



An
Bord
Pleanála

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

Inspector's Report ABP-308763-20

Strategic Housing Development

Construction of 131 residential units (110 apartments/duplexes and 21 houses), a crèche, a retail unit and associated site works, including two vehicular accesses and pedestrian/cycle crossings

Location

Stocking Lane, Ballyboden, Dublin 16

Planning Authority

South Dublin County Council

Applicant

MacCabe Durney Barnes Ltd.

Prescribed Bodies

Irish Water

Inland Fisheries Ireland

Observers

1. Colm & Moira Byrne
2. Syl Cotter
3. Helen Griscti
4. Nathan & Siobhan Corbett
5. Margaret Walshe

6. David Sharma
7. Kern Kinnear
8. Claire Butler and Patrick O'Dowd
9. Neena Aeri and William Baxter
10. Annette Carey & Liam O Flaherty
11. Michael & Leona Ellis
12. Dermot Lambert
13. Kevin Cunningham
14. John O'Mahoney
15. Gayl Kennedy
16. Carmel O'Brien
17. Karl Jennings
18. Áine & Eamon Murray
19. Mary Walshe
20. Daniel Robinson
21. Richard Collins & Marta Borelli
22. Eimear Perry
23. Brenda Weir
24. Sarah Lonsdale
25. Emma McLoughlin
26. Ballyboden Tidy Towns Group
27. Jean Fuller
28. Prospect Manor Residents' Associa
29. Peter Houlihan
30. Dorothy Doyle
31. Glendoher & District Residents Ass
32. John and Patricia Brennan
33. Emir Jennings
34. Mark Ennis
35. Leigh Harborne
36. Michelle Power & Richard Smith
37. Niall and Maria Brenner
38. Clive & Breda Groarke
39. Springvale Residents Association
40. Alyson & Ciaran Rudden
41. Craig Byrne
42. Cllr. Yvonne Collins
43. Cllr. Clare O'Byrne
44. Mark and Alanna McCormack
45. Treasa Davey
46. Martin & Michelle Kitson
47. Cllr. Alan Edge

- 48. David Kelly
- 49. Moyville Residents' Association

Date of Site Inspection

2nd February 2021

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. The subject site is located in the south Dublin suburb of Ballyboden within the foothills to the Dublin Mountains, approximately 8km from the city centre, 2.3km south of Rathfarnham village and 400m north of the M50 motorway. It is stated to comprise 2.47 hectares of land that is currently available for use for agricultural purposes and is served by a gated access on a residential lane off Stocking Lane. The site features 130m frontage onto Stocking Lane, a two-lane regional road (R115) that features a separate pedestrian and cycle path elevated above the road and on its western side. It is adjoined to the south primarily by two-storey houses within the Prospect Manor estate, including Prospect Avenue and Prospect Heath. Bounding to the east of the site is housing within Springvale estate overlooking the Owendoher river. There are large detached houses set amongst expansive grounds situated along the northern boundary of the site, including no.4 Stocking Lane, which is within the application landholding, Coolamber, Rookwood House, which is included in the record of protected structures (RPS) under reference 327, and St. Winnows. Situated directly to the west of the site on the opposite side of Stocking Lane is Ballyboden water reservoir and waterworks, supplying water to the area and also featuring a protected structure (RPS ref. 333).
- 2.2. The submitted topographical survey reveals approximately a 9m drop in ground levels from the southwest corner to the northeast corner of the site, reflective of the fall in land in the immediate area, which also features a steep drop into the Owendoher river channel to the east of the site. It is stated that an underground waterworks overflow pipe runs centrally through the site and 5m below ground level, leading from Ballyboden waterworks through to the Springvale housing estate and terminating at the Owendoher river. The boundaries of the site are defined by a mix

of fences, stonewalls and block walls, each of which are supplemented by intermittent sections of mature trees, hedgerows and scrub.

3.0 Proposed Strategic Housing Development

3.1. The proposed strategic housing development would consist of the following elements:

- 21 two-storey houses, ten of which feature rooms in their roofspaces, comprising 11 four-bedroom units and 10 five-bedroom units;
- 51 duplex units and apartments, comprising 11 one-bedroom units, 23 two-bedroom units and 17 three-bedroom units in seven blocks of up to three-storeys;
- 59 apartments, comprising 18 one-bedroom units, 38 two-bedroom units and 3 three-bedroom units in three apartment blocks up to four-storeys;
- a crèche facility measuring 128sq.m in floor area, located at ground floor to proposed block L;
- a retail unit measuring 65sq.m located at ground floor to proposed block G and with an associated 16sqm basement storage area;
- a total of 167 car parking spaces, comprising 88 surface-level spaces and 79 spaces at basement level to apartment blocks F and G, including visitor, mobility-impaired and electric-vehicle charging spaces, 288 cycle parking spaces and five motorcycle spaces;
- internal vehicular routes, footpaths and cycleways, a vehicular access and pedestrian/cycle accesses onto Stocking Lane, new and an upgraded pedestrian/cycle crossings on Stocking Lane, and a pedestrian, cycle and vehicular access into Springvale estate with rising bollards restricting vehicular access during morning peak hours;
- communal open space for the apartments and duplexes, public open spaces, including kick-about areas and play areas, as well as a linear park along the Stocking Lane frontage;

- an electricity substation measuring 14sq.m located on the southern boundary, bin stores throughout, including basement level bin stores under apartment blocks F and G, public lighting, landscaping throughout, including boundary treatments;
- drainage and civils works to facilitate the development, including decommissioning of an existing septic tank and percolation area serving no.4 Stocking Lane, and all other associated and ancillary development/works.

3.2. The following tables set out the key elements of the proposed strategic housing development:

Table 1. Stated Development Standards

| | |
|--|-------------------|
| Site Area (net) | 2.41ha |
| No. of apartments and houses | 131 |
| Non-residential Gross Floor Area (GFA) | 223sq.m |
| Total GFA | 12,957sq.m |
| Gross Residential Density | 54 units per ha. |
| Public Open Space | 12% (c.3,000sq.m) |
| Communal Open Space | c.2,108sq.m |
| Plot Ratio | 0.54 |
| Site Coverage | 20% |

Table 2. Unit Mix

| | 1-bedroom | 2-bedroom | 3-bedroom | 4-bedroom | 5-bedroom | Total |
|------------|-----------|-----------|-----------|-----------|-----------|-------|
| Apartments | 18 | 38 | 3 | - | - | 59 |
| Duplexes | 11 | 23 | 17 | - | - | 51 |
| Houses | - | - | - | 11 | 10 | 21 |
| Total | 29 | 61 | 20 | 11 | 10 | 131 |

Table 3. Stated Maximum Building Heights

| | Storeys | Height |
|-----------|--------------------|--------|
| Apartment | 4 | 13.84 |
| Houses | 3 (inc. roofspace) | 10.1 |

Table 4. Parking

| | |
|---|---------|
| Total car parking (including accessible spaces) | 167 (6) |
| Cycle parking | 288 |

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

- Planning Report and Statement of Consistency;
- Two letters of consent to make the application;
- Report in Response to Opinion;
- Concept Plan and Design Criteria Statement;
- Housing Quality Assessment;
- Building Lifecycle Report;
- Landscape Design Report & Specification;
- Arboricultural Impact Assessment;
- Tree Protection Strategy;
- Tree Survey Report;
- Engineering Drainage Report;
- Site Specific Flood Risk Assessment;
- Feasibility Irish Water;
- Statement of Design Acceptance;
- Traffic and Transport Assessment;
- Computer-generated Images (CGIs) booklet;
- Landscape & Visual Impact Assessment;
- Outline Construction Management & Waste Management Plan;
- Appropriate Assessment (AA) Screening Report;
- Ecological Impact Report;
- Part V Proposal Letter;
- Part V Schedule of Accommodation & Costs;
- Outdoor Lighting Report.
- Energy Statement.

4.0 Planning History

4.1. Application Site

4.1.1. The following recent planning application relates to the application site:

- South Dublin County Council (SDCC) planning register (reg.) reference (ref.) SD18A/0225 – permission was refused by the planning authority in August 2018 for the construction of 46 apartments in three blocks and 49 houses to be served by a new vehicular and pedestrian access off Stocking Lane and a pedestrian access off Springvale.

The reasons for refusal of permission generally related to the proposed layout not providing for perimeter apartment blocks, the poor provision of public open space, the failure to provide a children’s play area, non-compliance with the Design Manual for Urban Roads and Streets (DMURS) regarding carriageway and pathway widths, insufficient detail regarding surface water management, the provision of six single-aspect north-facing apartments, various design flaws, the failure to meet minimum housing standards and an inadequate provision of tree planting.

4.2. Surrounding Area

4.2.1. Recent planning applications in the neighbouring area are generally reflective of the residential character of this area. Applications for infill residential developments in the surrounding urban area, include the following:

Coolamber (located adjoining to the north)

- ABP-304458-19 (SDCC reg. ref. SD19A/0058) – permission was refused by An Bord Pleanála in September 2019 for the construction of four houses and five apartments, due to the impact of this development on the amenities of residents of Coolamber, the inadequate integration of public open space into the development and the potential for overlooking of the lands to the south;
- ABP-306966-20 (SDCC reg. ref. SD20A/0002) – permission was refused by An Bord Pleanála in October 2020 for the construction of four houses and five apartments, due to the substandard provision of public and communal

amenity space on site, the potential for overlooking of the undeveloped lands to the south and the impact of the development on the residential amenities of Coolamber;

Scholarstown Wood (located 30m to the northwest on Stocking Lane)

- ABP-PL06S.244732 (SDCC reg. ref. SD15A/0017) – permission was granted by An Bord Pleanála in August 2015 for a five-year period for the construction of 244 houses and 70 apartments, a crèche and all associated development, including vehicular access onto Stocking Lane. Various amendment applications for the development have been lodged in the interim and the development appears to be largely completed;

Taylor's Lane (located 250m to the northeast on Edmondstown Road)

- ABP-307222-20 – a strategic housing development was granted permission by An Bord Pleanála in September 2020 for the demolition of former institutional buildings and the construction of 496 residential units within three blocks (over basement car parks) ranging in height from two to seven storeys. This permission is currently understood to be subject of legal proceedings;

Scholarstown Road (located 700m to the west on Scholarstown Road, the R113 regional road)

- ABP-305878-19 – a strategic housing development was granted by An Bord Pleanála in March 2020 for the demolition of two houses (Beechfield and Maryfield) and the construction of 590 residential units in buildings up to six-storeys in height.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

- 5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the planning authority took place at the offices of An Bord Pleanála on 27th day of November, 2019, in respect of a proposed development comprising 108 residential units, including 28 houses and 80 apartments. The main topics raised for discussion at this tripartite meeting were as follows:

- urban design and site layout, including architectural approach;
- design, finishes and materials;
- drainage and flooding, including surface water attenuation proposals and sustainable urban drainage systems (SUDS);
- roads infrastructure, with particular reference to DMURS;
- ecological impacts, including impacts on bats;
- childcare facilities, in particular the appropriate location for same on site.

5.1.2. Copies of the record of this consultation meeting and the Inspector's report are appended to this report. In the Notice of Pre-Application Consultation Opinion (ref. ABP-305712-19) dated the 10th day of December, 2019, An Bord Pleanála stated that it was of the opinion that the documentation submitted with the consultation request required further consideration, as well as amendment, in order to constitute a reasonable basis for an application under section 4 of the Act of 2016.

5.2. Board Opinion

5.2.1. In the opinion of An Bord Pleanála, the following issues needed to be addressed in the pre-application documents submitted that could result in documentation constituting a reasonable basis for an application for a strategic housing development:

1. Architectural Response to the Context of the Site

Further consideration and / or justification of the documents submitted was required, addressing the design strategy for the site. In this regard, the prospective applicant was requested to identify that the design strategy for the site would be the optimal architectural solution for this site. To address this, further consideration would be necessary for the design and configuration of the layout, including:

- (a) the creation of a strong urban edge along Stocking Lane;
- (b) justification for the proposed provision of open space at the north-western corner of the site;
- (c) a design approach that addresses a sense of enclosure along the west-east boulevard, which may involve reduced separation distances between the front

elevations of the houses proposed along this route or an increased height to the houses;

- (d) provision of elevational designs, materials, building orientation and locations for the blocks and houses that respect the receiving environment and as they address the internal roads within the scheme.

2. Pedestrian Links

The applicant should indicate the provision of pedestrian / cycle links to the existing infrastructure along Stocking Lane to the north and south of the site, as well as the legal consents required to achieve same.

3. Open Space

The applicant should indicate the provision of high-quality open space provision, in particular the location of kick-about areas and multi-use games areas (MUGAs). Consideration should be given to the integration of surface water proposals that respect the nature and form of the proposal and support the integration of SUDS.

4. Vehicular Links

The applicant should address the provision of a vehicular linkage to the adjoining lands, in particular the feasibility of providing a vehicular access to Springvale, which may require re-profiling of the site to provide this access, or to provide a rationale and justification for the access arrangements and links in their final application.

5. Specific Application Information

The opinion also stated that the following specific information should be submitted with any application seeking permission –

1. detailed rationale for the proposed residential density and housing mix with regard to the provisions of the South Dublin County Development Plan 2016-2022 and the relevant national and regional planning policies, in particular the Design Standards for New Apartments Guidelines for Planning Authorities, the Urban Development and Building Heights – Guidelines for Planning Authorities and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the accompanying Urban Design Manual;

2. a Housing Quality Assessment and a Building Lifecycle Report;
3. (a) a Traffic and Transport Impact Assessment, the scope of which should be discussed with the planning authority,

(b) a report demonstrating compliance with the principles of the DMURS and the National Cycle Manual;

(c) a car parking strategy and a mobility management plan;
4. a report addressing impacts on existing and proposed residential amenities, including drawings with levels and cross-sections to show relationships between the development and the neighbouring properties;
5. a visual impact assessment accompanied by CGIs and details of materials and finishes to address impacts of the development along Stocking Lane, within the site and from each neighbouring residential area;
6. (a) a Site Specific Flood Risk Assessment, to include details of consultation with the planning authority and any outstanding matters with regard to surface water drainage;

(b) a response to issues raised in the Water Services Planning Report contained in the planning authority opinion, dated the 13th day of November, 2019;
7. a site layout indicating areas to be taken in charge;
8. (a) response to issues raised in the Parks and Landscape Services / Public Realm report contained in the planning authority opinion, dated the 13th day of November, 2019;

(b) a plan of the proposed open space within the site clearly delineating public, semi-private and private spaces;

(c) details of the proposed boundary and surface treatments throughout the development, as well as landscaping and planting;
9. a draft construction management plan and a draft waste management plan.

6. Notifications

The prospective applicant was requested to notify both Irish Water and South Dublin County Childcare Committee in the event of making an application.

5.3. Applicant's Response to Opinion

- 5.3.1. The application includes a report titled 'Response to Opinion', addressing the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, and this is summarised in page 18 of the Design Criteria Statement submitted by the applicant. Section 2 of this response report outlines the applicant's proposals with regards to each of the issues raised in the Board's opinion. In response to item 1 relating to the applicant's architectural design response for the site, the key points detailed therein refer to the criteria dictating the design response, including the site shape, the implications of the Irish Water waterworks overflow pipe wayleave, the immediate residential context, as well as the sylvan character of Stocking Lane, and the need to create connectivity.
- 5.3.2. In responding to the request for an urban edge along Stocking Lane, the applicant states that the public open space previously-positioned in the northwest corner of the site has been replaced with buildings and repositioned centrally, while a linear strip of open space has been continued along the site frontage with Stocking Lane to facilitate the protection of suitable mature trees. The boulevard route bisecting the development has been enclosed further via tree planting and a 4m reduction in the separation distance between the proposed buildings fronting onto this, while new dual-frontage corner building types have been introduced to address the internal streets. Justification for the proposed materials and building designs has also been set out.
- 5.3.3. In addressing linkages to the pedestrian and cycle route on the opposite side of Stocking Lane, the applicant states that various options were explored with the planning authority and the consents to address same were sought. Potential for vehicular access to lands to the north has been provided, while following consultation with the planning authority a vehicular access would be provided with Springvale, albeit incorporating bollards that would be raised during morning peak periods (07:00 to 09:30 hours) to prevent through vehicular traffic. The response

also sets out the detailed provisions with respect to open space serving the development.

