



An
Bord
Pleanála

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

Inspector's Report ABP-308877-20

Strategic Housing Development

101 no. apartments and associated site works

Location

Former Europa Garage site, Newtown Avenue, Blackrock, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Seabren Developments Limited

Prescribed Bodies

Dept. of Tourism, Culture, Arts,
Gaeltacht, Sport and Media
Irish Water

Observers

Ameila Keane and Others
Anne Whyte
Bobby Gallagher
Brian and Caoimhe Lambe
Ciara Scott
Colm O'Neill
Daniel and Leisha McGrath
Edward and Pamela Charleton
Deirdre Farrelly
Emer Hennessy and Eugene
McDonagh
Ena Prosser
Eric and Christina Haywood
Fiona Lee
Gerry Brennan
Giovanni and Sarah Romoli
J. Patterson and C.M. Alexander
Jason Taylor and Sarah Rock
John Walsh
Kevin and Stephanie Conway and
Others
Linda Galligan
Maretimo Gardens East Residents
Association
Margaret McCluskey
Martin O'Brien
Mia Lucas
Myles Fleeton
Pat Cox

Phyllis Flynn
Rachel and Trevor Rowen
Rebecca and Conor Dowling
Robert O'Grady
Sharon Ní Cubhtaigh
Stephen McIntyre
Tamara Hochstrasser
Tom Jenkinson
Tom Ponsonby

Date of Site Inspection

3rd March 2021

Inspector

Sarah Moran

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Appendix I: EIA Screening

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The development site is located c. 400m to the south east of the centre of Blackrock Village, at a prominent corner location at the junction of Newtown Avenue and Seapoint Avenue. It has a stated area of 0.49 ha and was formerly occupied by the Europa garage (previously a tram depot), which has since been demolished. There is a historic stone wall of c. 6m in height long the western site boundary, another high wall along the southern boundary and a palisade fence to the east and north along the road frontage to Newtown Avenue. There is a single sycamore tree close to the northern boundary but no other vegetation.
- 2.2. The site is bound to the south and west by residential development. Newtown Villas to the west comprises a short cul-de-sac of single storey cottages and is designated as an Architectural Conservation Area (ACA). There are single storey dwellings to the south in Craigmere Gardens, also two storey dwellings that front onto Newtown Avenue. Blackrock House, Newtown House and Seapoint Manor, detached structures to the north east and east of the site, are Protected Structures.
- 2.3. Newtown Avenue is one-way in the vicinity of the site with traffic travelling north and west from the N31. A contra flow cycle track lies on the northern side of the road and there is on street parking along Newtown Avenue along the northern site frontage.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development involves the following key points:

Site Area	0.49 ha
No. of Residential Units	101 no. apts in two blocks A and B
Dual Aspect	41%

Height	1-7 storeys
Residential Density	205 units/ha
Childcare	No provision
Amenity Space	c. 1,162 sq.m. communal open space 302 sq.m. public open space
Roads	Access to basement ramp at north western site boundary, to the rear of Newtown Villas Pedestrian access from Newtown Avenue
Cycle Parking	194 no. cycle parking spaces in basement 50 no. cycle parking spaces at grade
Car Parking	73 no. basement car parking spaces including visitor, Go-Car and mobility impaired. c. 0.7 spaces/unit
Part V	Transfer of 10 no. units at the site
Ancillary Works	ESB substation Structural works to western boundary wall

3.2. The development involves 101 no. apartments as follows:

Unit Type	No. of Units	%
1 bed apt	51	50%
2 bed 3 person apt	8	8%
2 bed 4 person apt	34	34%
3 bed apartment	8	8%
Total	101	

3.3. A model is submitted, which indicates the proposed development in the site context.

4.0 Planning History

4.1. **D17A/0137 PL06D.248456**

- 4.1.1. Permission granted for demolition of garage buildings and construction of 51 no. residential units comprising 9 no. houses and 42 no. apartments in 3 no. blocks of 2-4 storeys.

4.2. **D15A/0620 PL06D.245914**

- 4.2.1. Permission refused for demolition of garage buildings and construction of 53 no. residential units comprising 44 no. apartments and 9 no. houses in 3 no. blocks of 1-4 storeys plus a fifth set back level. The Board's reason for refusal related to overdevelopment of the site, the response to neighbouring buildings in terms of height and use of materials, the impact on the Newtown Villas ACA and the quality of communal and private open spaces.

4.3. **D13A/0496, D11A/0576 and D09A/0339**

- 4.3.1. All temporary retention permissions for a 2.4m palisade fence and entrance gate to the eastern and northern perimeter of the former Europa car-sales Garage.

4.4. **D05A/1413 and PL06D.216035**

- 4.4.1. Permission sought for demolition of motor showroom buildings and construction of 69 apartments, basement car park ESB Sub station and associated works. The Board granted permission for 60 no. apartments. DLRCC refused permission to extend the duration of the permission under D05A/1413/E.

4.5. **ABP-303804-19 SHD at St. Teresa's House, Temple Hill, Blackrock**

- 4.5.1. Relating to a site nearby to the south of the development site, on the opposite side of the N31/Temple Hill. Permission granted for a development comprising 291 no. apartments in a development of 2-8 storeys, with an overall net residential density of c. 74 units/ha.

5.0 Section 5 Pre- Application Consultation ABP-307181-20

5.1. Pre-Application Consultation ABP-307181-20

5.1.1. The pre-application consultation related to a proposal to construct 101 no. apartments at the development site. The Board issued an Opinion on 6th October 2020, which considered that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

5.2. Applicant's Response to Pre-Application Opinion

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information / documentation submitted as specified in the ABP Opinion.

6.0 National and Local Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

6.1.1. The National Planning Framework is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note:

- Objective 3a: To deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.
- Objective 3b: To deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.
- Objective 4: To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- Objective 27: To ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

- Objective 33: To prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- Objective 35: To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. Section 28 Ministerial Guidelines

6.2.1. The following is a list of relevant section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities as updated December 2020
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities including the associated Technical Appendices
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities
- Architectural Heritage Protection Guidelines for Planning Authorities
- Childcare Facilities Guidelines for Planning Authorities

6.3. EMRA Regional Spatial & Economic Strategy

6.3.1. Blackrock is located within the Dublin Metropolitan Area. The following Regional Policy objectives are noted in particular:

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.4 Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards

as set out in the 'Sustainable Residential Development in Urban Areas'13, 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5 Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

6.4. Dun Laoghaire Rathdown County Development Plan 2016-2022

6.4.1. Blackrock is designated as a Secondary Centre in the county settlement hierarchy. The site is zoned A 'to protect and-or improve residential amenity'. It is situated to the immediate east of the Newtown Villas ACA and to the south east of a Zone of Archaeological Potential associated with Recorded Monument DU 023-008. There are protected structures to the north-east and east of the site, namely Blackrock House, Blackrock House gates, Newtown House and The Courtyard/ Seapoint Manor.

6.4.2. The following policies set out in development plan Chapter 2 'Sustainable Communities Strategy' are noted:

Policy RES3: Residential Density It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines ...

Policy RES4: Existing Housing Stock and Densification It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

Policy RES7: Overall Housing Mix It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

- 6.4.3. Development plan Chapter 6 relates to heritage and includes policies relating to Protected Structures and ACAs including:

Policy AH1: Protection of Archaeological Heritage It is Council policy to protect archaeological sites, National Monuments (and their settings), which have been identified in the Record of Monuments and Places (RMP) and, where feasible, appropriate and applicable to promote access to and signposting of such sites and monuments.

Policy AR1: Record of Protected Structures It is Council policy to:

- (i) Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).
- (ii) Protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- (iii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).
- (iv) Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.

Policy AR12: Architectural Conservation Areas It is Council policy to:

- (i) Protect the character and special interest of an area which has been designated as an Architectural Conservation Area (ACA).
- (ii) Ensure that all development proposals within an ACA be appropriate to the character of the area having regard to the Character Appraisals for each area.

- (iii) Seek a high quality, sensitive design for any new development(s) that are complimentary and/or sympathetic to their context and scale, whilst simultaneously encouraging contemporary design.
- (iv) Ensure street furniture is kept to a minimum, is of good design and any redundant street furniture removed.
- (v) Seek the retention of all features that contribute to the character of an ACA including boundary walls, railings, soft landscaping, traditional paving and street furniture.

6.4.4. Chapter 8 refers to principles of development and sets out general requirements for residential development and infill development.

6.4.5. Development plan Appendix 9 sets out the Building Height Strategy for the county. Taller buildings are to be accommodated at specific key locations within the county, namely Sandyford, Cherrywood, Dundrum, Dún Laoghaire and UCD Belfield. These centres are considered to be 'self-selecting' by virtue of their status as either Major Town Centres/ growth areas, major employment locations or in the case of UCD, a major national institution. Taller buildings will generally not be considered outside of these locations. In addition, LAPs, Framework Plans and SDZs within the county will identify specific sites that have potential for accommodating building height.

6.5. **Blackrock Local Area Plan 2015-2021**

6.5.1. The following general LAP policies apply:

Policy BK13 It is Council policy to promote and facilitate a high quality residential environment for existing and future residents.

Policy BK14 It is Council policy that all new residential development within the Plan area shall provide for a sustainable mix of house types, sizes and tenures that meet the needs of a range of households and that both complement and enhance the existing residential mix.

6.5.2. Section 3.5.3 of the LAP sets out a Site Framework Strategy for the development site. The following policy applies:

Policy BK06 It is Council Policy to ensure that any development proposals for the St. Teresa's & Dunardagh lands, Cluain Mhuire and former Europa Garage accord with the Site Framework Strategies prepared for these land parcels.

6.5.3. The following objectives of the Site Framework Strategy are noted:

- ES1 and Map 12 building height 4 storeys. Height should graduate to a maximum of two storeys along the boundary with Newtown Villas in order to protect their residential amenity and setting.
- ES2 minimum density 50 units/ha
- ES3 housing mix as per Development Plan policy
- ES4 redevelopment shall provide an innovative and attractive design response that defines the site boundary, incorporates an active street frontage, maintains a planted buffer and provides a continuation of the building line along Newtown Avenue, (e.g.: own door residential units facing onto the streets).
- ES5 design shall ensure no undue overlooking or overshadowing either within the scheme or of adjoining properties. A shadow analysis is required.
- ES6 high standard of amenity space for future residents. Detailed landscaping plan required.
- ES7 Objective to ensure the protection of the mature sycamore tree located in the northern corner of the site, also complementary planting along the site's northern and eastern boundary.
- ES8 In the event of anything of historical interest in relation to the former tram depot being found during excavation /redevelopment of the site, the opportunity to incorporate such elements into the redevelopment scheme should be exploited (or at the very least recorded).
- ES9 Open space provision in accordance with development plan standards. In the event of a shortfall in open space provision, the developer may with the agreement of the Planning Authority, make a financial contribution in lieu towards the provision of off-site local amenity / recreational facilities.

6.6. Statement of Consistency

6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with national and regional planning policy, with the policies and objectives of section 28 guidelines, the Dun Laoghaire Rathdown County Development Plan 2016-2022, the Blackrock LAP

2015-2021 and other regional and national planning policies. The following points are noted.

- The proposed development of residentially zoned lands at a brownfield site located less than 500m from a Dart station and a QBC is consistent with several National Policy Objectives of the NPF.
- The provision of higher density development on an infill site near public transport corridors is consistent with the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities. The development responds to the 12 criteria set out in the Urban Design Manual and is of a particularly high standard of design and finish, which will provide a greatly enhanced public realm and interact well with surrounding development.
- The development site is identified as a 'Central and/or Accessible Urban Location' as per the Apartment Guidelines. It is within walking distance of the retail and employment centre of Blackrock Village. There are two Dart stations nearby, Blackrock (600m) and Seapoint (450m). There are several bus routes at Newtown Avenue and Blackrock Village. The housing mix and the design and layout of the development comply with specific policy requirements of the Apartment Guidelines.
- The applicant submits a detailed rationale in relation to the criteria set out in section 3.2 and SPPR 3 of the Building Height Guidelines, which are also addressed in the Material Contravention Statement. The development site is considered to constitute a 'central and/or accessible' location as per paragraph 2.12 of the Building Height Guidelines.
- The development does not include any childcare provision. The submitted Childcare Demand Audit addresses this issue in the context of the Childcare Guidelines and section 4.7 of the Apartment Guidelines.
- The development site is adjacent to an ACA and several protected structures. The development does not conflict with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities.
- The application includes a Site Specific Flood Risk Assessment (SSFRA), which addresses the Flood Risk Guidelines.

- The application includes a statement of compliance with DMURS.
- The development will support several Regional Policy Objectives of the RSES for the Dublin Metropolitan Area including RPO 4.3, RPO 5.4 and RPO 5.5.
- The development is in accordance with development plan policies on residential development including RES3 and architectural heritage including AH1 and AR1.
- The development meets most of the policy objectives for the development site set out in the Blackrock LAP including ES1, ES2, ES4. A rationale for the proposed development height is submitted. The Design Report addresses the issue of overlooking /overshadowing as per ES5. Detailed landscaping proposals are submitted as per ES6. In response to ES7, the Arborist's report notes that the tree is not in good condition and that its removal is justified. Additionally, the principle of its removal has been established under the extant planning permission for the site. A more suitable Specimen Species is proposed for this area. In response to ES8, the site when acquired had been cleared in accordance with the extant permission. However, the western boundary walls with Newtown Villas are being retained and will provide a feature of the site's historic character.

6.7. Statement of Material Contravention

6.7.1. The applicant has submitted a Statement of Material Contravention in relation to the matter of building height, as well as LAP objective ES7 on tree retention; LAP objective ES9 regarding public open space; development plan policy on housing mix and development plan policy on green roofs. The points made in relation to these issues maybe summarised separately as follows.

6.7.2. Material Contravention Statement on Building Height

It is submitted that, with regard to section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 and section 37(2) of the Planning and Development Act, 2000 (as amended), the Board can grant permission for the proposed development in accordance with the provisions of SPPR 3 of the Building Height Guidelines, notwithstanding any conflict with the building height provisions of the County Development Plan or the Blackrock LAP. The Material Contravention Statement sets out a detailed rationale in relation to the criteria set out in section 3 of

the Building Height Guidelines. It is also submitted that the site is located within Blackrock, close to a District Centre and in proximity to good public transport facilities (DART and a High Quality Bus Corridor), and that the development meets the relevant development management criteria, and therefore the Board can approve the development notwithstanding the specific height recommendations in the LAP, which was prepared prior to the publication of the Building Height Guidelines in 2018. The submission also refers to several SHD decisions by the Board in Dun Laoghaire Rathdown, where permission was granted for building heights that would have (prior to the publication of the Guidelines) been considered contrary to local planning policy including ABP-303804-19 at Temple Hill, Blackrock; ABP-305176-19 at the Stillorgan Leisureplex and ABP-304823-19 at Churchview Road, Killiney.

