



An  
Bord  
Pleanála

## Inspector's Report ABP-308958-20

### Strategic Housing Development

Alterations to permitted residential development comprising demolition of an existing house and outbuildings, construction of 243 no. apartments, 98 no. houses, childcare facility, and associated site works, as granted under ABP-302580-18.

### Location

Glencairn, Murphystown Way, Dublin 18

### Planning Authority

Dun Laoghaire Rathdown County Council

### Applicant

Castdale Limited

### Type of Application

Section 146B

### Prescribed Bodies

None on file

**Observer(s)**

None on file

**Site Inspection**

29<sup>th</sup> October 2021

**Inspector**

Sarah Moran

## Contents

1.0 Introduction.....	4
2.0 Site Location and Description .....	5
3.0 Legislation .....	6
4.0 Policy Context.....	8
5.0 Planning History.....	15
6.0 Requested Alterations .....	20
7.0 Submission from Planning Authority .....	24
8.0 Assessment.....	24
9.0 Environmental Impact Assessment Screening .....	40
10.0 Appropriate Assessment .....	45
11.0 Recommendation .....	46

## Appendix I EIA Screening Form

## 1.0 Introduction

- 1.1. An Bord Pleanála received a request for alterations to a previously permitted development (reference ABP-302580-18) on 18<sup>th</sup> December 2020, from John Spain Associates on behalf of Castdale Limited to alter the permission granted for demolition of an existing house and outbuildings, construction of 243 no. apartments, 98 no. houses, childcare facility and associated site works on lands at Glencairn, Murphystown Way, Dublin 18. The request for alterations is made under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. In accordance with Section 146B (2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requestor to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional drawings to be submitted.
- 1.4. Following the receipt of this information and display period up to 24<sup>th</sup> June 2021, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
  - (I) make the alteration,
  - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
  - (III) refuse to make the alteration

## 2.0 Site Location and Description

- 2.1.1. The overall development site (9.59 ha) was originally within the grounds of Glencairn House, the residence of the British Ambassador, a 19<sup>th</sup> century protected structure (RPS no. 1643) with associated landscaped grounds, gate lodge, boundary walls and portal gateway, located at Murphystown Way in Leopardstown, Dublin 18. The site also contains the ruined Murphystown Castle (Recorded Monument RMP 023-25), which is situated to the south east of the access from Murphystown Way. The site is adjacent to the Glencairn Luas stop on Murphystown Way. It is bound by the M50 and the Luas Green Line to the north and northeast, by Murphystown Way and the Luas line to the west, by the remaining grounds of Glencairn and by existing established residential estates to the south and by further existing residential development to the east. The residential estates to the south and east of the development site are generally characterised by two storey low density development. There is a pedestrian/cycle route to the south of the site, which connects the residential areas to the south and east with Murphystown Way and the Glencairn Luas stop.
- 2.1.2. The grounds of Glencairn House have now been subdivided and the development permitted under ABP-302580-18 is under construction such that the red line site boundary now contains a new vehicular access from Murphystown Way and development access road, along with the retained site boundaries, mature trees and wooded areas associated with the original demesne. The stone archway marking the entrance to Glencairn House has been relocated from Murphystown Avenue and a new access road to the British Ambassador's Residence has been constructed. The ruins of Murphystown Castle have been conserved and now form the centrepiece of a landscaped area of public open space within the development. The permitted development is now partially complete, with the apartment blocks in the north western part of the site well underway. Ground works, road works, infrastructural works, tree protection and resolution of site boundaries have been carried out on the rest of the site.

### 3.0 Legislation

3.1. Section 146B – 146B(1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2) (a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

3.2. Alteration a material alteration –

Section 146B(3)(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall—

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to—

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change

to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(4) Before making a determination under *subsection (3)(b)(ii)*, the Board shall determine whether the extent and character of—

(a) the alteration requested under *subsection (1)*, and

(b) any alternative alteration it is considering under *subsection (3)(b)(ii)(II)*

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

(5) If the Board determines that the making of either kind of alteration referred to in *subsection (3)(b)(ii)*—

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under *subsection (3)(b)(ii)*, or

(b) is likely to have such effects, the provisions of *section 146C* shall apply.

(8) (a) Before making a determination under *subsection (3)(b)(ii)* or (4), the Board shall—

(i) make, or require the person who made the request concerned under *subsection (1)* to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

Section 146(C)

146C.— (1) This section applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in F477[section 146B(3)(b)(ii)] is likely to have significant effects on the environment.

## 4.0 **Policy Context**

### 4.1. **Section 28 Ministerial Guidelines**

4.1.1. Having considered the nature and extent of the proposal, the receiving environment, and the documentation on file, I consider that the directly relevant section 28 Ministerial Guidelines are:

- 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 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.
- Urban Development and Building Heights Guidelines for Planning Authorities
- Architectural Heritage Guidelines for Planning Authorities
- Childcare Facilities Guidelines for Planning Authorities

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.



## 4.2. Dún Laoghaire-Rathdown County Development Plan 2016-2022

- 4.2.1. Most of the site is zoned Objective A 'To protect and/or improve residential amenity'. Lands at the northern end of the site abutting the M50 are zoned Objective F 'To preserve and provide for open space with ancillary active recreational amenities'. Glencairn House is a protected structure (RPS no. 1643). The structures included on the RPS include the house, gate lodge, outbuildings and conservatory, entrance railings, piers, archway, and gates, of which the gate lodge, entrance railings, piers, archway and gates were within the development site. Murphystown Castle is Recorded Monument RMP 023-25 identified as a Castle – Tower House. There is an objective to protect and preserve trees and woodlands adjacent to Glencairn House and on the northern boundary of the site adjacent to the M50 motorway. Specific Local Objective identified on Map 6 provides for an objective to prepare a LAP for Ballyogan and Environs, which has now been adopted (see below).
- 4.2.2. The following development plan policies and objectives are noted in particular:

### 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

- Sustainable Residential Development in Urban Areas
- Urban Design Manual – A Best Practice Guide
- Quality Housing for Sustainable Communities
- Irish Design Manual for Urban Roads and Streets
- National Climate Change Adaptation Framework – Building Resilience to Climate Change

### 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.

#### Policy RES14 Planning for Communities

It is Council policy to plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide'. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

#### Policy UD1: Urban Design Principles

It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

#### Policy UD6: Building Height Strategy

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County. The principles are set out in Appendix 9 of the County Development Plan.

#### Policy SIC11: Childcare Facilities

It is Council policy to encourage the provision of affordable and appropriate childcare facilities as an integral part of proposals for new residential developments and to

improve/expand existing childcare facilities across the County. In general at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. The Council will encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage...

Where a new residential development is proposed – with 75+ dwellings (or as otherwise required by the Planning Authority) – one childcare facility shall be provided on site in accordance with Sections 2.4, 3.3.1 and Appendix 2 of the ‘Childcare Facilities Guidelines for Planning Authorities’ (2001). The provision of childcare facilities within new, and indeed existing, residential areas shall have regard to the geographical distribution and capacity of established childcare facilities in the locale and the emerging demographic profile of the area.

#### 4.3. **Ballyogan & Environs Local Area Plan 2019 – 2025**

4.3.1. The Ballyogan and Environs LAP was adopted on 1<sup>st</sup> July 2019, subsequent to the granting of ABP-302580-18 on 19<sup>th</sup> December 2018 and therefore does not directly apply to the subject requested alterations. However, relevant provisions are noted here for the sake of completeness.

4.3.2. The development site is within an area designated as the ‘Glencairn Quarter’ under the LAP, which also includes the remaining grounds of Glencairn and adjacent residential areas to the south and east, as well as lands to the north of the Luas Green Line. The following Vision Statement relates to the Glencairn Quarter:

*The Plan will encourage and support the further development of Leopardstown Valley in its role as a Neighbourhood Centre, will integrate the proposed secondary school at Mimosa Levmoos, and will facilitate the comprehensive and sustainable development of the zoned residential lands at Glencairn North. New and improved links from this Neighbourhood to lands across the M50 at Leopardstown and Sandyford are key.*

The development site is within an area identified as ‘1. Glencairn North’ within the Glencairn Quarter as per LAP Figure 1.5 – Quarters and Neighbourhoods.

