevation would extend back for over 52m. While I note that the north-eastern corner of the building features a two-storey element, having regard to the relative proximity between Vevay Lodge and the extent of the northern elevation in terms of its height, bulk and mass, I consider that there would remain an overbearing impact.
- 7.1.15. Returning the matter of the visual impact of the proposed development, I note the existing character and the prevailing pattern of development in the area and the prominent location of the site on Church Road approaching Ballybrack Village. The surrounding development is predominately two-storey. Having regard to the proposed bulk and scale of the building which would extend for 32m along the eastern boundary and also that on approach to the site from the north the site would be highly prominent as the road widens from a narrow section defined by a high wall along the boundary with the property 'Vevay', I consider that the close proximity of the apartment building to the public road would amplify the visual dominance of the building when viewed on approach from the north and south on Church Road. Accordingly, I consider that the proposed development it would appear visually dominant in the streetscape and that it would therefore negatively impact on the character and visual amenity of the area.

7.2. Access, traffic and parking

- 7.2.1. The proposal entails the provision of a total of 32 no. apartments. Vehicular access to the proposed car park is via the laneway to the south, with the laneway accessed off Church Road to the east. This vehicular access arrangement is the same as that approved under the scheme granted under Reg. Ref. D18A/303 & ABP 301940. The

observer has raised concern regarding the additional vehicular traffic the scheme would generate and lack of car parking within the development.

- 7.2.2. Regarding the matter of traffic generation, in terms of overall scale and intensity of the proposed development it is relatively modest in scale. The proposed scheme would provide an additional 12 no. apartments to the already permitted 20 no. units on the site. The nature of the traffic associated is residential which is not out of character with the existing type of traffic that frequents the road network in the vicinity of the site. Having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.
- 7.2.3. Furthermore, I note the report of the Transportation Planning Section dated 27/1/20 which stated that they acknowledged that the proposed development with an additional 12 no. apartments to that previously approved will not have any significant adverse traffic impact on the surrounding strategic and local road network.
- 7.2.4. Car parking standards are set out under Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022 sets out the car parking standards for residential schemes. Generally, 1 space per one bed unit, 1.5 spaces per two bed unit and 2 spaces per three bed unit are required. The proposed amendments to the scheme would provide for 11 no. two bedroom units and 1 no. one bedroom unit. The existing permitted element comprises 3 no. one bed units, 13 no. two bed units and 4 no. three bedroom units.
- 7.2.5. Overall, it comprises a total of 4 no. three bed units, 24 no. two bed units and 4 no. one bed units. Therefore, based on the development plan standards 4 no. spaces would be required for the one bed units, 36 no. spaces would be required for the two bedroom units and 8 no. spaces would be required for the three bedroom units. Accordingly, a total of 48 no. car parking spaces would be required in accordance with Table 8.2.3 of the Development Plan. A total of 34 no. car parking spaces are proposed. There would be a shortfall of 14 no. spaces.
- 7.2.6. ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ advise for accessible urban locations where apartments are proposed and that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in

certain circumstances. Suitable locations for such a reduction in car parking includes locations which are within 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.

7.2.7. Church Road is served by the no. 45a and no. 45b bus routes. The site located circa 1.1km from Killiney Dart Station which is circa 15 minutes walking distance.

Wyattville Road circa 300m to the west of the site is served by the no. 7, no. 7a, no. 7b and no. 11 bus routes. Accordingly, the site is served by a number of high frequency bus routes in the immediate vicinity on Church Road and Wyattville Road with the Dart within a 15 minute walk. Therefore, I am satisfied that the site is well served by public transport and that a shortfall of car parking would be acceptable in this context.