6.7.3. Material Contravention Statement on Tree Retention

It is submitted that the existing Sycamore tree at the development site is experiencing ongoing deterioration of health as set out in the Arborist's report. The most sustainable and safe approach would be to replace it with a suitable specimen tree to act as a focal point for the public open space. The removal of the large mature sycamore tree at the site has been previously accepted by the PA and the Board and the principle of its removal has been established under the extant planning permission (PL06D.248456), granted since the making of both the County Development Plan and the Blackrock LAP. The Board may again grant permission for development entailing removal of this decaying tree, having regard to the provisions of section 9(6) of the Act of 2016 and section 37(2)(b)(iv) of the Act of 2000.

6.7.4. Material Contravention Statement on Public Open Space

The open space standards set out in Appendix I of the Apartment Guidelines would require a minimum provision of 613 sq.m. open space in respect of the development. The proposed provision of 1,464.6 sqm of open space, made up of c. 302 sq.m. of public open space and c. 1,162 sq.m. communal open space, comfortably exceeds this requirement but does not meet development plan standards. It is submitted that the development plan open space standards ultimately derive from a model of relatively low-density housing, which is not appropriate to serve higher density urban development near good public transport and other facilities. In addition, the provision

in excess of the Apartment Guidelines requirement is justified under SPPR1 of the Guidelines, the development will not materially contravene local policy as conflicting policy provisions apply and also in terms of the advisory note to Section 8 of the Development Plan. In any case, under the provisions of section 9(3)(b) of the Act of 2016, the Board may grant permission notwithstanding any conflict with local planning policy in respect of provision of open space.

6.7.5. Material Contravention Statement on Housing Mix

The Advisory Note to section 8 of the development plan specifically excludes development plan section 8.2.3.3 in relation to housing mix. The proposed housing mix is not fully consistent with development plan requirements but is consistent with and would be justified in the context of SPPR 1 of the Apartment Guidelines and may be permitted with regard to section 9(3)(b) of the 2016 Act. The PA has not undertaken a Housing Need and Demand Assessment for the Blackrock area which would justify a different housing mix for this site, and it is therefore submitted that the proposed housing mix is consistent with the relevant planning policy requirement, as SPPR1 takes precedence over development plan policy. The development will not materially contravene the local policy as conflicting policy provisions apply.

6.7.6. Material Contravention Statement on Green Roof Policy

The green roof area of the development does not meet the 60% quantitative requirement set out in development plan Appendix 16. It is submitted that the proposed pitch roof arrangement is the correct architectural response to the existing context. The pitched roofs are an important element of the overall architectural form and do not lend themselves to the installation of a green roof to the rate of 60% as stated in the development plan. This prominent corner site requires a high quality of design that does not follow the more recent trends with stepped, flat roof profiles, in order to achieve a density of development in accordance with national planning policy. The green roofs have been maximised to a rate of 36%. Due to the lack of percolation within the development site, SUDs measures such as soakaways, swales, etc. are not feasible in this instance. Given that soil infiltration within the site is not possible, the only remaining option is to discharge the surface water from the site to the public combined sewer. The development does reduce the rate of discharge from the site and adopts SUDs measures in the form of bioretention,

permeable pavements and attenuation to filter, treat and ultimately discharge the surface water to the public combined sewer. The volume of surface water discharge from the site would be c. 8.2% of the current arrangement. A proposal was submitted to Irish Water, proposing the attenuated discharge of surface water from the site, at a restricted rate of 2.64L/sec which has been accepted by Irish Water.

It is submitted that the development meets the criteria outlined in national planning policy and section 28 Guidelines, particularly the Building Height Guidelines, in terms of suitability for high density development incorporating taller buildings. Thus, there is justification for the Board to permit a material contravention of the development plan where it relates to quantum of green roof provided having regard to section 37(2)(b)(i) and (iii) of the Planning and Development Act, 2000 (as amended).

7.0 **Observer Submissions**

7.1. There is a substantial number of submissions from individual local residents, primarily residents of Newtown Avenue, Maretimo Gardens, Maretimo Villas, Maretimo Terrace, Maretimo Place and Craigmore Gardens. There are group submissions by/ on behalf of the Maretimo Gardens East Residents Association, the Maretimo Gardens West Residents Association, a group of Craigmore Gardens residents and a group of Newtown Avenue residents. There are also submissions by the owners/residents of Newtown House protected structure to the north east of the development; Fairhaven, the original gate lodge of Blackrock House to the east of the development and no. 7 Craigmore Gardens to the immediate south of the site.

The main points raised in the observer submissions may be summarised as follows.

7.2. Observer Comments on Height and Quantum of Development

- The development is monolithic, is excessive in scale and height and is overbearing in the context of the existing low rise buildings in the immediate vicinity.
- The development does not comply with the parameters for the site set out in the Site Framework Strategy in the Blackrock LAP in relation to height and scale and does not retain the existing sycamore tree at the site, as specified in the LAP.

- The development does not comply with LAP objective ES1. It is therefore inappropriate and out of keeping with the character of the area.
- The proposed material contravention of the Blackrock LAP is not justified, as it has been demonstrated via the permission granted under PL06D.248456 that the site can be developed up to a high density (100 units/ha) without contravening the LAP 4 storey height limitation.
- The applicant's response to the performance based criteria set out in the Building Height Guidelines significantly underestimates the visual impact of the height, scale and bulk of the development relative to its surrounds and particularly on adjacent protected structures and the Newtown Villas ACA. The development does not meet all of the criteria set out in section 3 of the Building Height Guidelines as it is excessive in scale, does not successfully integrate with the sensitive cultural and architectural context of the site and does not make a positive contribution to placemaking. In addition, while the Building Height Guidelines refer to blanket height limitations, the development contravenes the site specific guidance on height set out in the Blackrock LAP. The application of the Building Height Guidelines should not result in a 'carte blanche' approach to building height in accessible locations.
- The height and scale of the development are similar to those of the development that was refused permission at the site under PL06D.245914. The proposed development would have a residential density almost double that permitted at the site under PL06D.245914.
- Although the application cites precedents for other high rise developments in the area, these had a different context to the development site and were not bound by a single storey ACA on one side or have several protected structures in the vicinity. The site is distant (c. 600m) from the emerging cluster of taller buildings at Blackrock Town Centre and is not comparable to a development of up to 9 storeys permitted at St. Teresa's Gardens under ABP-303804-19, as that was a significantly larger site with frontages onto a wide street and a large area of open space.
- The documentation submitted with the application is misleading with regard to building height, in particular the Planning Report and Statement of Consistency

and the CGIs. It is submitted that the conclusions of the LVIA are flawed as they conclude that the visual impacts will reduce once planting is established, this is unlikely to be the case.

7.3. Observer Comments on Impacts on Residential Amenities

- The development contravenes the zoning objective for the site, 'To protect and improve residential amenity'.
- The development will have an overbearing impact on surrounding residential properties due to its excessive height and scale.
- The submitted Daylight, Sunlight and Overshadowing Study does not describe the 'Local Area Plan Scheme Model' used for comparison purposes. No details, dimensions or written descriptions are provided for the model. In addition, there appears to be an error on page 15 of the report, where two of the bottom right frames appear to be identical. There is therefore inadequate detail to support the conclusions of the analysis. In any case, it can still be seen that the development will result in a significant amount of overshadowing of residential properties.
- The development will have adverse impacts on the residential amenities of adjacent properties at The Courtyard (the old stables of Seapoint House) due to overshadowing and overlooking.
- Block A will give rise to undue overlooking at Newtown Villas, particularly from balconies at the upper floors, in contravention of LAP objective ES5. The development will also result in a degree of overshadowing of the rear private spaces of properties at Newtown Villas.
- Block B will have a particular adverse impacts on no. 61 Newtown Avenue due to its height, scale, massing and design in close proximity to a residential property. In addition, the elevated external amenity area at Block B will have adverse impacts on residential amenities due to noise impacts.
- The access ramp to the basement car park will create a significant amount of activity and noise to the rear of the residential properties at Newtown Villas, in particular nos. 1-5 Newtown Villas, as well as at apartments within the development. The proposed landscaping over parts of the ramp will not ameliorate these issues.

- The development will have particular adverse impact on the residential amenities of no. 7 Craigmores Gardens, which immediately adjoins the southern site boundary, due to loss of privacy and overbearing.
- The development will have adverse impacts on the residential property 'Fairhaven', on Newtown Avenue immediately opposite the site. Fairhaven was constructed in 1840 as the coach house to Blackrock House. There are particular concerns in relation to potential structural impacts during construction, due to a lack of foundations at Fairhaven. The development will be visually overbearing when viewed from Fairhaven and will result in overlooking and overshadowing of the private amenity space at Fairhaven.
- The development would lead to a depreciation in the value of adjacent residential properties due to the above adverse impacts on their amenities.
- The construction of the development will have adverse impacts on residential amenities due to noise, vibration, dust and construction traffic, particularly during basement construction, which may have a lengthy duration.

7.4. Observer Comments on Impacts on Heritage and Visual Amenities

- The design of the development is monolithic and results in an incoherent array of building forms, massing and roof profiles that are incongruous in the surrounding context and will detract from the visual amenities of the area.
- The development is overbearing and visually dominant in the streetscape and is out of keeping with the area, including the adjacent protected structures and ACA.
- The development contravenes development plan policies on protecting historic townscapes.
- The western side of the development does not achieve a meaningful transition in height to the single storey dwellings in Newtown Villas ACA.
- Block B, the highest part of the development, is directly opposite several protected structures at Blackrock House, Newtown House and Seapoint Manor, also Blackrock House Entrance Gateway. The development will have a significant adverse impact on the settings of these protected structures. It will also have an adverse impact on the setting of Blackrock Church, an integral part of the character of Blackrock village.

- There is a lack of clarity on whether the western boundary wall to the rear of properties in Newtown Villas is part of the ACA. Concerns about the ongoing maintenance of the wall and potential impacts on the adjacent properties within the ACA, including drainage and subsidence.
- Adverse impacts on the protected structure Newtown House and its associated gate lodge. The development would significantly detract from and alter the physical character and fabric of the streetscape, due to its overbearing nature, height, mass and scale. The scale of the development would erode the prominence of Newtown House, Blackrock House and Seapoint Manor. The development would also have an adverse impact on the residential amenities of Newtown House due to overlooking and noise from balconies on its upper floors, as well as the shared terrace.

7.5. Observer Comments on the Design and Layout of Development

- The development does not meet the requirements of LAP objective ES4 regarding the provision of an active street frontage at Newtown Avenue due to inadequate permeability with only two pedestrian accesses.
- The housing mix does not comply with SPPR 1 of the Apartment Guidelines due to excessive provision of 1 bed units. The proposed 1 and 2 bed units are unsuitable for downsizers and will result in a largely transient population in the area, with negative consequences for local community facilities. There is already a large amount of apartments in the Blackrock area. The demand for urban housing is likely to fall in the wake of the Covid 19 pandemic and associated population shift to rural areas.
- The development includes a high number of single aspect units, which are east or west facing and have reduced access to natural daylight.
- The design and layout of the residential units are not adaptable and do not facilitate working from home.
- The central courtyard provides a poor quality and quantity of communal open space to serve the development. The space to the west of Block B should not be considered by the Board as amenity space. Other amenity spaces within the development are marginal and poorly designed. The proposed play area will have

adverse impacts on residential amenities due to its proximity to the site boundary. The provision of basement vents within communal open space will further compromise their quality as an amenity for residents. The layout provides inadequate space for the proposed trees to reach maturity.

- The communal spaces should provide for a community garden and green roof communal gardens.
- The development will result in the removal of the mature sycamore tree at site, in contravention of the Blackrock LAP. The proposed replacement tree, a London Plane, will be only 2m tall and will not have the same height as the mature sycamore. It is also not a native species, as specified in LAP section 2.2.5.
- The application does not include any assessment of microclimate impacts, as required by the Building Height Guidelines.
- The development is too close to site boundaries.

7.6. Observer Comments on Traffic and Transportation Issues

- The proposed 73 no. car parking spaces will facilitate car ownership by occupants of the development and will result in traffic congestion in the area and associated noise and air pollution.
- The submitted traffic analysis is inadequate as there have been significant changes in traffic flows in the area since it was prepared, with several new one way streets in the area.
- It is estimated that the development will generate an additional 742 no. journeys through Blackrock village weekly by residents of the development, in addition to deliveries to the development.
- Increased traffic generated by the development will have adverse impacts on the amenities of the public realm within Blackrock village, which has been subject to considerable public investment in recent years.
- Residents of the development will be entitled to obtain a Blackrock residents parking permit, further increasing traffic volumes in the village.
- The car park access ramp and additional traffic generated by the development will result in a traffic hazard at Newtown Avenue, which is a narrow, one-way

street with a cycle lane and a bus route. There are particular concerns in relation to access for emergency vehicles, deliveries and waste collection.

- The location of the access ramp will result in the loss of on-street car parking spaces. It should be relocated to the opposite corner of the site.
- There has already been a loss of on-street car parking in the area since the introduction of a new one way system in July 2020, which has resulted in an increase in on street parking at Newtown Avenue.
- The development is likely to generate additional demand for on-street car parking in the vicinity, with resultant traffic hazard and adverse impacts on the bus route.
- The development does not provide for visitor car parking.
- All car parking spaces should have electric car charging provision.
- The development includes inadequate cycle parking provision.
- Existing public transport in the area is under pressure, particularly with limited capacity due to Covid 19.

7.7. Observer Comments on Other Issues

- The development will have potential impacts on surface water drainage in the area, there are currently floods during heavy rains.
- The development does not include provision for a childcare facility, childcare facilities are already strained in the local area. The development does not provide any other community facilities.
- Concerns about potential structural impacts on adjacent residential properties during basement construction, particularly at Newtown Villas and at Fairhaven.
- The AA Screening Report does not show any survey data or empirical evidence to support the claim that building heights at the site will not impact SPA designated species. No flight path surveys were undertaken at the development site. The AA screening fails to consider collision risk of waterbird species designated for the South Dublin Bay and Tolka River SPA (4024), located close to the development site.
- The development does not include adequate social housing provision and there are no 3 bed Part V units.

