



An
Bord
Pleanála

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

Inspector's Report

ABP-306872-20

Strategic Housing Development

Alterations to a previously permitted development of 96 no. units under (Reg, Ref: F17A/0615) to provide 143 no. apartments. The total number of additional/altered residential units subject to this application is 102 no. units with all associated site works.

Location

Site at the former Santa Sabina Dominican College and Convent Complex, Greenfield Road, Sutton, Dublin 13.
(www.seafieldshd.ie)

Planning Authority

Fingal County Council

Applicant

Parsis Ltd.

Prescribed Bodies

1. Department of Heritage, Culture and the Gaeltacht
2. Irish Water
3. National Transport Authority

Observer(s)

1. Glencarraig Residents Group.
2. Hillwatch.

Date of Site Inspection

20th June 2020.

Inspector

Karen Kenny

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site (2.46 ha) is located to the north of Greenfield Road in Sutton, Dublin 13. It is in a residential area that is c. 600 metres south east of the local centre at Sutton Cross and c. 1 km south east of Sutton railway station (1.1 km walking distance). The site is bound by Santa Sabina Dominican College (Secondary School) and the Santa Sabina Manor housing estate to the east. St. Fintan's Parish Church bounds the site to the west. The Glencarraig housing estate is to the north and Greenfield Road is to the south.
- 2.2. The site was formally part of the Santa Sabina Dominican College complex and is close to a sports hall and other modern buildings within the school campus. St. Dominic's Convent is a Protected Structure described on the RPS as '*an original 19th century house (convert to convent), entrance avenue & walled garden only*'. The convent is on the other side of the modern structures at a distance from the proposed housing blocks. The site has c. 190m frontage onto Greenfield Road opposite Sutton Strand and includes the original bell mouth access to the school from Greenfield Road and a new access that has recently been constructed along the eastern site boundary. The site includes a fenced compound and various pieces of open space with mature trees. It encompasses but excludes a hockey pitch. Its western boundary is with the curtilage of St. Fintan's Church, a Protected Structure described on the RPS as '*a late 20th century Modernist church and belltower (designed by Andrew Devane)*'. This boundary is formed by a palisade fence for the most part. Its northern boundary with the rear gardens of 2-storey semi-detached houses in Glencarraig is formed by a high concrete block wall.
- 2.3. The site slopes gently from east to west and from south to north. The development permitted under F17A/0615 had commenced on site at time of inspection. A new vehicular entrance has been constructed to the adjacent college and convent complex and a surface water attenuation tank has been constructed at the southern end of the

site. The wider site has been cleared and contained bear ground with a number of mature trees at time of inspection.

3.0 Proposed Strategic Housing Development

- 3.1. In 2018 Fingal County Council granted permission, under PA Ref. F17A/0615, for a development in the grounds of the Santa Sabina Dominican College & Convent Complex on an overall site area of c. 2.46 ha. The permitted development comprises 96 no. residential units, a creche, revised access from Greenfield Road to serve the proposed development and a new access from Greenfield Road to serve Santa Sabina Dominican College & Convent complex. The permitted development included four 3-storey apartment blocks (86 no. apartments) and five 2-3 storey semi-detached housing blocks (10 no. houses). Works have commenced on foot of this permission.
- 3.2. The subject application seeks permission for amendments to the development granted under PA Ref. F17A/0615. While the full site area is outlined in red the proposed alterations are confined to an area of 0.76 ha and relate to approved Blocks A-B1, C1 and D with associated alterations at basement level. No alterations are proposed to Block B2-B3 and Block C2. The alterations would increase the overall number of units in the scheme from 96 to 143 no. units, with 47 no. new units and alterations to a further 55 units.
- 3.3. The amended scheme can be described as follows:

Block	Height	No. Units	Description of Amendments
A-B1	5 Storeys	42 no. apartments (9 no. 1 bed; 29 no. 2 bed and 4 no. 3 bed).	Alterations to footprint, layout, elevations, 2 no. additional storeys and 15 no. additional units.
B2-B3	3	24 no. apartments (9 no. 1 bed and 15 no. 2 bed).	No alterations proposed.
C1	5	28 no. apartments (28 no. 2 bed units).	Alterations to layout, elevations, 2 no. additional

			storeys and 10 no. additional units.
C2	3	17 no. apartments (17 no. 2 bed).	No alterations proposed.
D	3	32 no. apartments (6 no. 1 bed, 21 no. 2 beds and 5 no. 3 beds).	Replace 10 no. houses with 3 no. 3 storey apartment buildings (Blocks D1, D2, D3). 22 no. additional units.

3.4. The following table presents a comparison of the permitted and proposed developments:

	Permitted	Proposed
Site Area	2.46 ha	2.46ha
No. of Units	96	143
Density	39 no. units / ha; 55 no. units / ha net.	58 no. units / ha gross; 81 no. units / ha net.
Other Uses	Creche 96 m ²	Creche 96 m ²
Mix of Units	15 x 1 bed (16%) 71 x 2 bed (74%) 1 x 3 bed (1%) 1 x 4 bed (1%) 8 x 5 bed (8%)	24 x 1 bed (17%) 110 x 2 bed (77%) 9 x 3 bed (6%) 0 x 4 bed (0%) 0 x 5 bed (0%)
Parking	170 no. car parking spaces and 78 no. cycle parking space.	168 no. car parking spaces & 270 cycle parking spaces.

- 3.5. The road and engineering services layouts are largely as approved under PA Ref. F17A/0615 (onsite) with localised changes only to facilitate the proposed alterations.
- 3.6. The application is accompanied by a material contravention statement and a Natura Impact Statement.

4.0 **Planning History**

F17A/0615: Permission granted by Fingal County Council on 18th April 2018 for 86 no. apartments and 10 no. houses on a site of 2.46 ha. A first party appeal in relation to a condition of the permission (ABP-301643-18) was withdrawn prior to a decision.

PL06F. 246404. Reg. ref. F15A/0303: ABP granted permission in 2016 for a development of 68 apartments and 10 houses on a site of 1.559 ha.

PL06F.235619 / F09A/0168: ABP granted permission for 95 no. dwellings on a site of 1.547 ha.

PL06F.232541 / F08A/0441: ABP granted permission for a new entrance and access road to the school and convent.

PL06F.226189 / F06A/1099: ABP refused permission for 111 no. dwellings and a creche on a site of 1.547 ha. The reason for refusal referred to excessive density, overdevelopment, substandard amenity and impacts on the amenities of the area.

5.0 **Section 5 Pre-Application Consultation**

5.1. A Section 5 pre-application consultation took place at the office of An Bord Pleanála on the 13th June 2019. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were as follows:

1. Height, design and compliance with national policy and the provisions of the development plan.
2. The standard of amenity for occupants and the potential impact on the amenities of neighbouring properties.
3. Appropriate assessment issues.
4. Any other issues.

A copy of the Inspector's report and Opinion is on the file for reference by the Board. A copy of the record of the meeting Ref. ABP-304374-19 is also available on the file.

5.2. Notification of Opinion

The An Bord Pleanála opinion stated that it is of the opinion that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The issues raised in the opinion can be summarised as follows:

- Further consideration of the documentation as it relates to the Community Infrastructure zoning objective that applies to part of the site, having regard to the provisions of the 2016 Act in respect of the zoning of land.
- Further consideration of the documentation as it relates to the Natura 2000 network.
- The following further details were also sought: site layout plan showing zoning objectives; assessment of daylight and sunlight; assessment of impact on the character of the surrounding area including the setting of the protected structure at St. Fintan's Church; housing quality assessment; building lifecycle report; report demonstrating compliance with the Building Height Guidelines (SPPR3); and a site specific flood risk assessment.

5.3. Applicants Response

- In response to item no. 1 the response states that the application is for alterations to the development permitted under Reg. Ref. F17A/0615. There are 102 no. additional or altered units (47 no. new units and 55 no. units are to be altered). Therefore, the proposal would satisfy the criteria for strategic housing development. The proposed alterations are located on lands zoned RS Residential. No alterations are proposed to Block B2-B3 and C2 and to the open spaces south of the apartment blocks.
- In response to item no. 2 the application is accompanied by an NIS, Hydrology and Hydrogeology Assessment and Construction and Environmental Management Plan.
- The application is accompanied by a plan detailing the extent of the RS and CI zonings; Daylight and Sunlight Assessment, Visual Impact Assessment and Photomontage Report, Architectural Heritage Impact Assessment;

Housing Quality Assessment, Building Lifecycle Report; Material Contravention Statement, Wind and Microclimate Study; and Site Specific Flood Risk Assessment.

6.0 Relevant Planning Policy

6.1. National Policy

The government published the National Planning Framework in February 2018. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is to prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include -

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- Design Manual for Urban Roads and Streets' (2013)
- Guidelines for Planning Authorities on Urban Development and Building Heights (2018)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- The Planning System and Flood Risk Management (including associated Technical Appendices) (2009).
- Architectural Heritage Protection Guidelines for Planning Authorities.