- 5.3.4. Section 3 of the applicant's response outlines the specific application information that has been submitted with the application, including statements detailing how the development is considered to comply with the various Guidelines referred to in the Board's opinion.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. Chapter 6 of the NPF includes 12 objectives addressing 'People, Homes and Communities'. Under the subheading 'healthy communities', Objective 27 of the NPF seeks to ensure the integration of safe and convenient alternatives to the car within the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, while integrating physical activity facilities for all ages. Objective 33 of chapter 6 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Ministerial Guidelines

- 6.1.2. Having considered the nature and scale of the proposed development, the receiving environment and site context and the documentation on file, including the submissions from the planning authority and others addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, and any revisions, comprise:
- Design Manual for Urban Roads and Streets (2019);
 - Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.3. The following planning guidance and strategy documents are also considered relevant:

- Traffic Management Guidelines (Department of Transport, Tourism and Sport, 2019);
- BS EN 17037:2018 'Daylight in Buildings' (2018);
- Permeability Best Practice Guide (National Transport Authority, 2015);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);
- National Cycle Manual (2011);
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Building Research Establishment, 2012);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

6.2. Regional Planning Policy

6.2.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. The following regional policy objectives are considered relevant to this application:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% is required for other urban areas;
- RPO 4.1 – the relevant local authorities are to determine the hierarchy of settlements in accordance with the hierarchy, the guiding principles and the typology of settlements in the RSES;
- RPO 4.2 – infrastructural investment and priorities shall be aligned with the spatial planning strategy of the RSES.

6.2.2. The site lies within the Dublin Metropolitan Area (DMA) according to the RSES, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing delivery, integrated transport and land use, and the alignment of growth with enabling infrastructure.

6.3. Local Planning Policy

6.3.1. The application site and immediate area have been assigned a land-use zoning 'RES' within the South Dublin County Development Plan 2016-2022, with an objective 'to protect and/or improve residential amenity'. A long-term roads objective has been assigned along Stocking Lane bounding the west of the site and Table 6.6 of the Plan states that this would involve an upgrade of the existing road to function as an enhanced pedestrian and cycle route and to exploit the tourism potential of this route. Rookwood House situated on grounds adjoining the north of the subject site is identified as a two-storey Georgian-style house in the Development Plan and included in the Record of Protected Structures (RPS) under reference 327. The reservoir to the adjacent Ballyboden waterworks is also included in the RPS under reference 333.

6.3.2. Policies and objectives addressing new housing developments are included within chapter 2 of the Development Plan and development management standards are provided within chapter 11. Other sections of the Development Plan of particular relevance to this application include:

- Section 3.10.0 - Early Childhood Care and Education;
- Section 5.2.0 – Retailing;
- Section 6.3.0 - Walking and Cycling;
- Section 6.4.0 - Road and Street Network;
- Section 7.2.0 - Surface Water and Groundwater;
- Section 7.3.0 - Flood Risk Management;
- Section 8.4.0 – Sustainable Urban Drainage Systems;
- Section 9.1.0 – Built Heritage and Architectural Conservation.

7.0 Statement of Consistency

- 7.1.1. Accompanying the Planning Report, the applicant has submitted a Statement of Consistency, as per the provisions of Section 8(1)(iv) of the Act of 2016. This Statement asserts that the proposed development would be consistent with the proper planning and sustainable development of the area and would be consistent with all relevant national, regional and local planning policies and guidelines. A Material Contravention Statement has not been submitted with this application.

8.0 Observers' Submissions

- 8.1.1. A total of 49 third-party submissions in relation to the application were received by An Bord Pleanála within the appropriate period and these were primarily from residents of the immediate area, as well as local representative groups and local elected representatives. The submissions were accompanied by photographs, video footage and other details relating to the subject area, as well as extracts from the application documentation and a technical note prepared by consulting engineers in relation to traffic and transport matters. Issues raised in these submissions can be collectively summarised as follows:

Planning and Development Principles

- it is generally recognised that the subject lands would be developed and that there is a need for additional housing in the city, however, the scale, design,

layout and height of the proposed development would be inappropriate for the location and would result in overdevelopment of this site;

- the cumulative impacts of the proposals should be considered in the context of other housing developments in the area, including Scholarstown Wood, the White Pines and Taylor's Lane;
- previous reasons for refusal of planning permission relating to this site have not been overcome and the proposals form an unsustainable fragmented form of development;
- a Local Area Plan is needed for the area and the proposals are premature pending the completion of the Ballyboden Village Area Masterplan (Phase 2);
- concerns that the apartments may be 'build to rent', which would inhibit those trying to purchase a home;

Traffic and Transport

- the development would add to existing traffic congestion problems in the area, with residents heavily reliant on car journeys, including for trips to shops, employment, community facilities and other services;
- in conjunction with recently completed housing and the completion of other developments in the area, including housing and a primary care centre, the proposed development would only add to traffic congestion problems;
- the area is not served by rail or Luas services and is poorly served by public bus services that are unreliable, at capacity, distant from the site and lacking a quality-bus corridor or a dedicated bus lane, including Go-Ahead Ireland route 175 and Dublin Bus route 15b along Stocking Lane, which only operates every 15 to 20 minutes;
- reliance on future public transport projects, such as BusConnects, to facilitate the development, fails to recognise the limited scope to serve the area via high-frequency public transport services, such as light rail, and undermines the fact that these projects cannot accommodate the existing demand or the additional capacity arising from large-scale permitted developments in the area;

- despite reduced traffic during Covid-19 lockdowns, the network of local roads akin to country lanes are constantly at capacity for road traffic, particularly during peak periods on the exits to Prospect Manor and Springvale estates, along Edmondstown Road and Stocking Lane, at the Scholarstown Road junctions with Edmondstown Road and Stocking Lane, at exit 12 of the M50 motorway and at various roundabout junctions, including Ballyboden and Orlagh roundabouts;
- traffic analysis for other projects identified that the roundabout at Ballyboden Road/Taylor's Lane is approaching capacity and would need to be upgraded to cater for future flows;
- an independent traffic and transport assessment should have been undertaken, as the assessment submitted is out-of-date and based on surveys from misrepresentative times and fails to address the necessary upgrades to local junctions and the flows from new and permitted developments;
- the traffic and transport assessment is not sufficiently reflective of the current traffic situation in the receiving environment, particularly given the recent permissions for development and the proposed use of Springvale as a secondary vehicular access to the development;
- restricted sight visibility would arise at the development entrances;
- additional pedestrian access to Prospect Manor would not be necessary;
- the proposed cycle infrastructure is to be welcomed and the cycle parking areas should be safe, convenient, accessible, attractive and well-serviced;

Springvale Access

- the scale and nature of the proposals would alter the character of the area by creating a 'rat-run' through Springvale, introducing additional through-traffic to the estate access roads, which have limited capacity to accommodate additional traffic, due to the width, gradient and alignment of the existing road, as well as its informal use for parking and amenity;
- proposals would result in increased queuing times for traffic at the Springvale and Edmondstown Road (R116 regional road) junction;

- the access through Springvale is both unjustified and unnecessary, and the safety of the elderly, children and domesticated animals would be impacted on, particularly during inclement weather and due to the restricted visibility on three existing right-angle bends. A road safety audit should have been provided to highlight and address the potential impacts;
- a section of footpath would be removed to enable the proposed vehicular access;
- Springvale would become an overflow car park particularly given the shortfall in proposed parking to serve the development and the use of retractable bollards to restrict access, thus impacting vehicular access within the estate to the detriment of residents, emergency vehicles and waste collection trucks;
- the National Transport Authority supports permeability that confers competitive advantage over the private car and the pedestrian and cyclist access through Springvale is supported;
- there would be no benefit in providing pedestrian and cyclist access through to Springvale;
- several questions remain regarding the upkeep, operation and maintenance of the control bollards to the vehicular access;

Residential Amenity

- the development would be higher and too close to the adjoining residential properties and would lead to overlooking from buildings and balconies into the rear gardens and houses in Prospect Manor and Springvale, as well as Rookwood House;
- loss of privacy for neighbouring residential properties, due to the orientation of the apartment and duplex buildings and the positioning of buildings relative to the boundaries;
- potential for loss of natural lighting and excessive overshadowing of neighbouring properties, including those on lower ground in Springvale and within the Prospect Manor estate;

- overbearing impacts would arise, particularly for Rookwood House, Prospect Heath and Springvale properties;
- conveniently the only adjoining residential property to feature a buffer from the proposed development via the provision of public open space on site, would be the applicant's house at no.4 Stocking Lane;
- the site boundaries, including the southeast corner of the site, should not be used for the storage of construction debris/waste;

Design/Residential Standards

- to comply with standards within section 11.2.7 of the Development Plan, as referenced in Housing Policy 9 'Residential Building Heights' Objective 3, the proposed building heights should only be between single and two storeys, unless a minimum separation distance of 35m can be achieved;
- the design is not in compliance with the 12 principles of the Urban Design Manual and transitional buffers should have been provided from neighbouring properties;
- proposals are lacking in quality and would be out of character with the surrounding area, as well as the architectural style, housing typologies, appearance, heights and materials of the surrounding buildings;
- an insufficient provision and an inadequate layout of open space has been proposed, while there would be an absence of kick-about areas and looped-walking routes;
- an overbearing urban edge would arise along Stocking Lane, while the rural and sylvan character of this stretch of road would be destroyed;
- the Energy Statement submitted with the application is significantly lacking in detail and fails to actively address the climate emergency, while proposals fail to provide green roofs or renewable energy, such as solar panels;
- the mix of housing is to be welcomed and an improved spread of Part V units should be sought;

Drainage and Flood Risk

- the existing site acts as a store of surface water and changes in respect of this would result in increased risk of flooding to Springvale, particularly given the capacity constraints of the existing infrastructure;
- proposals would utilise the surface water drainage system running through Springvale estate, which is already at capacity, and this would be to the detriment of local residents, leading to localised flooding and property damage;
- flooding on Stocking Lane in 2018 and ponding on site has not been referenced in the flood risk assessment;
- concerns are raised regarding the volume of foul waste that would discharge to Springvale's sewage drainage network;
- basement construction may impact on the existing Irish Water infrastructure;

Ancillary Services

- limited childcare provision and other community supports, such as shops and recreational amenities, are available in the area;
- there would not be sufficient education facilities in the area to serve the development, particularly when considering the additional housing in the immediate area either recently constructed or permitted;
- the type of childcare services that would be offered in the proposed crèche have not been outlined. Certain facilities required to meet childcare standards have been omitted from the crèche and the crèche would not meet the demand;
- an audit of local social and recreational infrastructures has not been provided and such audits are required in sustainably guiding development;

Environment

- the ecological impact assessment submitted with the application is substandard and does not sufficiently address the impacts of the development on bats, while the impacts on kingfisher, merlin, otters and the Owendoher

river habitat, including connectivity with European sites, have not been addressed;

- surveys of the site, including bat surveys dating from 2018, are a number of years out of date and cannot be relied upon, while studies such as Dublin City Otter Survey and Whitechurch Stream Flood Alleviation Scheme Ecological Impact Assessment Report have been ignored;
- surface water would enter the Owendoher river, which is an important habitat, including for otter;
- the appropriate assessment conclusions are inconclusive and not definitive and the Board must therefore refuse permission, as it does not have the necessary information to make an appropriate assessment;
- Ringsend wastewater treatment plant (WWTP) is operating above capacity and Irish Water data details that untreated wastewater has been discharged to Dublin Bay. Further increase in the capacity of this plant would negatively impact on the designated sites in Dublin Bay, in contravention of the Habitats Directive;
- increased littering, odour, vermin and pollution from noise, light and air would arise, including during the construction phase;
- increased carbon dioxide emissions from traffic would contribute to climate change and an environmental impact assessment should be undertaken;
- human health issues via magnetic fields would arise from the siting of an electricity substation on the southern boundary with housing and this should be repositioned elsewhere within the development;

Trees

- the tree surveys dating from 2017 cannot be relied upon and justification for using these out of date surveys has not been provided;
- queries arise regarding which trees would be retained, which trees would be removed and who would maintain trees along the boundaries;
- felling mature trees would be unnecessary and the categorisation of trees to be removed appears mainly aimed at suiting the developer;

- the removal of trees would be to the detriment of surface-water management, carbon sequestering and the ecology of the area, including bats identified as using the site;

Architectural Heritage

- sensitive consideration of the historical context of Rookwood House, a protected structure of regional importance, and its historical estate grounds, is required in assessing the proposed development, particularly as the subject field of this application formed an integral part of the context and setting for this protected structure;
- limited and inadequate information has been provided, addressing the impact of the development on the protected structure at Rookwood House;
- views of the protected structure have been omitted from the CGIs and a visual impact assessment should be undertaken to consider the impacts of the development on Rookwood House;
- the design, layout and landscaping for the proposed development does not form an adequate response to the setting of Rookwood House;
- the open space and housing on site, including Unit 15 (block D), should be repositioned to account for the setting of Rookwood House;
- proposals lack clarity regarding the heritage features of importance, including the proposals for field boundary stone walls, several of which would be destroyed to facilitate the development;
- an architectural heritage impact assessment should lead the design and treatment of the historical field boundaries;
- proposals would destroy the ancient hedgerow/rampart forming an historical military and pilgrimage route along the boundary with Stocking Lane;

Other

- the strategic housing development process is being used in order to circumvent the standards of the local authority and third-parties have had restricted access to files via An Bord Pleanála;

- the timing of the application and the detail of the proposals have placed severe anxiety for local residents and the application process has restricted residents from engaging in the project in a reasonable and meaningful manner, as well as in a manner compliant with the Aarhus Convention and Local Agenda 21;
- local residents were not sufficiently consulted with respect to the proposed development, particularly the route through Springvale;
- the application includes false and misleading information and a material change of use would occur in using the new vehicular access through Springvale;
- inconsistencies arise in the application details, including the tree strategy, lands in control of the applicant and the failure to identify the wayleave in yellow relating to the Irish Water infrastructure;
- insufficient details relating to waste management, cross-sections, site levels, drawing dimensions, tree stands and protected structures have been provided;
- proposals have the potential to destabilise the bridge over the Owendoher river from Springvale, as well as the boundary walls serving properties within Springvale estate;
- proposals would lead to anti-social behaviour, increased criminality and security risks, due to the general layout and roads access arrangements;
- proposals would result in the devaluation of property in the area and increased insurance costs;
- proposals for internal and external staircases fail to comply with Building Regulations and any potential changes required would materially alter the design and impact of the scheme. Fenestration details would also need to be amended;
- additional consent to make the application and to undertake works is required based on folio (DN173689F) registration details encompassing the area needed for the pedestrian crossing to be upgraded adjoining Prospect Heath.