4.3.3. LAP Table 5.4 – Target Residential Densities identifies a target density of 65 units/ha for Glencairn North, with the rationale ‘Close to high quality public transport and to Sandyford Business District’.

The following LAP policies apply:

Policy BELAP RES1 – Density General

To achieve residential densities within the BELAP area sufficient to generate a critical mass of population to support and sustain commercial and community services and quality public transport infrastructure. Higher densities of population should be focused on services and not transport corridors alone.

Policy BELAP RES2 – Density by Neighbourhood

Any residential scheme within each of the Neighbourhoods shall as a general rule have a target net density as set out in Table 5.4, subject to the provisions of any Site Development Frameworks, where applicable. Within the site boundary, any major and local distributor roads; primary schools, churches, local shopping etc.; open spaces serving a wider area; and significant landscape buffer strips shall be deducted from gross site area to give a figure for net site area.

4.3.4. Table 5.5 – Building Heights states the following in relation to Glencairn North:

*The relationship to the M50 corridor and the site's size and topography give capacity for height, subject to consideration of protected structures.*

The following LAP policies apply:

Policy BELAP RES3 – Building Height by Neighbourhood

The building heights of residential schemes shall be informed by the considerations set out in Table 5.5, unless otherwise indicated by the detailed provisions of any Site Development Frameworks, where applicable, and subject to Policy BELAP RES4 below.

Policy BELAP RES4 – Locations for Higher Buildings

The locations identified as 'RES4' in Glencairn North, Kilgobbin South, Mimosa-Levmoss, Racecourse South, The Park Carrickmines, and Old Glenamuck Road are considered as suitable locations for higher buildings within the BELAP area (see Figure 11.1). It is anticipated that all bar one of these locations would be suitable for residential buildings, consistent with the prevailing zoning objective. The designation at The Park Carrickmines is subject to 'E' Zoning Objective, where residential is 'open for consideration' under the County Development Plan and as such, any proposed use mix would need to display compliance with this zoning objective.

LAP Figure 11.2 Specific Local Objectives indicates an area with the RES4 designation to the north of the development site, on the opposite site of the Luas Green Line. There is no SLO applying to the development site.

#### Policy BELAP RES5 – Building Height by Scheme

Any planning application for a scheme which proposes buildings in excess of 4 storeys shall be accompanied by an analysis of building height and positioning of buildings with reference to the following issues:

- Impacts on the immediate and surrounding environment – streetscape, historic character.
- Impacts on adjoining structures, with a focus on overlooking and impact on residential amenity.
- Relationship to open spaces and public realm.
- Views and vistas.
- Daylight and sunlight, including shadow analysis where appropriate.
- Wind and microclimate analysis
- Impacts on residential amenity of these buildings from noise sources such as motorway noise.
- Placemaking and the ability of taller buildings to assist with legibility and wayfinding within a Neighbourhood.

4.3.5. The following LAP policies on housing and community facilities are noted:

#### Policy BELAP RES6 – Housing Mix

Any planning application for new residential development within the BELAP area shall provide for a suitable mix of house types and sizes that meet the needs of a range of households and that both complement and enhance the existing residential mix. In locations where there is a dominance of any particular unit size or type, developments which contribute to a diversification of the housing stock shall be encouraged.

#### Policy BELAP RES7 – Housing Design

To promote quality innovative housing designs that respect the particular character of an area and create a sense of place. Residential schemes of greater than 30 units shall be accompanied by a design statement.

#### Policy BELAP RES9 – Social Housing

To support the delivery and integration of the proposed Council housing scheme at Ballyogan Court South (see Figure 11.1), and to pursue further opportunities for social housing throughout the BELAP area in an integrated manner, through ‘Part V’ housing, Council own build, delivery by approved housing bodies, or otherwise, in line with the council’s Housing Strategy, and to support any Affordable Housing schemes that might be introduced by the Department of Housing, Planning, and Local Government.

#### Policy BELAP COM11 – Housing for All

To facilitate the provision of independent and/or assisted living for older people and people with disabilities/mental health issues by supporting the provision of purpose-built accommodation, or adaptation of existing properties, and promoting the development of residential schemes capable of adapting to changing household needs in line with the principles of ‘Lifetime Homes’, or providing opportunities for older people to ‘downsize’ within their community by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the BELAP area. (See also BELAP COM13 – Universal Design). It is accepted that the provision of such housing types may reduce residential densities within schemes. Developments proposed as purpose-built accommodation for a specific group must demonstrate how this objective can be secured long-term.

4.3.6. The following built heritage and archaeology policies are noted:

#### Policy BELAP BH1 – Urban Design

To promote high quality urban design with particular reference to the ‘12 Criteria’ outlined in the ‘Urban Design Manual - A Best Practice Guide’ (2009).

#### Policy BELAP BH2 – Protected Structures

To ensure that new development respects the significance of the Protected Structures within the BELAP area and responds to their historic spatial context and

landscape setting and the opportunity presented by these buildings to create a unique feature and setting that enhance the sense of place for new communities.

#### Policy BELAP A1 – Archaeological Assessment

To require Archaeological Impact Assessments, including an archaeological geophysical survey, with any Planning application for future redevelopment within lands containing, or adjoining, sites of archaeological interest, including recorded monuments.

#### Policy BELAP A2 – Archaeological Features

To incorporate historic features and archaeological remains into the design and layout of new development areas so as to link new development with its historical context and enhance the sense of unique identity.

- 4.3.7. The following LAP policies on childcare are noted:

#### Policy BELAP COM7 – Childcare Facilities

That all planning applications for larger residential developments to be required to provide one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units unless it can be satisfactorily demonstrated that there is already adequate childcare provision in the area. The provision of childcare facilities within the Plan area shall be carried out in accordance with the provisions set out in Section 8.2.4.11 'Childcare Facilities – Parking/Access' and Section 8.2.12.1 'Childcare' of the County Development Plan 2016-2022 and the provisions of the DoEHLG 'Childcare Facilities Guidelines for Planning Authorities' (2001).

#### Policy BELAP COM8 – The Park Carrickmines

To encourage the provision of childcare facilities within The Park, Carrickmines, a major employment area within the BELAP area.

## **5.0 Planning History**

### **5.1. ABP-302580-18 Parent Permission**

- 5.1.1. The application proposed to be altered, ref. ABP-302580-18 comprised the subdivision of the grounds of Glencairn (with associated relocation of the existing entrance portal from Murphystown Way) and the demolition of an existing house and

outbuildings on the site to facilitate the construction of 341 no. residential units, a childcare facility, associated internal roads, pedestrian and cycle paths, open space, and all associated site and infrastructural works. The following key parameters of the permitted development are noted:

<b>Site Area</b>	9.59 ha
<b>Residential Units</b>	341 no. units
<b>Total Gross Resi Floorspace</b>	39,764 sq.m.
<b>Building Height</b>	Houses 2-3 storeys Apartments 4-5 storeys
<b>Residential Density</b>	66 units/ha (net)
<b>Aspect (apartments)</b>	c. 55% dual aspect
<b>Public Open Space</b>	Total 4.38ha of which c.3.6 ha is accessible to the public.  Includes active woodland amenity area to the north of the site with other open spaces adjoining same including a kickabout area and a public open space and playground in the vicinity of Murphystown Castle.  Lime Tree Avenue comprises a linear area of open space with access from same into the existing open space at Glencairn Close to the south of the site.  Semi-private courtyards between Blocks 6 and 4/5 and Blocks 4/5 and 2/3 and in the courtyard space at Block 1.
<b>Childcare</b>	300 sq.m creche in Block 7
<b>Part V</b>	34 units comprising 21 apartments (7 no. one-bed and 14 no. two-bed), 10 no. own door duplex units and 3 no. three-bed terraced houses, all in Zone 2.
<b>Roads / Vehicular / Pedestrian Access</b>	Relocation of existing Glencairn entrance portal from the site entrance at Murphystown Road to a location within the site at the new entrance to Glencairn House. New signalised junction at the site access from Murphystown Way.  New pedestrian/cycle access to Murphystown Way at the southern end of the site. Improvements to the greenway to the south and to Murphystown Way to the west of the application site.