6.2. Local Policy

The Fingal County Development Plan 2017-2023 is the relevant statutory plan for the area. The following provisions are of note:

- The north west part of the site is zoned RS-Residential with an objective to “provide for residential development and protect and improve residential amenity”.
- The southern and eastern part of the site is zoned CI – Community Infrastructure with an objective to “provide for and protect civic, religious,

community, education, healthcare and social infrastructure”. Residential is ‘not permitted’ under this zoning objective.

- Lands on the opposite side of Greenfield Road are zoned HA-High Amenity with an objective to ‘protect and enhance high amenity areas’.
- In relation to the Core Strategy, Table 2.8 refers to a total of 29 hectares of zoned residential / mixed use lands in Baldoyle / Sutton with capacity for 1498 no. residential units.
- Chapter 3 sets out Design Criteria for Residential Development including mix of dwellings, density and open space provision.
- Chapter 4 Urban Fingal sets out objectives for urban settlements. Sutton is described as an established suburb within the Metropolitan Area.
- Chapter 12 Development Management Standards sets out standards for residential development including design criteria and quantitative standards relating to houses, apartments, privacy standards, public and private open space provision, car parking, etc.
- In relation to Open Space provision Objective DMS57 sets a standard that residential development should provide 2.5ha of open space per 1000 population. Objective DMS57a requires a minimum of 10% of site area to be public open space.
- The Development Plan identifies 6 no. landscape character types in Fingal County. The site is within the Coastal Landscape which is identified as a landscape of exceptional value and high sensitivity. This landscape type forms the eastern boundary of the County and contains beaches, islands, headlands and settlements. Objective NH33 is to “Ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application”. Objective NH36 is to “ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area....”. Objective NH38 is to “Protect skylines and ridgelines from development”.

6.3. Map Based Objectives / Designations of relevance:

- Sheet No. 10 Baldoyle / Howth: Site-specific objective, No. 113 applies to the residential zoned section of the site. Objective No. 113 states that development on the site shall not exceed three storeys.
- Sheet No. 10 Baldoyle / Howth: A symbol appears on the map indicating an objective to protect trees and hedges.
- Sheet No. 10 Baldoyle / Howth: There is an objective “To Preserve Views” along the R105 Greenfield Road south of the site.
- Sheet No. 14 Green Infrastructure Map 1: The site is within a ‘Highly Sensitive Landscape Type’.

7.0 Applicant’s Statement of Consistency

7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of Section 28 guidelines, the County Development Plan and regional and national planning policies. The following points are noted:

- Consistent with NPF and RSES policy including policies on consolidation, increased density, building height and quality design.
- Consistent with Pillar 3 of Rebuilding Ireland Action Plan for Housing and Homelessness.
- Complies with criteria in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including provisions in relation to sequential development, density and urban design. Development also complies with the 12 criteria detailed in the accompanying Urban Design Manual – A Best Practice Guide.
- Compliance with Sustainable Urban Housing: Design Standards for New Apartments, 2018. Site is in an accessible urban location that is suitable for apartments given its location within 1 km of Sutton DART Station. Development meets the relevant standards in the guidelines. The TTA sets out a justification for the level of car parking in context of guidance in Apartment Guidelines.

- Complies with Building Height Guidelines 2018. Guidelines seek to increase building heights and density in urban locations and at locations with good public transport accessibility. SPPR 3 takes precedence over conflicting objectives of the development plan. Development management criteria are addressed in the submitted Material Contravention Statement.
- The development complies with DMURS.
- In terms of childcare guidelines, a childcare facility with capacity for 19-32 no. children is proposed.
- Meets objectives of the GDA Transport Strategy for better integration of land use and transportation.
- The application is accompanied by a Flood Risk Assessment in accordance with the Flood Risk Management Guidelines.

Fingal County Development Plan 2017-2023

- Consistent with CDP settlement strategy and objectives of the Fingal County Development Plan, including objectives in relation to consolidation and strengthening urban areas, achieving higher densities, infill development and for the delivery of high-quality apartment developments. Core strategy allows for 1,498 units in Baldoyle / Sutton. Alterations consistent with residential zoning objectives and site is an infill site.
- Objective to “Protect & Preserve Trees and Woodlands and Hedgerows” on the site. Permitted scheme and current alteration provide for the retention of trees.
- Exceeds development plan requirements in relation to open space and communal open space provision.
- Proposed blocks A-B1 and C1 contravene specific local objective (no. 113) which limits height to 3 storeys. Material Contravention Statement submitted.
- Submitted photomontages and VIA demonstrate that the development will integrate successfully and will not contravene objectives of the CDP in relation to protection of landscape character (e.g. Objective NH34, NH36, NH37 and NH39).

- The Statement of Compliance sets out details of compliance with development management standards of the development plan.

7.2. **Material Contravention Statement**

The application is accompanied by a Material Contravention Statement that addresses the following matters:

- Blocks A-B1 and C1 exceed the height limit of 3 storeys imposed under site specific map based Local Objective 113 of the Development Plan.
- The material contravention is justified having regard to the 2018 Building Height Guidelines.
- SPPR 3 notes that where the applicant sets out compliance with the criteria for assessing building height the PA or ABP may approve such development even where specific objectives of the relevant development plan or local area plan indicate otherwise.
- The Statement sets out a justification for material contravention having regard to the relevant criteria under Section 37 (2) (b) of the 2000 Act.
- The Statement sets out a case for consistency with the development management criteria in Chapter 3 of the Guidelines.
- The Statement notes that the Architectural Design Statement and Visual Impact Assessment indicate that the site has the capacity to incorporate 3-5 storey blocks and also refers to a number of relevant precedents where permission was granted for building heights that would have been considered to be a material contravention of the relevant development plan.

8.0 **Planning Authority Submission**

- 8.1. Fingal County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 on 30th June 2020. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Area Committee, as expressed on May 20th, 2020. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.1.1. PA Comment on Principle of Development

- Note national policy for higher density. ABP should be mindful of cumulative impacts of large-scale permissions in the area and capacity of the receiving environment and infrastructure to service growth. Particular attention drawn to Sutton Cross, facilitating vehicular access and egress to and from the peninsula.

8.1.2. PA Comment on Building Height

- Site is sensitive and constrained in ability to absorb increased height. Consider coastal landscape designation - identified as exceptional landscape value with high sensitivity to development – skylines, ridgelines should be protected, and coastline should be protected from intrusive development.
- The approved development preferable.
- Site is clearly visible from Dublin Road and Strand Road and the insertion of 5 storeys will impact on the skyline in a negative manor and contravene local objective 113. Regard must be had to local context, sensitive landscape character, established setting and adjacent protected structure.
- 2 no. protected structures RPS No. 794 (Santa Sabina School Complex) and RPS No. 925 (St. Fintan's Church) adjacent to the site. The setting of the convent substantially altered over time and potential impact is not as significant or pronounced as the potential impact to St. Fintan's Church. Church includes iconic bell tower designed by Andrew Devane and makes an important contribution to Fingal's building stock. Increased height would have a detrimental impact as it would compete with and visually dominant the church due to the additional mass and block form relative to the low level setting and tall elegant bell tower.

8.1.3. PA Comment on Design and Layout

- Considered that where height is increased galvanised steel connections should be omitted or reduced in scale. Commercial in character. Seek condition to agree finishes.
- Concern over view of Block D1 from rear gardens to the north (blank elevation).

- Concern in relation to north elevation of Block A-B1 and how this would be viewed from apartments to the south elevation of Block C1. Separation distance between these blocks has been reduced and concerns in relation to overlooking between windows and apartments.
- Question quality of light to courtyard open space over podium and to apartments on the northern elevation of Block AB1.
- Question impact of increased number of apartments and intensified occupation in Block D on units to the north.
- Site is in Airport Noise zone D. Developments of over 50 no. units to demonstrate good acoustic design. Address by way of condition.
- Mix between 1 and 3 bed units is unbalanced. ABP should considerer desire for higher density apartment living and the need for family accommodation.

PA Comment on Transportation

- Carparking provision below the CDP standard and concerns in relation to the rate of provision.
- Cycle parking is below the CDP standard. Concern in relation to absence of design details and in relation to the location of parking within the north east of the site.
- Need structural layout for basement car park to ensure columns do not impact car parking spaces. Ramp gradient not clear. Flood defence proposed at ramp entrance. Concerns in relation to the manoeuvrability of some spaces.
- Traffic and Transport Assessment substandard. Uses TII thresholds relating to National and Regional Roads.

PA Comment on Other Matters

- Condition submission of Construction and Environmental Management Plan for agreement.
- Provision of Part V in one block contrary to spirit of social inclusion.
- Open space requirement of 5,812.5 sq.m. PA only consider areas that will be offered for taking in charge. Open space in southern section of the scheme

would provide for the 10% minimum and should be offered for taking in charge. A contribution should be made in respect of outstanding open space provision. The opinion sets out calculations for a contribution of €193,800.