9.0 Planning Authority Submission

9.1. The planning authority has made a submission in accordance with the provisions set out under subsection 8(5)(a) of the Act of 2016. In accordance with subsection 8(5)(a)(i) of the Act of 2016, this submission summarises the observations received. Planning and technical assessments of the proposed development are also provided in the planning authority submission, as per the provisions of subsections 8(5)(a)(ii) and 8(5)(b)(i) of the Act of 2016, and the planning authority views can be summarised as follows:

Land Use, Transport and Density

- the planning authority accept the principle of the development, including the consolidation that this would provide for the urban area;
- the proposed site is subject of zoning objective 'RES'. Residential use and a local shop is permissible in principle under this zoning objective, while a childcare facility would be 'open for consideration' based on the merits of the proposal;
- build to sell residential units are proposed, as well as a 20% increase in residential densities from those presented at pre-application stage;
- the local shop would be of limited floor area and the applicant should demonstrate that there would be an interest in a retail operator taking this;
- while the rationale, scale and layout of the proposed crèche catering for 22 children and with an outdoor amenity area is not at issue, based on Guideline standards, the applicant should demonstrate that there would be an interest from a crèche operator in taking a facility of this size;
- the area is currently served by Dublin Bus route 15b, which has a service frequency of ten minutes during peak hours. When commenting on another strategic housing development case (ref. ABP-307222-20), the planning authority cited concerns regarding the provision of public transport in this area;
- under the BusConnects project it is intended that the site would be served by the no.85 bus route between Tallaght and the city centre, with services

operating every ten minutes at peak times. Other intended services within walking distance of the site would include the L35 (every hour during weekdays) and the S8 orbital bus route;

- current and future access to bus routes would be limited, although under BusConnects access to other high-frequency routes closer to the city would improve access;
- proximate local centres are lacking with the nearest urban centre at Whitechurch a 25-minute walk from the site;
- given the public transport links and the proximity to the city centre, the proposals need to provide for an efficient integration of land use and public transport and at an appropriate density. Public transport provisions limit densities greater than those proposed, but given the location, the number of units would be acceptable;

Building Height, Layout, Connectivity and Design

- heights across the site are generally acceptable;
- the Irish Water infrastructure places a major constraint on the site layout and the revised position for the open space provides a central focal point of interest within the development;
- the reduced separation distance between buildings, the revised front layouts and building treatments along the east-west link would be acceptable;
- the connection to Springvale would provide improved connectivity in the area, including access to the proposed amenity areas and the retail unit for residents of Springvale, as well as a potential future desire line to BusConnects services. The connection would also improve access for emergency vehicles to Springvale, as per the aims of the Roads Department;
- a strong urban edge has been provided for along Stocking Lane, as well as wrap-around corner units in five locations, and the layout is acceptable;
- the layout provides for two distinct character areas, including a lower-density housing/duplex area to the east and higher density apartments and ancillary units to the west;

- final lighting plans should be agreed with the planning authority via condition;
- the primary planning gain would be the improved pedestrian and cyclist route inside the line of mature trees along Stocking Lane, which has the potential for further route extension on the adjoining lands;
- the proposed use of brick, granite and copper materials would be in keeping with the character of the area and has addressed the Board's request in this regard;
- to address the appearance from lands to the east, the development would be recessed from this boundary;

Boundary Treatments and Open Spaces

- the delineation of spaces and the distinction between public, communal and private open spaces would be sufficient to avoid the need to resort to defensive boundary interventions;
- based on the details provided, the primary intervention in the boundary with Springvale would be acceptable and any works to shared boundary walls would need the consent of the adjoining owner;
- the quantum of public open space (3,000sq.m) would exceed the minimum Development Plan requirement (10% of the site area) and the layout of these spaces would be acceptable;
- with the exception of blocks L and M, the communal open space provision would be acceptable. A condition requiring the omission of two units within block M would reduce the building footprint by half and thereby provide communal open space to serve blocks L and M;
- the communal space serving the two block A buildings would be unusual with the rear wall of a house backing directing onto the communal space, but given the wider development context and the function of the block A corner units, this arrangement would be acceptable;
- additional information would be required regarding the play area items, games areas, the planting plan, boundary treatments and the areas to be taken in charge;

Residential Amenities

- in the absence of detailed studies, the proximity, ridge height and difference in ground levels between block D and the adjacent house at no.30 Springvale, presents risks to the amenities of neighbouring properties and this building should be omitted by condition;
- contiguous elevations and sections to show the relationship with neighbouring properties have been provided, although some drawings are lacking in dimensions;
- the floor plans and site layout plan for blocks H, J and K are inconsistent, but the floor plan would be acceptable and this should be addressed as a condition in the event of a permission;
- the separation distances from the proposed buildings to the existing housing would be acceptable, including housing to the south, and would not result in overbearing impacts or excessive loss of sunlight or daylight to neighbouring properties;
- a condition should be attached to restrict construction waste from being stored close to residential properties;

Residential Development Standards

- the mix of units would be acceptable based on the New Apartment Guidelines, although rationale for providing two-bedroom three-person apartments has not been provided for;
- the apartments meet the minimum floor area standards, including the 10% additional requirement' set within the New Apartment Guidelines. The houses meet the minimum standards set out in the Development Plan, including those relating to rear gardens and a condition to restrict exempted development rights for houses would not be necessary;
- the proposed provision of private amenity spaces serving apartments and houses would be acceptable;
- it is stated that 82% of apartments would be dual aspect and no north-facing single aspect units are proposed. Based on the configuration presented,

apartments 33, 39, 45 and 51 (unit type F1) may effectively be north-facing units and this could be remedied by the inclusion of a condition to the permission requiring an east elevation window to their respective main living areas;

- the layout would suggest adequate scope for achievement of sufficient sunlight and daylight to the proposed units;
- dedicated bin storage for houses and communal bin stores for duplex units would be provided and would be acceptable. A condition should be attached to address the need for separate bin store facilities for residents of blocks E, K, L, J and H, as the intention for residents of these blocks to use basement level bins stores to blocks F and G would not be appropriate or convenient;
- the Energy Statement submitted complies with the policy of the planning authority (H11 Objective 2) and a qualified specialist should provide a report regarding energy provision as a condition in the event of a permission;
- the application included a Building Lifecycle Report and the development would be adequately inclusive and accessible, including the multi-storey buildings, which would also be adaptable for future use;
- a noise impact assessment should be provided for the development and this should not inhibit a grant of planning permission, particularly given the site context and the ability to specify fenestration types for units;
- with respect to 'Part V' units, there would be a preference to acquire units on site;

Architectural Heritage

- the current field boundaries are well-established and the proposed treatment of the boundaries along Rookwood House would be equivalent to the approach in treating similar boundaries on surrounding lands;
- third parties have referenced the existence of stone wall features within the site and the planning authority requests that a condition be attached in the event of a permission requesting that a conservation architect survey the lands and any proposals to retain or reuse such features should be detailed;

- Rookwood House protected structure is not specifically called up in the drawings;

Access and Traffic

- the new vehicular access to Springvale is welcomed, but this should not feature the use of bollards to restrict access, which undermine the principles of increased connectivity, and the road should be assessed on the basis of being taken in charge;
- the Roads Department requires the attachment of a host of conditions, including conditions requiring a road width of 6m to Springvale, the narrow section of the link road to be shifted 20m further west, the omission of bollards, 2m-wide footpaths, the provision of two pedestrian crossings along Stocking Lane, facilities for electrical vehicles charging, a construction traffic management plan, a mobility management plan and a construction demolition and waste management plan;
- the Traffic and Transport Assessment utilises data from a survey dating to December 2017 and this does not include traffic along Edmondstown Road, nor does it consider the impacts of additional major developments in the interim on traffic/queuing;
- with the provision of mobility measures, the Roads Department is satisfied that the development would have minimal impact on surrounding traffic, although it is noted that the proposed access has not been assessed with the omission of the bollards;
- a stage 1 road safety audit and a revised Traffic and Transport Assessment should be provided in relation to the required vehicular access arrangements through Springvale;
- the development would broadly comply with DMURS and the Roads Department requirements;
- parking proposed would be acceptable, including the quantum of surface level parking, and a condition to secure the 288 bicycle parking spaces should be attached;

- a condition should be attached to ensure that the associated construction traffic does not use the Springvale access;

Environment

- the submission with respect to bats is poor, given that bats have been recorded commuting and foraging through the site, as the 'dark-zone' would be in the east of the site, as opposed to the northwest corner, and as a more recent survey after 2018 should have been undertaken;
- fauna, bat and tree surveys are two or three years old;
- it is recognised that the Board is the competent authority in screening the proposed development for AA and EIA;
- a biodiversity management plan is required, as well as the appointment of an arborist to manage tree protection;
- a bond for the protection of trees is required;
- detailed measures within the landscape report addressing biodiversity shall be subject to a condition to be agreed with the planning authority and thereafter implemented;

Drainage, Services and Flood Risk

- there is no objection to the development from the Engineering Services Department;
- further SUDS measures should be incorporated into the landscaping;
- Irish Water has indicated that they have no objection in principle to the proposed development and the connections;

Other Matters

- there does not appear to be any issue with land ownership;
- while the floor plans are acceptable based on planning standards, any asserted non-compliance of apartment block stairwells and circulation areas with building regulations is primarily dealt with through the Building Control system and a condition can be attached in the event of permission to address this;

- a phased approach to the development would not be necessary;

Conclusion, Recommendation and Statement

- cognisant of national and regional guidance in relation to urban consolidation, the site location, the general layout of the proposed development and the changes made to the proposed development since pre-application, the planning authority recommends that the development be granted permission, subject to 30 conditions, including those referenced above and the following conditions of note:

Condition 2 - various amendments to the development;

Condition 3 – specific access, parking and transport requirements;

Condition 13 – tree bond required;

Condition 14 – provide a three-year post-completion tree survey;

Condition 15 – details of facilities for the charging of electrical vehicles;

Condition 18 – proposals addressing bats and street lighting;

Condition 21 – detailed SUDS scheme;

Condition 22 – surface water drainage details;

Condition 23 – inward noise impact assessment;

Condition 24 – construction environmental management plan.

9.2. Elected Members

9.2.1. The proposed development was presented to the Rathfarnham Area Committee of the local authority on the 8th day of December, 2020. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined within the planning authority's submission and these can be summarised as follows:

- there have been numerous previous failed attempts to acquire a permission to develop this site;
- the primary concerns raised relate to the poor provision of public transport in the area to serve the development, the proposed access arrangements,

including the road into Springvale, the density of the development, traffic management proposals, the capacity of local infrastructures, including roads and surface water, the availability of local amenities, the proposed housing mix, building heights, road safety and the proximity of the works to housing in Springvale and Prospect Manor;

- the additional number of residential units in this area would be high when taken in conjunction with neighbouring permitted strategic housing developments;
- some aspects of the development are to be welcomed, including the mix of unit sizes, the build to sell housing type and the extent of cycle parking;
- improvements could be made with regards to the Part V mix, the extent of car parking and the lack of indoor facilities;
- various queries were raised, including those relating to the strategy for public open space, the maintenance of open space areas, cycle infrastructure, negotiations with the National Transport Authority regarding a bus route, the number of exits to the east, the impacts on protected structures, bin storage proposals, site coverage details and the previous reasons for refusal of development on this site;
- the developer is taking advantage of the strategic housing development process, which is soon to end.

10.0 Prescribed Bodies

10.1. The following comments were received from prescribed bodies:

Irish Water

- the applicant was issued with a confirmation of feasibility in respect of the connection(s) to the Irish Water network(s) for the preliminary residential development;
- the applicant has subsequently engaged with Irish Water in respect of the design proposal, for which they have been issued a Statement of Design Acceptance for the development, subject conditions, addressing connection agreements,

compliance with standards, codes and practices, and further details should proposals involve building over or diverting existing Irish Water infrastructures.

Inland Fisheries Ireland

- comprehensive surface water management measures must be implemented at the construction and operational stages to prevent any pollution of local surface waters, including the Owendoher river, which is a key recruitment and nursery channel for salmonoids in the Dodder catchment;
- a maintenance policy to include regular inspection and maintenance of the SUDS infrastructure and the petrol/oil interceptors throughout the operational stage should be a condition of any permission;
- all construction should be in line with a detailed site specific Construction Environmental Management Plan (CEMP). This CEMP should identify potential impacts and mitigating measures, it should provide a mechanism for ensuring compliance with environmental legislation and statutory consents, it should detail and ensure best construction practices, including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Precautions must be taken to ensure there is no entry of solids, during the connection of pipe-work, or at any stage to the existing surface water system;
- it is essential that local infrastructural capacity is available to cope with increased foul and storm water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment;
- wastewater from the proposed development would discharge to Ringsend WWTP, which is consistently reported as being overloaded, experiencing average daily loads of 1.8 to 1.9 million population equivalents (PE). While additional capacity is under construction any additional loading to the current plant is premature until the upgrade is commissioned.

10.1.1. The applicant states that they notified South Dublin County Childcare Committee of the application, but An Bord Pleanála did not receive a response from this body.

11.0 Screening

11.1. Environmental Impact Assessment

11.1.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within a report titled 'Planning Report and Statement of Consistency' and I have had regard to same in this screening assessment. This report contained information to be provided in line with Schedule 7A of the Planning and Development Regulations, 2001-2020 (hereinafter 'the Regulations'). The EIA screening submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. Where an application is made for sub-threshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

11.1.2. This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class (10)(b) of Schedule 5 to Part 2 of the Regulations provides that mandatory Environmental Impact Assessment (EIA) is required for the following classes of development:

- (i) construction of more than 500 dwelling units,
- (iv) urban development which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

*A 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

11.1.3. The proposed development is for 131 dwelling units, as well as a retail unit, a crèche and an electricity substation building, all on a stated gross site area of 2.47 hectares. Having regard to classes 10(b) (i) and (iv) of Schedule 5 to Part 2 of the Regulations, the proposed development is therefore sub-threshold in terms of the mandatory submission of an EIA.

11.1.4. This site lies on the edge of an urban area and current land uses in the vicinity are residential to the north, south and east, with reservoirs and waterworks to the west. The applicant's Ecological Impact Assessment (dated October 2020) notes that the subject site is composed of a field formerly used as improved agricultural grassland

(habitat category - GA1) and this field has become isolated from other agricultural lands following expansion of the built-up area. While this habitat is stated to feature a relatively rich array of grasses and other species, the species are common and widespread throughout the Dublin city area and of negligible ecological value. Other habitats on site are situated along the field boundaries, the largest of which comprises a mixed broadleaf woodland habitat (WD2) along the western roadside boundary. According to the applicant, this woodland habitat is primarily dominated by non-native trees of low ecological value, owing to it providing some habitat for birds and other fauna. Other habitats include a section of built land (BL3), which is of negligible ecological value, following the roadway leading to the house at no.4 Stocking Lane. Habitats comprising sections of treelines (WL2) and hedgerows (WL1) are also situated along the field boundaries that are dominated by non-native species and these are of local ecological value given their value to birds and other fauna. No evidence of the land having been contaminated has been provided.

- 11.1.5. Arising from surveys the applicant identified that the site was of negligible value for invertebrates, reptiles, amphibians, birds and terrestrial mammals. Rare and protected flora, as well as invasive plant species were not recorded during surveys. Three species of bats were identified not to be roosting on the site, but to be foraging and commuting through the site. The site is considered to be of low ecological value for bats and the potential impacts of the development on bats are considered further below, with no significant effects anticipated.
- 11.1.6. Examples of habitat listed in Annex I of the Habitats Directive or habitats suitable for species listed in Annex II have not been identified on the subject site. The development is located within a suburban area, served by mains water, surface water and wastewater services, and is accessible over the existing transport networks. The development would be broadly in character with the surrounding pattern of development and would not give rise to any significant emissions to the environment. Separation from the nearest designated European sites is listed in table 5 below, while the nearest proposed Natural Heritage Area (NHA), the Dodder Valley, is approximately 2.2km to the west of the site. The site is sufficiently removed from the nearest environmentally-sensitive sites, and other designated sites beyond, to ensure that no likely significant effects would result. Various SUDS and pollution-control measures form part of the surface water drainage proposals, limiting

runoff and addressing water quality, including the discharge to the Owendoher river. The proposed development would not be likely to have significant impacts on human health, traffic, material assets and cultural heritage based on conclusions within section 12 of this report. The developable site area is not located within a flood risk zone or an area of particular environmental sensitivity. The potential for cumulative effects from other large projects would be unlikely.