7.2.8. A total of 60 no. bicycle parking spaces contained within bicycle stands in the undercroft car park are also proposed. This in excess of the requirements set out in the 'Standards for Cycle Parking and associated Cycling Facilities for New Development' which requires one long stay bicycle parking space per dwelling unit and 1 visitor space per 5 units. I also note that the scheme includes facilities for electric car charging with 4 no. charging spaces proposed which is in accordance with Section 8.2.4.12 of the Development Plan. Should the Board decide to grant permission, I would recommend the attachment of a condition specifying that all residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points. Motorcycle parking for 5 no. motorcycles is proposed. As set out in section 8.2.4.8 of the Development Plan it is an objective to require developments to provide motorcycle parking spaces at a minimum of four or more spaces per 100 car parking spaces. Accordingly, the motorcycle parking is additional to development plan requirements

7.2.9. The proposed scheme is well served by public transport and each dwelling unit has bicycle parking, therefore I consider the shortfall in car parking in terms Development Plan standards would be acceptable.

7.3. Appropriate Assessment

Stage 1 Screening

- 7.3.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The European sites, South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024), are located 5km to the north of the development site. The European site Rockabill to Dalkey Island SAC (003000) is located 2.3km to the east of the development site and Dalkey Island SPA (004172) is located 3.2km to the north-east of the development site.
- 7.3.2. The qualifying interests/special conservation interests of the designated sites, are summarised as follows:

South Dublin Bay SAC	South Dublin Bay & River Tolka Est. SPA
Mudflats and sandflats not covered by seawater at low tide [1140]	Light-bellied Brent Goose [A046]
Annual vegetation of drift lines [1210]	Oystercatcher [A130]
Salicornia and other annuals colonising mud and sand [1310]	Ringed Plover [A137]
Embryonic shifting dunes [2110]	Grey Plover [A141]
	Knot [A143]
	Sanderling [A144]
	Bar-tailed Godwit [A157]
	Redshank [A162]
	Dunlin [A149]
	Black-headed Gull [A179]
	Roseate Tern [A192]
	Common Tern [A193]
	Arctic Tern [A194]
	Wetlands & Waterbirds [A999]

Rockabill to Dalkey Island SAC	Dalkey Island SPA
Reefs [1170]	Roseate Tern (<i>Sterna dougallii</i>) [A192]
Harbour porpoise (<i>Phocoena phocoena</i>) [1351]	Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]

- 7.3.21. The Conservation Objectives for South Dublin Bay SAC (000210) are to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC. The Conservation Objectives for South Dublin Bay and River Tolka Estuary SPA (004024) are to maintain the favourable conservation condition of each qualifying bird species in the Natura 2000 site.
- 7.3.22. The Conservation Objectives for Rockabill to Dalkey Island SAC (003000) is to maintain the favourable conservation condition of Reefs in the SAC, which is defined by a list of attributes and targets and to maintain the favourable conservation condition of Harbour porpoise in the SAC, which is defined by the a list of attributes and targets. The Conservation Objective for Dalkey Island SPA (004172) is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
- 7.3.23. The subject site is a brownfield site, it is proposed to demolish the existing derelict and vacant dwellings on site. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that could conceivably have a significant effect on any Natura 2000 site. The foul effluent from the proposed development would drain to the wastewater treatment system for Dublin. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.
- 7.3.24. There is no identified “source-pathway” to connect the appeal site with South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC and Dalkey Island SPA or any other European Designated Site.

7.3.25. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (000210), European Site No. (004024), European Site No. (003000) and European Site No. (004172) or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

8.1. I recommend that permission be refused for the following reason.

9.0 Reasons and Considerations

1. Having regard to the existing character and the prevailing pattern of development in the area and the prominent location of the site on Church Road approaching Ballybrack Village and notwithstanding the modifications to the design put forward as part of the appeal it is considered that due to the design, height, bulk and mass of the proposed apartment block that it would have an overbearing impact and would adversely impact upon the amenities of adjacent properties to the north and east of the site. Having regard to the proximity of the apartment block to the public road and the proposed bulk and scale of the building it is considered it would appear visually dominant when viewed on the approach to and from Ballybrack Village and would, therefore, negatively impact on the character and visual amenity of the streetscape. Furthermore, notwithstanding the additional site area, it is considered that the proposed development of 12 apartments, in conjunction with the previously approved 20 no. apartments as permitted under Planning Register Reference. D18A/0313 and ABP-301940-18, would result in the overdevelopment of the site. Accordingly, the proposed development would be contrary to Policy UD1: Urban Design Principles of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of this location.

Siobhan Carroll
Planning Inspector

24th of July 2020