- The development does not provide for renewable technologies of solar PV systems.

7.8. I have considered all of the documentation included with the above third party submissions.

8.0 Planning Authority Submission

8.1. Dun Laoghaire Rathdown County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members at the HEPI Area Committee Meeting held on 26th January 2021. The following points of the planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) are noted.

8.2. PA Comment on Quantum of Development, Residential Density and Building Height

- The site has an extant permission for a development of apartments and houses. The principle of a higher density development is therefore established at this location. However, the planning authority shall have regard to Blackrock LAP Section 3.5.3 Site Framework Strategy, which provides clear guidance on the composition, layout and form of development that can be delivered on site. In addition, the site is located in an established residential area which has a low rise character. The proposal, therefore, should have due regard to the context of the site and surrounds and potential impacts on residential amenities.
- The proposed residential density is significantly higher than the minimum densities outlined in the LAP. However, given the specific characteristics of the site, including its corner location in the context of Blackrock Village and its connectivity to excellent public transport infrastructure, it is considered that a higher density of development can be successfully absorbed at this location. The PA has also had regard to the proposed housing mix and the quantum of 1 bed units, whereby the provision of smaller apartments would result in a higher density being delivered. It is therefore satisfied that the development is generally in accordance with development plan and LAP policy in terms of appropriate densities for the site.

- The proposed housing mix complies with SPPR 1 of the Apartment Guidelines. The development will positively contribute to the dwelling typologies that are available in the area.
- LAP Map 12 indicates a maximum building height of 4 storeys at the site and that building heights should be graduated to 2 no. storeys on the western side of the site at the boundary with Newtown Villas. The planning authority is generally satisfied that the height, design and scale of Block A are in accordance with LAP Objective ES1 and Map 12. However, Block B exceeds the 4 storey maximum. The planning authority has carried out a detailed assessment of the criteria provided in Section 3 of the Building Height Guidelines. The site is considered suitable for additional building height given its access to high quality public transport infrastructure and location within Blackrock. The development provides an innovative and attractive design response to the site. The higher part of the development is located in the least sensitive part of the site. The planning authority is generally satisfied that additional height can be accommodated at this location, without unreasonably compromising the residential amenities of property in the vicinity. The planning authority is satisfied that the development responds to the architectural character of its surrounds and does not detract from the character of the Newtown Villas ACA or the adjacent protected structures. The design has also had regard to the objectives and design principles of the Site Framework Strategy. The planning authority is also satisfied that the development will make a positive contribution to the public realm at Newtown Avenue. Given the overall quality of design and the siting of the additional height in the north eastern corner of the site, the planning authority is satisfied that the proposal is acceptable.

8.3. PA Comment on Impacts on Visual and Residential Amenities and Heritage Impacts

- Report of DLRCC Senior Architect dated 2nd February 2021. States satisfaction with the proposed external finishes.
- The planning authority is satisfied that the development has been designed to a high standard and is generally sympathetic to the architectural character of its surrounds. Given the setback of Block B from Blackrock House and Newtown House and its siting relative to these properties, the planning authority is satisfied

that the development does not have an adverse impact on the character, appreciation or legibility of these protected structures. However, there are concerns about the impact of the southern portion of Block B on The Courtyard (Seapoint Manor) protected structure to the east of the development site. The southern portion of Block B projects above the roof of the protected structure and negatively impacts on the legibility of the building when viewed in the streetscape. The PA recommends the omission of unit no. B48 to mitigate this impact.

- Given the location of Block A relative to the ACA, the development does not have an impact on 'significant views' of the ACA as identified in the ACA Character Appraisal. The proposal is therefore considered acceptable and does not adversely impact or erode the character of the existing ACA. There are some concerns about potential impacts of basement construction on the structural integrity of the western boundary wall shared with Newtown Villas. Input from a Conservation Architect should be provided in terms of any remedial works to the wall.
- The PA has concerns that the sloping roof of Block B (unit no. B48) will have adverse visual impact when viewed from the rear amenity spaces of properties on Newtown Avenue. Having regard to the submitted revised elevation which omits unit B48, the PA considers that the omission of this unit would not erode the overall design quality of the scheme. The planning authority is satisfied that the development will not unreasonably compromise the residential amenities of the properties to the south or west by reason of overshadowing or overlooking. A condition is recommended to restrict access to the first floor roof at the southern end of Block A. There is no potential for significant impacts on properties to the north or east given the intervening distances.

8.4. PA Comment on Design and Layout and Quality of Residential Accommodation

- While the site has good access to public transport, the planning authority considers that it is a suburban location with regard to the Apartment Guidelines, and the development therefore fails to meet SPPR 4 of same with regard to dual aspect units. Given the characteristics of the site and the layout and design of the development, the inclusion of conditions to satisfy this specific requirement is

likely to compromise the overall design intent and a significant redesign of the development may be required.

- The quantitative provision of communal open space meets the requirements of the Apartment Guidelines. The report of DLRCC Parks and Landscape Services, dated 29th January 2021, states:

“The Parks Department request that the courtyard space is reconsidered to provide more for a residential friendly environment, with varied opportunities to interact with the space. The current configuration and make-up rely heavily on hard landscaping, and in its current form is like a layout found within a business development ...”

The Parks Dept. refers to LAP objective ES6 and considers that the current layout provides insufficient quality amenity space. The planning authority recommends a condition requiring a revised Landscaping Plan that provides more extensive soft landscaping treatments and a better variety of play equipment. It also notes that there are currently steel support structures along the western site boundary. It is unclear whether these structures are to be replaced or how they are to be successfully incorporated into the landscape design. This issue should be addressed in the revised Landscape Plan.

- The report of DLRCC Parks and Landscape Services highlights the importance of mature trees along the northern site boundary, with regard to LAP objective ES7. Additional trees along this boundary are recommended.
- The Tree Survey Report, which states that the surviving Sycamore tree is in poor condition and must be removed due to health and safety risk, is noted. DLRCC Parks and Landscape Services are satisfied with the proposal to replace the tree with new landscaping including a replacement specimen tree.

8.5. PA Comment on Drainage and Flood Risk

- Incorporates the report of DLRCC Drainage Planning Section dated 28th January 2021.
- The development includes an under provision of green roof area, in contravention of development plan Green Roof Policy. The applicant was advised at pre-application stage that an exemption from Green Roof Policy would not be

permitted and that the green roof should be increased, also that permeable paving and landscaping at ground level and attenuation would not be acceptable alternatives to green roof area, as per the Green Roof Policy. The Drainage Planning Section also states concerns in relation to several aspects of the green roof design, including the drainage of significant areas of pitched roof adjacent to green roofs and the number of very small areas of green roof, particularly those located adjacent to private terraces. Drainage Planning notes that the significant under provision of green roof coverage has also contributed to significant under provision of interception and treatment, as required by GDSDS.

- The applicant was advised that surface water pumping will be required due to level differences in connecting to the public sewer. DLRCC Municipal Services advised that an offline solution could avoid pumping of surface water due to the ongoing risks associated with pumping. These measures have not been incorporated into the proposed surface water design.
- Drainage Planning states concerns regarding lack of drainage details, calculations and maintenance access to the attenuation tank. It notes inconsistencies between the architectural drawings, drainage design and landscape plan regarding green roof and permeable paving areas.
- It is not possible for Municipal Services to proposed planning conditions that could realistically encompass the scope of the changes required to achieve compliance with the green roof policy. A condition regarding the green roof is proposed, however this is not to be considered as an acceptance by Municipal Services of the current provision of green roof coverage.
- Drainage Planning recommends other conditions in relation to a revised surface water design and layout to address issues raised.
- Based on the information contained in the submitted SSFRA, the conclusions contained therein are accepted and thus the development is considered to be in accordance with development plan Appendix 13 (Strategic Flood Risk Assessment).

8.6. PA Comment on Roads and Transportation

- Incorporates comments of DLRCC Transportation Planning Section dated 29th January 2021.
- Transportation Planning considers the car parking provision to be unacceptable and recommends a rate of 1 car space per unit, including provision for residents, visitors, accessible and car share spaces. Also note that, while the applicant has submitted a letter from Go Car, there is no dedicated provision of car share spaces. Conditions are recommended in relation to these matters.
- The DLRCC planning assessment considers the development site to be an 'intermediate urban location' with regard to the car parking requirements of the Apartment Guidelines. On this basis, the planning authority considers that the proposed car parking quantum is acceptable at this location and can be supported.
- The basement cycle parking layout is inconsistent with the no. of units annotated on the drawing. The provision of covered cycle parking at surface level has not been demonstrated. Conditions are recommended in relation to these matters and other aspects of cycle parking provision.
- Transportation Planning recommends conditions in relation to a Mobility Management Plan, Construction & Waste Management Plan and other matters.

8.7. PA Comment on Miscellaneous Issues

- DLRCC Waste Section comment dated 29th January 2021 states satisfaction with the proposed Operational Waste Management Plan, subject to conditions.
- DLRCC Public Lighting Section comment dated 12th January 2021. The proposed lighting design is acceptable.
- DLRCC Housing Dept. comment dated 7th January 2021. The costs of the units to be transferred exceed the Council's approved acquisition threshold, however it is acknowledged that the stated costs are estimated at this preliminary stage. The on-site proposal therefore has the potential to comply with Part V requirements, subject to agreement being reached on land values and development costs and funding being available. A related condition is recommended.

- The planning authority notes the Bat Assessment and AA Screening Report. The mitigation measures set out in the Bat Assessment should be included as a condition of permission.
- The planning authority notes the submitted Creche Demand and Needs Assessment. It is unclear how the applicant has concluded that there is sufficient capacity in the surrounding network to cater to the future needs of the development. The planning authority is also cognisant of the increasing strain on service providers due to the Covid 19 pandemic and how potential restructuring of this sector may impact on availability in the future. It does not accept the justification put forward by the applicant that there is adequate availability of childcare in the surrounding area. Notwithstanding this, the planning authority accepts the applicant's rationale regarding the proposed unit mix and section 4.7 of the Apartment Guidelines and therefore considers the non-provision of childcare facilities to be acceptable in this instance.
- An Archaeological Impact Assessment should be required by condition.

8.8. Planning Authority Conclusion

- 8.8.1. The Planning Authority recommends permission subject to conditions, including a condition requiring the omission of unit no. B48 from Block B and its replacement with a green roof area, which is strongly recommended.

9.0 **Prescribed Bodies**

9.1. **Irish Water**

- 9.1.1. Based upon the details provided and the Confirmation of Feasibility already issued, Irish Water confirms that, subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated. Conditions are recommended.

9.2. **Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media**

- 9.2.1. The submission notes that the development is large in scale and located in proximity to Recorded Monument (DU023-008). A condition requiring Archaeological Impact Assessment is recommended.

9.2.2. The Department considers that the wider built heritage and archaeological significance have not been adequately dealt with as follows:

- An incomplete demolition has been undertaken to clear this site of the historic Tram Depot for development. The Department considers that significant fabric may be retained within the cultural layering of this site, which should inform the appropriate layout and arrangement of the site. The provision of a basement excavation is not supported as it may undermine, destabilise and remove the surviving features of the site.
- The Newtown Villas ACA Character Appraisal notes that the remaining walls of the former walled garden of Maretimo House are of architectural significance. The repair and conservation of this 18th century wall requires greater consideration including overall assessment and detail to ensure its long term survival and structural integrity where it is encroached upon by new development. A methodology for guiding the further removal of the surviving concrete pads above the foundations of the original depot buildings is also required to avoid adverse impact on the surviving boundary wall and its foundations. Where possible, the footprint of the industrial archaeology should be left in-situ.
- Similarly, the location of the dove house noted in earlier historical mapping is noted as a feature within the site that warrants further assessment in the context of 'Castle Byrn'.
- Concerns about the scale of development in the context of the adjoining sites of built heritage significance still surviving, namely the significant 18th century residences that defined and led the development of the area, in particular their scale, interrelationships and arrangement along this historic route. Newtown Villas ACA as a collection of single storey cottages.

9.2.3. The Department considers that the contrast between the development and the previous design permitted at the development site under PL06D.216035 highlights the lack of consideration and importance placed on the built heritage context which is predominantly of a two-storey scale. The Department considers that there is significant and detrimental impact arising from the substantial scale of the Block B due to its prominent location in the setting of the adjacent protected structures, one that sets a significant departure for planning and development in the historic village

context. The Department recognises that planning precedent exists for 5/6 storey scale within a significant number of developments along the seafront of Dún Laoghaire close by where large seafront terraces provide the historical architectural context, however this scale is not established within the historic village of Blackrock. The Department recommends reconsideration of the development in the context of the adjoining protected structures and ACA. It considers that the justification for the positioning of a 6-7 storey block as the new urban edge in the context of a walled ACA and 18th century entrances has not been adequately demonstrated. The Department supports the following:

- The reduction of the overall site coverage, massing and height to safeguard the amenity and long term survival and viability of the extant historic buildings adjoining the site.
- The reduction of the excessive height and prominence of the proposed development along the coastal route and the reduction in height of Block B is recommended as a minimum mitigation measure.

10.0 Planning Assessment

10.1. The following are the principal issues to be considered in this case:

- Principle of Development
- Material Contravention Issues
- Residential Density
- Design and Layout
- Impacts on Visual and Residential Amenities
- Archaeology and Architectural Heritage Impacts
- Roads and Traffic / Transport Issues
- Drainage, Flood Risk and Site Services
- Other Issues

These matters may be considered separately as follows.

10.2. Principle of Development

10.2.1. The development site is zoned for residential development under the Blackrock LAP and permission has previously been granted for residential development at the site under D17A/0137 PL06D.248456. The proposed residential development is considered to be acceptable in principle on this basis.

10.3. Material Contravention Issues

10.3.1. Building Height Material Contravention

I note that Observer submissions raise serious concerns in relation to the proposed building height and contravention of the development plan Building Height Strategy. The applicant has submitted a Material Contravention Statement in relation to this matter (among others) and the PA has also considered the issue in detail. This section of my report considers height in the context of policy, the related issues of impacts on visual and residential amenities and on the settings of Newtown Villas ACA and adjacent protected structures are considered elsewhere in the assessment.

The site is not within a key location identified in the development plan Building Height Strategy as suitable for taller buildings. LAP objective ES1 and LAP map 12 specify a building height of 4 storeys for the site, to graduate to a maximum of two storeys along the western site boundary shared with Newtown Villas ACA. Section 3 of the Building Height Guidelines sets out principles and criteria for planning authorities and the Board to apply when considering individual applications. SPPR 3 of the Guidelines states:

It is a specific planning policy requirement that where;

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise ...