- 11.1.7. On the basis of the information on the file, which I consider adequate, it is reasonable to conclude that having regard to the characteristics of the site and the nature and scale of the proposed development, including the project design features to address surface water drainage and biodiversity, and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment for the proposed development is not required in this case.

11.2. **Appropriate Assessment**

Stage 1 Screening - Introduction

- 11.2.1. A description of the proposed strategic housing development is provided in section 3 of this report and expanded upon within the application documentation. An Appropriate Assessment (AA) Screening Report (dated September 2020) and an Ecological Impact Assessment were submitted with the application. I have had regard to the contents of these reports as part of my assessment below. The applicant's AA Screening Report concludes that the strategic housing development, either individually or in combination with other plans or projects, would not be likely to have any significant effect on any European sites. Submissions from third parties assert that the conclusions within the applicant's AA Screening Report are inconclusive and not definitive, and that the Board must therefore refuse permission, as it does not have the necessary information to make an AA. I also note the submission from Inland Fisheries Ireland, highlighting concerns regarding habitat and species reliant on the Owendoher river and asserting that additional loading of wastewater to the Ringsend WWTP would be premature pending upgrades to this facility, a matter that was also flagged in third-party submissions.

Receiving Environment

- 11.2.2. The AA Screening Report outlines that the area drains into the Owendoher river, which is situated approximately 80m to the east of the site, which subsequently converges with the river Dodder 2.5km north of the site at Bushy Park. The Dodder river flows into the River Liffey at Dublin Bay. Natural surface water drainage channels have not been identified on the subject site, although the Irish Water overflow pipe traverses the site with a discharge point at the Owendoher river. The site primarily comprises a dry meadow habitat (category GS2) and others identified in section 11.1 above and in the Ecological Impact Assessment submitted with the application.
- 11.2.3. It is proposed to provide two independent surface water networks serving the application site connecting into surface water sewers to the west and east. Maps of Irish Water infrastructure in the area are appended to the applicant's Engineering Drainage Report and this appears to show that the stormwater gravity mains running through Springvale, which the eastern catchment area of the subject site would drain into, currently discharges into the Owendoher river. All foul water from the proposed development would be treated and discharged via the public system to the Ringsend Waste Water Treatment Plant (WWTP). Permission has been granted (ABP-301798-18) for works that would increase the capacity of the plant from a population equivalent of 1.9 million to 2.4 million.

European Sites

- 11.2.4. The nearest European sites, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), which could potentially be affected by the proposed development, are listed in table 5 below.

Table 5. Neighbouring European Sites

| Site Code | Site Name | Distance | Direction |
|-----------|-----------------------|----------|-----------|
| 002122 | Wicklow Mountains SAC | 4.3km | south |
| 004040 | Wicklow Mountains SPA | 4.3km | south |
| 001209 | Glenasmole Valley SAC | 4.9km | southwest |
| 000210 | South Dublin Bay SAC | 7.2km | northeast |

| | | | |
|--------|--|--------|-----------|
| 004024 | South Dublin Bay and River Tolka Estuary SPA | 7.7km | northeast |
| 000725 | Knocksink Wood SAC | 9.3km | southeast |
| 000713 | Ballyman Glen SAC | 11.8km | southeast |
| 004006 | North Bull Island SPA | 12.1km | northeast |
| 000206 | North Dublin Bay SAC | 12.2km | northeast |
| 004172 | Dalkey Islands SPA | 13.7km | northeast |
| 003000 | Rockabill to Dalkey Island SAC | 14.0km | northeast |

11.2.5. I have had regard to the potential zone of influence, as identified in the submitted AA Screening Report, which identifies an indirect linkage from the site via Owendoher river to the following four European 2000 sites; South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Bull Island SPA (Site Code: 004006) and the North Dublin Bay SAC (Site Code: 000206). Having regard to the conservation objectives of the remaining sites listed in table 5, as attached to this report, and based on the source-pathway-receptor model, I am satisfied that other European sites proximate to the subject site can be ‘screened out’ on the basis that significant impacts on these European sites could be ruled out, either as a result of the separation distance from the subject site, the extent of marine waters or given the absence of any direct hydrological or other pathway to the subject site. In line with the AA Screening Report, I am satisfied that the four sites, as identified above, are those sites that are within the zone of influence of the project given the drainage links to Dublin Bay.

Table 6. Qualifying Interest Features of European Sites within the Zone of Influence

| Site Name & Code | Conservation Objectives Qualifying Interest / Special Conservation Interest |
|---|---|
| South Dublin Bay and River Tolka Estuary SPA [004024] | To maintain the favourable conservation condition of Common Tern; To maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it; |

| | |
|---------------------------------------|---|
| | <p>Grey Plover is proposed for removal from the list of Special Conservation Interests for South Dublin Bay and River Tolka Estuary SPA. As a result, a site-specific conservation objective has not been set for this species;</p> <p>With the exception of Grey Plover, to maintain the favourable conservation condition of the qualifying interest species, as listed directly below.</p> <p>Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] Oystercatcher <i>Haematopus ostralegus</i> [A130] Ringed plover <i>Charadrius hiaticula</i> [A137] Grey plover <i>Pluvialis squatarola</i> [A141] Knot <i>Calidris canutus</i> [A143] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A149] Bar-tailed godwit <i>Limosa lapponica</i> [A157] Redshank <i>Tringa totanus</i> [A162] Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999]</p> |
| <p>South Dublin Bay SAC [000210]</p> | <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide.</p> <p>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]</p> |
| <p>North Bull Island SPA [004006]</p> | <p>To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it;</p> <p>To maintain the favourable conservation condition of the qualifying species, as listed directly below.</p> <p>Light-bellied brent goose [A046]</p> |

| | |
|--------------------------------------|--|
| | <p>Shelduck <i>Tadorna</i> [A048]</p> <p>Teal <i>Anas crecca</i> [A054]</p> <p>Pintail <i>Anas acuta</i> [A054]</p> <p>Shoveler <i>Anas clypeata</i> [A056]</p> <p>Oystercatcher [A130]</p> <p>Golden plover <i>Pluvialis apricaria</i> [A140]</p> <p>Grey plover [A141]</p> <p>Knot [A143]</p> <p>Sanderling [A144]</p> <p>Dunlin [A149]</p> <p>Black-tailed godwit <i>Limosa</i> [A156]</p> <p>Bar-tailed godwit [A157]</p> <p>Curlew <i>Numenius arquata</i> [A160]</p> <p>Redshank [A162]</p> <p>Turnstone <i>Arenaria totanus</i> [A169]</p> <p>Black-headed gull [A179]</p> <p>Wetland and waterbirds [A999]</p> |
| <p>North Dublin Bay SAC [000206]</p> | <p>To maintain the favourable conservation condition of the qualifying interest habitats and species, as listed directly below.</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows [1330]</p> <p>Mediterranean salt meadows [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort <i>Petalophyllum ralfsii</i> [1395]</p> |

Test of Likely Significant Effects

11.2.10. The project is not directly connected to or necessary to the management of any European site. The proposed development is examined in relation to any possible interaction with European sites to assess whether it may give rise to significant effects on any European site in view of the conservation objectives of those sites. The application site does not support habitats of ex-situ ecological value for the relevant qualifying interests, including those listed above, and with identified connectivity.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works both during construction and operational phases and the information available and provided, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- impacts on water quality during construction and operation phases.

Potential Effects

11.2.11. Specific conservation objectives have been set for each of these European sites, as appended to this report, and these largely relate to water-dependent habitats and species, as listed in table 6 above, including coastal and inter-tidal habitats and migratory wintering birds. Conservation objectives set for the mudflats in the South Dublin Bay SAC relate to habitat area, community extent, community structure and community distribution within the qualifying interest. For the North Dublin Bay SAC, specific conservation objectives have been set for the habitats of qualifying interest and they relate to habitat area, community extent, community structure, community distribution, physical structure, vegetative structure and vegetation composition within the qualifying interest. For the South Dublin Bay and Tolka Estuary SPA and the North Bull Island SPA, the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.

11.2.12. In relation to the construction phases, potential pollutants include silt, deleterious materials and hydrocarbons/chemicals, given that construction works typically generate fine sediments and could also generate result in accidental spills of oils and other toxic chemicals. Use of the application site for industrial or other purposes with

potential for contamination levels has not been highlighted and the outline construction management and waste management plan submitted does not refer to potential to need to deal with hazardous materials during site setup works or construction. Dust management measures are outlined in the applicant's outline construction management and waste management plan.

11.2.13. Surface water from two catchment areas on the site would be discharged at rates and by means compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through attenuation tanks and flow-control hydrobrakes. Within catchment A on the west side of the site a Class 2 petrol interceptor (Klargester type NSB03 or similar approved) would be installed into the basement level drainage which would connect into the foul drainage. An integrated constructed wetland with swale and stormtech chamber would restrict flows to the public sewer on Stocking Lane. A Class 1 petrol interceptor would be installed prior to discharge of surface waters from catchment B on the east side of the site. These are standard as per the Greater Dublin Regional Code of Practice for Drainage Works requirements on development sites such as this. Prior to be taken in charge and being maintained by the local authority, all drainage works would be maintained in a clean and serviceable condition, in accordance with the Greater Dublin Regional Code of Practice for Drainage Works requirements.

11.2.14. I note the submissions raising concerns regarding the potential impacts on surface water, including the Owendoher river, which is stated to provide habitat for otter, however, I also recognise that SUDS and other measures are incorporated into the strategic housing development to address potential impacts to the quality or quantity of runoff to the surface water drainage network and significant forms of pollutants have not been identified on the site. These systems and features have not been specifically introduced or tailored to avoid or reduce an effect on any European site, as they are standard requirements of the Greater Dublin Regional Code of Practice for Drainage Works. Based on the application details, any potential pollutants or sediment arising from surface waters on site draining into the neighbouring storm water network and any subsequent entry into the surrounding surface water network draining into Dublin Bay, would not be significant to impact on water quality within the Owendoher river and would be further diluted by the point of discharge into

Dublin Bay, given the distance involved and the volume of water relative to the volume of potential pollutants/sediment. Therefore likely significant effects from surface waters on site to the aforementioned four coastal sites listed above can be ruled out.

11.2.15. In terms of pollution arising from wastewater discharge, it is considered that the additional loading to the Ringsend WWTP arising from the development would not be considered to be significant having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation objectives of the sites identified above, and furthermore, as the upgrading works at the plant would address future capacity, including the treatment of foul wastewater from the proposed development.

11.2.16. I recognise that the applicant has referred to mitigation measures with respect to various methods of construction on site and means of addressing the impacts of the proposed development, including those measures outlined in section 6 of the Ecological Impact Assessment addressing the protection of birds and small mammals during site clearance works. I am satisfied that these mitigation measures do not seek to avoid or reduce impacts on the conservation objectives of European sites.

In Combination or Cumulative Effects

11.2.17. This project is taking place within the context of greater levels of building development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land-use planning by the various planning authorities in the Dublin area, and in this area under the terms of the South Dublin County Development Plan 2016-2022. A Stage One Appropriate Assessment Screening was carried out in respect of the South Dublin County Development Plan 2016-2022. It concluded that a Stage Two Appropriate Assessment (AA) of the South Dublin County Development Plan 2016-2022 was not required and the implementation of the Plan would not result in significant adverse effects on the integrity of any European sites.

11.2.18. In relation to the cumulative impacts of foul water discharge, I note upgrade works have commenced on the Ringsend WWTP extension and that the facility is subject

to EPA licencing and associated Appropriate Assessment Screening. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to European Sites within the zone of influence of the proposed development.

Stage 1 AA Screening - Conclusion

11.2.19. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), South Dublin Bay SAC (Site Code: 000210), North Bull Island SPA (Site Code: 004006) and North Dublin Bay SAC (Site Code: 000206), or any other European sites, in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not therefore required.

11.2.20. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

12.0 Assessment

12.1. Introduction

12.1.1. Having regard to the documentation on file, including, the applicant's documentation, the report of the planning authority, the observers' and prescribed bodies submissions, the planning and environmental context for the site and my visit to the site and its environs, I am satisfied that the planning issues arising from this proposed development can be addressed and assessed under the following headings -

- Principle of the Development;
- Urban Design;

- Building Heights;
- Development Standards;
- Impacts on Residential Amenities;
- Traffic & Transportation;
- Drainage & Flood Risk;
- Ecology;
- Architectural Heritage;
- Other Matters;
- Planning Authority's Submission.

12.2. Principle of the Development

Core Strategy

- 12.2.1. A population target for Ballyboden is not set out within the Regional Spatial and Economic Strategy. The South Dublin County Development Plan 2016-2022 is the current statutory development plan for the area. Within the County Settlement Hierarchy to the Development Plan, Ballyboden is identified as a 'Consolidation Area within the Gateway' reflective of its location as an established suburban area between a 'Gateway Core' and 'Metropolitan Consolidation Towns'. Core Strategy Policy 1 of the Development Plan states that it is policy to promote the consolidation and sustainable intensification of development in locations such as this to the east of the M50 and the south of the River Dodder.
- 12.2.2. Table 1.10 of the Development Plan sets out the total housing capacity to be accommodated at each tier in the settlement hierarchy and the projected population for each settlement. For the consolidation areas of south Dublin, including Ballyboden, a residential capacity of 9,620 total housing capacity on 295 hectares of zoned lands is set out. The subject site is identified as a housing capacity site in the Development Plan (Map 1.3). The planning authority note that development of the subject zoned lands would provide for consolidation of the urban area.
- 12.2.3. The application site has been assigned a land-use zoning 'RES' within the Development Plan, with an objective 'to protect and/or improve residential amenity'.

Residential use is permissible in principle under this zoning objective. Third-party observations assert that the proposed development is premature pending the adoption of a Local Area Plan or similar plan for the area. The site is outside the area covered by the Ballyboden Village Area Masterplan, including the Phase 2 area. The Planning Authority has not raised an objection in principle to the proposed development. I have not been made aware of an area plan being prepared for the subject area and the land-use objective for the site does not call for an area plan of any type to be prepared for this site and the lack of same should not hinder the site coming forward for development.

- 12.2.4. I am satisfied that the site represents a natural expansion of the built-up area to Ballyboden on a site benefitting from existing pedestrian, cycle and road links along Stocking Lane. It is located sequentially to existing adjoining housing areas to the north, east and south and in an area with no stated significant infrastructural constraints. The development is also designed to support improved connectivity in the area, as expanded upon in section 12.7 below. The proposed public open space and the retail use, which at 65sq.m would be of a local scale, are acceptable in principle on this site based on the land-use zoning objectives. A childcare facility would be 'open for consideration' based on the merits of the proposal and the planning authority has not raised any objection to the principle of this use. Further consideration of the childcare facility is provided below (see section 12.5).