- Play features should be relocated away from residential units to avoid conflict.
- Public lighting ducting under the canopy of trees could damage tree routes.

8.1.4. Comments of Elected Members

- Contrary to Local Objective No. 113. 3 storey height as approved should be retained. Concern in relation to adequacy of car parking and creche provision. Concern regarding photomontages. Concerns in relation to SHD process.

8.1.5. PA Recommendation

- The following reason for refusal is recommended:

“Having regard to the core principles of the NPF, which seeks to deliver future environmentally and socially sustainable housing of a high standard for future residents and to achieve placemaking through integrated planning and consistently excellent design; to the development strategy for Sutton contained in the Fingal Development Plan 2017-2023 which seek to encourage consolidation through the densification and growth... taking into account the proximity of the site to (a) the historical setting and context of the St. Fintan’s Church and bell tower (RPS. 925) and (b) the location within a highly sensitive character type, coastal character type, the objective of which is to protect the skyline, horizon and ridgeline. It is considered that the proposed development, by reason of the increased height would seriously detract from the established low lying character of the area and would be contrary to Local Objective 113 which seeks to ‘ensure no development in excess of three storeys’, therefore the proposed development in its current form would be contrary to the proper planning and sustainable development of the area”.

9.0 Third Party Submissions

9.1.1. A total of 2 no. third party submissions have been received from a local resident group and local environmental group. The main points made in submissions can be summarised as follows:

- Quantum of development / net density.
- Outer suburban site and not proximate to high capacity public transport. Selective interpretation of Apartment and Building Height Guidelines. Criteria for increased height not met.
- Traffic problems in the area. Proposed development and other planned and permitted development would exacerbate traffic problems. Trip rates underestimated. Need to consider impact on Sutton Cross Junction.
- Unsuitable location for lower car parking provision based on guidance set out in Apartment Guidelines. Localised factors relating to levels of car ownership and distance from city need to be considered.
- Core Strategy.
- Height would materially contravene local objective in the development plan. Impact of increased height on the surrounding area.
- Visual / overbearing impacts on existing houses.
- Impact on visual character of the area.
- Impact on St. Fintan's Church.
- Housing Mix.
- Open space provision.
- Flooding in adjacent rear gardens since works commenced and concerns that excavation works may exacerbate this.
- Request that an intermediate floor be omitted to give 3 storey blocks with setback 4th storey (-13 units).

10.0 Prescribed Bodies

Department of Heritage, Culture and the Gaeltacht (Archaeology)

Note that no report submitted with application in relation to archaeological impacts of proposed development. The proposed development is in the vicinity of a midden of archaeological interest, Recorded Monument DU015-024. The Department recommends a condition pertaining to pre-development testing in the event that permission is granted.

Irish Water

IW has issued a design statement of acceptance. In respect of wastewater, there is an existing 4500mm ID concrete sewer passing through the site that requires diversion. A diversions agreement has issued. IW cannot guarantee a flow rate to meet fire flow requirements and that the applicant may need to provide adequate storage within the site. A standard condition is recommended in relation to connection agreement.

National Transport Authority

Supports the development in principle - consolidating development within the existing built-up area and within 500m of bus services and 1km of rail services. In assessing the proposed development, recommended that An Bord Pleanála carefully consider:

- Quantity of car parking. The level of provision does not comply with the guidance set out in the Apartment Guidelines for reduced provision.
- Quality of Cycling Infrastructure. Need for safe and secure cycle parking facilities, and in accordance with the National Cycle Manual, proposed cycle parking should consist of Sheffield Stands (located 1.2m apart) and should be located in cycle cages.

11.0 Assessment

11.1. Having considered all of the documentation on file, the PA's Chief Executive Report, the submissions from prescribed bodies and third party submissions, I consider that the planning issues arising from the proposed development can be addressed under the following headings:

- Compliance with SHD Legislation and Principle of Development
- Visual Impact and Urban Structure
- Architectural Heritage
- Residential Amenity
- Quality of Development
- Traffic and Transportation
- Water Services and Flood Risk
- Other Matters
- Material Contravention – Building Height

11.2. These matters are considered under separate headings below. Furthermore, Environmental Impact Assessment and Appropriate Assessment are addressed in Sections 12.0 and 13.0 below.

11.3. **Compliance with SHD Legislation and Principle of Development**

11.3.1. In 2018 Fingal County Council granted permission, under PA Ref. F17A/0615, for a development in the grounds of the Santa Sabina Dominican College & Convent Complex on an overall site of c. 2.46 hectares. The permitted development comprises 96 no. residential units, a creche, revised access from Greenfield Road to serve the proposed residential development and a new vehicular access from Greenfield Road to serve the school and convent. Works have commenced on foot of this permission. The subject application seeks permission for amendments to the permitted scheme. The amendments are confined to Blocks A-B1, C1 and D and to an area of 0.76 hectares. It is proposed to increase the height of Blocks A-B1 and C2 from 3 to 5 storeys and to amend the footprint, layout and elevations of the blocks. It is also proposed to replace 10 no. semi-detached houses in Block D with 3 no. apartment blocks (Block D1, D2 and D3). The alterations would impact a total of 102 no. units, increasing the overall number of units by 47 no. units and altering a further 55 no. units.

11.3.2. The Fingal Development Plan 2017-2023 is the relevant statutory plan for the area. The site is subject to two zoning objectives. The north east part of the site is zoned

RS-Residential with an objective to “provide for residential development and protect and improve residential amenity”. Residential is ‘permitted in principle’ under this zoning objective. The southern and eastern part of the site is zoned CI – Community Infrastructure with an objective to “provide for and protect civic, religious, community, education, healthcare and social infrastructure”. Residential is ‘not permitted’ under this zoning objective.

11.3.3. In the first instance it is necessary to consider whether the proposed development comes within the definition of ‘strategic housing development’ as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The definition in the 2016 Act refers to ‘the development of 100 or more houses on land zoned for residential use or a mixture of residential and other uses’. Section 9(6)(b) of the act precludes the Board from granting a permission under the SHD procedure that materially contravenes a development plan in relation to the zoning of land. The subject application is for modifications to a permitted housing development. The modifications are situated entirely on lands zoned RS Residential. In relation to the quantum of development proposed the alterations would impact a total of 102 no. units. I am satisfied that the proposed development meets the unit threshold for SHD and that it would not materially contravene the zoning of the land.

11.3.4. The Core Strategy of the Fingal Development Plan 2017-2023 identifies capacity for a total of 1498 no. new homes in the Baldoyle / Sutton area during the plan period (Table 2.8 refers). The lands to which the alterations relate are zoned residential and are not subject to any phasing provisions. I am satisfied that the proposal comes within the provisions of the core strategy.

11.4. Quantum of Development

11.4.1. The quantum of development is considered in terms of density. The site is an infill site in the established suburb of Sutton. The site is c. 12 km north east of Dublin City Centre, c. 600 metres south east of Sutton Cross local centre and c. 1.1 km south east of Sutton DART Station. The area is also served by Dublin Bus services. The amended development would comprises 143 no. apartments and have a net density of 81 units per hectare based on a stated net site area of 1.76 ha.

11.4.2. The submissions received from the PA and third parties express concern in relation to the density of the proposed development and in relation to the capacity of the area to absorb the cumulative impact of the proposed and other permitted developments in the area. One of the third-party submissions argues that the site is at an outer suburban location that is poorly served by public transport and that the increase in density is not justified. The applicant argues that the site is in an accessible urban location. While I note the concerns raised by the PA and third parties, I am cognisant of government policy set out in the National Planning Framework (2018), the Sustainable Residential Development in Urban Areas Guidelines (2009), the Urban Development and Building Height Guidelines (2018) and the Sustainable Urban Housing Design Standards for New Apartments Guidelines (2018), all of which promote increased densities in urban areas with good public transport. The Apartment Guidelines (2018) set out specific guidance in relation to locations that are suitable for higher density apartment developments in Section 2.4. Central and / or accessible urban locations¹ are considered suitable for higher density apartment developments, while intermediate urban locations² are considered suitable for small-scale high-density apartment developments or large-scale medium-density developments with some apartments. Based on the definitions in the guidelines, I consider the site to fall within the definition of an 'intermediate urban location' on the basis that it is within 800-1000 metres of a suburban centre and within 1,000-1,500 metres of a high capacity urban public transport stop (DART). Such locations are deemed to be suitable for small-scale high-density apartment developments of the type proposed. On this basis, I consider that the subject site is well placed to accommodate the proposed density.

11.5. Visual Impact and Urban Structure

11.5.1. The proposed amendments would increase the height of two apartment blocks (A-B1 and C1) from 3 to 5 storeys; and replace five no. 2-3 storey semi-detached houses with three no. 3 storey apartment blocks. The architectural language and finishes

¹ Locations within 1000-1500 metres of principal city centres or significant employment locations; within 800-1000 metres of high capacity urban public transport stops (such as DART or Luas) and within 400-500 metres of high frequency urban bus services (min 10-minute peak hour frequency).