The development may be considered with regard to the principles and criteria set out in section 3 as follows, with regard to the rationale submitted by the applicant, the analysis provided in the planning authority submission and observers' comments.

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The development site is located in an established residential area c. 400m from the centre of Blackrock village, which is designated as a Secondary Centre under the County settlement hierarchy and offers a range of services, facilities and amenities. The site is located c. 450m from Seapoint Dart station, adjoins a Bus Connects spine route Temple Hill /N31 and adjoins recently installed cycle infrastructure. The development of an infill site is therefore considered to support the above principle.

Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

As noted, the LAP provides for 2-4 storeys at the site. The proposed 7 storey development exceeds these parameters and therefore does not comply with the development plan Building Height Strategy. The Strategy identifies key locations where taller buildings are to be accommodated and provides for the designation of specific sites to accommodate taller buildings under LAPs, Framework Plans and SDZs, generally in accordance with SPPR 1 of the Building Height Guidelines. Both the LAP and the development plan Building Height Strategy predate the Building Height Guidelines.

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

I am satisfied that the development plan and Building Height Strategy are generally consistent with and support the policies and objectives of the NPF.

The applicant has submitted a rationale for the proposed building height with regard to the development management criteria set out in section 3.2 of the Guidelines and the planning authority also considers the criteria in detail. I consider that the site location justifies higher density residential development. I note that the planning authority agrees with the applicant's assertion that the development provides an innovative and attractive design response to the site. The proposed additional height is within Block B at the Newtown Avenue site frontage, which is the less sensitive part of the site. The development therefore has been designed with regard to the objectives and design principles of the LAP Site Framework Strategy, while not adhering to the maximum permissible height under the LAP. The development has a high quality of design and finish. The composition and massing of both blocks are sympathetic to the architectural character and integrity of the area and the development will provide a positive insertion into the streetscape. The development will make a positive contribution to the public realm by the provision of a new public open space at the northern site boundary to Newtown Avenue and a landscaped setback to the own door units at the Newtown Avenue frontage along the eastern site boundary. The proposed apartments will help to diversify the dwelling typologies that are available in the area. The applicant submits that the development has been carefully designed to maximise access to natural daylight, ventilation and views and to minimise overshadowing and loss of light. I note that the planning authority is satisfied that the additional height can be accommodated at this location without unreasonably compromising the residential amenities of adjacent properties or detracting from the architectural significance of Newtown Villas ACA or the surrounding protected structures. I generally concur with the conclusion of the planning authority and I consider that the development meets the criteria set out in section 3.2 of the Building Height Guidelines (see further consideration of these matters in the remainder of this report).

The observers comment that the application does not include assessment of microclimate impacts, as per section 3.2 of the Building Height Guidelines. The applicant submits that, having regard to the height, scale and surrounding context, no significant wind impacts will arise and therefore a specific wind assessment is not necessary. This conclusion is accepted. I note that the application includes an Urban Design Statement and a Bat Assessment, which are considered below. The issues

of telecommunication channels and air navigation are not considered relevant in this instance.

Given that the proposed material contravention does not relate to the zoning of land, the Board may grant permission if it considers that it would do so if section 37(2)(b) of the 2000 Act were applied. In this instance and with regard to the above matters, I consider that section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016. I also consider that section 37(2)(b)(iii) applies in relation to the proposed building height, i.e., permission for the development should be granted having regard to section 28 guidelines, specifically the Urban Development and Building Heights Guidelines for Planning Authorities and in particular section 3.2 and SPPR 3 of same. The provisions of section 9(3) of the SHD Act are also noted in this regard, i.e., that where SPPRs of section 28 guidelines differ from the provisions of a development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan. Finally, I note that the Board granted permission for a development of up to 8 storeys in height at Temple Hill, nearby to the south of the development site, ref. ABP-303804-19, which was granted by the Board on 10th June 2019. I therefore consider that section 37(2)(iv) also applies, i.e., that permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.3.2. Housing Mix Material Contravention

The development comprises 51 no. 1 bed units (50%), 42 no. 2 bed units (42%) and 8 no. 3 bed units (8%). Development plan section 8.2.3.3 (iii), which relates to housing mix, provides:

Apartment developments should provide a mix of units to cater for different size households, such that larger schemes over 30 units should generally comprise of no more than 20% 1-bed units and a minimum of 20% of units over 80 sq.m.

The Advisory Note attached to development plan Chapter 8 states:

“... the standards and specifications in respect of Apartment Development- as set out in Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan Written Statement –have been superseded by Ministerial Guidelines ‘Sustainable Urban Housing – Design Standards for New Apartments ...”

The Advisory Note therefore specifically excludes section 8.2.3.3 (iii) in relation to the matter of unit mix.

LAP objective ES3 states that residential development at the site shall incorporate a residential mix which both complements and enhances the existing residential mix within the wider area in accordance with LAP section 5.2, which states that residential development at the Europa site should include a residential mix that can support a variety of households and cater for the needs of different stages of the lifecycle.

SPPR 1 of the Apartment Guidelines states:

Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

The applicant notes that the proposed housing mix does not comply with development plan policy as per section 8.2.3.3 and submits that the development is consistent with SPPR 1 and that the planning authority has not carried out a Housing Need and Demand Assessment for the Blackrock area. This point is accepted. I note observer concerns that the housing mix will result in transient residents at the development and that, due to the lack of larger units, the development will not be attractive to downsizers in the area. However, I am satisfied overall that the proposed housing mix will add to the range of housing typologies available in this

established and highly accessible residential area, in view of changing demographic trends and national and local planning policies to provide a wider diversity of housing typologies. The housing mix is acceptable in principle on this basis. I also note that the planning authority states no objection in principle to the proposed housing mix.

As discussed above, I consider that section 37(2)(b)(i) applies as the proposed development is considered to be of strategic and national importance. I also consider that section 37(2)(b)(iii) applies in this instance in relation to housing mix. Having regard to the above assessment, I am satisfied that the development is in accordance with SPPR 1 of the Apartment Guidelines and that permission for the development should be granted having regard to section 28 guidelines, specifically the Design Standards for New Apartments Guidelines for Planning Authorities, which were adopted subsequent to the current County Development Plan. The provisions of section 9(3) of the SHD Act, as outline above, are also noted in this regard.

10.3.3. Public Open Space Material Contravention

The development provides 1,162 sq.m. of communal amenity space and 302.5 sq.m. of public open space, i.e., a total provision of 1,464.5 sq.m. or c. 30% of the total stated site area of 4,936.5 sq.m. LAP objective ES9 requires that open space provision at the development site should be in accordance with development plan policy. Development plan section 8.2.8.2 (i) provides:

*Open Space: For all developments with a residential component – 5+ units - the requirement of **15 sq.m-20 sq.m. of Open Space per person** shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site and such schemes may be subject to financial contributions as set out under Section 8.2.8.2 (iii) below.*

The Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph.

The development would require the following open space provision to comply:

Unit Type	No. of Units y	Development Plan Requirement
1 bed apt	51	1.5 x 51 x 15–20 sq.m. = 1,147.5–1,530 sq.m.
2 bed apt	42	1.5 x 42 x 15-20 sq.m. = 945-1,260 sq.m.
3 bed apt	8	3.5 x 8 x 15-20 sq.m. = 420-560 sq.m.
Total	101 apts	2,512.5 sq.m. – 3,350 sq.m.

The development may also be considered with regard to the requirements for communal amenity space as set out in Appendix 1 of the Apartment Guidelines as follows:

Unit Type	No. of Units	Apt. Standards Requirement
1 bed apt	51	5 sq.m. x 51 = 255 sq.m.
2 bed (3 persons) apt	8	6 sq.m. x 8 = 48 sq.m.
2 bed (4 persons) apt	34	7 sq.m. x 34 = 238 sq.m.
3 bed apt	8	9 sq.m. x 8 = 72 sq.m.
Total	101 apts	613 sq.m.

The proposed open space provision therefore falls short of development plan requirements for area of open space per person but does exceed the minimum development plan requirement of 10% of the total site area. The overall quantum is well in excess of the quantum required to comply with the Apartment Guidelines.

As discussed above, I consider that section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance. I also consider that section 37(2)(b)(iii) applies in this instance in relation to open space provision. Having regard to the above assessment, I am satisfied that the development is in accordance with the quantitative requirements set out in Appendix 1 of the Apartment Guidelines and that permission for the development should be granted having regard to section 28 guidelines, specifically the Design Standards for New Apartments Guidelines for Planning Authorities, which were adopted subsequent to the current County

Development Plan. The provisions of section 9(3) of the SHD Act are also noted in this regard.

10.3.4. Tree Removal Material Contravention

There is currently a single mature sycamore tree at the northern site boundary. LAP objective ES7 is to protect the tree and to incorporate it into the design and layout of any redevelopment of the site, along with complementary planting along the site's northern and eastern boundaries.

The Arborist Report states that the tree is in very poor condition, displaying mechanical damage and large cavities and recommends its removal due to health and safety risk. The Landscaping Strategy proposes to replace the tree with a new, suitably large specimen (identified as London Plane), which is to be set in a raised island planter as the centrepiece of the public open space at the corner of Newtown Avenue, incorporating public seating and ornamental planting. Observer submissions state concerns about the removal of the sycamore tree and about the proposed landscaping of this area, including the choice of a London Plane tree as a replacement specimen.

As discussed above, I consider that section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance. Permission was previously granted for the removal of the tree under PL06D.248456. I therefore consider that section 37(2)(b)(iv) applies in this instance, i.e., permission for the development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan. In addition, section 9(6) of the SHD Act provides that the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, other than in relation to the zoning of land. I consider that the applicant has submitted a reasonable justification for the removal of the existing sycamore tree. I note that the report on file of DLRCC Parks and Landscape Services, dated 29th January 2021, does not specifically object to the removal of the tree, and sets out detailed requirements in relation to landscaping of the public open space at the northern site boundary to Newtown Avenue. I therefore conclude that the Board can materially

contravene the LAP in relation to this matter and that a satisfactory landscaping treatment for the open spaces at the northern and eastern site boundaries, including an appropriate replacement specimen tree, may be required by condition if permission is granted.

10.3.5. Green Roof Material Contravention

Section 3.1 of development plan Appendix 16: Green Roofs Guidance Document states:

*A Green Roof proposal is a requirement for all Roof areas greater than 300 square metres for the following development types unless exempted or partially exempted by DLRCC's Municipal Services Section following consideration of the suite of complimentary or alternative "soft" SUDS (Sustainable Drainage Systems) * measures being proposed:*

- *Apartment Developments*

... A Green Roof, where required, shall in all cases cover a minimum of 60% of the Roof area ...

** Alternative soft SuDs measures include ponds, bioretention areas, detention basins, infiltration basins, filter strips, wetlands, swales, rain garden. (For the purpose of clarity – a proposal that relies solely on attenuation storage systems and/or permeable paving as an alternative to the provision of a Green Roof will not be acceptable).*

The development provides the following green roof areas, as per the Design Statement:

- Block A 290 sq.m. (26.9% of Block A roof area)
- Block B 472 sq.m. (46.1% of Block B roof area)
- Overall, 762 sq.m. (36% of total roof area)

The proposed green roof area therefore does not meet the quantitative requirements of Appendix 16. The Material Contravention Statement submits that the required quantum of 60% green roof area cannot be achieved with the proposed pitch roof arrangement, which is considered to be the correct architectural response to the existing context, both in terms of achieving an optimum residential density in

accordance with national planning policy and with regard to the sensitive setting of the development site. It is also submitted that the development incorporates some SUDS measures to minimise discharge from the site, including bioretention, permeable pavements and attenuation to filter, treat and ultimately discharge the surface water to the public combined sewer, such that the volume of surface water discharge from the site would be c. 8.2% of the current arrangement.

The applicant submits that, as the development meets the criteria outlined in national planning policy and section 28 Guidelines for suitability for high density development, there is justification for the Board to permit a material contravention of the development plan where it relates to the quantum of green roof, having regard to section 37(2)(b)(i) and (ii) of the Planning and Development Act 2000 (as amended).

This rationale is accepted. As discussed above, I consider that section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance. I also accept the applicant's argument regarding the conflict between achieving an optimum density for this site in a highly accessible urban area, with a high quality of design and finish and the requirement to achieve 60% green roof area. I therefore consider that section 37(2)(b)(ii) applies in this instance, i.e., there are conflicting objectives in the development plan. The provisions of section 9(6) of the SHD Act, as outlined above, are also noted.

10.4. Residential Density

- 10.4.1. Several of the observer submissions consider that the scheme will result in an excessive residential density at the site, given the lower density of the adjoining residential areas. The development has a stated residential density of 205 units/ha, as compared to the density of 104 units/ha permitted at the site in 2017 under PL06D.248456. Objective ES2 of the LAP Site Framework Strategy provides for a minimum density of 50 units/ha. I note that the planning authority considers that this is an 'Intermediate Urban Location' with regard to section 2.0 of the Apartment Guidelines. I do not concur with this appraisal. The site is c. 400m from the centre of Blackrock village, which is designated as a District Centre at the second tier of the County Development Plan retail hierarchy. Blackrock village also functions as an employment centre in other sectors including education and health and has a substantial amount of office space. I therefore consider that it therefore qualifies as a

'significant employment location'. In addition, the site is c. 450m from the nearest Dart station at Seapoint and is adjacent to several existing frequent bus routes and a Bus Connects spine route. On this basis, I consider that the site meets the following criteria for a 'central and/or accessible urban location' as set out in section 2.4 of the Apartment Guidelines:

- Within walking distance (up to 15 minutes or 1 – 1.5 km) of a significant employment location;
- Within reasonable walking distance (up to 10 minutes or 800-1,000m) from high capacity urban transport stops such as Dart;
- Within easy walking distance (up to 5 minutes or 400-500m) to/from high frequency urban bus services.

10.4.2. The Apartment Guidelines state that such locations are generally suitable for small to large scale higher density development with no maximum density set. I consider that the delivery of residential development on this prime, underutilised, serviced site, in a compact form with higher density, would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, the RSES and the Apartment Guidelines, which all look to secure more compact and sustainable urban development in the Dublin Metropolitan Area and to facilitate the efficient and sustainable use of public transport infrastructure. I note that the provision of high density residential development is generally supported by the planning authority at the development site. I therefore consider that the proposed residential density of c. 205 units/ha is acceptable in principle at this location with regard to these matters, subject to design and amenity standards, which are discussed in detail in other sections of this report.