Density

- 12.2.5. Planning policy at national, regional and local level seeks to encourage higher densities in appropriate locations. The National Planning Framework seeks to deliver on compact urban growth and objectives 27, 33 and 35 of the National Planning Framework seek to prioritise the provision of new homes at locations that can support sustainable development, while seeking to increase densities in settlements through a range of measures. Based on criteria set out in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), I am satisfied that the site can be considered to fall into the 'Public Transport Corridor' category, given its location adjacent to bus stops along Stocking Lane. These Guidelines promote minimum net densities of 50 dwellings per hectare within 500 metres walking distance of a bus stop, although the appropriate densities should also consider the capacity of public transport and

proximity to bus stops. The proposed net residential density for the development would be 54 units per hectare.

- 12.2.6. A significant number of observations have stated that the proposed density would be excessive and this is representative of the overdevelopment of the site, while citing a lack of available capacity within the existing and future transport infrastructure. Observations also assert that the residential density of the development on this site should be restricted to 35 to 50 units per hectare, by virtue of the terms of policy H8 - objective 6 of the Development Plan. However, I note that this policy objective does not apply to lands, such as the subject lands, within the M50 motorway, while the planning authority refer to the limited capacity of bus services in the area and other developments permitted, under construction and recently constructed in the area, they do not object to the number of units proposed.
- 12.2.7. The Development Plan refers to census data identifying an aging population and stagnant or falling populations in the 'Consolidation Areas within the Gateway', which presents a serious risk to the viability of services and facilities into the future. Increased residential density in suburban locations such as this, ensure the efficient and increased use of existing and planned services, including public transport, shops and social infrastructure. Such services, whether commercial or social, are dependent on a critical mass of population to remain viable and to justify the creation of additional services. In the wider environs of the site are schools, shops, medical facilities, parks and open spaces, all of which would benefit from a moderate density of development that is a comfortable walking or cycling distance from the site. While the proposed density would be greater than that of the immediate established residential areas, the proposals would appear modest when considering the overall scale of the site, the urban context and contemporary planning policy.
- 12.2.8. In conclusion, the proposed density of 54 units per hectare is at the lower end of permissible densities based on Guidelines and would be appropriate given the immediate proximity to existing services. Furthermore, I am satisfied that the proposed density for the application site complies with Government policy seeking to increase densities and thereby deliver compact urban growth. Certain criteria and safeguards must be met to ensure a good standard of design and I address these below, as well as the matter of public transport and access.

12.3. Urban Design

Layout

- 12.3.1. The site comprises agricultural lands characterised by relatively-level open grassland and well-defined boundaries marked by stretches of scrub, hedgerows and trees. The applicant has provided a variety of material to rationalise the designs, including a 'Concept Plan and Design Criteria Statement'. The layout for the proposed apartment development would appear to be largely dictated by a 10m-wide development free zone required for the underground waterworks overflow pipe, the provision of an east-west boulevard connecting Stocking Lane through to the rear of the site and Springvale, the creation of a strong urban edge to Stocking Lane, whilst maintaining the sylvan character and mature trees in this area, the desire to make efficient use of the site and the need to respect the residential amenities of neighbouring residential properties. A lower-density residential character area is proposed to the east side of the site and a higher density character area with buildings up to four storeys in height is proposed on the western side. The alignment of the boulevard serving as a central spine through the site generally follows the line of the overflow pipe with a mix of housing fronting onto this boulevard.
- 12.3.2. Two public open spaces are proposed within the scheme, including a large area positioned centrally within the site adjacent to the central spine road and a smaller area to the rear of the site, providing a buffer from Springvale estate. The layout and height of buildings would ensure that each of the proposed external amenity spaces would receive sufficient sunlight, as illustrated in the shadow study drawings included in the Design Criteria Statement (see page 41). Additional open space would be provided along the western margin of the site, albeit for visual amenity purposes, providing a buffer for tree retention and new pedestrian and cycle paths, rather than formal public open space. An outdoor public lighting plan, including drawings, are provided with the application identifying the proposed provision of lighting throughout the site, the detail of which would be subject of a planning condition in the event of a permission, as required by the planning authority. The boundary treatments proposed would tie in with the overall landscaping scheme and have been clearly delineated within drawing no.1439-9031, including a 1.8m-high timber fence and a 2m-high capped wall on the southern boundaries with properties

in Prospect Manor and Springvale estates. Additional landscaping details and taken in charge layouts can be provided as a condition in the event of a permission.

- 12.3.3. Observations submitted assert that the design of the development would be out of character with the immediate housing areas and fails to comply with the 12 principles of the Urban Design Manual, while a sufficient level of separation and suitable buffer from neighbouring properties and Stocking Lane has not been provided. The neighbouring observers also raise concerns in relation to the design, layout and area of the proposed open space on site. Concerns are also expressed by observers with regards to the loss of trees to facilitate the development. The applicant's Design Criteria Statement sets out how the detailed design of the scheme meets the principles of the Urban Design Manual. Maintaining trees of sufficient quality forms an important aspect of the design approach and trees to be maintained, including protective measures have been identified in the Tree Protection drawing (no.103 Revision B).
- 12.3.4. I am satisfied that the layout and the design of the scheme would provide a logical and legible approach in developing the site from an urban design perspective, particularly considering the primary site development constraints. The open spaces and public realm have been designed to benefit from passive surveillance with overlooking from housing, with the wrap-around dual-frontage corner blocks (A, A1, C and E) indicative of this. The scale of the buildings along Stocking Lane and separation distances is such that the perception of an impenetrable street wall would not occur along this frontage. Furthermore, the provision of buildings of greater mass and height centrally within the site would appear logical, with buildings stepping down to a maximum of three-storeys along the interface with the existing adjacent housing. I also recognise the narrow strip of land approximately 1m in depth abutting the rear boundaries to properties along Prospect Avenue. This narrow strip which does not appear to be in control of the applicant or form part of the proposed scheme and I am satisfied that this would not be detrimental to the overall development of the site.
- 12.3.5. I am satisfied that the proposed layout has successfully responded to the site context and represents a sufficiently high standard of urban design, in accordance with the principles set out in the Development Plan, the Urban Design Manual and the National Planning Framework.

Scale and Appearance

- 12.3.6. The proposals would result in a change of character of the site from the current greenfield site to a large-scale housing development, similar to other uses in the wider area, while providing for an acceptable development layout responding to the site context and avoiding monotonous and monolithic uninterrupted street façades, and providing strategically positioned open space elements, as referred to above. The scheme also includes a range of measures and design features to integrate the proposals with the existing surrounding environment, including natural features and the built environment. Having regard to conclusions with respect to the density of the development, I am satisfied that the proposed development is at the appropriate scale relevant to this city area, particularly given the proximity and access to public transport, as addressed in section 12.7 below.
- 12.3.7. The applicant has not provided a lighting assessment addressing the minimum standards for daylight provision, as contained in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2012) and as referred to in the New Apartment Guidelines. Notwithstanding this, the scale, layout and massing of the development is such that excessive overshadowing or loss of lighting to the public realm and amenity spaces would not reasonably arise based on the BRE guide standards. Observers to the application have raised concerns with respect to the general appearance of the development, including the materials to be used and the lack of respect for surrounding buildings and the environmental context. As part of the application a design criteria statement and computer-generated images (CGIs) of the proposed development have been submitted by the applicant and I am satisfied that the images provide a reasonably accurate portrayal of the development, as proposed, with a method statement included identifying how the CGIs were prepared. A visual impact assessment is also included with the application, addressing the predicted impacts of the development based on the CGIs. The proposed provision of a sizeable proportion of basement parking would substantially reduce the dominance of cars as part of the streetscape. It would have been preferable if additional CGIs had been provided taken from viewpoints north towards the development within the end of the cul de sac in Springvale. Nevertheless, I do not believe this places any significant limitations to my assessment. External finishes to the elevations of the

proposed buildings would be dominated by a light-toned brickwork, as well as random and cut Wicklow granite, while comprising glazed balconies and zinc-clad roof elements. Limited use of render plaster is proposed primarily to frame windows, while a copper-coloured aluminium is proposed for the upper floor of the apartment buildings. Apartment block elevations feature a variety of architectural detailing to provide visual interest and break up the building mass, such as setbacks, core definition and varied use of materials. The proposed scheme is of contemporary design with quality, durable and low maintenance materials and finishes, and the development would make a positive contribution towards place-making in the area. I am satisfied that sufficient care has been undertaken in the design and external appearance of the proposed buildings.

12.3.8. The relationship between the detached two-storey house with rooms in the roofspace (unit 15 - block D) and the two-storey housing on a lower ground level within Springvale is illustrated on the contiguous elevations and site sections (F-F1 and D-D1) of drawing no.2183-161 and both third parties and the planning authority have raised concerns in relation to this. While the proposed house (unit 15) would be set off the boundary with no.30 Springvale by 4.2m and would be primarily to the side of this house, the proximity of this house on 3m-higher ground would have an obtrusive and overly dominant visual impact when viewed alongside no.30 when approaching from the descending ground within Springvale to the east. Consequently, I would have reservations regarding the siting and scale of block D relative to housing within Springvale and the visual impact of same, and I am satisfied that there would be merit in requiring omission of this unit as a condition in the event of a permission.

12.3.9. The appearance of the proposed development, as illustrated in the CGIs submitted, and the views of the proposed development would be very much limited to the immediate area, and would be set amongst the adjacent residential buildings and mature tree lines. Consequently, I am satisfied that with the attachment of conditions, the visual impact of the proposed development, would not substantially interfere with the character of the area, which does not have conservation status or feature protected views. Specific impacts of the development with respect to Rookwood House are addressed under the heading 'Architectural Heritage'.

12.4. Building Heights

- 12.4.1. According to the Urban Development and Building Heights Guidelines for Planning Authorities, building-up urban infill sites is required to meet the needs of a growing population and 'increased building height is a significant component in making optimal use of the capacity of sites in urban areas'. Section 3.1 of these Guidelines outlines that it is Government policy for building heights to be increased in appropriate urban locations. Section 2.2.3 of the Development Plan addresses residential building heights and includes housing policy 9, which seeks to support varied building heights across residential and mixed-use areas.
- 12.4.2. Two to three-storey residential buildings with heights of approximately 9m to 10.3m are proposed on the east side of the site, with slightly higher buildings of three to four storeys (approximately 10.3m to 14m) proposed on the west side of the site. The planning authority does not object to the building heights proposed, although some concerns were raised by the planning authority. The surrounding area is primarily dominated by buildings of two-storeys. I note the single-storey house at 9a Prospect Heath to the southwest of the site. Contiguous elevation drawings submitted with the application illustrate the existing and proposed variations in building height relative to Prospect Manor, Springvale, Stocking Lane and Coolamber, as well as within the development (see drawing nos. 2183-160 and 2183-161).
- 12.4.3. The planning authority asserts that the proposed development provides for a good variety and transition in heights. Third-party submissions assert that the proposals would be out of character with the surrounding low-rise setting and would be contrary to planning policy requiring single and two-storey residential buildings only within 35m of neighbouring houses. This 35m separation distance is based on criteria set out in section 11.2.7 of the Development Plan. Housing policy 9 - objective 3, aims 'to ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height)'. Section 11.2.7 of the Plan sets out that the appropriate maximum or minimum height of any building will be determined by factors such as the prevailing building height in the surrounding area and the proximity to existing housing. The Plan follows on to state that new residential

development that would adjoin existing one and/or two storey housing (backs or sides onto or faces), shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved. Accordingly, I am satisfied that as three-storey buildings are proposed within 35m of existing two-storey housing, the proposed development would fail to comply with the measures outlined within Section 11.2.7 of the Plan and, as such, would materially contravene housing policy 9 - objective 3 of the Development Plan. The planning authority has not stated that the proposed development is in material contravention of their Development Plan.

12.4.4. I note that specific planning policy requirement (SPPR) 3 of the Urban Development and Building Heights Guidelines for Planning Authorities states that where a planning authority is satisfied that development complies with the criteria under section 3.2 of these Guidelines, development may be approved, notwithstanding the specific objectives of the statutory plan. However, under section 8 of the Act of 2016, prior to an applicant making an application they are required to publish a newspaper notice stating that the application contains certain statements, including a statement where the proposed development materially contravenes a plan, other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended. The applicant has not published such a notice, nor have they addressed the issue of material contravention within a statement accompanying the application. The applicant would appear to be of the view that the proposed development would not materially contravene the Development Plan, whereas observers consider the proposals not to comply with the requirements of the Development Plan as set out under section 11.2.7 and referenced within housing policy 9 - objective 3. While I am largely satisfied that the stepped building arrangement and the separation distances between the proposed building and existing housing would be sufficient to ensure that there would not be an abrupt transition in building heights, as the proposals would materially contravene the building height and separation distance requirements set out in housing policy 9 - objective 3 of the Development Plan, it is not possible in this case to invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, as the requirements under section 8 of the Act of 2016 have not been complied with. Attachment of conditions to overcome this requirement would be likely to have

material implications for the proposed development. Notwithstanding this and should the Board consider otherwise, for comprehensiveness I continue to assess the remaining aspects of the proposals below.

12.5. Development Standards

- 12.5.1. The proposed four-bedroom houses all feature substantive rear garden areas and generous floor areas ranging from 130sq.m to 152sq.m, in compliance with the minimum standards set out within the Quality Housing for Sustainable Communities Guidelines and the requirements of the Development Plan. The five-bedroom house (block D) would also meet the Development Plan minimum standards.
- 12.5.2. Proposals would provide for 29 one-bedroom apartments (26%), 13 two-bedroom three-person apartments (12%), 48 two-bedroom four-person apartments (44%) and 20 three-bedroom five-person apartments (18%). I note the planning authority highlighted that the applicant had not provided a particular rationale addressing section 3.6 of the New Apartments Guidelines to justify the inclusion of the two-bedroom three-person type apartments. These two-bedroom three-person apartments would provide some variation in residential accommodation and five of the 13 apartments would be allocated for Part V requirements. The overall provision of these units as part of the scheme would not exceed the 10% maximum limitation set out in section 3.7 of the New Apartments Guidelines. Both concerns and support have been expressed by third parties in relation to the proposed Part V provision. I am satisfied that the residential mix, alongside the proposed housing, would contribute to the overall residential mix of housing in the locality, which is dominated by larger forms of housing, and accords with the apartment mix provisions set out in the New Apartment Guidelines. The planning authority has outlined a preference for Part V units on site and the applicant has proposed the provision of 12 apartments in blocks F and G, as well as a mid-terrace house, to satisfy the requirements in this regard, which would be subject to standard conditions in the event of a permission.
- 12.5.3. Within the applicant's Housing Quality Assessment, a quantitative assessment against the relevant design standards has been provided for each of the proposed apartments, including the upper-level duplex units in blocks M, H, J and K. The minimum size of the apartments proposed at 46sq.m for a one-bedroom unit (45sq.m), 63sq.m for a two-bedroom three-person unit (63sq.m), 73sq.m for a two-

bedroom four-person unit (73sq.m) and 95sq.m for a three-bedroom five-person unit (90sq.m), exceeds the respective guideline standards for these units (as detailed in brackets). The internal design, layout, configuration and room sizes for each of the apartments, including storage areas, would accord with or exceed the relevant standards. In addition, the 10% additional floor space required for apartment schemes of greater than ten units would also be achieved. Private amenity space for each of the apartments, including balcony sizes, would meet or exceed the minimum requirements. Floor to ceiling heights of 2.7m would be provided for the ground-floor apartments, compliant with the minimum height requirements, and the number of apartments per core would be well within the minimum requirements. Communal facilities for future residents of the apartments are proposed at basement level, including a waste collection area and two cycle stores, alongside a management space comprising plant room, services and office. The planning authority note that dedicated bin storage for residents of blocks E, K, L, J and H would be required, as it would be inconvenient and unreasonable to expect residents to rely on the proposed use of bin stores at basement level to blocks F and G. This requirement would be necessary and the matter should be addressed as a condition in the event of a permission.