	Emergency access to the south east of the site onto Orby Way cul-de-sac.
<b>Car and Cycle Parking</b>	519 car parking spaces (289 basement and 230 surface level) 24 motorcycle spaces 539 bicycle parking spaces
<b>Site Services</b>	Connections to existing services with storm water attenuation storage on site.
<b>Ancillary Development</b>	Recycling bring bank, 3 no. electricity sub-stations and a direct reduced iron unit for gas services.  Landscaping, car parking, and boundary treatments within the curtilage of the existing gate lodge (no works to gate lodge building).

5.1.2. The permitted 341 no. residential units comprised the following housing mix:

<b>Unit Type</b>	<b>No. of Units</b>	<b>%</b>
<b>Apartments</b>		
1 bed apt	45	13%
2 bed apt	174	51%
3 bed apt	24	7%
<b>Houses</b>		
3 bed house	36	11%
4 bed house	49	14%
5 bed house	13	4%
<b>Total</b>	<b>341</b>	

5.1.3. The site development strategy provided for the development of the site in four zones as follows:

Zone	Location	Development
1	Northwest of the site adjoining boundary with Luas Line and north of internal access road.	Five apartment blocks (Blocks 2-6) 4-5 storeys with basement car park  Public open space and play area around Murphystown Castle  Described as 'Woodward Square' in the completed development.
2	Southwest of site adjoining Luas stop and south of the internal access road.	Apartments, crèche and ancillary uses.  Four storey apartment Block 7 with creche on ground floor  Block 8 10 no. apartments in a two storey block  3 no. two storey houses
3	North of the site south of woodland to north of site and north of boundary with Glencairn House.	Two back to back rows of two storey houses the northern row (10 no. five-bed detached units) addressing the woodland and the southern row (12 no. three-bed semi-detached units) addressing the main internal access road and the boundary with Glencairn House.
4	East and northeast of site adjoining boundary with Orby Ave. East of the avenue of Lime Trees which run in a north south axis through the site.	Row of 28 no. four and five bed three storey houses which back onto the boundary with Orby Avenue and Orby View. Four clusters of development between this row of units and the line of Lime Trees. To the north apartment Block 1 and associated open space and basement car park (4-5 storeys). The remainder of the area is to be developed as a mix of 2-3 storey houses.

5.1.13. The Board granted permission on 19<sup>th</sup> December 2018 subject to 19 no. conditions. None of the conditions imposed required any significant amendments to the proposed development.

## 5.2. ABP-305174-19 Previous S146B of ABP-302580-18

5.2.1. This S146B requested the following alterations to the apartment Blocks 2-6 within the permitted ABP-302580-18:

- Introduction of a 520 sq.m. residential amenity space, in the northeast corner of the undercroft basement beneath Block 2.
- Inclusion of an ESB substation, adjacent to the proposed residential amenity space, to be accessed externally along with alterations to vehicular entrance arrangements to the car park area, and relocation of external stairway on the northern façade of Blocks 2-6.
- Alterations to the basement layout beneath Blocks 2-6 relating to reconfiguration and relocation of bin stores to provide for one central bin store/ compactor area, and replacement of a permitted bin collection area at surface level to the north of Block 2 with a waste pickup area to suit the revised waste management strategy.
- Associated parking amendments, with the introduction of 3 no. accessible spaces at surface level adjacent to the undercroft basement and the net omission of 24 no. spaces overall due to the introduction of the residential amenity space.
- All associated site works, including landscaping alterations and minor changes to roads.

The Board determined on 2<sup>nd</sup> October 2019 that the requested alterations would not be likely to have significant effects on the environment or any European Site and that they would not be material. The parent permission was altered accordingly.

### **5.3. Reg. Ref. D17A/0913 Previous Application at Glencairn House**

- 5.3.1. Permission was granted for a single storey dwelling and garage for embassy staff within the existing walled garden of Glencairn House, including vehicular access through a new opening in the walled garden; provision of a new boundary wall for the Ambassador's residence of c. 3 metres in height, with a railing above, on the northern, eastern and part-western boundaries of the site, and a new security gate entrance with security hut on the existing avenue.
- 5.3.2. DLRCC granted permission on 24<sup>th</sup> July 2020 for amendments to Reg. Ref. D17A/0913 under D20A/0377 comprising provision of a single storey security gatehouse (33 sq.m. GFA) in place of the permitted security hut adjacent to the security gate entrance; associated amendments to permitted landscaping and boundary treatments (including provision of pedestrian entrance in the permitted boundary wall), services, and access arrangements. DLRCC also subsequently

granted permission on 1<sup>st</sup> December 2020 for further alterations to Reg. Ref. D17A/0913 under D20A/0740 comprising the provision of an additional emergency egress gate in the existing southern boundary wall of Glencairn House, including internal car barrier, bollards and all associated landscaping and ancillary works.

#### **5.4. ABP-308227-20 Adjacent SHD at Murphystown Way**

- 5.4.1. Relating to lands to the north of the development site, on the opposite side of the Luas Green Line and Murphystown Way. Permission granted on 14<sup>th</sup> January 2021 for 249 no. apartments in three blocks (4-13 storeys) and a childcare facility with an overall stated net residential density of 250 units/ha. The development includes a section of the proposed Link Road from Murphystown Way to Sandyford (long-term roads objective), with a new signalised junction at the access to the development, also road upgrades, alterations, pedestrian and cycle connections at Murphystown Way.

## **6.0 Requested Alterations**

### **6.1. Summary of Requested Alterations**

- 6.1.1. The requested alterations relate to ABP-302580-18 (as altered by ABP-305174-19) and may be summarised as follows.

#### **6.1.2. Alterations to Block 1**

The requested alterations to Block 1 at the eastern side of the site comprise:

- Reconfiguration of units at 4<sup>th</sup> floor level, including the provision of one additional three-bed unit, and associated changes at roof level. The alterations result in an increase of one no. unit in Block 1 (from 52 to 53);
- Reconfiguration of units from ground to 3<sup>rd</sup> floor, including internal alterations and associated external alterations to fenestration and terraces/balconies;
- Alterations from ground floor to 4<sup>th</sup> floor level to provide for a new fire escape stairs, and the provision of a new fire escape stairs from basement to ground floor level;

- Alterations at basement level and at surface level to provide for an increase in car parking provision from 63 no. spaces to 72 no. spaces (8 no. additional spaces at basement level and one no. additional space at surface level).
- The overall footprint and height of Block 1 are unchanged. The external elevations will be altered with revised terraces/balconies. It is also proposed to alter the materials of the external elevations of Block 1 with a revised brick and render finish.
- The revised layout includes a new bioretention area to the north of Block 1, provided as a solution for a shortfall in the revised green roof area at Block 1, combined with an element offset with the green roof provided in Block 8.

#### 6.1.3. Alterations to Zone 2 Blocks 7 and 8

The requester proposes changes to Blocks 7 and 8 at Zone 2 in the north eastern corner of the site. This area is to be provided as Part V housing. The requested alterations comprise:

- Redesign of Block 7 to provide for 8 no. one-bed units and 15 no. two-bed units and a residents and communal amenity space and external terrace, in place of 7 no. one-bed units and 14 no. two-bed units and a childcare facility. This results in an increase in 2 no. units in Block 7 (from 21 to 23 units). Proposed communal space/residents facilities in Block 7 in lieu of the permitted childcare facility, to be accessible to residents of the Part V units and other parts of the development. The overall height of Block 7 is unchanged at 4 storeys.
- Redesign of apartment Block 8 and adjacent houses to provide for 9 no. one-bed units and 7 no. two-bed units in Block 8 and one no. one-bed and 3 no. two-bed single storey bungalows (new house types 1W and 2U), in place of 2 no. one-bed units and 8 no. two-bed units in the duplex Block 8 and 3 no. number three-bed two storey houses (House types C2 and C3). This results in an increase in 7 no. units in Block 8 (from 13 to 20 units). The height of Block 8 remains at 2 storeys.
- The proposed revised elevations of Blocks 7 and 8 have been designed to avoid overlooking of Glencairn House with screening to balconies and landscaping at the site boundary.