10.5. Design and Layout

10.5.1. The design strategy, as described in the Design Statement and Landscape Report, envisages the proposed Blocks A and B as twin villas, a modern interpretation of the historic seaside villas that are common in this part of Dublin. The blocks are finished in a combination of buff and grey brick with blue glazed headers and metal roofs, which were chosen following a review of materials found locally and were considered to complement the brick elevations of Newtown Villas and the pale render finishes of local houses.

10.5.2. The highest element of the development, Block B, is located at the eastern side of the site with frontages to the eastern and northern site boundaries. Block B contains several distinct volumes. The southernmost element, adjacent to 2 storey houses on Newtown Avenue to the immediate south of the site, has a 3 storey façade to the south, which rises to 5 storeys. The transition in height is achieved with a dramatic pitched roof at the southern elevation, which is also finished with a green wall to the gable end. The highest element of the overall development is the 6-7 storey northern part of Block B at the corner of Newtown Avenue. The 7th storey is contained in a pitched roof structure. There are lower 4 storey elements to the western side of Block B, facing the internal courtyard and linking the northern and southern parts of Block B. There is a communal roof terrace on the 4th floor of Block B, which is enclosed by the higher elements of Block B to the north and south but is open to the east and west. There is a public open space at the northern side of Block B, facing the corner of Newtown Avenue, which is designed as a continuation of the public realm. As discussed above, the existing sycamore tree at this location is to be removed to facilitate the development and is replaced by an appropriate, large specimen tree (London Plane), which will act as the centrepiece of the public open space. The remainder of the space is laid out with hard landscaping, public seating and cycle parking with high quality finishes including granite paving. The ground floor of Block B has own door units facing the eastern boundary at Newtown Avenue. There is a planted buffer between the facades and the street edge, with a low wall and railing defining the edge of the landscaped area and a single pedestrian access to Newtown Avenue. This layout is designed as a continuation of the individual front gardens of the residential properties further to the south along Newtown Avenue.

10.5.3. Block A on the western side of the site has a 2 storey element facing the rear of properties in Newtown Villas, with a curved metal roof that acts as a transition to a 4 storey element facing the internal courtyard. Block A is otherwise primarily finished in buff brick, chosen to complement the brick finishes at Newtown Villas. There is a communal amenity space for Block A at the southern end of the western site boundary, to the rear of properties in Newtown Villas. The existing historic boundary wall is to be retained, with climbing vegetation. The area inside the western boundary is to be laid out as a passive garden with soft landscaping and public seating. I note and agree with the planning authority recommendation that the

adjacent west facing ground floor units in Block A should have direct access to this communal space, this may be required by condition. The vehicular access is located at the north western corner of the site and the access ramp to the basement car park runs between the western elevation of Block A and the rear boundary to houses within Newtown Villas. The southern elevation of Block A facing properties within Craigmores Gardens is stepped down to 1-2 storeys. It is proposed to retain most of the existing boundary wall at the southern end of the site and to reinstate a historic tram shed wall at the northern end of Craigmores Gardens, which was previously demolished.

10.5.4. The central open space is accessible from Newtown Avenue and is designed as a semi-private courtyard with soft landscaping and a formal play area. The landscaping and tree planting are to be provided in raised planters over the basement car park. Emergency vehicle access to the courtyard has been omitted to prevent a car dominated space. Cycle parking stands are provided. I note the comments of DLRCC Parks and Landscape Services, dated 29th January 2021, which consider that the central courtyard relies too heavily on hard landscaping. I consider that the design and layout of the central open space are generally appropriate for this urban setting and that further details of proposed planting could be required by condition. I also note that the site is located in an area replete with natural amenities and that there is a public park immediately adjacent at Temple Hill. Further details of the proposed play area could also be resolved by condition. The central courtyard is considered acceptable on this basis.

10.5.5. There is a laneway to the south of the site, between the rear boundaries of houses on Newtown Avenue, Temple Road/N31 and Craigmores Gardens. The access from the N31 is gated at present but the laneway is accessible from Craigmores Gardens. The laneway terminates at the southern boundary of the central courtyard and observer submissions raise the possibility of creating a new pedestrian connection at this location, which would improve permeability in the wider area as it would provide a link through the development to Newtown Avenue. There is no indication in the documentation on file of any intention to provide this link, however I accept that the proposed layout does not preclude the creation of such a link at some time in the future, if desired by local residents.

- 10.5.6. The apartments are designed to comply with the standards set out in the Apartment Guidelines. Both Blocks A and B are laid out on an east / west orientation such that there are no north facing single aspect units. A total of 41% of the units are dual aspect. This exceeds the requirement in SPPR 4 of the Apartment Guidelines for a 33% minimum of dual aspect units to be required in central and accessible urban locations. The Housing Quality Assessment indicates apartment floor areas that generally exceed the standards set out in SPPR1 of the Apartment Guidelines by over 10% and meet or exceed the requirements for storage space and aggregate bedroom and living / dining/ kitchen floor areas. Ground floor to ceiling heights meet the 2.7m requirement as per SPPR 5. There is a maximum of 7 units per lift / stair core as per SPPR 6 of the Guidelines. Private amenity space is provided in the form of balconies / terraces which exceed the quantitative standards set out in Appendix I of the Apartment Guidelines. Communal bin storage is provided at basement level. The development is therefore in accordance with the quantitative requirements of the Apartment Guidelines.
- 10.5.7. I note that the intervening distance between the elevations of Blocks A and B facing the internal courtyard is as little as c. 8m at the northern end of the development, widening out to c. 26m at the southern end of the central courtyard. However, the blocks are angled away from each other and the fenestration is staggered to prevent direct overlooking between the facades.
- 10.5.8. I note that several observers, including residents of Newtown Villas to the immediate south of the site, state concerns in relation to noise and overlooking impacts from the 4th floor communal terrace at Block B. The planning authority does not state any concerns in relation to this issue. The design of the roof terrace is such that the southern part of Block B provides a physical buffer to adjacent residential properties to the south, which would obviate overlooking and ameliorate potential noise impacts on those properties. I also consider that potential noise impacts from the roof terrace could be further mitigated by the introduction of 2m high glazed screens at the eastern and western sides of the terrace and by restricting access to the terrace to residents of the scheme during daytime hours only. I am satisfied that these additional measures, which may be required by condition, will address the issue of potential noise impacts on residential amenities from the roof terrace on Block B. Having regard to the additional residential amenity afforded to future residents of the

scheme by way of the roof terrace at Block B, I consider that, on balance, its retention subject to these mitigation measures, is appropriate to retain this space for use by the residents of the apartments.

10.5.9. The submitted Daylight, Sunlight and Overshadowing Study examines the development with regard to the BS 2008 Code of Practice for Daylighting and the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). The study indicates that the open spaces within the development would receive well over two hours of sunlight on over 50% of their area on 21st March, exceeding the recommendations of the above standards and guidelines. The study also considers Average Daylight Factors (ADF) within the development in the context of the BRE guidance, which recommends ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The analysis considers the bedroom and living spaces for several units on the ground, 1st and 3rd floors of Blocks A and B. I consider that the units selected provide a reasonable representation of light levels within the development overall and include a 'worst case scenario' at units nos. B01 and B35, located on the ground and second floors, at an inner corner on the western façade of Block B. I note that the ground and first floor kitchen/living rooms exceed the 1.5% living room requirement but do not meet the 2% requirement for kitchen spaces. However, given the nature of the apartments in terms of design and layout, i.e., accepting that these rooms primarily function as living/dining rather than kitchens, I am satisfied that this is an acceptable approach and level. I also note in this regard the more recent publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 in the UK, which provides a reduced ADF target for kitchen/living rooms. The individual units met or exceeded the targets except for units B01 and B35 on the western side of Block B. I assume that units nos. B11 and B23 on the first and second floors at the same location would also fail to meet the standards. However, 94% of the rooms tested on the ground, first and third floors achieved ADF above the BRE guidance. Given that the rooms tested included 'worst case' rooms at B01 and B35 and that units on upper floors would achieve higher light levels, I am satisfied overall a higher percentage of units within the development would exceed the BRE targets and that the overall level of residential amenity is acceptable, having regard to internal daylight provision.

10.5.10. I am satisfied that the development achieves a high quality of design and finish, while making optimum use of this zoned and serviced site. Both blocks have been designed to respond to their immediate context and present a series of considered volumes with varied materials and fenestration that avoid a monolithic appearance. The brick finishes are durable and compatible with adjacent stone walls and the brick and render finishes of buildings in the immediate vicinity. The private open spaces are landscaped to a high standard and will serve as satisfactory amenities for residents of the scheme. In addition, I am satisfied that the public open space and the frontages facing Newtown Avenue will enhance the public realm of the area, in accordance with LAP objective ES4 and policy BK07. The individual apartment units meet or exceed the standards of the Apartment Guidelines.

10.5.11. To conclude, I am satisfied on this basis that the development provides a high standard of amenity and public realm for residents of the scheme that will also contribute to place making in the wider area. I also consider that the development provides an acceptable standard of residential accommodation for future occupants and is generally satisfactory with regard to national and development plan guidance for residential development.

10.6. **Impacts on Visual and Residential Amenities**

10.6.1. General Visual Impacts

I note the submitted LVIA, which includes CGIs and photomontages, with a comparison to the development previously permitted at the site under PL06D.248456. Based on the site inspection and on my knowledge of the area, I am satisfied that the viewpoints chosen are representative of views in the wider area. I also note the submitted model, which includes some of the immediate site context. Having regard to all of the above, I consider that visual impacts of the development will be localised and generally restricted to the immediate vicinity of the site. The development will read as part of the built up area of Blackrock in the wider area and will not have any significant impact on designated views or prospects.

The observer submissions comment that the development is out of keeping with the scale and appearance of the surrounding low rise, suburban type development. The development does contrast with its immediate surroundings. It has a distinctive appearance, which will be visible as a landmark at this prominent corner. However, I

consider that the design and finishes are of high quality and will create interest and aid legibility in the wider area and enhance the public realm at this location. In addition, a larger scale at the development site is fundamental to the achievement of higher densities, as per national planning policy, and as considered in relation to building height in section 10.3.1 above. It is inevitable, therefore, that any higher density development at this prominent corner site is likely to contrast with surrounding development. Moreover, while the vicinity is generally low rise, it comprises a mix of housing types dating to the 18th, 19th and 20th centuries, which reflects the incremental development and densification of the area over centuries. The recent permission for 291 no. apartments at Temple Hill, nearby to the south of the development site, ref. ABP-303804-19, is a continuation of this process. The area therefore does not currently have a unified character or type of development. I also note that the development will replace a car sales garage, previously used as a tram shed, that was a functional structure, albeit that fragments of older structures may survive at the development site. The visual impacts are generally acceptable on this basis.

10.6.2. Impacts on Residential Amenities General Issues

The development site is surrounded by residential properties at Newtown Villas to the east, Craigmore Gardens and Newtown Avenue to the south and at Maretimo Terrace / Gardens to the north and on the opposite site of Newtown Avenue to the north and west. Potential impacts on each of these locations generally relate to visual impacts, overlooking and overshadowing and impacts at each location are considered separately in the following assessment.

As discussed above, I recommend amendments to the roof terrace at Block B, which I am satisfied will, along with the applicant's analysis and mitigation through design, address the issue of potential noise impacts on residential amenities at this location. I also consider that this element of the development will not result in overlooking of adjacent residential properties, given its location at the centre of Block B with higher elements to the north and south. I am therefore satisfied overall that, subject to the recommended mitigation, there will be no undue impact on residential amenities as a result of the roof terrace at Block B. I consider that, given the additional residential amenity afforded to future residents of the scheme by way of the proposed roof terrace, the retention and managed use of this space is appropriate.

I note at the outset that observer submissions have raised concerns about the adequacy of the Daylight, Sunlight and Overshadowing Study. In particular, the study compares the extent of overshadowing at the existing undeveloped site as a result of the proposed development to that which would result from an indicative massing based on the site specific guidance provided in the LAP. The planning authority queries the use of this model and suggests that a more appropriate comparison would with be the development previously permitted at the site under PL06D.248456. I agree with this view, however I am satisfied that there is adequate information in the submitted daylight, Sunlight and Overshadowing Study to assess the extent of overshadowing from the proposed development with shadow diagrams for several times of the day at the winter and summer solstices and the equinoxes. In addition, the study considers Virtual Sky Component (VSC) values with regard to the BRE guidance and the following standards:

- If the VSC is $\geq 27\%$, conventional window design will usually give reasonable results.
- If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.
- BSC between 15% and 27%, special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight.

The study compares the VSC as a result of the proposed development with an indicative VSC based on the quantum of development that might be achieved at the site based on the guidance provided in the LAP. Again, it would be more useful to compare the current proposal with that permitted under PL06D.248456, or with the original garage/tram buildings. However, given that residential development has already been permitted at the site and that any development at the site will result in increased overshadowing / daylight impacts than at present and with regard to national and regional planning policy to deliver new housing at zoned and serviced accessible urban locations, the submitted analysis is considered a reasonable, albeit limited, guide to shadow impacts and impacts on VSC at adjacent windows. I note that observer submissions refer to an error on p. 15 of the study, whereby the

analysis for March 21st at 16.00 is the same as that for the same date at 14.00. This error is noted; however, the analysis is considered acceptable overall.

10.6.3. Potential visual, overlooking and overshadowing impacts at specific locations may be considered separately as follows.

10.6.4. Newtown Avenue to the South of the Development

There is a row of two storey semi-detached houses with associated front and rear gardens along Newtown Avenue to the south of the site. No. 61 Newtown Avenue immediately adjoins the southern site boundary, and the original site boundary wall remains at this location. The southern elevation of Block B will look towards the adjacent houses on Newtown Avenue. It has a strong visual presence with a sloping metal roof and green walls at the gable end, designed to soften its appearance. The lowest point of the pitched roof of Block B matches the ridge height of no. 61 Newtown Avenue, with an intervening distance of c. 5m between the gable ends of both structures. The existing boundary wall is to be retained with a gravel laneway inside the development boundary providing a pedestrian connection to the central courtyard. The rear garden of no. 61 Newtown Avenue will have a shared boundary with the central courtyard within the development. The front (eastern elevation) of Block B is designed as a continuation of the building line to the south on Newtown Avenue, with a landscaped buffer to a low boundary wall and railing. I am satisfied that the continuation of the existing building line on Newtown Avenue and the presence of the landscaped buffer will result in a smooth transition between the houses on the Newtown Avenue and the eastern side of the proposed development at the street frontage.