- 12.5.4. In terms of aspect, a total of 82% dual-aspect apartments are proposed well in excess of the requirements. I recognise that the planning authority has flagged concerns regarding the aspect to unit type F1 (apartments 33, 39, 45 and 51), however, I would note that these units are served by north and east-facing windows overlooking the proposed boulevard and the central public open space, including wraparound windows serving their living areas and a balcony on the east side of apartment 51 (see drawing nos.2183-120 and 2183-121). The applicant has not submitted a lighting assessment addressing the minimum standards outlined in the British Standard (BS) EN 17037:2018 'Daylight in Buildings' (2018), such as average daylight factor (ADF) serving habitable rooms across the proposed buildings. Notwithstanding this, the layout, separation distances, orientation and elevation treatments of the buildings would not be likely to limit the natural lighting of the proposed residences below the relevant standards. However, I would have concerns regarding the positioning of a solid screen wall flanking the proposed square-shaped balconies serving apartments 38, 44 and 50 in block F and

apartments 55, 61 and 67 in block G. While I acknowledge the necessity for a screen to provide privacy to these balconies, given their proximity to neighbouring balconies and their positioning onto an external passageway, a lighter or alternative form of screen would appear more appropriate, warranted and feasible, in order to improve natural lighting to the bedrooms and living areas that open onto each of the respective balconies. This could be achieved via condition in the event of a permission without impact on residential amenities.

12.5.5. An observer has flagged concerns regarding compliance of the internal and external staircases, as well as fenestration with the Building Regulations. Such matters will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this application. With the attachment of a condition requiring an internal noise impact assessment to be carried out, the appropriate specification of windows can be identified for the residential accommodation. A number of submissions have suggested that the proposed development would provide for 'build-to-rent' residential units. The relaxed development standards contained in the New Apartment Guidelines to provide for build-to-rent units have not been specifically applied for in this application and I acknowledge that units could be owner-occupied or rented in the future.

12.5.6. According to the applicant the total amount of public open space to serve the area, including kick-about pitches and a variety of play spaces, at 12% of the site area would be in excess of the minimum 10% required in the Development Plan. Communal areas serving the apartments and duplexes are proposed throughout, the largest of which would comprise a gated residents' courtyard space over the basement serving the apartment blocks. Apartment blocks F and G, as well as blocks H and J would also enclose a communal courtyard space with a separate play area and seating areas. The planning authority considers that there would be a shortfall in communal space directly serving the residents of proposed blocks M and L and, as such, they request that block M be halved in footprint, thereby omitting a duplex unit and an apartment, to provide additional scope for communal space. Cognisant of the need to create a strong urban edge along Stocking Lane and given the proposed 10m-wide footpath immediately to the north of block M, there would appear to be a residual area that could be allocated to provide communal open space for these blocks. While I would accept that this communal space may not be

overlooked or directly accessible from all units within blocks L and M, it would provide a reasonable level of amenity for future residents and would provide for suitable urban design response and a sustainable use of the site.

- 12.5.7. Third-parties assert that limited childcare provision and other community supports, such as shops and recreational amenities, are available in the area, and that this should be considered in the context of the cumulative impacts of other recently constructed developments and permitted proposals. I recognise that a social infrastructure audit for the area does not accompany the application. However, there is not a specific planning requirement to submit such an audit, while the proposals would also provide for a crèche in block L and a local retail unit on the site. While the crèche would cater for 22 children only, the modest scale of this facility would appear reasonable considering the provisions of the Childcare Facilities – Guidelines for Planning Authorities (2001) and the overall scale of the subject development. In line with the requirements of the Guidelines, details regarding the nature of the crèche facility should be provided by condition in the event of a permission.
- 12.5.8. Housing policy 11 - Objective 2 of the Development Plan promotes new residential developments taking account of energy efficiency, prioritising passive house construction standards, as well as renewable energy opportunities. The applicant provided an Energy Statement, which third parties assert lacks detail, while the planning authority were satisfied with same, subject to further details to be provided as a condition of permission. The roofs to the proposed apartment buildings (blocks L, F and G) would accommodate photovoltaic panels, which would not be visible from street level. Drawing no.2183-123 indicates the use of integrated photovoltaics in the balcony screens. Various other measures to address energy efficiency are included in the Energy Statement, which I am satisfied contains sufficient details to demonstrate adherence of the proposals to policy Housing policy 11 - Objective 2 of the Development Plan. While an increase in greenhouse gases is inevitable with most development, I have no evidence to believe that this increase would be excessive, or to have significant effects on the environment.
- 12.5.9. In conclusion, subject to conditions, I am satisfied that the proposed development would provide an attractive mix of apartments, duplex units and houses, meeting the relevant design standards and providing a suitable level of amenity for future residents.

12.6. Impacts on Residential Amenities

- 12.6.1. Through a number of safeguards, policy H15 of the Development Plan supports a high standard of privacy and security in the design and layout of housing both existing and proposed. The context for the site, relative to the neighbouring residential areas has been set out above and expanded upon below. A substantial proportion of the observations assert that the development would impact on the enjoyment of the residential amenities of properties in the immediate area, while questions were also raised regarding specific aspects of the development proposals. I also acknowledge the large proportion of observations with respect to the intended use of the estate access road within Springvale for vehicular and other traffic, the acceptability or otherwise of which I consider under section 12.7 below. The layout of the development, including separation distances to buildings such as Rookwood House along the northern boundary, as well as the existing layout of this housing to the north on substantive grounds, is such that the proposed development could not reasonably be considered to result in undue impacts on the amenities of these residential properties to the north, including their possible future development potential. I have addressed the impact of house no.15 (block D) on Springvale under section 12.3 above. I recognise that the eastern edge of the subject lands are elevated approximately 2m to 3m above the level of the adjoining roadside in Springvale. Other than house no.15, there are no buildings within 20m of the eastern boundary with Springvale. With the omission of house no.15, a 20m to 24m buffer containing landscaped public open space and transport infrastructure would separate all of the proposed buildings on site from Springvale to the east. Block A would be 49m from the nearest houses to the east (nos.22-24 Springvale) and block b would be 20m from the nearest house in Springvale (no.30). These minimum separation distances are substantial and could not reasonably be considered to facilitate excessive undue impacts on the amenities of properties to the east in Springvale (nos.22-43) as a result of the proposed development. Consequently, I am satisfied that the assessment can focus on the impacts on the residential amenities of housing along the southern boundaries of the site, including those within the western cul de sac to Springvale.
- 12.6.2. Excessive overlooking would have potential to lead to undue loss of privacy for residents. The apartment blocks (F and G) are a substantial distance (38m to 50m)

from the southern boundary of the site, thereby restricting the potential for excessive overlooking from these four-storey buildings. While no upper-floor windows are proposed on the southern elevations of blocks H, J and K, concerns are raised regarding the potential for overlooking from the front and rear elevations of these blocks into the adjoining housing, which are situated on slightly lower ground levels. While some indirect views towards the properties to the south would be available from internal areas and balconies, the primary direction of external views from blocks H, J and K residences would be over the communal spaces, an access road (no.3) and the linear space along Stocking Lane. While I recognise that three-storey buildings are proposed a minimum of 2.3m from the southern boundary, this would not lead to substantial increased opportunity for overlooking of neighbouring properties. Views from the rear balconies serving the second-floor apartments (85, 86, 95 and 96) in Blocks H and J, towards the gardens a minimum of 10m to 12m to the south, would be substantially restricted by virtue of the recessed position of these balconies. The rear elevation of Block K would be a stated minimum of 12.3m from the boundary with housing to the rear within nos.64 to 73 Springvale, which feature 10m-long rear gardens. No upper-floor balconies are proposed on the rear elevation of Block K facing Springvale and this block would feature roof lights at second-floor level serving bathrooms and stores. I am satisfied that the separation distances from Block K to the neighbouring properties, as well as building design, would be sufficient to avoid the potential for excessive direct overlooking of neighbouring properties. The potential for the proposed development to lead to excessive overlooking of neighbouring properties to the south from the units in blocks A and B along the southern side of the boulevard would be limited by virtue of the stated separation distances from the rear windows of these proposed buildings to the site boundary (12.3m to 18.1m), and the orientation of house nos.44, 73 and 74 in Springvale, with their side elevations facing onto the subject site. The layout and positioning of the proposed buildings relative to neighbouring residences is typical of the existing pattern of development in the area. Furthermore, it is intended to protect and maintain several mature trees along the southern boundary and to supplement this planting with additional trees set into pits, which would further restrict the potential for overlooking. I am satisfied that based on the design of the buildings and the layout of the development, the proposals would not result in excessive direct overlooking of neighbouring properties or a detrimental loss of privacy.

- 12.6.3. Shadow study images were included as part of the applicant's Design Criteria Statement and these illustrated the extent of shadowing that would arise from the proposed development at three times on the 21st day of September. While some level of overshadowing of neighbouring properties would be expected to arise, this would be substantially limited by virtue of the positioning of housing within Prospect Manor primarily to the south of the site. I also recognise the potential for loss of light and overshadowing to the lower gardens and housing along nos.64 to 73 Springvale. Notwithstanding this, the lack of a significant difference in ground levels between these properties and the immediate subject site area, the height of Block K and the separation distance from neighbouring properties, would be such that any restriction of natural lighting would be limited and would be restricted to late afternoon and evening periods. As noted above, a lighting assessment addressing the minimum standards contained in the BRE guide has not been submitted as part of this planning application. Notwithstanding this, I am satisfied that given the layout, orientation and scale of the buildings, many of which would be to the north of adjoining gardens, the proposed development would not be likely to result in excessive overshadowing or loss of natural light to neighbouring residences below the minimum standards contained in the BRE guide.
- 12.6.4. I am satisfied that the layout of the proposed development, including the orientation of the proposed buildings and the stepped building heights, as well as the minimum separation distances from the proposed buildings to neighbouring properties, including those outlined above, would be sufficient to ensure that the proposed development would not be excessively overbearing where visible from neighbouring properties. With appropriate scope for surveillance of the public realm and private gardens provided for, the proposed development would not lead to increased risks to the security of neighbouring residential properties.
- 12.6.5. An outlined construction management and waste management plan was submitted with the application, including measures to address noise and dust emissions. Such measures and a requirement to avoid use of areas adjacent to housing for the storage of materials would serve to restrict impacts on neighbouring residents. Furthermore, the construction traffic management plan, as required by the planning authority as a condition in the event of a permission, should also restrict the construction access solely to a location off Stocking Lane, in order to avoid access

through adjoining residential areas, as was raised as a concern within observations to the application.

- 12.6.6. Demands by third parties to have the electricity substation repositioned elsewhere on site are based on assertions that this infrastructure would impact on human health by virtue of magnetic fields. Such infrastructures are necessary, typical and well-established in residential areas without undue interference with human health and the proposed position of this substation would appear reasonable.
- 12.6.7. Sufficient information has been provided with the application to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. In conclusion, the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have excessively overbearing impacts when viewed from neighbouring residential properties. Accordingly, the proposed development would comply with policy H15 of the Development Plan and the proposed development should not be refused for reasons relating to impacts on neighbouring residential amenities.

12.7. Traffic and Transportation

- 12.7.1. A sizeable proportion of the third-party observations have raised concerns in relation to the implications of the proposed development for ongoing traffic congestion issues within the area, which would be further impacted by other permitted and ongoing developments, and the potential for increased risks to the safety of road users, in particular through the inclusion of the proposed vehicular link from the application site into the adjoining Springvale residential estate. It is also asserted that the development would be heavily-reliant on car-borne trips.

Public Transport

- 12.7.2. Observers and the planning authority have asserted that the area features a public transport network that is already at capacity and has limited potential for increased capacity in the near future, particularly given the nature of the road network and the absence of light-rail infrastructure. The applicant's Traffic and Transport Assessment provides details of public bus services available in the environs of the site, including the 15b route operating along Stocking Lane, which connects Stocking

Avenue to the south of the site with the city centre and other public transport routes, and has a service frequency during peak hours of ten minutes. The 161 route along Edmondstown Road serves locations between Kilmashogue to the south and Dundrum Town Centre to the northeast approximately every 1.5 hours during weekdays. Other services within walking distance of the site include the 15 (Ballycullen Road to city centre) route on Scholarstown Road, as well as the 175 (UCD to Citywest) and 61 (Whitechurch to Eden Quay) routes on Taylor's Lane. The planning authority note that under BusConnects, the site would be directly served by the no.85 bus route with a service frequency of ten minutes at peak hours, between the city centre and Tallaght. The site would be within walking distance of the L35 route (frequency of 60 minutes on weekdays) and the S8 orbital route (frequency of 15 minutes at peak time, between Tallaght and Dún Laoghaire).

Car and Cycle Parking

- 12.7.3. The applicant is proposing 167 car parking spaces, 79 of which would be at basement level, five of which would serve the proposed local retail unit and four of which would serve the proposed crèche facility. A loading bay would also be provided in a position accessible to both the crèche and retail unit. Based on Development Plan provisions, the planning authority state that the residential element of the development would attract a maximum parking requirement of 177 car parking spaces, while the applicant states that the overall development would attract a maximum parking requirement of 186 spaces. The Roads Engineers of the planning authority are satisfied with the overall parking provision, subject to conditions addressing specific requirements for the proposed provision of mobility-impaired spaces and electric-vehicle charging. A car-parking management strategy, as was requested in the Board opinion, has not been submitted with the application and this should be provided as a condition in the event of a permission. Mobility management measures are outlined within the applicant's Traffic and Transport Assessment, which would include the appointment of a coordinator for the implementation of the stated mobility management measures.
- 12.7.4. A total of 288 cycle parking spaces would be provided, alongside five motorcycle spaces. The planning authority and observers note that the cycle parking provision would be well in excess of the requirements and this is to be welcomed in supporting sustainable transport options.

12.7.5. I am satisfied that the overall provision of car parking would be acceptable relative to the site location, including access to services and the provision of public transport services and cycling infrastructures, the applicable parking standards and the mobility measures to be undertaken. Accordingly, I am satisfied that the proposed development would not be likely to lead to excessive overspill parking into neighbouring areas.

Access – Stocking Lane

12.7.6. The applicant asserts that the access arrangements have been designed based on extensive engagement with the Roads Engineers of the planning authority and in response to the Board's pre-application opinion. Observers asset that an appropriate and safe means of access to the development would not be provided off Stocking Lane and that the proposals would further impact on traffic congestion along this route.

12.7.7. The primary vehicular access to serve the proposed development would be off Stocking Lane in the form of an uncontrolled priority junction featuring a raised table on entry to the proposed development. As noted by the applicant in their Traffic and Transport Assessment, the speed limit on Stocking Lane at the proposed access onto this regional road is currently 80km/h. The speed limit reduces to 50km/h to the north of the site approaching the Scholarstown Road junction. Currently visibility at this access location is primarily restricted by banked boundaries featuring overgrown vegetation, including mature trees, and these banks would be removed to provide for minimum sightlines of 49m in both directions at a 2.4m setback from the roadside (as per the 'Proposed Visibility Splays' drawing). For roads with an 80km/h speed limit, sight visibility of greater than 49m from a proposed new entrance would normally be required, however, specific standards are not outlined within the subject Development Plan. Notwithstanding this, the Traffic and Transport Assessment states that the subject roadway has not been designated as a high-collision location based on Road Safety Authority data and the Roads Engineers of the planning authority have not objected to the proposed access solution onto this relatively straight section of Stocking Lane. Traffic speeds along Stocking Lane would be further constrained by the proposals to upgrade and extend the existing ramped pedestrian and cycle crossing at the southwest corner of the site and the installation of a new ramped pedestrian and cycle crossing at the northwest corner. These

upgraded and new road crossings would link with a proposed pedestrian and cycle path running inside the mature trees on the front boundary of the application site and existing infrastructure running along the western side of Stocking Lane, thereby averting the need to cross the road at other unregulated points. Observers assert that the applicant does not have the necessary consent from a relevant landowner for a narrow wedge of roadside boundary adjacent to the existing pedestrian and cyclist crossing, and these claims are contested by the planning authority. As clarified in the Development Management Guidelines with regard to title of land, section 34(13) of the Planning and Development Act 2000, as amended, states that a person shall not be entitled solely by reason of a permission to carry out any development. Accordingly, the issue raised is a civil matter that can be resolved between the relevant parties, if necessary, and I am satisfied that sufficient information has been provided to enable a recommendation on planning matters.