- Provision of bicycle parking spaces at surface level to the north of Block 7 and the reconfiguration of surface parking in front of Blocks 7 and 8, resulting in a net decrease of 5 no. car parking spaces at surface level (from 41 to 36 no. car parking spaces).
- Revised landscaping proposals are submitted for the communal open spaces to Blocks 7 and 8, including an accessible Sensory Garden.

#### 6.1.4. Alterations to Houses in Zones 3 and 4

The requested alterations to houses located in the central and eastern part of the site include:

- Replacement of 2 no. five-bed three storey semi-detached units (House types A3a) with 2 no. four-bed three storey semi-detached units (house type A1) and an additional one no. five-bed three storey detached unit (new house type A3). This results in an increase in one no. additional unit (from 28 to 29 units) in the eastern part of the site;
- Replacement of one no. five-bed three storey semi-detached unit (House Type A3B) with a detached four-bed three storey unit (House type A2v);
- Elevation changes, internal changes and variations to house types A1, A2, A2v, B1, B1v, B2, B2v, C1A, C1B, C1C, C3, D1 and D2. These comprise:
  - Minor elevation, internal changes and variations to house types A2v, B1v, B2v, C1A, C1b, C1C, C3, D1 and D2.
  - Gable alteration change, minor elevation and internal changes to house types A1, A2, B1 and B2 and
  - Removal of chimneys from all house types (except house types D1, D2 and A3).

#### 6.1.5. Footpath to Glencairn House

It is proposed to introduce a footpath to Glencairn House through the relocated entrance portal (as permitted) to provide a new pedestrian connection at this location. The footpath is located in the flanking pedestrian gate of the portal. The overall positioning of the portal is unchanged. Revised landscaping is proposed, including a reconfiguration of grasscrete, to mitigate impacts to existing trees.

#### 6.1.6. Other Alterations

The following alterations are also requested:

- Provision of an additional ESB substation (GFA c. 6 sq.m.), located to the east of Block 3. The proposed substation will be stone clad.
- All associated car and bicycle parking alterations, bin stores, photovoltaic panels, landscaping, drainage, site services and other works.
- The requested alterations result in an overall increase in unit numbers from 341 (as permitted under ABP-302580-18) to 352 no. units, i.e. 11 no. additional units.

#### 6.2. **Requester Rationale**

6.2.1. The requester's submitted rationale for the alterations may be summarised as follows:

- The requested alterations to Blocks 7 and 8 and adjacent houses have arisen following detailed discussions with DLRCC Housing Dept. regarding Part V provision. The proposed house types are designed in response to a requirement for housing for elderly and disabled persons in the area, as identified by DLRCC Housing Dept., including accessibility requirements for same in accordance with Building Regulations and universal design standards and omission of units with stair access.
- The omission of the childcare facility from Block 7 and its replacement with a residents/community space and additional Part V units will cater for the needs of Part V residents and other residents of the development. A Childcare Demand Assessment is submitted in support of the request, which justifies the omission of the creche in the context of the existing childcare provision in the area.
- The requested alterations to Block 1 and the permitted house types are in response to design improvements and efficiencies identified subsequent to the grant of permission and in response to market demands.
- Following a request from the British Foreign, Commonwealth and Development office in relation to the British Ambassador's residence at Glencairn House, it is proposed to introduce a footpath through the relocated entrance portal to provide a pedestrian connection to Glencairn House and associated security gate house.

- The requested additional ESB substation is in response to ESB requirements.
- The associated changes and ancillary works arise as a consequence of the other alterations and are minor in nature.

### 6.3. Particulars Submitted

6.3.1. The request includes, *inter alia*, the following particulars:

- Planning and Environmental Report with Architectural Heritage Impact Assessment
- Childcare Demand Assessment
- Revised Part V Brochure
- Design Statement including Housing Quality Assessment
- AA Screening Report
- Landscape and Biodiveristy Statement
- Utilities Report, Site Lighting Report
- Daylight and Sunlight Addendum Report
- Letter of Support for the British Foreign, Commonwealth and Development Office
- Correspondence from DLRCC Housing Dept.

## 7.0 Submission from Planning Authority

7.1. There is no submission on file.

## 8.0 Assessment

8.1. The following are considered to be the principal matters for consideration with regard to the requested alterations:

- Density, Unit Mix and Building Height
- Quality of Residential Accommodation
- Impacts on Residential and Visual Amenities
- Architectural and Archaeological Heritage Impacts



- Trees and Ecology
- Part V
- Childcare Provision
- Transport and Parking
- Drainage and Site Services

These matters may be considered separately as follows.

## 8.2. Density, Unit Mix and Building Height

8.2.1. The permitted and requested overall housing quantum and mix may be compared as follows:

Unit Type	Permitted		Proposed	
<b>Apartments</b>				
1 bed apt	45	13%	52	15%
2 bed apt	174	51%	175	50%
3 bed apt	24	7%	25	7%
Total Apts	243		252	
<b>Houses</b>				
1 bed house	0	0	1	> 1%
2 bed house	0	0	3	>1%
3 bed house	36	11%	33	9%
4 bed house	49	14%	52	15%
5 bed house	13	4%	11	3%
Total Houses	98		100	
<b>Total Units</b>	<b>341</b>		<b>352</b>	

Development plan Policy RES3 and section 8.2.3.2 (ii) refer to residential density in the context of the Sustainable Residential Development Guidelines, which recommends densities higher than 50 units/ha within 1 km of public transport corridors, subject to consistency with other national planning policies. The Ballyogan & Environs LAP was adopted since the permission of ABP-302580-18 and therefore

does not directly apply in this instance, however LAP Table 5.4 specifies a target density of 65 units/ha for Neighbourhood 1 Glencairn North. The proposed net density including subject alterations is 68.5 units/ha, an increase from the permitted net density of 65 units/ha. I consider that the requested alterations would result in a net residential density that is not substantially greater than that already permitted at the site, is acceptable in principle with regard to national planning policy and given the highly accessible location of the site adjacent to Glencairn Luas stop. The requested minor increase in density is therefore considered to be acceptable and in accordance with national policy, subject to appropriate design and amenity standards, which are assessed below.

8.2.2. The submitted Planning and Environmental Report states that the overall unit mix of the apartments in the altered development will be in accordance with SPPR1 of the Apartment Guidelines. It is also submitted that, as no Housing Need and Demand Assessment has been undertaken by DLRCC for this area of the County, the development is consistent with the relevant planning policy requirement. I am satisfied that, including the requested minor alterations to the overall housing mix, the resultant altered development will enhance the range of housing typologies in the area in accordance with national planning policy. Development plan policy RES7 is also noted in this regard. The proposed housing mix is considered acceptable on this basis.

8.2.3. The proposed building height is unchanged from that of the permitted development at 2-5 storeys. LAP Table 5.5. indicates that Glencairn North has capacity for height, subject to consideration of protected structures. As per the analysis below, including the consideration of daylight and sunlight impacts and the analysis on impacts on the settings of Glencairn House and Murphystown Castle, I am satisfied that the development as altered will not have any significant adverse impact on residential or visual amenities or heritage impacts. I am therefore satisfied that no significant issues arise in relation to building height.

### 8.3. **Quality of Residential Accommodation**

#### 8.3.1. General Issues

The apartments are designed to comply with the relevant requirements of the Apartment Guidelines (SPPRs 3, 4, 5 and 6), as set out in the submitted Planning

and Environmental Report, Housing Quality Assessment and Design Statement. The proposed revised housing mix entails a communal open space requirement of 1,719 sq.m. in total, c. 51 sq.m. greater than that of the permitted development, to meet the quantitative guidance in the Apartment Guidelines. It is submitted that this requirement will be met by the existing communal and public open space provision within the permitted development, which includes c. 4.3 ha of landscaped public open space with several play facilities. The proposed overall public open space provision significantly exceeds the quantitative requirements set out in development plan section 8.2.8.2, which does not distinguish between public and communal open space. The quantitative provision is considered acceptable on this basis. Having regard to the submitted landscaping details and to the quality of development works and tree retention works within the permitted development, as noted at site inspection, I am satisfied that the development (as altered) will provide a high standard of open space for residents of the scheme and will make a substantial contribution to the amenities of the wider area.