² Locations within 800-1000 metres of a principle town or suburban centre or employment location; within 1,000-1,500 metres of high capacity urban public transport stops (such as DART or Luas); or up to 1,000 metres from high frequency urban bus services (min 10-minute peak hour frequency).

are generally similar to the approved scheme. The modifications proposed under the subject application are in the northwest portion of the overall 2.46 ha site.

11.5.2. The site is an infill site in the built up area of Sutton. It is bounded to the north by the rear gardens of existing residential properties at Glencarraig and to the west by the grounds of St. Fintan's Church. The north-eastern boundary is with the retained school grounds of Santa Sabina Dominican College. The remaining boundaries are with the previously permitted development, which is under construction within the overall site. In its wider area the site is directly north of Dublin Bay. Lands immediately south of Greenfield road are zoned High Amenity. The High Amenity zoning of Howth and the buffer to the Howth SAAO (Special Amenity Area Order) is located over 600 metres to the east. Howth SAAO is over 1 km east of the site at its nearest point. There is a map-based objective in the Development Plan "To Preserve Views" along the coast (Map 10 refers). This objective extends along Greenfield Road to the south of the site. The site is within the 'Coastal Landscape' landscape character area, identified in the Development Plan as a landscape type of exceptional value and high sensitivity (Table LC01, Chapter 9 refers). Objectives of the Development Plan seek to "ensure the preservation of the uniqueness of a landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application" (Objective NH33); to "ensure that new development does not impinge in any significant way on the character, integrity and distinctiveness of highly sensitive areas and does not detract from the scenic value of the area...." (Objective NH36) and to "protect skylines and ridgelines from development" (Objective NH38).

11.5.3. Submissions received from the PA and third-parties express concern in relation to the impact of the increased building height on the skyline and on the character of the area. The PA's submission refers to the coastal landscape designation under the development plan and to objectives of the development plan to protect sensitive landscapes. The PA recommends that permission is refused for one reason as follows: "*Having regard to the core principles of the NPF, which seeks to deliver future environmentally and socially sustainable housing of a high standard for future residents and to achieve placemaking through integrated planning and consistently excellent design; to the development strategy for Sutton contained in the Fingal Development Plan 2017-2023 which seek to encourage consolidation through the*

densification and growth... taking into account the proximity of the site to (a) the historical setting and context of the St. Fintan's Church and bell tower (RPS. 925) and (b) the location within a highly sensitive character type, coastal character type, the objective of which is to protect the skyline, horizon and ridgeline. It is considered that the proposed development, by reason of the increased height would seriously detract from the established low lying character of the area and would be contrary to Local Objective 113 which seeks to 'ensure no development in excess of three storeys', therefore the proposed development in its current form would be contrary to the proper planning and sustainable development of the area".

11.5.4. I have inspected the site and viewed the site from a variety of locations in the surrounding area. I have also reviewed the photomontage images submitted with the application. The images illustrate the permitted development and the proposed development from 18 no. viewpoints in the area. I am satisfied that the viewpoints selected are a representative sample of short-range, medium-range and long-range views. I would note the concerns raised by the PA's Conservation Officer in relation to the timing of the images which show trees in full leaf and the fact that there will be less screening from trees at other times of year.

11.5.5. I will address landscape and visual impacts in this section, while the impact on architectural heritage is addressed separately in section 11.6 below. I consider photomontage views no. 8 to 18 to be the relevant views for the purpose of considering landscape and visual impacts.

- Viewpoint 8 is from the junction of Church Road and Glencarraig c. 160 m northwest of the site. While the development will have some visibility between housing, the level of visual change is slight.
- View 9 is from corner of Church Road and Greenfield Road to the south west of the site. The upper levels of the proposed blocks are visible in the background from this location. I consider the level of visual change to be moderate but positive given the sites suburban context.
- View 10 is from Greenfield road c. 380 m west of the SHD site at a location that is close to Sutton Cross. The proposed development is not readily visible from this viewpoint.

- Views 11, 13 and 14 are from the coastal edge / coastal public open spaces to the east and south of the site at distances of c.280m, 430m and 680m from the development. The permitted and proposed developments will be visible from these viewpoints. I am satisfied that the proposed development would read as part of the wider suburban landscape and would not significantly alter the character of the existing views of the coast or of the existing sub-urban context.
- View 12 is from the southern end of Santa Sabina Manor c. 360 m south west of the SHD area. The proposed development would be only slightly visible above the existing housing.
- View 15 is from Glencarraig c.90m north of the SHD area. The development will have some visibility between existing properties but is largely screened by houses and trees. The level of visual change is slight.
- View 16 is from Offington Park c.180m east of the SHD area. There is no change on this view.
- View 17 is a long-range view from Howth Golf Club c.1.5 km southeast of the site. While visible in the distance the view of the proposed development is similar to that of the permitted scheme.
- View 18 is a long-range view from the R105 Coast Road c. 1.4 km west of the site. The proposed development is not readily visible, and any views would be similar to that of the permitted scheme.

11.5.6. The proposed housing blocks are higher than the predominant two storey building height in the area and will be visible on some views as detailed above. However, the photomontage images show that the level of change arising from the proposed amendments would not significantly change the character of views or of the wider urban coastal landscape. While I note the concerns raised by the PA and in third party submissions, I am satisfied that the proposed development would not have a significant impact on the sensitive coastal landscape and that a refusal is not warranted on the basis of landscape or visual impact. Furthermore, on the basis that no significant impacts would arise I consider that the issue of material contravention of development plan objectives to protect sensitive coastal landscapes including Objectives NH33 and NH38 does not arise.

11.5.7. The overall approach in terms of urban structure, architectural language, material, and finished levels is generally as approved under PA Ref. F17A/0615 and I do not propose to revisit these issues. The PA has raised concerns in relation to the reduced separation between Blocks A-B1 and C1 and the potential for overlooking / overshadowing. I would note that kitchen and bedroom windows in the northern elevation of Block A-B1 are c. 10 metres from windows in the southern elevation of Block B. Obscure glazing is proposed, however, in the case of the bedroom windows it may be more appropriate to offset or redesign the window. This issue can be addressed by condition. The primary access doorways to Blocks A-B1 and C1 are not clearly marked on the submitted drawings and elevations. In both blocks it appears that the intention is to provide a doorway to the internal corridor at ground floor level beside the internal stair and lift cores. This issue can be addressed by condition. Issues raised by the PA in relation to material finishes can also be addressed by condition.

Having regard to the above assessment, it is considered that the development will be satisfactory in terms of landscape and visual impacts and urban structure. The overall scale and design of the development is therefore acceptable.

11.6. Architectural Heritage Impact

11.6.1. I have considered the potential for impacts on the setting of St. Dominic's Convent Santa Sabina and St. Fintan's Church, Protected Structures that lie to the east and immediate west of the site.

11.6.2. St. Dominic's Convent (RPS 794) is described on the RPS as '*an original 19th century house (convert to convent), entrance avenue & walled garden only*'. The applicant's conservation report and the PA's submission note that the proposed housing blocks are separated from St. Dominic's Convent by modern buildings and that the curtilage around this structure has been significantly altered over time. It is concluded by both parties that the proposed development would not have a significant impact on the character of this structure. I would concur with these conclusions.

11.6.3. St. Fintan's Church (RPS 925) to the immediate west of the site is described on the RPS as '*a late 20th century Modernist church and belltower (designed by Andrew*

Devane). The applicant's conservation report describes the church as an interesting example of modern architecture. A presbytery on the church site contains a mansard roof and is not of the same architectural quality as the church. The church building is considered unique on the basis that few modern churches of architectural quality were built in the mid-20th century. One third party submission and the PA's submission expresses concern in relation to the potential impact on the setting and character of St. Fintan's Church. The PA's submission notes that St. Fintan's Church makes an important contribution to Fingal's building stock. The report argues that the proposed development would be visually dominant due to the additional mass and block form of the blocks relative to the low level setting and tall elegant bell tower of the church and have a detrimental impact on the protected structure. The PA's recommended reason for refusal refers to the proximity of the site to the historical setting and context of St. Fintan's Church and bell tower (RPS 925). I would note that the SHD application was referred to the Department of Heritage, Culture and the Gaeltacht, The Heritage Council and An Taisce, however, no submissions have been received from the prescribed bodies in respect of architectural heritage.

11.6.4. Photomontage views no. 1-7 and no. 11, 13 and 14 and Section Drawing 0638A-OMP-ZZ-ZZ-DR-A-2001 illustrate the relationship between the proposed housing blocks and the church. The church and the adjoining presbytery and garage are contained within a substantial site. This appears to be the original curtilage of the church site and there is no indication of any wider historic relationship between the church site and the adjoining SHD site. In this regard I would note that St. Fintan's church is a relatively recent structure and is included on the RPS as an example of mid-20th century church architecture. The boundary between the church site and the proposed housing development is marked by palisade fencing and mature trees. The planting is to be retained and supplemented to increase visual separation between the sites. The proposed apartment buildings are c. 50 metres from the church and further from the bell tower which sits to the west of the main church building. While the upper sections of the 5-storey blocks will be visible in the background of some views of the church from the west and south east, there is a clear visual separation between the structures in my view. St. Fintan's Church will retain its prominence at the corner of Greenfield Road and Church Road. Views of the church and bell tower

along the coast will not be impeded by the proposed development as the proposed housing blocks sit behind and to the west of the church. I consider that the level of visual interaction is reasonable within a suburban context and that the proposed development would not have a significant adverse impact on the character or setting of St. Fintan's Church. On the basis of the foregoing, I consider that a refusal of permission or substantial alteration is not warranted on the basis of impact on architectural heritage.