- 12.7.8. I am satisfied that the access and connectivity for the various modes of transport along Stocking Lane would be necessary and would adequately serve the development, providing for safe and convenient connections into local transport infrastructure. Potential to continue the pedestrian and cycle route along the east side of Stocking Lane has been provided for in the proposed layout and I am satisfied that the proposals would support the long-term roads objective stipulated in the Development Plan to upgrade Stocking Lane to function as an enhanced pedestrian and cycle route.

Access - Internal

- 12.7.9. The proposed roads layout along the Stocking Lane boundary would also provide a potential future vehicular access and engineering services route into the Coolamber lands, which are situated on the northern boundary of the site, although I would note that in the event that permission is granted the shared-surface roadway (no.2) should be conditioned to be extended to abut the northern boundary with Coolamber. Furthermore, the autotrack analysis drawing shows a potential fire tender route onto Stocking Lane at the proposed new pedestrian and cycle crossing and this should be omitted via condition and the space directly to the north of block M should be landscaped to exclude the west side turning head to road no.2. Emergency or fire tender access would be available to this northern boundary from the main access point. This could also address the requirement for communal space to serve blocks

L and M, as flagged above. Further potential connections to lands to the north and south of the application site would not appear necessary.

12.7.10. A DMURS Statement of Compliance has been submitted as part of the applicant's Traffic and Transport Assessment and the planning authority are satisfied that the proposals broadly comply with their requirements and the principles as set out in DMURS. The proposals incorporate a hierarchy of streets which include a main spine route (roads 1 and 4) that would be 5.5m in width, while incorporating a central raised table, as well as staggered on-street perpendicular and parallel parking on both sides fronting the proposed houses. I note the extent of parking provided along the street, but I consider this reasonable given the desire to create a sense of enclosure to the streetscape, while also providing parking proximate to housing entrances. The width of streets would also appear reasonable based on the anticipated vehicular traffic volumes. Local streets are provided off the main spine road and these vary from a 5.5m-wide road serving the basement access, to 4.8m-wide shared surfaces and home-zones. Proposals, including traffic-calming measures that would encourage a low-speed residential environment and sufficient visibility splays have been achieved for each of the vehicular entrance points. The planning authority require minor revisions to sections of the road widths leading into Springvale, which appear reasonable from a road safety perspective.

12.7.11. The proposed footpaths would be a minimum of 1.8m in width for some sections, whereas the planning authority has requested that the proposed footpaths be increased to a minimum of 2m. In terms of efficient use of this urban land, the standards contained in DMURS and the modest density of the scheme, I am satisfied that 1.8m-wide footpaths would be appropriate in balancing the competing needs for land and, in conclusion, I am satisfied that the proposals would generally accord with the standards contained in DMURS.

Access – Springvale

12.7.12. The secondary access proposed to serve the development would be in the form of a graded route from the east off Springvale housing estate, and this would provide a vehicular access through Springvale to the Edmondstown Road that would only be used outside of morning peak periods (07:00 hours to 09:30 hours), as well as a permanent cycle and pedestrian route. This secondary vehicular access would

feature retractable bollards, to be managed by a residential management company. Numerous concerns have been expressed by third parties not just in relation to this proposed vehicular access, but also the provision of a proposed permanent pedestrian and cycle route through to Springvale.

12.7.13. The pedestrian and cycle access into Springvale would be overlooked by residential properties and while it would clearly increase pedestrian and cyclist movements through Springvale, the provision of this route would support Development Plan policy TM3 - objective 2 by implementing increased local permeability within the area, as well as supporting the principles contained within the National Transport Authority 'Permeability Best Practice Guide' (2015). The roads and paths within Springvale currently have capacity to allow for ease of movement of cyclists and pedestrians and the proposed development would harness these existing infrastructures, allowing for increased connectivity between the existing pedestrian and cycle route infrastructures on Edmondstown Road and Stocking Lane, as well as the various services in the area, including local schools and shops. Consequently, I am satisfied that the provision of this pedestrian and cyclist route would support planning policy and would not be detrimental to road safety or the amenities of residents within Springvale.

12.7.14. Visibility splays of 23m in both directions from a 2.4m setback at the secondary access junction into Springvale are proposed, and this visibility would appear reasonable primarily based on the acceptance of this arrangement by the Roads Engineers of the planning authority and given the existing roads layout and the 30km/h speed limit restriction in Springvale. While alterations in traffic movement and variations in connectivity, including the provision of alternative vehicular routes is not inconceivable, particularly in urban locations, there needs to be a clear justification and rationale for the route. In response to this the applicant has highlighted that it is the planning authority that require the secondary vehicular access to the application site through Springvale and that during engagement with the Roads Engineers of the planning authority it was accepted that a through road could be provided, but that this would feature traffic-control measures in the form of rising bollards in the morning peak period to prevent rat-running.

12.7.15. Within their submission to the application, the Roads Engineers of the planning authority refer to this new access as providing an alternative emergency vehicle

route. The applicant has stated that while permanent emergency vehicle access could be facilitate by lowering the bollards, the Board should attach a condition requiring the bollards to be raised during the morning peak period. In the event of a permission being granted, other than provide clarification on matters, I do not believe that this would be necessary, given the fact that this was specifically what was applied for in the application submitted. Conversely, to attach a condition in the event of a permission requiring the bollards to be omitted and to require the vehicular route to be available for all vehicles on a permanent basis, as is requested by the Roads Engineers of the planning authority, would possibly have material implications for third parties who have not had the opportunity to comment on the permanent provision of this vehicular access route.

12.7.16. Further to the above, it is also unclear as to how the access would be operated, including how traffic in the area would circulate with this new route in place and in response to the raising and lowering of the bollards. DMURS outlines that a Road Safety Audit would be beneficial where a design layout creates confusion or ambiguity for road users that could lead to potential road traffic accidents and the planning authority sought that this be provided as a condition in the event of a permission being granted for the development. While the efficacy of using retractable bollards for security and safety purposes is well established, particularly with regard to commercial and civic facilities, as well as for inner-urban commercial streets, evidence of the use of retractable bollards as a road traffic control measure on universally-accessible streets and within a residential context would have been beneficial in attempting to comprehend this aspect of the proposals. The Road Traffic (Bollards and Ramps) Regulations 1988 provide details of the geometric specifications required when installing bollards on public roads, including certain restrictions on use of same, which may have implications for this aspect of the proposals.

12.7.17. The proposed provision of the secondary vehicular access for permanent use or for use during specific periods, would substantially increase traffic movement from the development and other areas directly passing 17 of the houses within Springvale and at the junction with Edmondstown Road. Various references have been made by parties to the application in relation to traffic congestion issues, particularly during peak periods within the wider area, including along Edmondstown Road. The raising

of the bollards to the secondary access during morning peak periods would clearly not address traffic congestion issues during this time, and I have not been provided with substantive supporting evidence that the secondary vehicular access to Springvale would serve to alleviate traffic congestion. For example, the access route may simply serve to displace congestion and as noted below, the applicant's Traffic and Transport Assessment only considers use of the proposed Stocking Lane access. I would also note that while a roadway width of approximately 6m running through Springvale is available, the alignment of the road features relatively acute bends, steep inclines and the road is also used informally for car parking by residents. As per the advice contained within DMURS, I am satisfied that a Quality Audit would have been beneficial in demonstrating whether or not the appropriate consideration has been given to relevant aspects of the design, particularly the section of road within Springvale that would directly serve the development.

12.7.18. In conclusion, I am satisfied that sufficient rationale or justification for the vehicular route through Springvale, either in a permanent or for exclusive periods of the day, is not in evidence nor has it been provided as part of the application. According to the Guidelines for Planning Authority on Sustainable Residential Development in Urban Areas, the principles of connectivity and permeability should influence the design and layout of urban housing, and national planning policy provides a clear preference in the prioritisation of walking and cycling accessibility. Local planning policy, including policy TM3-Objective 2 of the Development Plan, and the Permeability Best Practice Guide clearly support the provision of a competitive advantage to walking and cycling over other modes. Consequently, this secondary vehicular access aspect of the proposed development should be omitted in the event of a permission and a revised layout for the associated area should be provided as a condition, in the event of a grant of planning permission. Accordingly, a grant of permission for the proposed development would need to ensure that the development would be capable of solely being served by the proposed vehicular access off Stocking Lane, which I consider directly below.

Traffic

12.7.19. As noted above, I am satisfied that the vehicular access arrangements off Stocking Lane are adequate to safely serve the site. Extensive third-party submissions, including a technical note from Consulting Engineers, assert that the proposed

development, including the crèche facility, would lead to increased car journeys and traffic congestion in the area. Concerns have been raised that the traffic surveys dating from 2017 and informing the applicant's Traffic and Transport Assessment, are out of date and based on abnormal collation times and reference data, while failing to sufficiently take into consideration junction capacities and recently constructed and permitted developments in the area, including those referenced in the planning history section (4) of this report. Accordingly, it is asserted that this shortfall in the Traffic and Transport Assessment would have significant consequences in modelling the impact of the proposed development on the capacity of neighbouring roads and junctions. Notwithstanding this, according to the Roads Engineers of the planning authority the information provided in the applicant's Traffic and Transport Assessment reveals that with the mobility measures proposed to serve the development, the proposed development would have minimal impact on surrounding road traffic. As noted by various parties, including the planning authority, the Traffic and Transport Assessment has been prepared subject to the Stocking Lane vehicular access only being available, and excluding the Springvale access.

12.7.20. The submitted Traffic and Transport Assessment asserts that, if permitted, the proposed development would result in an increased impact on the operational traffic volumes in the opening design year (2022) at the site access onto Stocking Lane by 3.2% to 4.9%, and by 1.6% to 3.0% at the Scholarstown Road / Stocking Lane junction. The additional trips associated with the proposed development for the Scholarstown Road / Stocking Lane junction during the morning (08:00 – 09:00) and evening (17:30 – 18:30) peak hours are anticipated to be 18 and 31 respectively, compared to the 27 and 41 additional trips anticipated to occur at the Stocking Lane junction. As the operational impact of the development on traffic would be less than 5%, it is asserted that based on the Transport Infrastructure Ireland (TII) Traffic and Transport Assessment Guidelines (2014) the likely traffic impacts of the development would be nominal. Despite this, the applicant undertook further modelling of the site access junction with Stocking Lane and they state that this comprehensively revealed that this junction would operate within capacity in the opening year (2022) and in a future scenario (2037). Submissions from observers have referred to other Traffic and Transport Assessments prepared for neighbouring development projects

that refer to junctions in the vicinity as being at capacity or nearing capacity and data indicating significantly higher volumes of traffic generated by the proposed development.

12.7.21. I acknowledge the numerous limitations of the Traffic and Transportation Assessment provided by the applicant, as well as the findings from this assessment and the various recent permissions and developments within the wider area that are primarily of a considerably larger scale than the subject proposals. Notwithstanding this, the site is located on zoned lands, within the built-up area of south Dublin city with reasonable access to an array of services. The proposed development would provide for a relatively modest scale of development, particularly when compared with the existing and permitted level of development in the area, and there are numerous plans in place and envisaged for the improvement of public transport in this area, as well as pedestrian and cycle infrastructures, which the project would support directly in extending same and indirectly in providing critical mass to support these services. While there would undoubtedly be some increase in traffic numbers as a result of the proposed development, which could invariably add to the existing situation, traffic congestion at peak periods in an urban area such as this would be anticipated to occur and various measures and design features have been set out within the application as part of the proposed development to support the use of public transport, cycling and walking, as an alternative to the use of private vehicles.

Conclusion

12.7.22. Notwithstanding the requirement for the secondary vehicular access to Springvale to be omitted, I am satisfied that the impact of the proposed development on the surrounding urban road network would be limited in terms of additional traffic volumes and would not warrant a refusal of permission based on the considerations outlined above. In conclusion, subject to conditions, the proposed development would not result in traffic hazard or significant additional traffic or parking congestion in the area, and it would feature an appropriate provision of car and cycle parking.

12.8. **Ecology**

12.8.1. Several observations have raised concerns in relation to the impact of the development on local ecosystems, including via loss of trees and hedgerows on site

and potential discharges to surface waters within the Owendoher river. The submission to the Board from Inland Fisheries Ireland sets out various recommendations in relation to the protection of local surface water quality. These matters and the consideration of natural heritage designations are addressed within section 11 of this report. The surface water drainage system would be fitted with fuel interceptors and would incorporate various SUDS features and the planning authority has recommended standard conditions in the event of a permission to ensure the efficacy of the proposals. These features and conditions have not been proposed in order to mitigate potential impacts of the development on the conservation objectives of European sites. Consequently, given the nature of the development, the site location and the site characteristics, the potential for substantive pollutants, deleterious matter, sediment and silt arising from the proposed development to surface water, at both construction and operational phases, would not be likely to have significant effects on the neighbouring or connected surface water habitat and species dependent on these habitats, including otter.

12.8.2. Section 11.1 of this report refers to the habitats and species identified during surveys of the site, as outlined within the applicant's Ecological Impact Assessment (dated October 2020). Concerns have been raised regarding the lapse in time since surveys were undertaken to guide this Ecological Impact Assessment. With the exception of bats, the surveys revealed an absence of protected species using the site and the lack of suitability for same. In the two to three-year interim period, based on the information provided and available, it does not appear that substantive changes to the site have arisen, as it largely remains available as agricultural grassland that is surrounded by housing and a regional road. Mitigation measures are set out by the applicant in their Ecological Impact Assessment to offset any identified local ecological impacts, including the appropriate timing of vegetation clearance following ecological surveying for breeding birds and small mammals, and protection measures for trees and hedgerows. The Biodiversity and Planting Objectives drawing (no.1439-9033) submitted with the application also outlines various landscaping design features to encourage biodiversity, including use of pollinator plants and wildflowers, as well as planting to encourage foraging, commuting hedgehog habitat and bird nesting. The planning authority has

requested a condition to ensure the implementation of this plan, which would appear reasonable.

Bats

12.8.3. All Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also). As part of the submitted Ecological Impact Assessment, a bat assessment was submitted identifying bat activity of very low levels on site, with no bats roosting on site and three species of bats commuting or foraging through the site. Concerns have been raised by parties regarding the reliance on surveys undertaken in September 2018 in guiding this assessment. A loss of bat roosting habitat would not arise based on the applicant's surveys. Should permission be granted for the proposed development, including the removal of mature trees and in the unlikely event that bat roosting is identified, an application must be made to the National Parks and Wildlife Service (NPWS) for a derogation licence. The applicant states that lighting proposals have been designed to address the impacts on commuting and foraging bats. In the event of a permission, I recommend that further lighting details would be necessary in addressing the potential impacts on bats, as well as a condition requiring the examination of trees for roosting bats prior to felling, restricting the felling of trees to appropriate times, requiring the appropriate steps to be taken if bats are found, the erection of bat boxes and the planting of suitable vegetation. I am satisfied that, subject to these measures being carried out and based on the surveyed levels of bat activity on site, there would be no adverse impacts on bats as a result of the proposed development.