I note the planning authority recommendation that unit no. B48 on the 4th floor of Block B should be omitted to reduce the visual impacts of Block B on views from the rear gardens of properties on Newtown Avenue. Section 5.3 of the Design Statement provides an indicative design for Block B with unit no. B48 omitted, indicating a shallower pitched roof and a 3 storey elevation facing the side of no. 61 Newtown Avenue. While I accept the view of the planning authority that vegetation in the rear gardens will not block views of the sloped roof form, as discussed in section 11.7 of the CE report, I consider that the amended roof form achieved by the omission of unit no. B48 would not have a significantly lesser impact on views of Block B from

the rear gardens of Newtown Villas, or indeed on views of Block B in the wider area. As discussed above, I am satisfied with the interface between Block B and the frontage to Newtown Avenue as proposed and I therefore do not recommend the omission of unit no. B48.

The southern elevation of Block B has been designed to obviate direct overlooking with only oblique roof windows present. The western elevation of Block B is also angled to prevent direct overlooking of properties at Newtown Avenue and Craigmore Gardens. I also note section 5.3 of the Design Statement, which considers potential overlooking of the private spaces to the rear of properties on Newtown Avenue, from balconies on the eastern elevation of Block A. It indicates that an intervening distance > 22m is achieved, which is considered acceptable.

The development is not likely to result in any significant additional overshadowing of houses in Newtown Avenue to the immediate south of the development site, and this is confirmed in the shadow analysis. The VSC analysis indicates satisfactory figures (>27%) for all windows tested (points 1-6 at nos. 61 and 63 Newtown Avenue). I am satisfied on this basis the development will not result in any significant adverse daylight or overshadowing impacts at Newtown Avenue.

To conclude, I am satisfied overall that the development will not result in any significant adverse impacts on the properties at Newtown Avenue to the south of the development site by way of visual impacts, overlooking or overshadowing.

10.6.5. Craigmore Gardens

There are single storey residential properties in Craigmore Gardens to the south of the development site and no. 7 Craigmore Gardens immediately adjoins the southern site boundary. The existing southern boundary wall of the development site, which is shared with no. 7 Craigmore Gardens, will be partially retained. There will be an amendment to a portion of existing southern boundary wall reinstating it to a height of +21.380m O.D. between the front building line of no. 7 Craigmore Gardens and the rear boundary of the property. A historic tram shed wall at this boundary, which was recently demolished, is to be reinstated. I note the photograph of the original tram wall, which is included in the submission by the owners of no. 7 Craigmore Gardens, and, while the concerns stated by the owners of that property are noted, I consider that this would be a desirable boundary solution at this location.

Block A will present a 1-2 storey gable to the side of No. 7 Craigmores Gardens. The 3 storey element of Block A is set back at least 5 m from the shared boundary. The development has been designed to step down to the shared boundary and to avoid a monolithic façade with a mix of finishes. The southern elevation of Block A has also been designed to prevent overlooking to the south, as is the case with Block B. Block A is also angled to prevent direct overlooking of adjacent private open spaces. I note that the planning authority recommends a condition restricting access to the 1st floor roof of Block A at this location to maintenance purposes only. I consider that such a condition will further protect residential amenities at this location. I am satisfied on this basis that the development will not result in overlooking of properties in Craigmores Gardens to the south.

Having regard to the relevant CGIs, I consider that, while the development will undoubtedly change the outlook from Craigmores Gardens, including the rear garden of no. 7 Craigmores Gardens, any substantial development of this zoned and serviced site would be visible from Craigmores Gardens (including that previously permitted at the development site under PL06D.248456) and I accept that the subject proposal has been designed to ameliorate visual impacts at this location.

The development is not likely to result in any significant additional overshadowing of houses in Craigmores Gardens to the immediate south of the development site, and this is confirmed in the shadow analysis. The VSC analysis indicates VSC values between 20.36-24.67% for locations at the northern side of no. 7 Craigmores Gardens (points 7-10), i.e., less than 27%. The comparison with the indicative LAP massing finds that all of the points tested have VSC of less than 0.8 times their former value, in accordance with BRE recommendations. This is considered acceptable.

To conclude, I am satisfied overall that the development will not result in any significant adverse impacts on the properties at Craigmores Gardens to the south of the development site by way of visual impacts, overlooking or overshadowing.

10.6.6. Newtown Villas

Newtown Villas is situated to the immediate west of the development site with a historic 6m high wall along the shared boundary. There are several submissions by residents of Newtown Villas which state concerns in relation to impacts on visual amenities, in addition to other general issues.

The western elevation of Block A faces the rear of Newtown Villas, with an intervening distance of c. 9-10 m to the boundary wall. As discussed in section 10.7.4 below in relation to the Newtown Villas ACA, it is considered that the development will not have significant adverse visual impacts on Newtown Villas. Given that the houses in Newtown Villas are single storey, there is no issue of direct overlooking between rear elevations from the upper floors of the proposed development. I note the condition recommended by the planning authority to restrict access to the 1st floor roof area of Block A, which will mitigate any potential impacts on residential amenities associated with such access at this location. I am also satisfied with regard to the cross sections provided in section 5.3 of the Design Statement that the intervening distance and presence of Block A will prevent any direct overlooking of Newtown Villas from balconies on the western elevation of Block B.

The shadow diagrams in the Daylight, Sunlight and Overshadowing Study indicate that there will be some additional shading from the development to the rear of Newtown Villas in the mornings of March and December. In addition, the rear windows in Newtown Villas tested have a proposed VSC less than 27% in almost all instances. The study finds that the VSC results are not less than 0.8 times the indicative former value (based on LAP guidance, as discussed above). VSC levels are likely to be low at present to the rear of Newtown Villas in any case, given the presence of a 6m high wall along the shared boundary. The overshadowing, daylight and sunlight impacts are considered acceptable on this basis.

Several observer submissions state concerns about the presence of the vehicular access and ramp to the basement car park immediately inside the boundary shared with no. 1-6 Newtown Villas. The issue of potential impacts on the shared boundary wall are discussed in section 10.7.2 below. I note that the landscaping scheme includes a pergola over most of the basement ramp, to provide visual screening. Additional noise mitigation measures at this location could be required by condition.

To conclude, I am satisfied overall that the development will not result in any significant adverse impacts on the residential amenities of properties at Newtown Villas to the west of the development site by way of visual impacts, overlooking or overshadowing. The issue of noise impacts associated with the basement access ramp may be addressed by condition.

10.6.7. Maretimo Road and Maretimo Place

There are several observer submissions from residents of Maretimo Road and Maretimo Place to the west of Newtown Villas, on the southern side of Newtown Avenue. Many of the comments raised relate to general impacts on the character of the area, traffic and parking issues, etc. I consider that there is no likelihood of any direct impacts on the residential amenities of properties at this location by way of overlooking, overshadowing or visual impacts given the intervening distance and the presence of Newtown Villas between the area and the development site.

10.6.8. Properties to the East and North on the Opposite Side of Newtown Avenue

Potential impacts on the settings of the protected structures Blackrock House, Newtown House, Seapoint Manor and The Courtyard are discussed in section 10.7.3 below, which concludes that the development will not have any significant adverse impact on the settings of the protected structures such as would warrant a refusal of permission. While I note observer concerns in relation to visual impacts at this location, this conclusion also applies to the other residential properties to the north and east of the site at Newtown Avenue that do not have protected structure status, e.g., Fairhaven, which was the gate lodge of Blackrock House. The northern and eastern elevations of the development have been designed to avoid a monolithic appearance. The development will have a satisfactory interface with Newtown Avenue and will provide an attractive contribution to the public realm at this location. Having regard to the site inspection and my knowledge of the area and to the submitted Design Statement, LVIA and architectural model, I am satisfied overall that the development will not result in significant adverse impacts on residential properties to the north or east of the development, including adjacent residential properties at Seapoint Avenue, on the other side of Newtown Avenue and at Maretimo Gardens East and West.

Newtown House and Blackrock House are set well back from the road behind high walls with little potential for direct impacts by way of overlooking or visual obstruction. Buildings at Fairhaven and within The Courtyard are also set back from the road and/or present a blank gable at the road frontage. I would also note that, while there may be some overlooking to the front facades of properties on the eastern side of Newtown Avenue, (i) the eastern elevation of Block B is angled to prevent direct

overlooking of facades on the eastern side of Newtown Avenue and (ii) a limited degree of overlooking to front facades is inevitable in the context of the redevelopment of this urban site.

The shadow analysis also indicates some additional overshadowing to the north and west in December, including no. 30 Newtown Avenue, Fairhaven and at The Courtyard. Again, this is likely to be the case with any structure at the development site, including the development previously permitted under PL06D.248456. The VSC analysis of residential properties on the northern and eastern sides of Newtown Avenue generally indicates VSC values greater than 27%, with the exception of no. 30 Newtown Avenue to the eastern side of Newtown Avenue, however the VSC values at this location are not less than 8% of the indicative value based on LAP guidance for the development site. The overshadowing, daylight and sunlight impacts are considered acceptable on this basis.

To conclude, I am satisfied overall that the development will not result in any significant adverse impacts on the properties at Newtown Avenue to the north and east of the development by way of visual impacts, overlooking or overshadowing.

10.6.9. Construction Impacts on Residential Amenities

Several nearby residents state concerns in relation to vibration / structural impacts on their properties, particularly during basement construction, including residents of Newtown Villas and residents of the historic buildings to the north and east of the development site, e.g., Fairhaven and The Courtyard. Many observers also state concerns in relation to construction traffic impacts. I note the submitted Preliminary Construction & Environmental Management Plan, which sets out proposals for waste management as well as environmental management including dust suppression. A detailed Construction and Environmental Management Plan may be required by condition. Construction traffic to and from the site is to be subject to a construction traffic management plan, which may also be required by condition.

10.7. **Archaeology and Architectural Heritage Impacts**

- 10.7.1. The archaeological and historic context of the development are described in the Archaeological Impact Assessment and the Design Statement. There are no recorded monuments at the development site, however the eastern part of the site is located within the Zone of Archaeological Potential for Castle- Unclassified (DU023-

008----) that is marked as located on the eastern side of Newtown Avenue. This site is marked as 'Castle Byrn' on a map dating to 1843, at the current location of Seapoint Manor, and is believed to represent a castle described in the Civil Survey (1654-57). The remains of the castle may be buried underground. The development site was also once within the demesne of Maretimo House, an 18th century seaside villa constructed in 1770 and situated on the northern side of Newtown Avenue, which is now demolished. The 6m high stone rubble wall along the western site boundary is identified in the character appraisal for the Newtown Villas ACA carried out by DLRCC as the remaining walls of the former walled garden of Maretimo House.

There are several protected structures nearby to the north and east of the site, on the opposite side of Newtown Avenue, all large, detached houses dating to the 18th and 19th centuries and characteristic of the contemporaneous development of Blackrock:

- Blackrock House (RPS no. 234) and its entrance gateway, dating to c. 1774. Located to the north east of the development site. Blackrock House has an extant gate lodge, 'Fairhaven', which is not a protected structure.
- Newtown House (RPS no. 254) to the south of Blackrock House, dating to c. 1850 with an earlier Georgian building to the rear.
- Seapoint Manor (RPS no. 289) to the east of the development site, at the junction of Newtown Avenue and Seapoint Avenue, dating to 1810. This now includes several individual properties accessed from Newtown Avenue, which are collectively known as 'The Courtyard'.

The original Tramway Depot at the development site was constructed in 1885 with a subsequent later additional depot constructed in 1908. The Newtown Villas ACA to the immediate west of the site comprises single storey cottages that date to c. 1909 and were constructed to accommodate tram workers, along with an entrance from Newtown Avenue.

Several observer submissions state serious concerns about the loss of historical material at the development site; adverse impacts on the setting of Newtown Villas ACA and on the settings of adjacent protected structures. These issues are also

raised in the submission of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. They may be considered separately as follows.

10.7.2. Archaeology and Historic Material at the Development Site

The Archaeological Impact Assessment notes the presence of a building on the eastern part of the development site indicated in the Rocque Dublin City South East 1757 map, which is still present within the development site in a map dating to 1821. The 1st Edition Ordnance Survey map of 1836 depicts two buildings in the southern part of the site, one of which is labelled as 'Dove Ho'. The structure also appears in later maps dating to 1867, 1907 and 1935-38, indicated in later maps as 'Ardmore' and located to the east of the tram depot. It was demolished by the second half of the 20th century. The submission of the Department notes that the footprint of both of the tram depot structures is evident on the site today, as well as the boundary wall which is a remnant of the 18th century Maretimo estate. The Department considers that significant fabric may be retained within the cultural layering of this site, which should inform the appropriate layout and arrangement of the site. The provision of a basement excavation is not supported as it may undermine, destabilise and remove the surviving features of the site. The Department also considers that the location of the dove house noted in earlier historical mapping warrants further assessment in the context of 'Castle Byrn'.

The applicant's Archaeological Impact Assessment finds no structures or features of an archaeological nature within the development site; however, I note that no archaeological investigations or testing were carried out. I accept that the site has archaeological potential as it is located within the Zone of Archaeological Potential for Castle- Unclassified (DU023-008----) and with regard to the site history outlined above, there is a possibility that the development could have an impact on previously unrecorded sub-surface features or deposits of an archaeological nature, and/or on the foundations of the 18th century structures or other historic structures that may be present at the site. The Archaeological Impact Assessment recommends a testing programme at the site in advance of any proposed groundworks, and I recommend that a condition requiring same be imposed if permission is granted. The recommendations of the Department in relation to Archaeological Impact Assessment are also noted in this regard.

The development proposes to retain the stone boundary wall at the western side of the site. The wall is currently supported by steel structures and the planning authority and observers state concerns that the construction of the development, in particular basement construction, may lead to structural issues. The Department also states concerns in relation to this matter and comments that the repair and conservation of the wall require greater consideration in general including overall, assessment and detail to ensure its long term survival and structural integrity where it is encroached upon by new development. The planning authority recommends that the applicant be required to prepare a structural report prior to the commencement of development, which includes appropriate mitigation measures. I note the submitted Preliminary Construction & Environmental Management Plan, which proposes a sequenced methodology of temporary propping of the western boundary wall during construction, as well as measures to strengthen and extend the southern boundary wall. A secant pile wall is to be installed in front of the existing walls during basement construction. The existing walls are also to be monitored during construction works. I consider that further details of the proposed construction methodology can be addressed prior to the commencement of development and I recommend that a detailed structural and construction methodology report is required by condition, along with detailed proposals for the retention of the structural integrity of the wall and to ensure its protection during construction, including specifications to appropriately repair and consolidate the masonry and a methodology for guiding the further removal of the surviving concrete pads above the foundations of the original depot buildings, as recommended by the Department.