11.7. Impact on Residential Amenity

- 11.7.1. Locally the amended development will be visible from the private areas of houses to the immediate north and would change the outlook from these properties. A key question for this assessment is whether the proposed amendments to the development would interfere with the amenities of the properties to the north in a manner that would justify refusing permission or substantially altering the proposed development. A submission from the Glencarraig Residents Group states that the blocks along the northern boundary would impact houses no. 13-23 Glencarraig due to the increased scale and mass of Blocks D2 and D3 and the increased height and reduced setback of Block D1. The submission states that the three storey blocks will have an overbearing aspect when viewed from these properties. It is argued that the replacement of houses with apartments would add to visual intrusion and to the perception of overlooking. The submission from the PA raises concerns in relation to the impact on dwellings to the north, arising from the increased occupancy and the blank façade in Block D1.
- 11.7.2. The dwellings to the north have long rear gardens of 35 metres and over and are separated from the application site by a c. 2 m high block wall. The proposed apartment blocks along the northern boundary maintain a minimum setback of 38 metres from dwellings in the Glencarraig estate. First and second floor windows in the rear elevations maintain a minimum setback of 11 metres from the site boundary and of 48.9 metres from opposing upper level windows to the north. Block D1 which is closer to the boundary (c. 6 m setback) has an angled rear building line and no windows in the northern elevation. I consider that the three storey blocks on the northern boundary represent a modest transition in scale from the existing two storey dwellings. The proposed five storey blocks are located centrally within the

site and at a remove from the existing dwellings. I am satisfied that the potential for undue overlooking, overshadowing or overbearing impacts are mitigated to an acceptable degree due to the design of the scheme and the level of separation. A refusal or substantial alteration would not be warranted on this basis in my view.

11.8. Quality of Development

11.8.1. The following assessment considers the quality of blocks overall to ensure that the scheme as a whole would meet the relevant quantitative and qualitative standards. The assessment has regard to guidance set out in the ‘Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities’ 2018; and the Fingal Development Plan 2017-2023.

11.8.2. Housing Mix

The proposed amended development would provide for the following housing mix:

Beds	Apartments	%
1-bed	24	17
2-bed	110	77
3-bed	9	6
	143	100%

The proposed development includes a combination of own door and standard apartment types. SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. Submissions received from the PA and a third-party raise concern in relation to the housing mix and lack of family type units. While I acknowledge the concerns raised, I would note that the proposed development meets the standards set out in national guidance with regard to housing mix. The proposed housing mix is, therefore, acceptable in my view.

11.8.3. Apartment Design and Layout

The schedule of floor areas set out in the Housing Quality Assessment indicates that floor areas for all apartment units meet or exceed the minimum specified in SPPR3 of the apartment guidelines.

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. There are 9 no. two-bedroom three person apartments in the scheme overall equating to c. 6% of the two-bed units overall.

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%). This requirement is met and exceeded.

SPPR 4 requires a minimum of 33% dual aspect units for developments in more central and accessible urban locations and a minimum of 50% dual aspect units for developments in suburban or intermediate locations. The housing quality assessment submitted with the application indicates that 76% of the units overall are dual or triple aspect. I am satisfied that the requirements of SPPR 4 of the Guidelines are met and exceeded.

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

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

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. The units generally meet the minimum standards. Private open space is provided in the form of terraces and balconies. Minimum space and depth standards are generally met.

11.8.4. Communal and Public Open Space

Appendix 1 of the Apartment Guidelines sets out the following minimum area requirements for communal amenity space in new apartment developments:

Unit	No.	Per Unit (sq.m.)	Total Requirement
1 bed	24	5 sq.m	120 sq.m
2 bed (3 person)	9	6 sq.m	54 sq.m
2 bed (4 person)	101	7 sq.m	707 sq.m
3 bed	9	9 sq.m	81 sq.m
Total	143		962 sq.m.

The scheme provides for 2,344 sq.m of communal amenity space in the form of a central landscaped courtyard (1,446sq.m) between Blocks A-B1, B2-B3, and C2 with a further courtyard (900 sq.m) proposed to the rear of Blocks D1, D2 and D2. The requirement of the guidelines is met and exceeded within the scheme.

The Fingal County Development Plan 2017-2023 sets out requirements for public open space provision in new developments (Section 12.7). Objective DMS56 sets out an overall requirement of 2.5 ha per 1000 population equating to 25 sq.m per person. For the purpose of calculation, public open space requirements are to be based on an occupancy rate of 3.5 persons for dwellings with three bedrooms or more and 1.5 persons in the case of dwellings with two or fewer bedrooms. This equates to a total occupancy of 232.5 persons for the proposed development and an overall public open space requirement of 5,812.5 sq.m. A minimum of 10% of the site area is to be designated for use as public open space (Objective DSM57) and a financial contribution may be accepted in lieu of any shortfall.

A total of 5,960 sq.m of public open space is provided. The submission from the PA refers to a shortfall of 3,300sq.m in public open space provision. The PA asserts that spaces that are not offered for taking in charge would not contribute towards public open space provision. It is stated that the Council would accept the open space located between the entrance driveway and the school sports ground (c. 2512.5 sq.m) and that this would meet the minimum requirement for 10%. The submission seeks a Section 48 development contribution of €193,800 in respect the remaining provision. I am of the view that the requirements of the Development Plan in relation to open space

provision are met and exceeded within this scheme. Condition no. 5 of the permission granted under PA Ref. F17A/0615 states that no gates, security barrier or security hut shall be permitted at the main entrance including the pedestrian entrance to this development. On this basis, the areas identified as public open space within the development will be accessible to members of the public. I consider that the payment of a financial contribution in respect of the units covered under the subject application is not warranted given the extent of provision within the site. Details of access to the proposed public open spaces can be addressed by way of condition.

11.8.5. Communal Facilities

The Apartment Guidelines promote the provision of communal rooms for use by residents in apartment schemes, particularly in larger developments. The proposed development does not include internal communal rooms. Given the relatively modest scale of the development and the range of services in close proximity, I am of the view that the needs of the future residents will be adequately catered for in the local area.

11.8.6. Daylight, Sunlight, Overshadowing and Wind

I refer the Board to the Daylight & Sunlight Assessment submitted with the application. Modelling of ground floor units within the scheme shows that habitable rooms perform well in terms of daylight and sunlight access. While I note the concerns raised by the PA in relation to some of the ground level units, I consider the level of compliance to be reasonable. BRE guidance recommends that at least 50% of external amenity spaces should receive in excess of 2 hours of sunlight on 21st March. This guidance is met and exceeded in respect of the open space to the south of the blocks. The PA submission states that the Board should consider the level of sunlight access to the podium level open space. I consider the level of sunlight access to be reasonable for a courtyard space of the type proposed having regard to BRE guidance.

In relation to the receiving environment the shadow diagrams in Appendix A of the Daylight & Sunlight Assessment indicate that the proposed amendments would not increase shadow cast onto the rear gardens to the north of the site. There is some minor increase in shadow cast onto the school site to the west in the evenings. However, this is to circulations areas and would not adversely impact on the school buildings.

The submitted Wind Microclimate Study indicates that the proposed alterations would not significantly alter the wind climate within the development. Overall, the development is likely to provide a comfortable and attractive environment for pedestrians and occupants. Retention of existing trees, additional landscaping and the use of 1.8m high wind screens on higher corner balconies will all reduce the impact of wind. Given the relatively modest scale and height of the blocks proposed I am satisfied that significant impacts are not likely to arise.

11.8.7. Waste Management

Provisions are made for the segregation of domestic waste during the operational phase and the application is accompanied by a Construction and Waste Demolition Management Plan. I am satisfied that adequate provision is made for waste management during both the constructional and operational phases of the development.

11.8.8. Quality of Residential Development Conclusion

To conclude, I consider that the design and layout of the development is satisfactory with regard to national and development plan guidance for residential development and that it would offer a reasonable standard of residential accommodation and amenity for future residents of the scheme.

11.9. **Traffic and Transportation**

11.9.1. The site is accessed from the northern side of the R105 Greenfield Road. Greenfield Road is a single carriageway roadway with footpaths on either side. The urban speed limit (50 kph) applies. There is a map-based objective in the Development Plan for a walking and cycling route along Greenfield Road to front of the site (CDP Sheet 10 refers). The development approved under PA Ref. F17A/0615, included a new vehicular access to serve the school and convent at the eastern end of the site, while the original entrance at the western end is to be retained and upgraded to serve the residential development. The new school entrance was in place at time of site inspection.