Trees

12.8.4. Local residents have highlighted concerns regarding the loss of mature trees and vegetation within the site. Following a tree survey, 46 of the 103 trees on site were identified for removal, including ten grade B trees of moderate quality with an estimated remaining life expectancy of at least 20 years, while the other trees to be removed would be of less quality and life expectancy (Grades C and U). The assessment states that the trees mainly consist of self-seeded and planted trees with a category A tree identified on the western boundary to be maintained as part of the proposals. The tree survey submitted states that there are no tree preservation

orders relating to the site. The arboricultural impact assessment submitted by the applicant asserts that many of the grade B and C trees to be removed are Monterey Cypress and Poplar, which are generally undesirable species with a propensity to succumb to storm damage. A number of trees would be required to be removed to facilitate the development, while various trees would be removed for sound arboricultural management given their likely short lifespan. Proposals with respect to tree protection were submitted as part of the application Landscape Design report, as well as within a Tree Protection Strategy report. The trees to be removed are identified on the arboricultural impact layout (drawing no.TSTO005 102 Revision B), while the associated root protection zones for the trees to be maintained are shown on the site layout plan (drawing no.2183-12). Replacement tree planting would be planted throughout the site, as listed in the Biodiversity and Planting Objectives drawing (no.1439-9033) and well in excess of the number of trees to be removed.

12.8.5. The fieldwork for the surveys were undertaken in 2017 and various observers have raised concerns regarding the timespan since these surveys were undertaken. It does not appear that any substantive disturbance or change in the extent of trees has arisen recently, with the site still in use as agricultural grassland and I note the extensive buffer provided between the majority of the trees to be maintained and the proposed building footprints. I am satisfied that given the extent of trees to be maintained, which would be substantial in an urban context, the stated condition of the trees on site and subject to the stated proposed provision of replacement tree planting, a sustainable approach to redeveloping the site has been set out in this regard. I note the planning authority's requirements for a tree bond and engagement of an arborist as conditions in the event of a permission, and these requirements would appear reasonable. I am satisfied that with the measures as proposed in place, no negative effects are predicted to occur to biodiversity.

12.9. **Drainage and Flood Risk**

12.9.1. The third-party observations raise concerns regarding the capacity of local engineering services. The application was accompanied by an Engineering Drainage Report addressing site services, including foul sewers, surface water drainage and water supply.

12.9.2. It is proposed to discharge the foul water effluent from the proposed development at a single connection point and by gravity in a northeast direction into the existing 225mm diameter foul water sewer in Springvale. For the purposes of surface water drainage, the site has been subdivided into two catchments with the western side draining into a 225mm-diameter surface water sewer along Stocking Lane and the eastern side draining into a 225mm-diameter surface water sewer within Springvale. Each catchment would be served by a proposed attenuation tank under public open space, as well as a suite of SUDS, while a permanent pond alongside an integrated-constructed wetland and swale would form part of the drainage strategy for the western catchment. It is stated that outflow from the site catchments would be restricted to 2.0l/s or greenfield run-off rates, accounting for climate change. At its nearest point, the proposed 3m-deep basement would be approximately 5.5m from the existing Irish Water waterworks overflow pipe, which is stated to be located 5m below ground level. While the planning authority has requested that the surface water attenuation system be located at least 5m from the waterworks overflow pipe, Irish Water has not expressed concerns regarding the development-free zone proposed from this overflow pipe, including the potential impact of the basement on the integrity of the pipe. Construction management measures to address potential risks to this infrastructure arising from the proposed development can be incorporated into the developer's construction management plan, as a condition in the event of permission. It is proposed to decommission the on-site wastewater treatment system serving no.4 Stocking Lane (see drawing no.50-09 C03 Revision AC). Details of the revised wastewater treatment proposals to serve this house have not been provided and should be provided in the event of a grant of permission for the development.

12.9.3. The applicant forwarded correspondence from Irish Water with respect to a pre-connection enquiry and this outlined that the connections to wastewater can be facilitated without upgrade of this infrastructure and that Irish Water do not object to the proposals, subject to parameters. I recognise that permission on the site had previously been refused by the planning authority (under SD18A/00225) in part due to the insufficient information relating to surface water drainage. However, consultation with Irish Water and the planning authority following the submission of the application, confirmed the acceptability of the drainage proposals, subject to

conditions, including additional SUDS measures, being attached in the event of a grant of planning permission. In conclusion, I consider the proposed site services to be satisfactory, subject to appropriate conditions.

Flood Risk

12.9.4. Reference to increased risk of flooding on site and within the surrounding area as a result of the proposed development have been raised in observations, while the planning authority has not raised any objections in relation to flooding issues. No watercourses were noted on site, while observers refer to ponding historically having occurred on site, which I also noted during my site visit. The applicant submitted a flood risk assessment report as part of the planning application and this asserted that the site was at no risk of coastal, fluvial, pluvial or ground water flooding based on information available, including mapping. A flood event dating from 2000 was recorded for the Owendoher river, approximately 80m to the east of the site, albeit 10m below the level of the application site. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' the site is within an area of low probability for flooding (flood zone C) and the proposed development is 'less vulnerable' and therefore appropriate for the site. The flood risk assessment also highlights the various design features that would ensure that the development poses negligible flood risk to areas external to the site, including the intended implementation of stormwater run-off to approved greenfield run-off rates. Given the nature and use of the site and dependent upon weather conditions, as well as vegetation, soil type and geology, in the absence of specific drainage measures, some element of intermittent ponding would not be uncommon on sites such as this. The ponding noted and in evidence from the observers' photographs was not extensive, would appear to be seasonal and can be addressed as part of the overall site drainage strategy without potential to significantly impact on neighbouring areas, in particular through displacement. In conclusion, I am satisfied that the development would be at low risk of flooding and it would not increase the risk of flooding to other lands.

12.10. Cultural Heritage

The relationship of the proposed development with Rookwood House, a two-storey protected structure (RPS ref. 327), is not illustrated in the CGIs, the contiguous

elevations or the site-sections submitted with the application, although this protected structure is identifiable on the site layout plan drawing (no.2183-12). References are made to the subject site having previously formed part of the estate associated with Rookwood House. The closest proposed building to the protected structure, block B, would be a two-storey building separated almost 40m from this protected structure. The front façade to Rookwood House facing northeast, does not overlook the application site, and the grounds to this house feature mature trees and planting, forming a backdrop and visual screen with the application site. The physical boundary between the grounds of this adjoining property and the subject site are well defined and long established, including the mature line of trees that would largely remain as part of the proposed development. The site boundary would also feature a 1.8m-high precast concrete post and timber panel fence, with a temporary fencing during the construction period. The application was not referred to the Department of Culture, Heritage and the Gaeltacht, An Comhairle Ealaíon, Fáilte Ireland or An Taisce for comment. The planning authority did not raise specific concerns with regards to impacts on Rookwood House. I am satisfied that given this separation distance, the screening by trees, the proposed boundary treatments and the modest height of the closest proposed buildings, the development would not substantially interfere with the character of this protected structure.

Reference is also made to historical field boundaries and historical use of Stocking Lane as a pilgrimage and military route. Much of the boundary features would remain as part of the proposed development and I am not aware of any known sites, monuments, features or objects of significant historical or archaeological interest required for protection on the subject site. The planning authority requested the attachment of a condition requiring a conservation architect to be engaged to survey the site, including potential older stone boundary features, and report to the planning authority on any findings. Consequently and from a precautionary perspective specifically with regards to field boundaries, I am satisfied that it would be reasonable for a conservation architect to be engaged in these circumstances. Notwithstanding this the potential for the proposed development to substantially interfere with or detract from the setting of protected structures would not arise.

12.11. Other Issues

Construction and Other Impacts

12.11.1. It would be expected that some level of additional noise and disruption would arise in the immediate vicinity of the site during the construction works, however this would be over an 18 to 24-month period and therefore a temporary impact only. The nature of the proposal and site context is such that there would not be excessive noise and disturbance once construction works are completed. It is noted that an Outline Construction Management Plan and Construction Waste Management Plan was submitted with the application addressing the construction schedule, construction site compound, best practice construction measures, health and safety measures, hours of construction, noise, dust and light. It is stated that a construction management plan would be put in place prior to the commencement of the works and this could also address the control of vermin, as was raised as an issue in third-party observations. Concerns have been raised in the third-party observations in relation to anti-social behaviour, together with littering. These are civil matters that are outside of the remit of this planning application and the design of the proposals would not substantively add to such activities.

Property Devaluation

12.11.2. Third parties assert that the proposed development would lead to a depreciation in the value of property in the vicinity. Arising from the assessment above, in particular with regard to the impact of the proposed development on neighbouring residential amenities, and cognisant of the zoning of these urban infill lands, sufficient evidence has not been provided to support claims that the proposed development would be likely to result in a substantive depreciation of property values in the vicinity.

Building Lifecycle and Management

12.11.3. As required within the New Apartment Guidelines, a building lifecycle report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents, has been included with the planning application. While the measures and sinking fund details are lacking in specification for this development, prior to the sale or lease of individual units the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011,

inclusive of the establishment of a development specific Owners Management Company and a development specific sinking fund.

Consultation

12.11.4. Concerns have been raised outlining that the application process restricted third-parties from engaging in the project in a reasonable and meaningful manner. As part of this assessment I have had due regard to all observations received in considering the acceptability or otherwise of the various aspects of the proposals and public participation was facilitated in line with the regulatory requirements. As addressed above, the public were not notified that a planning application was being made for a development that would materially contravene the Development Plan and I have outlined my reservations with respect to this.

12.12. Planning Authority's Submission

12.12.1. I have summarised the planning authority's submission in section 9 above. I note that they do not recommend refusal for the proposal, but they have raised concerns in relation to certain aspects of the proposal which I have already addressed as part of my assessments above and I further address below.

- the applicant has proposed a 20% increase of density in comparison to any scheme previously commented on by the Planning Authority;

12.12.2. The density of the scheme has increased during the application process, but would be appropriate for the site as per the conclusions in section 12.2 of this report;

- traffic, fauna, bat and tree surveys have been used which are 2 or 3 years old;

12.12.3. The limitations of the various surveys are addressed in the relevant sections above, and it is noted that information was available to provide a reasonable and sufficiently comprehensive assessment of the proposals.

- in relation to bats in particular, the applicant has provided proposals which do not match the 2018 survey results;

12.12.4. It is understood that this primarily relates to the maintenance of commuting and foraging habitat for bats, including 'dark zones'. Substantive numbers of mature trees would remain in those areas identified as previously attracting most bat activity

and additional conditions can be attached to address impacts on bats, including the provision of appropriate lighting in specific locations.

- there are inconsistencies between the Site Layout Plan and floor plans provided;

12.12.5. This is understood to be in direct reference to blocks H, J and K. I have reviewed the site layout plan drawing (no.2183-12), as well as the floor plans for these blocks, and with the exception of block J (drawing no.2183-113), the drawings would appear to be consistent. A condition can be attached to address same.

- not enough detail has been provided in relation to overshadowing at sensitive locations (Unit 15);

12.12.6. Due consideration has been undertaken above in assessing the nature, scale, layout, massing and orientation of the proposed development and I am satisfied that potential for substantive overshadowing of neighbouring properties, including open spaces and gardens, both existing and proposed would be unlikely in these circumstances and based on the relevant standards.

- it has also been alleged in third party submissions that the proposed apartment blocks would not meet building regulations, and any amendment to bring them into line with such building regulations would reduce the size of units and rooms below that provided for in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2018).

12.12.7. Matters with respect to Building Regulations would be evaluated under a separate legal code and the residential accommodation, as proposed, would need to comply with relevant standards.

13.0 Conclusion and Recommendation

Having regard to the land-use zoning objectives for the site, as set out in the South Dublin County Development Plan 2016-2022, the proposed residential, local shop and crèche uses are appropriate for this site and the proposed density of residential development would be appropriate having regard to the immediate proximity to existing services and Government policy seeking to increase densities and deliver

compact urban growth. The bulk and massing, detailed design and layout of the proposed development would be largely acceptable subject to conditions to address matters arising. The future occupiers of the homes would also benefit from a high standard of internal amenity and the proposal would contribute to the public realm. The overall provision of site services, car parking and cycle parking would be acceptable, however, sufficient rationale for a secondary vehicular entrance off Springvale has not been justified and should be omitted in the absence of same. I am satisfied that the site would not be at risk from flooding and the proposals would not increase the risk of flooding elsewhere. The ecological impacts of the proposed development have been addressed as part of the detailed design and additional measures can be incorporated as conditions.

Notwithstanding this, housing policy 9 - objective 3 of the South Dublin County Development Plan 2016-2022, requires new residential development to adhere to standards within Section 11.2.7 of the Development Plan, which states that new residential development that would adjoin existing one and/or two storey housing (backs or sides onto or faces), shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved. As raised in observations to the application, the proposed development includes three-storey buildings with 35m of existing single and two-storey housing adjoining the site and, accordingly, the proposals materially contravene housing policy 9 - objective 3 of the South Dublin County Council Development Plan 2016-2022. In submitting this application, the applicant did not publish a newspaper notice stating that the application contains certain statements, including a statement where the proposed development materially contravenes a plan, and the applicant did not submit a statement with the application addressing the issue of material contravention and indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended. As the requirements under section 8 of the Act of 2016 have not been complied with, in these circumstances it is not possible to invoke section 37(2)(b) of the Planning and Development Act 2000, as amended.

Having regard to the above assessment, I recommend that section 9(4)(d) of the Act of 2016 be applied and that permission be refused for the proposed development, for the reasons and considerations set out below.

14.0 Recommended Order

Planning and Development Act 2000, as amended

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars lodged with An Bord Pleanála on the 26th day of November 2020 by MacCabe Durney Barnes Ltd., of 20 Fitzwilliam Place, Dublin 2, D02 YV58.

Proposed Development:

131 residential units, including 21 houses (11 no. 4-bedroom; 10 no. 5-bedroom) of up to two-storey plus roof storey, 51 duplex apartment units (11 no. 1-bedroom; 23 no. 2-bedroom; 17 no. 3-bedroom) in seven blocks of up to three-storeys, 59 apartment units (18 no. 1-bedroom; 38 no. 2-bedroom; 3 no. 3-bedroom) in three apartment blocks up to four-storeys, a crèche of c. 128 sqm at the ground floor of block L, a shop of c. 65 sqm at the ground floor of block G, with associated storage, a total of 167 car parking spaces, of which 88 are at surface level and 79 in the basement under apartment blocks F and G, 5 are dedicated visitor parking spaces, a total of 288 cycle parking spaces and 5 no. motorcycle spaces, a new vehicular access onto Stocking Lane, a new vehicular and pedestrian/cycle access to the Springvale estate to the east, new roads, footpaths and cycle paths and connections within the site, a new pedestrian crossing on Stocking Lane to the north west, and the expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west. The development also includes landscaped private and public open space, boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground.

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

Decision

Refuse permission for the above proposed development based on the reasons and considerations 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

Having regard to the conclusion of the Planning Inspector that the proposed development is in material contravention of the South Dublin County Development Plan 2016-2022, specifically housing policy 9 - objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states that new residential development that would adjoin existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved. The statutory requirements relating to public notices and a Material Contravention Statement have not been complied with by the applicant. Accordingly, the Board is satisfied that it would not have jurisdiction to determine an application, which is in material contravention of the South Dublin County Development Plan 2016-2022, where the statutory requirements relating to public notices and a Material Contravention Statement have not been complied with.

Colm McLoughlin
Planning Inspector

9th March 2021