The proposed separation distance between Blocks 7 and 8 is c. 15 m, which is similar to that permitted development, albeit that it is less than the 22 m distance generally applied and as referred to in development plan section 8.2.3.3 (iv). However, the development plan also states that separation distances less than 22 m may be acceptable in some instances in built-up areas, depending on orientation and location in built-up areas. I note that the relevant facades have been designed with staggered fenestration to prevent direct overlooking and I accept that the development provides a high quality living environment overall. The reduced separation distances are considered acceptable in this context.

The proposed revised house types are consistent with the minimum house size requirements outlined in the Quality Housing for Sustainable Communities. The private open spaces for individual houses meet or exceed the requirements set out in development plan section 8.2.8.4, aside from the bungalows in Zone 2. However, section 8.2.8.4 provides for a relaxation of the quantum of private open space in instances where an innovative design response is provided. The proposed open space provision for Zone 2 is considered acceptable given that it will provide dedicated housing for the elderly with an associated Sensory Garden that has been designed to specifically meet their needs and will provide a high quality space for

residents of the bungalows, also with regard to the high quality of public open space provided in the overall development.

To conclude, I note that the requested alterations involve relatively minor changes to the permitted houses and apartment units and that the overall design and layout of the permitted development are generally unchanged. I am satisfied that the requested alterations will result in a development that is consistent with national planning policy on residential development and a satisfactory quality of accommodation for future residents of the scheme.

### 8.3.2. Daylight and Sunlight

The submitted request includes an Addendum to the Daylight and Sunlight Assessment submitted with ABP-302580-18, which considers daylight in the habitable rooms of the revised Blocks 1, 7 and 8, as well as sunlight to the proposed revised amenity spaces. The following assessment is based on the Addendum as well as the original Daylight and Sunlight Assessment submitted with ABP-302580-18.

Section 3.2 of the Urban Development and Building Height Guidelines states that the form, massing, and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020

also state that planning authorities should have regard to these BRE or BS standards.

The Daylight and Sunlight Assessment and Addendum rely on the standards in the BRE Report "Site Layout Planning for Daylight and Sunlight". I also note the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK), however this updated guidance does not have a material bearing on the outcome of this assessment and the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines, i.e. BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I have considered the applicant's Daylight Reception Analysis and I have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of Practice for Daylighting).

Section 4 of the Addendum examines daylight within the proposed apartments in Blocks 1, 7 and 8 on the basis of Average Daylight Factor (ADF) of habitable rooms within the apartment blocks. In general, ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values of ADF that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen /living/dining (LKD) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. The proposed apartments have combined LKDs, and the applicant's Analysis applies ADF target values of 2% to the combined LKDs, which is satisfactory based on the higher ADF values being applied to rooms with a combined function, as discussed above. Ground floor rooms in each block are analysed on the basis that these will receive less daylight and that, if lower level rooms are compliant, rooms at the same location on upper floors will achieve improved daylight levels. Of the 82 no. rooms assessed, a single LKD room on the ground floor of Block 1 had an ADF less than the 2% minimum value. All other LKDs

and bedrooms assessed exceeded minimum values. The LKD that does not meet the 2% ADF standard is at apartment B1-01, a single aspect east facing unit on the ground floor of Block 1. The LKD has an ADF of 1.73%. I note that this result would be well above the 1.5% ADF standard that is generally considered to be appropriate for LKDs in higher density urban schemes where there are challenges in meeting the 2% ADF in all instances, and to do so would unduly compromise the design/ streetscape. In addition, the unit in question will overlook the landscaped communal amenity space adjoining Block 1, which will provide a satisfactory outlook.

The above analysis indicates an overall compliance rate of c. 99%. Given that the analysis presents a 'worst case scenario' of apartment units within the overall revised development and that units on upper floors would achieve higher light levels, I am satisfied overall that a higher percentage of units within the revised development would exceed the BRE targets and that the overall level of residential amenity is acceptable, is considered to be in reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs, and which in any event LKDs are not specifically stipulated in the BRE guidance.

Section 5 of the Addendum examines sunlight levels at the amenity spaces serving the revised Blocks 1, 7 and 8 with regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The Daylight and Sunlight Assessment Addendum demonstrates that the amenity spaces in question will all receive well over two hours sunlight on at least 50% of the area on March 21<sup>st</sup>, in accordance with the BRE guidance.

In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the requested alterations have been fully

considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this highly accessible and serviced site within Dun Laoghaire Rathdown, in accordance with national policy guidance, are in my opinion acceptable, are in compliance with the relevant BRE and BS standards and therefore the associated requirements under the development plan and section 28 guidelines are satisfied.

#### **8.4. Impacts on Residential and Visual Amenities**

- 8.4.1. While the requested alterations will involve an increased quantum of development on the overall site, they will not involve any substantial changes to the appearance, height, bulk, or scale of the permitted development. The requested alterations to Block 1 include changes to the fenestration and balconies, including at roof level, however I am satisfied that there will be no significant adverse impacts on residential amenities at Orby Avenue or within the permitted development, given the intervening distances and having regard to the revised design and layout of Block 1. The elevations and balconies of the revised Block 8 include measures to protect privacy and address security considerations at Glencairn House. Block 7 is set back from residential properties. The revised house types in the south eastern and central parts of the site will generally retain the existing height and building line at these locations. I note that the proposed house type A2v at the south eastern corner of the site will project close to the adjacent house at Orby Avenue. However, there is obscured glazing to the upper floor of the rear elevation, with the main windows to the relevant habitable rooms overlooking undeveloped lands to the east of the house, thus precluding any overlooking of the adjacent residential property to the rear. Having inspected the site and surrounding areas, I am satisfied that the requested alterations will not result in any significant change to impacts on residential amenities at the adjoining areas of Glencairn View, Glencairn Chase, Orby Way, Orby View and Orby Avenue, when compared to the permitted development. I also note that there are no third party submissions on file.
- 8.4.2. As noted above, the requestor has submitted an Addendum to the original Daylight and Sunlight Assessment submitted with ABP-302580-18, which considers impacts on existing adjacent residential properties. Section 2.2.4 of the BRE guidelines states in relation to daylight to existing buildings:

*Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases, the loss of light will be small...” (para. 2.2.4)*

Section 3 of the Addendum states that there are no existing dwellings within three times the height of the proposed apartment blocks, such that they will have no impact to existing properties. I also note that the proposed houses in the south eastern part of the site retain satisfactory distances to existing houses at Orby View and Orby Avenue and that, in any case, the development is unlikely to have any significant overshadowing, daylight or sunlight impacts at this location given its relative orientation to the north of those properties. As a result, any impact upon daylight and sunlight would be within the normal range for a residential estate in my view, and not so detrimental to be considered significantly harmful impact. Given that the proposed layout generally achieves the standard 22 m separation distance to adjacent permitted houses, it is considered that adequate regard has been had to the preservation of the residential amenity of existing/ permitted properties, when balanced against the need for housing on zoned and serviced lands and that the design and layout of the overall development is of a good architectural and urban design standard respecting the established pattern of development in the area. As such, I consider that the proposed alterations make adequate provision for daylight and sunlight to surrounding properties in accordance with BRE considerations that I have applied, and therefore the requirements under the County Development Plan and section 28 guidance are satisfied. I am therefore content overall that the daylight, sunlight, and overshadowing impacts of the alterations on adjacent existing /permitted houses will be within an acceptable range for the area and not significantly harmful.