11.9.2. Accessibility

The site is c. 600 metres from Sutton Cross local centre and is within walking and cycling distance of a range of local services and facilities. It is c. 1.1 km walking distance from Sutton DART Station. The Irish Rail timetable shows c. 3 commuter trains per hour in each direction from the station and a journey time of c. 20 minutes to Dublin City Centre. There are also suburban bus services in the area. The 31b Dublin Bus service on Greenfield Road operates a limited service in the morning and evening. The 31/31a Dublin Bus service on Howth Road (c. 400 metres north) runs between Howth and Talbot Street at intervals of c. 20-30 min during peak times. The 102 service runs from Sutton Dart Station to Swords serving Portmarnock, Malahide and Dublin Airport. A recently constructed off road cycle lane connecting Sutton to Clontarf over 8.5 km provides improved cycle access to Dublin City.

11.9.3. Car Parking

The proposed amendments would increase the overall number of units in the development to 143. A total of 168 no. car parking spaces are proposed (1.17 per unit). This is 2 no. spaces less than the approved development for 96 no. units (1.77 per unit). Submissions received from the PA and a third-party express concern in relation to the level of car parking provision indicating that it may not adequately serve the development. The PA note that the level of provision is below the CDP standard. Conversely the submission from the NTA notes that the applicant states that the site is in an 'accessible urban location' and refers to policy for car parking to be minimised, substantially reduced, or wholly eliminated at such locations. I consider the site to be in an 'intermediate urban location' as defined by the Apartment Guidelines as discussed in Section 11.4 above. In such areas planning authorities are asked to consider reduced provision and to apply an appropriate maximum car parking standard. I consider the level of car parking to be acceptable given the reduced rate of provision proposed. Concerns raised by the PA in relation to the basement (layout / position of columns and entrance details) can be addressed by condition.

11.9.4. Cycle Parking

A total of 270 no. cycle parking spaces are proposed, 40 no. surface level spaces and 230 no. basement level spaces. The submission received from the NTA recommends that secure cycle cages and Sheffield stands are provided. The PA

note that the rate of provision falls below the CDP standard and also seek design details for secure cycle spaces. I consider the overall level of provision to be acceptable. The design issues raised by the NTA and the PA can be addressed by condition.

11.9.5. Traffic Assessment

The submissions received from the PA and third parties raise concerns in relation to the impact of traffic generated by the proposed development on the local road network including the signalised junction at Sutton Cross (R105/R106), the potential for cumulative impacts with other permitted and planned developments in the area and in relation to the adequacy of the submitted Traffic and Transport Assessment. One third party submission questions the forecast trip rates and suggests that the actual number of trips will be higher. The PA also question the use of TII guidance which, the submission states, is intended for regional and national roads.

The submitted Traffic and Transport Assessment is generally in accordance with the recommendations of TII's Traffic Assessment Guidelines 2014, which are the applicable guidelines for an urban development of this type. The existing traffic flows are assessed, trip generation forecast, and impact analysis undertaken in respect of the key local junctions. The NRA / TII approved TRICS Trip Database is used to forecast trip generation rates which is an industry standard for forecasting trip generation. The assessment finds that the increase in traffic flows at local junctions (Sutton Cross, Church Road / Greenfield Road and Church Road / Howth Road) arising from the proposed development would be below 5%. The submissions question the applicant's failure to assess the cumulative impact of permitted and proposed developments in the area on the local road network. In this regard, I would draw the Boards attention to the guidance set out in TII's Transport Assessment Guidelines (2014). The guidelines recommend that the threshold for a full TIA in the case of residential development is for developments in excess of 200 dwellings or where the forecast increase in traffic flows would exceed 10% of the existing flows in normal conditions or 5% where congestion exists. The need for a full TIA (inc. cumulative impact assessment) below this threshold is to be determined on a case by case basis. In this instance the assessment undertaken demonstrates that the increase in traffic arising from the proposed development would be negligible. Furthermore, I would note that the number of car parking spaces proposed in this

instance is below the numbers approved by the PA under the previous grant of permission on the site (PA Ref. F17A/0615). The forecast impact on the junction into the residential development was 6.1%. As this exceeds the 5% threshold for a congested area, this junction was modelled using PICADY software which is TII's recommended software for isolated priority junctions. The model shows that the junction will perform within its capacity in the opening year and in future year scenarios (+5 and +15). I am satisfied that the submitted traffic assessment is robust and that the impact of the amendments proposed under the subject SHD application on the traffic network in the area would be negligible.

11.9.6. Construction Traffic

I consider that the proposed amendments would not impact significantly on traffic generated during the construction phase. The Construction and Environmental Management Plan states that the applicant has agreed an access and traffic management plan under the parent permission PA Ref. F17A/0615 and that the proposed alterations would not require any changes to the agreed strategy with regard to traffic management. The PA request a condition for a new CEMP to be agreed. This can be addressed by condition.

11.9.7. Traffic and Transportation Impacts Conclusion

Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts and that any outstanding issues may be dealt with by condition.

11.10. **Water Services and Flood Risk**

11.10.1. The proposed development would connect to the public foul drainage and water supply networks. Full details are set out in the engineering drawings and the engineering services report accompanying the application. The PA and Irish Water have no objection to the proposed drainage arrangements.

11.10.2. Surface water would be discharged to the public surface water drainage network and measures are proposed to store surface water within the site and to control discharge. The drainage system approved under PA Ref. F17A/0615, including petrol interceptor, attenuation tank, hydro brake and non-return valve, are under construction. The drainage network for the altered development will connect

into the approved system. Details for sediment and water pollution control are set out in the Construction Environmental Management Plan.

11.10.3. The OPW CFRAMS identifies that the site is in Flood Zone C. It is not susceptible to pluvial or fluvial flooding. The residential part of the site is located c. 100 m from the coast. Tidal flood maps from the ECFRAMS study indicate that the site is not at risk from any of the models of tidal flooding. The site is within the tidal flood extents for high-end and mid-range future scenarios based on a 20% or 30% increase in rainfall and a sea level rise of 0.5 - 1 meter. These maps show a large proportion of Sutton and Kilbarrack under flood waters. Topographical surveys indicate that the area between Greenfield Road and the site has been raised to 4.00 m OD to reduce the risk of tidal flooding. In relation to the longer-term flood risk associated with climate change scenarios, I am satisfied that the proposed development passes the criteria of the Development Management Justification Test, set out in Chapter 5 of the Development Management and Flood Risk Guidelines. The proposed development is on zoned urban lands that are identified for development. The development proposed under the subject application will not increase flood risk elsewhere. The approved scheme includes measures to ensure that the residual risks to the area and / or development can be managed and measures to minimise risk to people, property, the economy and the environment. I am satisfied that the development addresses the criteria in a manner that is compatible with the achievement of wider planning objectives. On the basis of the foregoing, refusal is not warranted in my view on the basis of future flood risk associated with climate change scenarios.

11.11. Other Matters

Childcare

The Apartment Guidelines, 2018, provide updated guidance on childcare provision in apartment developments. This guidance states that the threshold for provision in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. The guidelines state that 1 bed or studio units should generally not be considered to contribute to a requirement for childcare

provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms. The applicants Statement of Consistency calculates that the proposed development has a childcare demand of 32 no. childcare spaces, discounting 1 bed units. There is an approved childcare facility of 96 sq. metres in Block C2 with capacity for 19-32 no. children. Having regard to the guidance contained in the Apartment Guidelines and in view of the predominance of 1 and 2 bed units within the scheme I am satisfied that the rate of childcare provision is acceptable.

Part V provision

The applicant has submitted proposals (inc. costings and floorplans) for the transfer of 14 no. units or 10% of the proposed units to the planning authority to meet Part V requirements. The PA indicates no objection to the level of provision but indicates that the units should be more dispersed. I recommend a standard Part V condition in the event of a grant of permission. Details of the location of units etc, can be agreed between the parties.

Archaeology

A submission received from the Department of Heritage, Culture and the Gaeltacht – Archaeological Services states that the proposed development is in the vicinity of a midden of archaeological interest (Recorded Monument DU015-024). The submission recommends that a condition is attached in the event of a grant of permission requiring pre-development testing. However, the previous permission on the site which is currently being implemented did not include a condition relating to archaeological per-testing or monitoring. Topsoil has been cleared and excavation works appeared to be commencing at time of inspection. The application before the Board is for amendments to permitted housing blocks. I consider that a condition in relation to pre-development testing would not be reasonable at this stage given the extent of work undertaken. I recommend that a condition is included, in the event of a grant of permission, requiring archaeological monitoring of any further groundworks.