10.7.3. Impacts on the Settings of Protected Structures

The adjacent protected structures all stand on substantial plots and are set back from the street. As per the submission of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, the protected structures have distinctive settings and entrances that are associated with their original design and position to Blackrock. The development will be visible from the protected structures and will be visible in various views of them, particularly from the eastern approach along Seapoint Avenue and the southern approach from Temple Road / N31. I therefore consider that there will be impacts on the settings of the protected structures.

The Department states concerns about these impacts, noting the increased height and density of the current proposal compared to that permitted under PL06D.248456, and the contrast with the existing predominantly two storey context. However, as discussed above in relation to building height and residential density, it is essential that a sustainable quantum of development is achieved at this highly accessible location in order to meet regional and national targets for residential development in the Dublin Metropolitan Area. I am satisfied that the development has been designed to provide a respectful transition to adjacent lower development and that it presents a varied profile and has a high quality of design and finish. I also note that the planning authority is satisfied that the development will not have any adverse impacts on the character or settings of Blackrock House and Newtown House given the intervening distances and the siting of the development relative to these properties. I concur with this view. The planning authority has concerns regarding the impact of the southern portion of Block B on The Courtyard (Seapoint Manor) to the east of the application site, due to impacts on views of the structure on the approach from Seapoint Avenue. The planning authority recommends the omission of unit no. B48 on the southern side of Block B to address this issue. As discussed above in relation to general visual impacts, I do not consider that the omission of unit no. B48 would significantly change the overall visual impact of the development and I therefore do not recommend its omission. I also note in this regard that The Courtyard is set back from the street behind a high wall and does not directly face the development.

The Design Statement demonstrates that the development has been designed with careful consideration for its relationship with the protected structures. While the development will undoubtedly change the settings of adjacent protected structures, these impacts must also be considered in the context of the evolving nature of this urban area, particularly given the permission previously granted at the development site under PL06D.248456 and, indeed, the functional nature of the structures that previously occupied the site. The impacts are considered acceptable given the high quality of the design and finish of the development and with regard to national and regional planning policy objectives to achieve high density residential development in urban areas. While I note the concerns of the planning authority in relation to the southern portion of Block B, I consider that the development will be visible in the

wider area and that it will not have any particular adverse impact on the settings of these protected structures in views from Seapoint Avenue. I therefore conclude that the development would not have any significant undue adverse impacts on the settings of adjacent protected structures such as would warrant a refusal of permission.

10.7.4. Heritage Impacts on Newtown Villas ACA

The character appraisal for the Newtown Villas ACA carried out by DLRCC notes that there are no protected structures within the ACA. The ACA appraisal defines the special character of Newtown Villas as attributed to natural features and layout; socio-economic functions; building types and materials; quality and treatment of open spaces. The appraisal states in relation to layout:

The houses are single-storey and are arranged as two rows of equal length facing one another. No house is located to the end of the street space. The houses are seen obliquely rather than frontally, and this reinforces their picturesque qualities. The picturesque street view from Newtown Avenue is framed by two large brick piers set into the stone perimeter wall. A common access lane exists to the rear of the houses and they address themselves mainly to the street. The access lane is reached on either side of the street by a gated entrance in a gap between the northernmost houses and the perimeter wall.

The layout and design of Newtown Villas result in an architectural set piece, which is mostly visible from within the ACA. The appraisal identifies the following as the most significant views in the ACA:

- View 1: into Newtown Villas from Newtown Avenue looking from north to south.
- View 2: from Newtown Villas north towards Newtown Avenue.

The development will not impinge on either of these views and, given the relative setback and with regard to the LVIA and to the relevant CGIs, I consider that it will have limited visibility from within the ACA. The development will undoubtedly change the context of Newtown Villas in views from Newtown Avenue. However, given that the ACA already has a mixed setting, that there were functional buildings on the site previously and that a new residential development has already been permitted at the development site under PL06D.248456, I do not consider that the current proposal would have any undue adverse impacts on the ACA such as would warrant a refusal

of permission. Indeed, I consider that the current proposal provides a more considered setting for the ACA with regard to design, finishes and massing that that already permitted at the development site.

10.8. Roads and Traffic/Transport Impacts

- 10.8.1. The site has a highly accessible location, c. 400m from the centre of Blackrock Village, 650m walking distance from Blackrock Dart Station to the west and c. 400m from Seapoint Dart Station to the east. There are several bus routes along Newtown Avenue and the N31/Temple Hill and a finalised Bus Connects spine route along the N31. In terms of roads infrastructure, the site is within the 50 kph zone, adjacent to the signalised junction of Newtown Avenue and Seapoint Avenue. Newtown Avenue is one way north bound at the development site, with footpaths and cycle lanes on both sides. There is also an on-street advisory cycle lane for north/westbound cyclists and a contra-flow dedicated off street cycle lane for south/eastbound cyclists at the site frontage to Newtown Avenue. Newtown Avenue meets the N31/Temple Hill at a signalised junction to the south of the site.
- 10.8.2. I note observers' comments regarding a potential traffic hazard on Newtown Avenue due to the interaction of traffic generated by the development with existing pedestrian, vehicular cycle and bus traffic at this location, also concerns stated about the loss of on street parking to facilitate the proposed vehicular access. The development has one vehicular access at the north western corner of the site, which serves a ramp leading to the basement car park. The applicant's Transportation Assessment states that a speed survey was undertaken on Newtown Avenue to determine the 85th percentile design speed. The results show a design speed of 37 kph. As Newtown Avenue is one-way, a sightline of 2.4m X distance by 33m Y Distance is provided to the right hand side, on exit to the one way street. This provision is in accordance with a 40 kph design speed as per DMURS Table 4.2 and is satisfactory. The detailed design of the junction and basement ramp provide for pedestrian and cycle access and are compatible with existing pedestrian and cycle infrastructure, including tactile paving and dropped kerbs. The basement access ramp also includes a cycle route. The layout indicates a loading bay at the northern site frontage to Newtown Avenue, to facilitate deliveries and refuse collection. A Stage 1 Road Safety Audit is submitted with the Transportation Assessment, which

does not identify any safety issues. This design and layout are generally acceptable, and I note that DLRCC Transportation Planning Section comment dated 11th December 2020 states satisfaction with the layout subject to agreement with DLRCC Traffic Section and Parking Control regarding signage and road marking layout for Newtown Avenue, as well as other requirements which may be addressed by condition. The layout does involve the removal of some existing on-street parking on Newtown Avenue; however, I note that the development will contribute to the public realm at this location with a public open space, also that DLRCC Transportation Planning states no objection, and that the development is at a highly accessible location.

10.8.3. The Transportation Assessment outlines projected traffic impacts based on a traffic survey undertaken at the following road junctions:

- Junction 1 Blackrock Main Street / Temple Road / Carysfort Avenue signalised junction
- Junction 2 Newtown Avenue / Seapoint Avenue (N31) signalised junction

The survey was undertaken during AM and PM peaks on Thursday September 12th, 2019 and is considered a reasonable representation of weekday traffic patterns in the area. The survey indicates that Newtown Avenue carries a weekday 8-9 AM peak hour traffic flow of ~343 Passenger Car Units (PCUs) and a weekday 5-6 PM peak hour traffic flow of ~130 PCUs. According to the Transportation Assessment, these are considered very low traffic volumes, given that Newtown Avenue has a link-capacity of approximately 1,000-1,400 PCUs per-lane per-direction. I note observer concerns that the Transportation Assessment does not reflect recent changes to the roads layout of the area. However, a validation traffic survey undertaken in October 2020 in order to ensure that the subsequent road and traffic regulation changes to Seapoint Avenue with the addition of cycle lanes did not adversely affect flows, found that Newtown Avenue now carries a weekday 8-9 AM peak hour traffic flow of ~281 PCUs and a Weekday 5-6PM Peak Hour Traffic Flow of ~101 PCUs, i.e., lower than the previous survey, albeit during some Covid restrictions. The projected traffic rates were produced using the TRICS database trip rates for residential apartment development and TII travel demand projections, for an opening year of 2022 and a design year of 2037. The TII Traffic and Transport

Assessment Guidelines specify a 5% threshold for networks that are considered heavily trafficked or congested, above which furthermore detailed modelling and assessment are required. The projected increases were well below this threshold at of ~3% and are assessed as 'imperceptible' in the Transport Assessment. The PICADY assessment of the development access also indicates maximum RFC values well below the 0.85 optimum RFC value for the opening year 2022 and design year 2037, therefore no queuing is anticipated. These conclusions are accepted, and I am satisfied that the development will not result in any significant adverse traffic impacts at local junctions.

10.8.4. The development provides for 73 no. car parking spaces, all at basement level, a parking ratio of 0.72 spaces per unit. This provision includes residents' spaces, visitor spaces and mobility impaired spaces. There are to be 2 no. dedicated car sharing spaces and a letter from Go Car is included with the Transport Assessment. 10 of the spaces are currently proposed as EV charging spaces, with the remainder designed to allow for future provision of electric charging points. The parking is to be managed as per the Preliminary Residential Travel Plan submitted with the Transport Assessment. The proposed car parking provision is considered unacceptable by DLRCC Transportation Planning Section, which recommends a provision of 1 space per residential unit, a total of 101 no. spaces to serve the development. As discussed in section 10.4 above in relation to residential density, I consider that this is a 'Central and/or Accessible' location in the context of the Apartment Guidelines. It is consistent with the description of such locations as outlined in section 4.20 of the Guidelines in relation to car parking, due to its close proximity to bus and Dart services and adjacency to employment at Blackrock. The default policy is to minimise car parking provision at such locations. The proposed car parking provision is considered acceptable with regard to this policy guidance, also given the proximity of pedestrian and cycle infrastructure.

10.8.5. The development provides 194 no. cycle parking spaces at basement level and 50 no. cycle parking stands at surface level, a total provision of 244 no. spaces. A total of 120 no. cycle parking spaces are required to comply with DLRCC cycle policy and a total of 209 no. spaces would be required to comply with the standards set out in section 4.17 of the Apartment Guidelines. The proposed cycle parking provision therefore exceeds these standards. I note the comments of DLRCC Transportation

Planning Section in relation to the provision of stacked cycle parking stands in the basement and I recommend that a condition be imposed requiring an acceptable design for basement and surface cycle parking.

10.8.6. On this basis, I consider that the development achieves satisfactory car and cycle parking provision and vehicular, cycle and pedestrian connectivity and will enhance vehicular and pedestrian permeability with the wider area. Having regard to the above assessment, I am satisfied that the development will not result in undue adverse traffic impacts such as would warrant a refusal of permission and that any outstanding issues may be dealt with by condition.

10.9. **Drainage, Flood Risk and Site Services**

10.9.1. The development is to connect to the existing combined sewer at Newtown Avenue. It is proposed to keep the foul and surface water networks separate within the site area and to connect to the public system with a non-return valve fitted to prevent surcharging of the network. The development will also connect to the public watermain on Newtown Avenue. I note the correspondence on file from Irish Water, which states that the proposed connections to the IW network can be facilitated.

10.9.2. Surface water from the site currently drains to the public combined network at Newtown Avenue and Maretimo Terrace. The proposed surface water drainage strategy includes green roof areas to increase interception and treatment, with an attenuation tank to provide storage for outfall in storm events, which will pump to the outlet level with a non-return valve. The surface water network will be fitted with non-return valves on the exit of the basement pipes, to prevent water surcharging and entering the pipes and the basement. Other proposed SUDS measures comprise bioretention, and permeable paving to the public open space over the basement. The site is unsuitable for soakaway installation due to the presence of compacted clay soils. Drainage calculations are provided. I note that there are discrepancies in the submitted documentation, some of which refers to a 20% climate change allowance, but with other references to a 30% climate change factor. The site is currently covered in hardstanding and, due to the SUDS measures, the development will reduce the overall surface water runoff. I also note discrepancies regarding the stated discharge rate, which is however generally referred to as 2.62 l/s.

10.9.3. I note the comments of DLRCC Drainage Planning Section, dated 28th January 2021, which raise several issues in relation to the proposed surface water drainage design. The issue of limited green roof extent is discussed in principle in section 10.5.5 above, however there are also concerns about the design and maintenance of green roof areas and the capacity of green roofs to adequately cater for run-off from adjacent pitched roofs. Aside from this, the issues raised relate to the proposal of an offline surface water system to avoid pumping surface water to the public system, due to ongoing risks associated with pumping, also the applicant's proposal for both a pumped system at the allowable discharge rate as well as a flow control device, with concerns as to how this system would operate and a general lack of detail and discrepancies in drainage calculations and ongoing maintenance. However, the Drainage Planning Section does conclude that the overall flow restriction of 2.62 l/s and total attenuation storage volume of 374 cu.m. are acceptable, and recommends conditions requiring the applicant to address the issues raised prior to the commencement of development. While I accept that it would be preferable to fully address such issues prior to lodging the application, I consider that the outstanding issues may be resolved by condition in this instance.

10.9.4. A Site Specific Flood Risk Assessment (SSFRA) is submitted, dated November 2020. The nearest watercourse is the Carysfort-Maretimo Stream, c. 100m west of the site. There is no hydrological pathway between the site and the Carysfort-Maretimo stream and no surface water run-off will discharge to the stream. Development Plan Appendix 13 Strategic Flood Risk Assessment (SFRA) identifies that the development site is located in Flood Zone C, well outside flood zones associated with the Carysfort-Maretimo stream as per CFRAMS maps, with a low probability of flooding. There is no history of flooding in the vicinity of the site with regard to OPW records and no significant risk of coastal, fluvial or ground water flooding is identified. There is a medium risk of pluvial flooding due to the potential surcharging or blockage of the proposed surface water drainage system. The overall volume of surface water discharging to the public network will be reduced while the maximum flow rate will also be regulated. The system is designed to accommodate the rainfall volume of an up to 1 in 100 year storm event, however there is a residual risk that the receiving public sewers may be surcharged where such a storm event coincides with a high tide. The SSFRA states that the high tide event is short term (3

hour duration), and therefore the attenuated storage volume is adequate to prevent pluvial flooding at the development site or on an adjacent site. There are also risks associated with a blockage in the surface water network. In such instances, rainfall will discharge through pressure release points to the podium and ground level landscaping. The thresholds of the apartment buildings will be a minimum of 150mm above the podium slab level to make sure there is no overtopping of surface water into the apartment buildings. Concrete upstands will be constructed to contain soil and direct water flow. The landscaping and building threshold up-stands will direct flood waters away from the building footprint and the centre of the site. In addition, the development site is c. 200mm higher than the surrounding land, which will largely mitigate against the risk of off-site overland flow routes towards the site. The levels of Newtown Avenue and Maretimo Terrace indicate a fall from east to west at road level which will direct water away from the site to the west. The footpath is raised from the road level which, with the curb, will prevent flood water re-entering the site. I note that the SSFRA is accepted by DLRCC Drainage Planning Section and I agree with this conclusion.