## **8.5. Architectural and Archaeological Heritage Impacts**

### **8.5.1. Glencairn House Protected Structure**

The overall development site is adjacent to Glencairn House protected structure (RPS 1643). As the development site is within the original grounds of Glencairn House, it contains elements of the curtilage of the protected structure, as listed in the RPS, comprising the gate lodge, the entrance railings and piers, the archway, and



gates. The requested alterations will not involve any changes to the relationship between the development and these elements except for the insertion of a footpath into the relocated entrance portal to Glencairn House. The submitted Architectural Heritage Impact Assessment states that the entrance portal retains its status as a protected structure notwithstanding its relocation. It notes that the new setting of the portal has not been established. The requested new footpath and hardstanding are similar to those at the original setting of the portal and will ensure the continued functioning of the flanking pedestrian gates, which is considered to be more compatible with the portal than the arrangement permitted under ABP-302580-18. These points are accepted. It was noted at site inspection on 29<sup>th</sup> October 2021 that some of the requested alterations to the entrance portal had already been carried out, however there I am satisfied that there have been no adverse impacts on the protected structure. I note that the proposed footpath is functionally compatible with the portal and that it will not have any adverse impacts on adjacent trees or on the setting of the portal. I therefore have no objection to this aspect of the requested alterations and am satisfied that it will not have any significant adverse impacts on the protected structure and is in accordance with development plan policy on protected structures and national policy on same as set out in the Architectural Heritage Protection Guidelines.

Given the location, limited scale and nature of the remainder of the requested alterations, I am satisfied that they will have no significant impact on any aspect of the protected structure or on its setting. Section 10.4 of the Inspector's report of ABP-302580-18; Chapter 4 of the EIAR of the permitted development and the Justification Report for the Proposed Relocation of the Entrance Portal submitted with ABP-302580-18 are also all noted in this regard.

#### 8.5.2. Murphystown Castle and Archaeological Impacts

Murphystown Castle (Recorded Monument Ref. 023-025) and its associated Zone of Archaeological Potential are located within the overall development site. The castle is adjacent to the access from Murphystown Way and to the south of apartment Blocks 2-6. It has been conserved as part of the permitted development and now forms the centrepiece of a landscaped open space. I am satisfied that the requested alterations will not impinge on this part of the overall development site. The proposed new footpath to Glencairn House is to the south west of Murphystown Castle and on

the opposite side of the development access road. I therefore consider that the requested alterations will not have any significant impact on the Recorded Monument. Chapter 4 of the EIAR submitted with ABP-302580-18 is also noted in this regard, including the archaeological mitigation measures outlined in same.

## **8.6. Trees and Ecology**

8.6.1. The submitted request includes a Landscape and Biodiversity Statement, which concludes that the requested alterations are minor in nature and located within the previously permitted footprint. It states that the alterations do not give rise to any change to the biodiversity assessment provided in Chapter 6 of the EIAR that accompanied ABP-302580-18. Development plan maps indicate an objective to protect trees within the overall Glencairn grounds. The layout permitted under ABP-302500-18 involved the retention of a substantial number of trees at the site including a wooded area at the northern eastern side of the site bounding the M50, the central rows of lime trees defining the south eastern part of the site and stands of trees around Murphystown Castle and the new entrance to Glencairn House. These have been successfully retained in the development under construction and will form an attractive feature of the completed development. The requested alterations do not involve any changes in relation to tree retention. The Landscape and Biodiversity Statement also states that the requested alterations will not result in any change to the overall delivery of landscaping and open space networks from that permitted under ABP-303580-18. The requested footpath at the Glencairn House entrance portal will not result in any impacts on trees or biodiversity. I am satisfied on this basis that the requested alterations will not involve any significant new impacts to trees or ecology above or beyond those assessed in the EIAR of ABP-302580-18.

## **8.7. Part V**

8.7.1. The requested alterations will result in an increased overall Part V provision from 34 no. units in the permitted scheme to 43 no. units in total in the altered development. The proposed revised unit types at Zone 2, Blocks 7 and 8 and adjacent houses have been designed in liaison with DLRCC Housing Dept, in order to meet the specific needs of elderly and disabled residents. Correspondence from DLRCC Housing Dept dated 4<sup>th</sup> December 2020 is submitted in support of the requested alterations. This states that the proposed Part V units are consistent with DLRCC

Age Friendly Strategy and development plan policy RES7 to encourage a wide range of age appropriate housing and apartment types and increased provision of units for disabled persons and are also in accordance with the DLRCC Strategic Plan for Housing Persons with Disabilities.

- 8.7.2. I consider that the proposed one and two bedroom houses represent a very low density form of development that could preclude the achievement of an optimum density of development of zoned and serviced lands in accordance with national planning policy. I note LAP Policy COM11 Housing for All, which is to facilitate the provision of independent and/or assisted living for older people and people with disabilities/mental health issues by supporting the provision of purpose-built accommodation and providing opportunities for older people to 'downsize' within their community by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the LAP area. Policy COM 11 accepts that the provision of such housing types may reduce residential densities within schemes. The proposed one and two-bed houses are also considered acceptable given that (i) they are designed to meet the needs of specific tenants; (ii) the overall residential density of the development is acceptable and (iii) there is only scope for limited development in this part of the site in any case given its proximity to Glencairn House protected structure.

## 8.8. **Childcare Provision**

- 8.8.1. Section 2.4 of the S28 Childcare Guidelines recommends:

*Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. (See also paragraph 3.3.1 and Appendix 2 below). The threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. Authorities could consider requiring the provision of larger units catering for up to 30/40 children in areas of major residential development on the basis that such a large facility might be able to offer a variety of services – sessional/drop in/after-school, etc.*

Appendix 2 of the Childcare Guidelines provides guidance on the application of the standard of one childcare facility per 75 dwellings, which should have regard to:

1. *The make-up of the proposed residential area, i.e., an estimate of the mix of community the housing area seeks to accommodate. (If an assumption is made that 50% approximately of the housing area will require childcare then in a new housing area of 75 dwellings, approximately 35 will need childcare. One facility providing a minimum of 20 childcare places is therefore considered to be a reasonable starting point on this assumption. Other assumptions may lead to an increase or decrease in this requirement.)*
2. *The results of any childcare needs analysis carried out as part of a county childcare strategy or carried out as part of a local or action area plan or as part of the development plan in consultation with county childcare committees, which will have identified areas already well-served or alternatively, gap areas where there is under provision, will also contribute to refining the base figure.*

8.8.2. Section 4.7 of the Apartment Guidelines states the following in relation to the provision of childcare facilities:

*Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally 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 overall development (including the requested alterations) comprises 252 no. apartments (of which there are 52 no. one bed units) and 100 no. houses. This would generate demand for between 80-94 no. childcare places, depending on the extent to which the one-bed apartments are taken into account.

8.8.3. The requester submits a rationale in support of the requested omission of the permitted childcare facility in Block 7 and its replacement with a communal area to

serve residents of the development, including a Childcare Demand Assessment which provides demographic analysis and details of existing childcare provision in the area. The following points of same are noted:

- The permitted childcare facility in Block 7 has capacity for c. 60-75 children.
- The Childcare Assessment identifies 39 no. existing/under construction/ permitted childcare facilities within 2 km of the development site. These include a large facility at the adjacent Murphystown Way SHD permitted under ABP-308227-20 and at Lisieux Hall SHD permitted under ABP-307415-20, which include excess capacity to cater for the Glencairn development. It also notes that permission was recently granted for a childcare facility at Quadrant 3 of The Park at Carrickmines under ABP-304396-19.
- The Childcare Assessment provides local demographic analysis based on Census and Quarterly National Household Survey (QNHS) data, as well as demographic analysis undertaken as part of the Ballyogan & Environs LAP. It is submitted that the existing childcare demand generated in the catchment will be catered for by the additional capacity in existing and permitted childcare facilities within 2 km of the development.
- It is also submitted that the proposed Part V units will not generate any demand for childcare as they will provided dedicated housing for the elderly.
- Having regard to the considerable childcare provision (both existing and planned) in the surrounding area, it is considered reasonable to estimate that the additional childcare demand generated from the Glencairn SHD can be accommodated within the existing and planned childcare facilities.