Ecology

A Terrestrial Ecology Report, dated March 2020, was submitted with the application. The site has been cleared and now comprises spoil and bare ground with some mature trees and amenity grass land remaining. There are no water courses or habitats of conservation significance within the site. No significant ecological

impacts are anticipated within the site. Ecological mitigation measures that are carried through from the extant permission are set out in Section 8. Mature trees are to be retained and protection fencing is to be retained around the trees for the duration of construction. A number of bat boxes have been erected on trees and it is proposed to install an additional one on one of the new apartment blocks at the appropriate time. Lighting will be designed to avoid any impacts. In the event of a grant of permission I recommend that a condition is included requiring the implementation of the mitigation measures set out in Section 8.0 of the ecology study.

11.12. Material Contravention – Building Height

The Fingal County Development Plan 2018-2023 does not include a building height strategy, nor does it impose area-based height restrictions. There is a map based local objective 'No. 113' pertaining to the application site that restricts development on the application site to three storeys". The proposed amendments would increase the height of Blocks A-B1 and Block C1 from 3 to 5 no. storeys, thereby exceeding the height restriction imposed under local objective No. 113. I consider the exceedance of 2 storeys to be material. The application includes a Material Contravention Statement in respect of building height, and this statement is referenced in the public notices. The Board, therefore, has recourse to the provisions of Section 37 (2) (b) of the Planning and Development Act should it consider the exceedance to be material. The applicant's case for material contravention refers to national policy set out in the NPF, the Sustainable Urban Housing Design Standards for New Apartment Guidelines and the Urban Development and Building Height Guidelines. It is noted that SPPR 3 of the Building Height Guidelines provides that permission may be granted for taller buildings where the development management criteria in the guidelines are met, even where specific objectives of the relevant development plan or local area plan indicate otherwise. The applicants statement makes a case for the proposed development based on the criteria set out in Section 37 (2) (b) of the Planning and Development Act 2000 (as amended) and in Chapter 3 of the Building Height Guidelines. The submissions received from the PA and third-party submissions object to the contravention of Local Objective no. 113 on the basis that the site is a sensitive site with limited

capacity to accommodate height. The submissions argue that development management criteria in the Building Height Guidelines, regarding suitability of location and impact on character, are not met. All submissions refer to the potential visual impact given the low-rise context, the sites position relative to the coast and the impact on built heritage – all of which are addressed in detail in the preceding sections of this assessment.

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act (as amended), and based on the assessment above in relation to visual impact and impact on built heritage, I consider that a grant of permission, that may be considered to material contravene the Development Plan, would be justified in this instance under sub sections (i),(iii) and (iv) of the Act on the basis of the following reasons and considerations:

- (a) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.
- (b) It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 13 and 35) and the Urban Development and Building Height Guidelines for Planning Authorities, in particular SPPR1 and SPPR3.
- (c) Having regard to the pattern of existing and permitted development in the vicinity of the proposed development site since the Development Plan was adopted.

12.0 Screening for Environmental Impact Assessment

12.1.1. The site is a suburban site located c. 12.5 km from Dublin City Centre. It has the benefit of permission for 96 no. residential units and a creche (PA Ref. F17A/0615). The proposed amendments relate to housing blocks primarily and would increase

the number of units to 143. The alterations relate to 102 no. additional or altered units. The permitted development had commenced at time of inspection and ground clearance and infrastructure and enabling works were underway. The predominant ground cover was cleared ground and there were mature trees at various points within the site.

12.1.2. The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. The site is zoned RS Residential and CI Community Infrastructure. The predominant use in the area is residential with some community uses. It is therefore reasonable to conclude that the site is not within a business district. The overall proposal of 142 apartments and a creche on a site of 2.56 ha is below the mandatory threshold for EIA.

12.1.3. The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA screening statement which includes the information required under Schedule 7A to the planning regulations. With regard to characteristics, the size of the proposed development is well below the applicable thresholds. The residential and childcare uses proposed would be similar to predominant land uses in the area. The proposed alterations will not significantly alter the footprint or finished levels of blocks or increase the risk of flooding within the site. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. It is, however, close to Dublin Bay and to the designated area of the North Bull Island SPA and North Dublin Bay SAC (c. 50 m). The AA Screening set out in Section 13.0 concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

12.1.4. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be

likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application.

13.0 Appropriate Assessment Screening

- 13.1.1. The application is accompanied by a document titled ‘Screening for Appropriate Assessment and Natura Impact Statement’ prepared by Biosphere Environmental Services. I am satisfied that the information on the file is sufficient to allow me to undertake Appropriate Assessment Screening in respect of the proposed development. The receiving environment is described in Section 12.0 above.

Zone of Interest

- 13.1.2. The site does not overlap with any European sites. The closest European sites, North Dublin Bay SAC (000206) and North Bull Island SPA (004006), are both approximately 50 metres south of the development site and will be connected to the lands via the surface water network. The zone of influence in this case extends to European sites within Dublin Bay, as surface and foul waters from the proposed development will drain to Dublin Bay. The zone of influence could also include SPA’s in the area. Wetland birds feed on the shoreline south of the site within the area of the North Bull Island SPA. Light Bellied Brent Geese (A046), a qualifying interest of a number of Natura 2000 sites within a 15 km radius feed on amenity grasslands south and east of the site. The potential impact on feeding birds due to disturbance or displacement needs to be considered. On the basis of the foregoing, applying the source – pathway – receptor model and taking account of the sensitivities of the ecological receptors in the area, the following sites are considered relevant for the purposes of AA Screening:

North Dublin Bay SAC (000206) – c. 50 m south.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

Rockabill to Dalkey Island SAC - 2.5 km east / south.

CO - To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Reefs [1170] / Harbour Porpoise [1351].

South Dublin Bay SAC (000210) - c. 6.8 km south.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: 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].

North Bull Island SPA (004006) - c. 50 m south.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: 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]

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 5.7 km south.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Roseate Tern (*Sterna dougallii*) [A192] / Common Tern (*Sterna hirundo*) [A193] / Arctic Tern (*Sterna paradisaea*) [A194] / Wetland and Waterbirds [A999]

Baldoyle Bay SPA (004016) - c. 0.7 km north.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Ringed Plover (*Charadrius hiaticula*) [A137] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Wetland and Waterbirds [A999]

Malahide Estuary (Broadmeadow / Swords Estuary) SPA (004025) - c. 6.1 km north.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Great Crested Grebe (*Podiceps cristatus*) [A005] / Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Pintail (*Anas acuta*) [A054] / Goldeneye (*Bucephala clangula*) [A067] / Red-breasted Merganser (*Mergus serrator*) [A069] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Redshank (*Tringa totanus*) [A162] / Wetland and Waterbirds [A999]

Rogerstown Estuary SPA (004015) - c. 11.3 km north.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Greylag Goose (*Anser anser*) [A043] / Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Ringed Plover (*Charadrius hiaticula*) [A137] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Redshank (*Tringa totanus*) [A162] / Wetland and Waterbirds [A999]

13.1.3. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the development proposed, the degree of separation and the absence of ecological and hydrological pathways.

Consideration of Impacts

13.1.4. Foul water will drain to the existing foul water network and will be treated at the IW Ringsend WWTP prior to discharge to Dublin Bay. There is the potential for an interrupted and distant hydrological connection between the site and sites in Dublin

Bay due to foul water discharge from the site. However, the foul discharge from the site would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. The potential for likely significant effects or cumulative effects arising from foul discharge can therefore be excluded at the screening stage.

13.1.5. The development will connect to a public surface water sewer west of the site that outfalls to Dublin Bay c. 50 metres south of the site and in the area of the North Dublin Bay SAC and North Bull Island SPA. The applicants screening statement states that in the absence of mitigation, there is potential for contaminated water from the site during construction and operational phase, to enter the Dublin Bay system via the sewer, and to adversely impact on the qualifying interests of sites in Dublin Bay. The causes of contamination are identified as silt and hydrocarbons from construction vehicles or cars on site. The conclusions of that screening report are in conflict with the Hydrological & Hydrogeological Assessment (HHA) prepared by AWN consulting. The HHA concludes that based on the possible loading of any hazardous materials during construction and operation phases there is no potential for impact on water quality in Dublin Bay from an accidental discharge. Given the circumstances of the site and the characteristics of the proposed development described above, it is highly unlikely that contaminated surface water runoff from the construction or occupation of the proposed development would reach Dublin Bay. If such an unlikely event were to occur, the volume of the runoff means that there is no realistic prospect that it could have a significant effect that would hinder the achievement of the conservation objectives of any of the Natura 2000 sites. I concur with the conclusion of the HHA in this regard and contrary to that stated in the applicant's screening report no mitigation is necessary. For the purposes of screening out I have excluded the HHA's conclusion that should silt laden stormwater from the construction site enter the public stormwater sewer the suspended solids will naturally settle within the drainage pipes and not likely reach the outfall to Dublin Bay as their overall conclusion overrides this particular factor. The submitted 'Natura Impact Statement' in Section 3 describes what it calls mitigation measures to avoid likely significant effects. However, the measures are not described with any degree of precision and their possible effectiveness is not assessed on the basis of objective scientific information. The statement merely sets

out a general approach for the management of construction works and the design of a surface water drainage system that would be advisable for any apartment scheme in an urban area. The HHA makes it clear that even in the absence of the measures described in the submitted NIS, no perceptible risk arises. On the basis of the foregoing, I am satisfied that the potential for likely significant effects or cumulative effects on sites in Dublin Bay due to the surface water connection can be screened out.