10.10. Other Issues

10.10.1. Childcare Provision

The development does not include any childcare provision. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms.

The development includes 51 no. 1 bed units and 42 no. 2 bed units, i.e., 92% of the entire scheme, and therefore is likely to generate limited demand for childcare facilities with regard to the guidance provided in section 4.7 of the Apartment Guidelines. The applicant's Creche Demand and Needs Assessment provides details of existing childcare facilities available in the area such that there is capacity

to cater for childcare demand generated by the development. This finding is questioned by the planning authority, which also notes current uncertainty in the childcare sector due to the Covid 19 pandemic. In addition, observer submissions state that childcare facilities in the area are under strain. However, I consider that, given the limited size of the development and with regard to the unit mix, it is unlikely to generate a substantial demand for childcare places. In addition, the applicant submits that a site specific creche to meet the limited childcare demand would not be commercially viable. This point is accepted, and, on this basis, the lack of a childcare facility is considered acceptable in this instance.

10.10.2. Part V

The applicant proposes to transfer 10 no. units at the site to Dun Laoghaire Rathdown County Council in order to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). A site layout plan indicating the units to be transferred is submitted, along with costings. All of the units to be transferred are located on ground and first floor level at the northern end of Block A. I note the comments of observers that these units may suffer from noise impacts associated with proximity to the basement access ramp, however, I recommend a condition requiring noise mitigation measures at this location. I note the report on file of DLRCC Housing Department, dated 7th January 2021, which states agreement in principle to this proposal. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

10.10.3. Bat Impacts

The Bat Assessment is based on surveys carried out at the development site on the 18th to 19th August 2020, during daylight and nighttime, including the existing site boundary wall and the sycamore tree. No bat species were observed roosting at the site and there was no evidence of former roosting within the wall or tree. Two bat species were observed feeding within the site, Leisler's bat *Nyctalus leisleri* and Common Pipistrelle *Pipistrellus pipistrellus*. The assessment considers aspects of the development that may potentially impact bats comprising works to the boundary wall, lighting and removal of vegetation. None are considered to have any significant adverse impacts on bats, subject to proposed mitigation measures. The existing walls and the tree have very low bat roost potential. The development is to

incorporate 3 no. bat boxes, which will provide bat roost opportunities. No significant residual impacts on bats are identified. These conclusions are accepted.

10.11. Planning Assessment Conclusion

- 10.11.1. Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

11.0 EIA Screening

11.1. The application was submitted after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

11.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

Construction of more than 500 dwelling units

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.

(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

The development involves 101 no. residential units on an overall site with a stated area of 0.49 ha. It is therefore considered that it does not fall within the above classes of development and does not require mandatory EIA.

11.3. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. The applicant submitted an EIA Screening Report including the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the

- Characteristics of Proposed Development
- Location of Proposed Development
- Types and Characteristics of Potential Impacts

11.4. I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7A information and other information which accompanied the application including, inter alia, Appropriate Assessment Screening, and I have therefore completed a screening assessment as set out in Appendix 1. I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

11.5. The conclusion of this assessment is as follows:

Having regard to

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned to 'A' to protect and improve residential amenity' in the Dun Laoghaire County Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan;
- (c) the location and context of the site;
- (d) The existing use on the site and pattern of development in surrounding area;
- (e) The planning history relating to the site
- (f) The availability of mains water and wastewater services to serve the proposed development,
- (g) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- (h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),

(i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan

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

12.0 Appropriate Assessment Screening

12.1. AA Introduction

12.1.1. This assessment is based on the submitted AA Screening Report, prepared by Openfield Ecological Services, dated November 2020. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

12.2. The Project and Its Characteristics

12.2.1. See the detailed description of the proposed development in section 3.0 above.

12.3. The European Sites Likely to be Affected - Stage I Screening

12.3.1. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

12.3.2. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

12.3.3. I note that the following Natura 2000 sites were examined in the submitted AA Screening Report, but found not to lie within the zone of influence of the project, with regard to their Conservation Objectives:

- Baldoyle Bay SAC (0199)
- Baldoyle Bay SPA (4106)
- Howth Head SAC (0202)
- Howth Head Coast SPA (4133)
- Rockabill to Dalkey SAC (0300)
- Dalkey Islands SPA (4172)
- Ireland's Eye SAC (2193)
- Ireland's Eye SPA (4117)
- Knocksink Wood SAC (0725)
- Ballyman Glen SAC (0713)
- Wicklow Mountains SAC (2122)
- Wicklow Mountains SPA (4040)
- Bray Head SAC (0714)

As these sites lie a sufficient distance from the site and without hydrological links, it can be concluded that they will not be impacted by the development and I have therefore excluded them from the remainder of this AA screening.

12.3.4. Having regard to the potential zone of influence and the submitted AA Screening Report, the following Natura 2000 sites are identified as lying within the potential zone of influence of the development due to their proximity and hydrological links via the water and sewer network from the development site.

Site (site code)	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest
North Dublin Bay SAC (0000206)	6.5 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</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 (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
North Bull Island SPA (004006)	6.5 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as</p>

		<p>Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
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South Dublin Bay and Tolka Estuary SPA (4024)	160m	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
South Dublin Bay SAC (000210)	160m	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the</p>

		<p>following Annex I habitats, as defined by specific attributes and targets:</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>Embryonic shifting dunes [2110]</p>
Poulaphouca Reservoir SPA (0004063)	25 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p>

12.3.10. Potential Effects on Designated Sites

There is no direct surface water pathway to Natura 2000 sites at Dublin Bay. The development site is approximately 160m from the boundary of the South Dublin Bay and River Tolka estuary SPA and the South Dublin Bay SAC as the crow flies. The intervening land in each case is occupied by artificial/highly modified habitats. Because of the distance separating the development site and these Natura 2000 sites there is no pathway for loss or disturbance of habitats listed above or other semi-natural habitats that may act as ecological corridors for important species associated with the qualifying interests of the Natura 2000 sites.

The development cannot increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas. There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location. There is no evidence to suggest that the proposed increase in building heights will have the potential to adversely impact species associated with Natura 2000 sites.

Habitats on the site are not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the South Dublin Bay and River Tolka Estuary SPA. No ex-situ impacts can occur.

No significant effects will occur to the SACs or SPAs from surface water leaving the site during operation, and as a result of the distance and temporary nature of works, no significant effects to the SACs or SPAs will occur during construction. Pollution sources will be controlled through the use of best practice site management. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. These practices are not designed or intended specifically to mitigate any putative potential effect on a Natura 2000 site.

On the basis of the findings above, the information submitted with the application and the temporary nature of construction works, I consider that there is no likelihood of loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs as a result of construction works on the site.

During the occupation stage, there is a hydrological pathway through the foul sewers from the site to Dublin Bay via the Ringsend WWTP. Water quality is not listed as a conservation objective of the SPAs or SACs and there is no evidence that poor water quality is negatively affecting the conservation objectives of the SPAs/SACs. The development will increase loadings to the Ringswater WWTP. This increase will be relatively small compared to overall capacity and therefore the impact of this project is considered to not be significant.

I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

12.4. In Combination or Cumulative Effects

- 12.4.1. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a

cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.

- 12.4.2. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the Dun Laoghaire Rathdown County Development Plan 2016-2022 covering the location of the application site. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small residential development providing for 101 residential units on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to AA Screening. Similarly, I note the planning authority raised no AA concerns in relation to the proposed development.
- 12.4.3. The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

12.5. AA Screening Conclusion

- 12.5.1. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant

effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.5.2. 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.

13.0 Conclusion and Recommendation

13.1. The development is considered to be compatible with the 'A' residential zoning objective that applies at the subject site. It will deliver a high quality residential development at a serviced site that is located at a central/accessible location on a public transport corridor. While the increased height contrasts with surrounding development, the proposal represents a reasonable response to its context and is stepped down at site boundaries to reduce impacts on adjacent properties including Newtown Villas ACA. The overall layout includes good quality amenity space and provides opportunities for an enhanced public realm at this location. The development is a satisfactory response to the conservation issues that arise in relation to the site context adjoining Newtown Villas ACA and the adjacent protected structures Blackrock House (RPS no. 234), Newtown House (RPS no. 254) and Seapoint Manor (RPS no. 289). I am satisfied that the development will not result in significant adverse impacts on residential amenities such as would warrant a refusal of permission. The design and quality of residential accommodation provided is of a high standard and is satisfactory. I am satisfied that the development will not result in a traffic hazard or in undue adverse traffic impacts. Drainage, access and parking arrangements are acceptable subject to conditions. I am satisfied that the development will not be at risk of flooding and will not increase the risk of flooding elsewhere.

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

14.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dun Laoghaire Rathdown 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 11th December 2020 by Doyle Kent Planning Partnership Ltd. on behalf of Seabren Developments Ltd.

Proposed Development:

Permission for a strategic housing development at the former Europa Garage Site, Newtown Avenue, Blackrock, Co. Dublin

The development will consist of 101 no. apartments and all associated site works.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) the location of the site in the established urban area of Blackrock in an area zoned A 'To protect and/or improve residential amenity';
- (b) the policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018 and particularly Specific Planning Policy Requirement 7 and 8;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013
- (h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history of the site and within the area;
- (l) The submissions and observations received;
- (m) The Chief Executive Report from the Planning Authority; and
- (n) The report of the Inspector,

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plan for the area, a grant of permission could materially contravene the Dun Laoghaire Rathdown County Development Plan 2016-2022 in relation to building height, housing mix, public open space and green roof provision and objective ES7 of the Blackrock Local Area Plan 2015-2021 in relation to the removal of the existing sycamore tree at the development site. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the County Development Plan and Local Area Plan would be justified for the following reasons and considerations.

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000 (as amended):

There are conflicting objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022 in relation to the provision of green roof area, as required by Appendix 16 of the development plan. In the case of the development site, the required quantum of green roof area is not compatible with achieving the optimum residential density for this zoned and serviced site, located at a central/accessible location on a public transport corridor, in view of development plan policies RES3 and RES4, which seek to achieve higher residential densities in existing built-up areas.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000 (as amended):

Permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically:

- In relation to the matter of building height, SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2 of the Guidelines, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the development conforms with the development management criteria in section 3.2 of the Urban Development and Building Height Guidelines.
- In relation to the matter of housing mix, SPPR 1 of the Design Standards for New Apartments Guidelines for Planning Authorities. An assessment of the proposed development was carried out to determine that the development conforms with the requirements of SPPR 1.
- In relation to the matter of public open space provision, Appendix 1 of the Design Standards for New Apartments Guidelines for Planning Authorities. An assessment of the proposed development was carried out to determine that the

proposed development conforms with the requirements of Appendix 1 in relation to communal amenity space.

In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000 (as amended):

Permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan, specially PL06D.248456, which permitted the removal of the existing sycamore tree at the development site on 19th October 2017, subsequent to the adoption of the Blackrock Local Area Plan 2015-2021.

Conditions

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

Reason: In the interest of clarity.

2. The applicant shall submit the following particulars to the planning authority for agreement in writing prior to the commencement of development:
 - (a) Proposals for noise mitigation measures at the access ramp to the basement car park.
 - (b) A detailed structural report and construction methodology report relating to the treatment of historic material and boundary walls at the development site, including detailed proposals for the retention of the structural integrity of the

boundary walls and to ensure their protection during construction, also specifications to appropriately repair and consolidate the masonry and a methodology for guiding the further removal of the surviving concrete pads above the foundations of the original depot buildings. The report shall be prepared and approved by a competent engineer and a Conservation Architect.

Reason: In the interests of residential amenities and in order to ensure the preservation of historic material at the development site.

3. The mitigation measures outlined in the Bat Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment.

4. The following requirements in terms of traffic, transportation and mobility shall be incorporated, and where required revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:
 - (a) The roads and traffic arrangements serving the site, including signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (b) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
 - (c) All works to public roads/footpaths shall be completed to the satisfaction of the planning authority.
 - (d) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.
 - (e) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.

- (f) The design, layout, marking demarcation and security provisions for the cycle parking provision at basement and ground levels shall be in accordance with the detailed requirements of the planning authority.
- (g) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.
- (h) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.
- (i) The applicant shall submit a Mobility Management Plan and details of car parking design, layout and management to the planning authority for agreement in writing prior to the commencement of development.
- (j) The applicant shall liaise with DLRCC Traffic Section in order to attain the required specification, permits and process to complete the proposed changes to road markings on Newtown Avenue.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

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

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

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

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

Reason: In the interest of visual amenity.

7. Prior to commencement of the development, details of all areas of boundary treatment, green walls, play equipment and roof terrace planting, shall be submitted to, and approved, by the planning authority. Boundaries and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscaping shall include a suitable replacement for the existing Sycamore tree at the development site, which shall be agreed in writing with the planning authority prior to the commencement of development. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes. Units nos. A10, A11, A12, A13, A14 and A02 shall have direct access to the adjoining area of communal amenity space to the west of Block A.

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

8. Access to the roof area at first floor level of Block A shall be restricted to maintenance purposes only. Glazed screens to a height of 2m shall be provided on the eastern and western sides of the roof terrace at Block B. Access to the

roof terrace at Block B shall be restricted to residents of the scheme between the hours of 7 am and 10 pm Monday to Sunday.

Reason: In the interests of residential amenities.

9. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation. The schedule shall include specific provision for the green wall on Block B.

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

10.

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

(b) Prior to the commencement of the development, details shall be submitted and approved by the Planning Authority of the surface drainage system, flow control device and green roofs, to the satisfaction of the Planning Authority.

(c) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

11. The developer shall enter into water and waste water connection agreements

with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) Location of areas for construction site offices and staff facilities,
 - (c) Details of site security fencing and hoardings,
 - (d) Details of on-site car parking facilities for site workers during the course of construction,
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
 - (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
 - (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
 - (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains,

(l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and 0800 to 1400 Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of sustainable waste management.

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the

planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

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

19. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Strategy, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

20. Proposals for a development name and block numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

21. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider.

Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

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

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

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

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

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

Sarah Moran

Senior Planning Inspector

31st March 2021