8.8.4. I note that Appendix 2 of the Childcare Guidelines states that the application of the standard of one childcare facility per 75 dwellings should be applied with regard to the make-up of the proposed residential area. In addition, section 4.7 of the Apartment Guidelines states that the threshold for provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the development, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. I also note that development plan policy SIC11 provides that childcare facilities should be provided in new residential developments 'subject to demographic and geographic needs'. Having regard to the

provided demographic information on the area where the development is situated and of the likely occupants of the permitted development, I accept that the development would, of itself, generate limited demand for childcare provision. While I note that the survey of existing childcare facilities in the area provides limited information on capacity, this is due to the unusual circumstances of the Covid 19 pandemic restrictions and I generally accept that there is a significant number of such facilities in the area. Notwithstanding current uncertainty in the childcare sector due to the Covid 19 pandemic, the requested replacement of the permitted childcare facility is therefore considered acceptable in this instance.

## 8.9. Transport and Parking

8.9.1. The permitted and proposed car parking provision for the apartments and revised house types may be compared as follows, after Table 2 of the submitted Technical Note by DBFL:

Location	Permitted			Proposed		
	Units	Spaces	Ratio	Units	Spaces	Ratio
Block 1	52	63	1.21	53	72	1.36
Block 7	21	22 (excl 5 no. creche spaces)	1.05	23	28	1.22
Block 8	13	16	1.23	20	8	0.4
Houses (East boundary)	28	56	2.00	29	58	2.00

It is submitted that the proposed quantum of car parking is appropriate given that the development site is located in an 'accessible urban location' as per the Apartment Guidelines and with regard to the performance based approach to car parking as outlined in same. I consider that the above parking ratios are generous given the location of the site adjacent to Glencairn Luas stop and that the permitted development will connect to and enhance the developing local pedestrian and cycle network. The requested altered car parking provision is therefore considered acceptable.

8.10. The requested altered cycle parking provision is as follows:

Block	Altered Unit Mix	Apt Guidelines Requirement	Proposed Provision
1	4 no. one- bed units	107 no. resident spaces	24 no. surface spaces
	44 no. two-bed units	27 no. visitor spaces	78 no. basement spaces
	5 no. three-bed units		
7	8 no. one-bed units	38 no. resident spaces	8 no. short stay spaces
	15 no. three-bed units	12 no. visitor spaces	40 no. long stay spaces
8	9 no. one-bed units	23 no. resident spaces	
	7 no. two-bed units	7 no. visitor spaces	

The requested provision for Block 1 is generally acceptable subject to agreement with DLRCC regarding the design and layout of the altered cycle parking provision. While the requested revised quantum of cycle parking for Blocks 7 and 8 is low relative to the requirements of the Apartment Guidelines, this is considered acceptable on the basis that the units in question are unlikely to generate significant cycle parking demand.

8.11. The requested alterations do not involve any significant changes to the overall roads layout as permitted under ABP-302590-18, including the access to Murphystown Way or any changes to the permitted emergency access and new pedestrian and cycle connections. Given the limited quantum of increased car parking provision and noting the location of the site adjacent to Glencairn Luas stop, it is considered that the requested alterations including 11 no. additional residential units will not generate a significant amount of additional traffic such as would warrant a revised Traffic and Transportation Impact Assessment. I note the submitted Technical Note by DBFL Engineers, which assesses the increased number of units and concludes that any potential change in impacts on the surrounding road network as a result of the requested alterations would be imperceptible. I am there satisfied that no significant additional traffic or transport impacts will arise as a result of the requested alterations.

## 8.12. Drainage and Site Services

8.12.1. The requested alterations include a new bioretention area to the north of Block 1 and a swale to the east of Block 8, which are to compensate for a loss of green roof area

at the reconfigured roof of Block 1. Aside from this, the Technical Note by DBFL Engineers submitted with the requested alterations states that all details of the original SSFRA remain unchanged and the requested increase in units will have no significant impact on the previously approved surface water design, arrangements, layouts, or details. The proposed water supply and foul drainage arrangements are also generally unchanged. The alterations will result in minor increases in water supply demand and foul drainage runoff, which result in no change to the previously approved design, arrangements, layouts or details of the permitted foul drainage system or water supply provisions. A revised connection application will be agreed and signed with Irish Water to confirm the requested alterations. I am therefore satisfied that the alterations will not result in any significant change in impacts from the permitted development in relation to surface water drainage or site services.

## 9.0 Environmental Impact Assessment Screening

9.1. Under S146B(4), the Board must consider whether the proposed material alterations would be likely to have significant effects on the environment, before making a determination under S146B(3)(b)(ii).

9.2. 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.)

In addition, item 13(a) of Schedule 5 Part 2 refers to changes and extensions to permitted developments:

Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:



- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than –
  - 25 per cent, or
  - an amount equal to 50 per cent of the appropriate threshold,whichever is the greater.

- 9.2.1. The development permitted under ABP-302580-18 fell below the above thresholds being a total of 341 no. residential units at a site with a stated area of 9.59 ha. However, section 1.5 of the EIAR submitted with ABP-302580-18 states that the then applicant submitted an EIAR “ ... *having regard to the specific characteristics and features of this site, its size, and the quantum of development proposed*”. The Board then dealt with the application under the provisions of Article 299A of the Planning and Development Regulations 2001 as amended, which states that a planning application for sub-threshold development accompanied by an EIAR shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.
- 9.2.2. I am satisfied that the subject requested alterations fall below the above thresholds given their overall scale and their scale relative to the original development permitted under ABP-302580-18. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination, it can be concluded that there is no real likelihood of significant effects on the environment.
- 9.2.3. Section 7 of the submitted Planning and Environmental Report addresses the matter of EIA Screening and reviews the requested alterations in light of the chapter headings of the EIAR submitted with ABP-302580-18. In addition, the requester has submitted a schedule of the information specified in Schedules 7 and 7A of the Planning and Development Regulations 2001 (as amended).
- 9.2.4. The following points are noted having regard to the particulars submitted with the subject request, as well as the EIAR and documentation on file of ABP-302580-18:

- The requested alterations involve an increase in the overall number of residential units at the site by 11 no. units, also the omission of the permitted childcare facility and an increase in the number of Part V units. They do not alter the findings of Chapter 3 of the EIAR of ABP-302580-18 in relation to Population and Human Health.
- There will be no new impacts in relation to Archaeology and Cultural Heritage or Architectural Heritage. The permitted mitigation measures in relation to same will remain in place, as per the Architectural Heritage Impact Assessment submitted with the subject request.
- A Biodiversity Statement is submitted with the request, such that there will be no change in impacts on Biodiversity. The permitted biodiversity mitigation measures remain in place.
- The requested alterations will not result in any changes in impacts on landscape or visual impacts beyond those permitted under ABP-302580-18, as assessed in the Landscape and Visual Impact Assessment submitted with that application.
- The proposed site services and surface water drainage systems are largely unchanged in the requested alterations, notwithstanding the increased number of residential units. There is no change to the SSFRA submitted with ABP-302580-18.
- No significant changes are envisaged to impacts associated with Land and Soils; Water; Air Quality and Climate; Noise and Vibrations; Wind; Material Assets or Interactions above those of the permitted development.

I note overall that the requested alterations will not substantially alter the density of the permitted development and will not diminish the standard of urban design or residential amenity achieved within the development. The construction methodology will remain the same, and the proposed alteration will not result in any material changes to the Construction and Environmental Management Plan. There will be no changes to proposals for the disposal of surface or foul wastewater. Adequate measures are in place to avoid, reduce or mitigate likely impacts, such that neither the construction nor operational phase of the overall development will have a significant negative impact on the environment.