13.1.6. The applicants screening report notes that wetland birds feed on the shoreline to the south of the site (c. 50m from the site) and Brent Geese feed on an amenity grasslands south of Greenfield Road (c. 20m from the site) and in the Santa Sabina Manor estate (c. 175m from the residential blocks). The potential for any direct impact on feeding birds can be excluded as there are no suitable feeding habitats within the application site. The main sources of potential indirect impacts would be from noise and other disturbance from the site during construction and operation. No significant noise impacts are envisaged at the feeding sites during construction. While noise control measures detailed in the CEMP are described as mitigation, I would note that the measures are not designed or intended to mitigate the potential for an effect on the qualifying interests of a Natura 2000 site. The measures constitute the standard approach for construction works in an urban area and would be necessary on any urban site in order to protect the amenities of the occupants of neighbouring land. During occupation, the use of the site will be similar to the predominant land use in the area and the increase in population will not be significant in the context of the wider urban area. On the basis of the foregoing, I am satisfied that the potential for likely significant effects or cumulative effects on listed bird species can be screened out.

Screening Conclusion

13.1.7. The development for which permission is sought would not be likely to have any effect on any Natura 2000 site that would be rendered significant in combination with the effects of any other plan or project. It is therefore concluded that, on the basis of the information on the file, which is 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. 000206 (North Dublin Bay SAC), No. 003000 (Rockabill to Dalkey Island

SAC); No. 000210 (South Dublin Bay SAC); No. 004006 (North Bull Island SPA), No. 004024 (South Dublin Bay and River Tolka Estuary SPA), No. 004016 (Baldoyle Bay SPA), 004025 (Malahide Estuary (Broadmeadow / Swords Estuary SPA), No. 004015 (Rogerstown Estuary SPA) or any other European site in view of the site's Conservation Objectives, and that a Stage 2 Appropriate Assessment is not therefore required in respect of these sites.

14.0 Recommendation

14.1. Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to the following:

1. The location of the site in the established urban area of Dublin;
2. The policies and objectives in the Fingal County Development Plan 2017-2023 including the fact that the proposed alterations are on lands zoned residential;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities;
6. The Urban Development and Building Height Guidelines for Planning Authorities;
7. The Design Manual for Urban Roads and Streets (DMURS);
8. The Planning System and Flood Risk Management (including associated Technical Appendices);
9. The Architectural Heritage Protection Guidelines for Planning Authorities;
10. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
11. The pattern of existing and permitted development in the area;
12. The planning history within the area;

13. The report received from the planning authority; and

14. The submissions and observations received.

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would 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 Recommended Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 11th day of March 2020 by John Spain and Associates, on behalf of Parsis Ltd.

Proposed Development: The development comprises alterations to the development permitted under Reg. Ref.: F17A/0615 (currently under construction) consisting of the following:

- Provision of 2 additional storeys to Block A-B1 and alterations / redesign to the 3 permitted storeys below to provide a five storey building containing 42 no. apartments (consisting of 9 no. 1 beds, 29 no. 2 beds and 4 no. 3 beds), and including associated alterations to the courtyard communal amenity space.
- Provision of 2 additional storeys to Block C1 and alterations to the 3 permitted storeys below to provide a five storey building containing 28 no. apartments (consisting of 28 no. 2 beds).
- Replacement of Block D, comprising 10 no. two and three storey semi-detached houses, with 3 no. three storey apartment buildings (Block D1, D2 and D3) containing 32 no. apartments (consisting of 6 no. 1 beds, 21 no. 2 beds and 5 no. 3 beds), and including provision of communal amenity space to the north.

- The alterations to Block A-B1 and C1 include associated alterations to the basement under these blocks primarily relating to the omission of a core and associated alterations to plant, waste storage, car and cycle parking provision.
- The proposed alterations include the provision of balconies / terraces to the external elevations of Block A-B1, C1, D1, D2, and D3.
- An ESB substation and switchroom building and bin collection point are proposed in place of three permitted car parking spaces adjoining the western boundary of the site.
- The proposal includes alterations to the permitted car and cycle parking at basement and ground level, resulting in the provision of a total of 168 no. car parking and 270 no. bicycle spaces.
- The proposed alterations include all associated ancillary site development works.

The proposed alterations to the permitted development relate to 102 no. residential units, including the provision of 47 no. additional residential units and alterations / redesign of 55 no. permitted residential units, which results in an increase in the total number of residential units on the site from 96 to 143.

The proposed alterations to the permitted development are located entirely on lands zoned RS- Residential. No alterations are proposed to Block B2-B3 (24 no. units) and C2 (17 no. units), which contain a total of 41 no. permitted apartments and a creche. The permitted access road to the adjacent school has been implemented and other site development works associated with the permitted residential development, which are not the subject of the proposed alterations, have commenced on the application site as provided for under Reg. Ref.: F17A/0615.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal County Development Plan 2017-2023.

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.

A Natura Impact Statement (NIS) has been prepared in respect of the proposed development and accompanies this application.

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:

Having regard to the following:

1. The location of the site in the established urban area of Dublin;
2. The policies and objectives in the Fingal County Development Plan 2017-2023 including the fact that the proposed alterations are on lands zoned residential;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities;
6. The Urban Development and Building Height Guidelines for Planning Authorities;
7. The Design Manual for Urban Roads and Streets (DMURS);
8. The Planning System and Flood Risk Management (including associated Technical Appendices);

9. The Architectural Heritage Protection Guidelines for Planning Authorities;
10. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
11. The pattern of existing and permitted development in the area;
12. The planning history within the area;
13. The report received from the planning authority;
14. The submissions and observations received; and
15. The Inspector's report.

Appropriate Assessment

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 the Screening for Appropriate Assessment 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 the proposed development is, apart from the building height parameters, broadly compliant with the current Fingal County Development Plan 2017-2023 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene a Site Specific Local Objective of the Plan with respect to building height limits. The Board considers that, having regard to the provisions of section 37(2)(b)(i),(iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

- (d) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.
- (e) It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 13 and 35) and the Urban

Development and Building Height Guidelines for Planning Authorities, in particular SPPR1 and SPPR3.

- (f) Having regard to the pattern of existing and permitted development in the vicinity of the proposed development site since the Development Plan was adopted.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i), (iii) and (iv) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would 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.

17.0 Conditions

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

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted by Fingal County Council

under planning register reference number F17A/0615, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. All mitigation measures identified in Section 8 of the Terrestrial Ecological Report shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

4. The following details shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development:

- (a) Details of a principle access doorway to Block A-B1 and Block C1 at ground level with direct access to the internal access corridor from footpaths or podium areas.
- (b) Details of a wayfinding through the site to ensure clear and legible access to the principle doorways of own door units and apartment blocks in Blocks A-B1, C1 and D1, D2 and D3.
- (c) Revised window details for bedroom 01 in the Type 2M apartments (northern elevation) of Block A-B1 at ground, first and second floor levels. Obscure glazing shall be omitted, and the windows shall be redesigned and / or relocated to avoid a direct interface with opposing bedroom windows in Block C1.
- (d) Details of play provision within the development.
- (e) Details of noise insulation to an appropriate standard for each apartment units, having regard to the location of the site within the Noise Zone D associated with Dublin Airport.
- (f) Structural details for the proposed basement to include details of structural supports, the access ramp and entrance treatments.

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

Reason: In the interests of residential amenity.

5. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interests of clarity and public health.

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

Reason: In the interest of visual amenity.

7. No gates, security barrier or security hut shall be permitted at the main entrances, including the pedestrian entrance to this development.

Reason: In the interests of social inclusion.

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

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

9. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

10. The areas of public open space shown on the lodged plans shall be reserved for such use and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless

otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation. The areas of public open space show on the lodged plans shall be maintained as public open space by the developer or management company until such time as the areas are taken in charge by the local authority.

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

11. A total of 270 secure bicycle parking spaces shall be provided within the development. The 230 no. spaces at basement level shall be contained within secure cycle rooms / cages at basement level. Spaces at surface level shall consist of Sheffield stands. Design details for the cycle spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 162 no. clearly identified car parking space shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

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

13. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/ occupants/

staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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

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

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. Proposals for a development naming and unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

17. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with the planning authority prior to installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

19. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

20. 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.

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of some areas of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

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

Reason: In the interest of sustainable waste management.

23. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of work, noise and dust management measures, disposal of construction/demolition waste and measures to ensure aircraft safety taking account of the matters set out in the submission of the Irish Aviation Authority.

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

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

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

25. Prior to commencement of development, the 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.

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

Reason: To comply with the requirements of Part V of the Planning and

Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

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

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

Karen Kenny

Senior Planning Inspector

24th July 2020