9.3. Section 12.4 of the Inspector's report on ABP-302580-18 concludes that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in Dublin.
- A significant direct effect on land and the landscape by the change in the use and appearance of a relatively large site from green-field to residential. Given the location of the site within the built up metropolitan area of Dublin and the public need for housing there, this effect would not have a significant negative impact on the environment.
- A significant potential negative effect on the architectural heritage of the area arising from the removal of the entrance portal to Glencairn House from its existing position which is mitigated by its relocation closer to the new entrance to the House to facilitate closer association with the House and protect the integrity of the structure.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the city's foul sewerage system, and which will be mitigated during construction by appropriate management measures.
- The proposed development is not likely to have significant adverse effects on human health, biodiversity, or soil

9.4. Having regard to the submitted Planning and Environmental Report and Schedules 7 and 7A information, to the other documentation on file and to the original permission ABP-302580-18, including the EIAR of same, I note that the requested alterations involve minor modifications to the permitted development and are of a nature and the size that are well below the applicable thresholds for EIA. The proposed residential

units would be similar to predominant land uses in the area. The requested alterations will not increase the risk of flooding within the site. The alterations would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats of conservation significance. The alterations will not result in any additional visual or cultural heritage impacts above those of the permitted development. The development does not involve any substantial changes to the permitted car and cycle parking quantity, roads layout or permitted pedestrian and cycle facilities and will not generate a significant amount of additional traffic such as would warrant further assessment. The construction of the requested alterations will not involve any significant changes such that a revised Construction and Environmental Management Plan would be necessary. No significant interactions or cumulative impacts are envisaged.

- 9.5. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other relevant information on file, including the AA Screening Report. As noted above, the EIAR submitted with the application assess the impact of the overall development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrates that, subject to the various construction and design related mitigation measures recommended, the development will not have a significant impact on the environment. The AA Screening set out below concludes that the potential for adverse impacts on European sites can be excluded at the screening stage. I consider that the location of the requested alterations and the environmental sensitivity of the geographical area would not justify a conclusion that they would be likely to have significant effects on the environment. The requested alterations do not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This

conclusion is consistent with the EIA Screening Statement submitted with the subject request.

- 9.6. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.
- 9.7. I note the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the requestor is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I have had regard to the SEA of the statutory plans for the area in which the development site is located. I am satisfied, given the minor nature of the requested alterations, that no other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive are directly relevant in this instance.
- 9.8. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

## **10.0 Appropriate Assessment**

- 10.1. The authorised development was screened for Appropriate Assessment and it was concluded that it would not be likely to have significant effects on any Natura 2000 site and that an appropriate assessment was not required. The Board is directed to section 11.0 of the Inspector's report of ABP-302580-18, which comprises an AA screening of the permitted development and concludes that, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required. The Board also completed an AA 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 AA Screening Report

submitted with the application, and 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 sites' conservation objectives, and that a Stage 2 AA was not, therefore, required.

10.1.1. I note the zoned and serviced nature of the development site and the fact that the requested alterations do not involve any significant amendments to site services or surface water drainage. Having considered the Board's determination on Appropriate Assessment on ABP-302580-18, section 11.0 of the Inspector's Report on ABP-302580-18, the nature, scale and extent of the requested alterations relative to the development subject of and approved under ABP-302580-18, and the information on file including the submitted AA Screening Report, which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.1.2. 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.

## **11.0 Recommendation**

11.1. As per section 146B(3)(b)(ii), the Board may (I) make the proposed alteration; (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or (III) refuse to make the alteration. As per the above discussion, the requested alterations are considered acceptable without any further amendments. I therefore recommend that the Board apply the provisions of section 146B(3)(b)(ii)(I) and make the requested alterations in accordance with the draft order set out below.

## DRAFT ORDER

**REQUEST** received by An Bord Pleanála on the 18<sup>th</sup> day of December 2020 from Castdale Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of demolition of an existing house and outbuildings and construction of 243 no. apartments, 98 no. houses, a childcare facility and associated site works at a site at Glencairn (Glencairn House, a protected structure), Murphystown Way, Dublin 18, the subject of a permission under An Bord Pleanála reference number ABP-302580-18 (as altered by ABP-305174-19).

**WHEREAS** the Board made a decision to grant permission, subject to 19 conditions, for the above-mentioned development by order dated the 19<sup>th</sup> day of December 2018.

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the permission,

**AND WHEREAS** the proposed alterations are described as follows:

1. Alterations to Block 1 including:

- Reconfiguration of units at 4<sup>th</sup> floor level, including the provision of one additional three-bed unit, and associated changes at roof level. The alterations result in an increase of one number unit in Block 1 (from 52 to 53);
- Reconfiguration of units from ground to 3<sup>rd</sup> floor, including internal alterations and associated external alterations to fenestration and terraces/balconies;
- Alterations from ground floor to 4<sup>th</sup> floor level to provide for a new fire escape stairs, and the provision of a new fire escape stairs from basement to ground floor level;
- Alterations at basement level and at surface level to provide for an increase in car parking provision from 63 number spaces to 72 number spaces (8 number

additional spaces at basement level and one number additional space at surface level).

2. Redesign of Block 7 to provide for eight number one- bed units and 15 number two-bed units and a residents and communal amenity space and external terrace, in place of seven number one-bed units and 14 number two-bed units and a childcare facility. This results in an increase in two number units in Block 7 (from 21 to 23 units).
3. Redesign of Block 8 and adjoining houses to provide for nine number one-bed units and seven number two-bed units in Block 8 and one number one-bed and three number two-bed single storey bungalows (new house types 1W and 2U), in place of two number one-bed units and eight number two-bed units in the duplex Block 8 and three number three-bed two storey houses (House types C2 and C3). This results in an increase in seven number units in Block 8 (from 13 to 20 units).
4. Provision of bicycle parking spaces at surface level to the north of Block 7 and the reconfiguration of surface parking in front of Blocks 7 and 8, resulting in a net decrease of five number car parking spaces at surface level (from 41 to 36 number car parking spaces).
5. Alterations to the houses located in the central and eastern part of the site including:
  - Replacement of two number five-bed three storey semi-detached units (House types A3a) with two number four-bed three storey semi-detached units (house type A1) and an additional one number five-bed three storey detached unit (new house type A3). This results in an increase in one number additional unit (from 28 to 29 units) in the eastern part of the site;
  - Replacement of one number five-bed three storey semi-detached unit (House Type A3B) with a detached four-bed three storey unit (House type A2v);
  - Elevation changes, internal changes and variations to house types A1, A2, A2v, B1, B1v, B2, B2v, C1A, C1B, C1C, C3, D1 and D2.
6. Introduction of a footpath to Glencairn House through the relocated entrance portal (as permitted) to provide a pedestrian connection to Glencairn House.



7. Provision of an additional substation, gross floor area of circa 6 square metres, located to the east of Block 3.
8. All associated car and bicycle parking alterations, bin stores, photovoltaic panels, landscaping, drainage, site services and other works.
9. The requested alterations result in an overall increase in unit numbers from 341 (as permitted under An Bord Pleanála Reference Number ABP-302580-18) to 352.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** the Board decided to require the requester to make available information relating to the request for inspection, and require the requester to invite submissions or observations,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(b)(ii)(II) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered, in accordance with the plans and particulars received by the Board, subject to the alteration of conditions no. 5 of ABP-302580-18 as follows:

5 (i)

Details of the layout, storage arrangement, marking demarcation, and security provisions for the permitted cycle parking spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.

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

## **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.

## **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the Strategic Housing Development, permitted under An Bord Pleanála Reference Number ABP-302580-18 (as altered by ABP-305174-19), in respect of demolition of an existing house and outbuildings, construction of 243 no. apartments, 98 no. houses, childcare facility and associated site works,
- (ii) the examination of the environmental impact, including in relation to European sites, carried out in the course of that application;
- (iii) the limited nature, scale and extent of the alterations;
- (iv) the absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the proposed alterations, and
- (v) the report of the Board's Inspector,

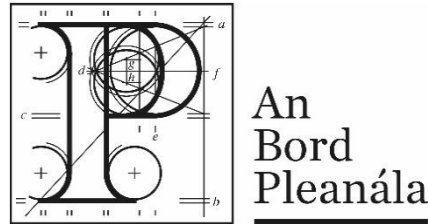
it is considered that the requested alterations to the permitted development would be generally in accordance with the provisions of the of the Dun Laoghaire Rathdown County Development Plan 2016-2022, would not be likely to give rise to impacts on the surrounding area that significantly differed from those that were considered before permission was granted and would not injure the character of the permitted

development or the level of amenity that it would afford its occupants and would not have any significant adverse impacts on the settings of Glencairn House protected structures (RPS no. 1643) or Murphystown Castle Recorded Monument (RMP 023-025). The requested alterations would therefore be in keeping with the proper planning and sustainable development of the area.

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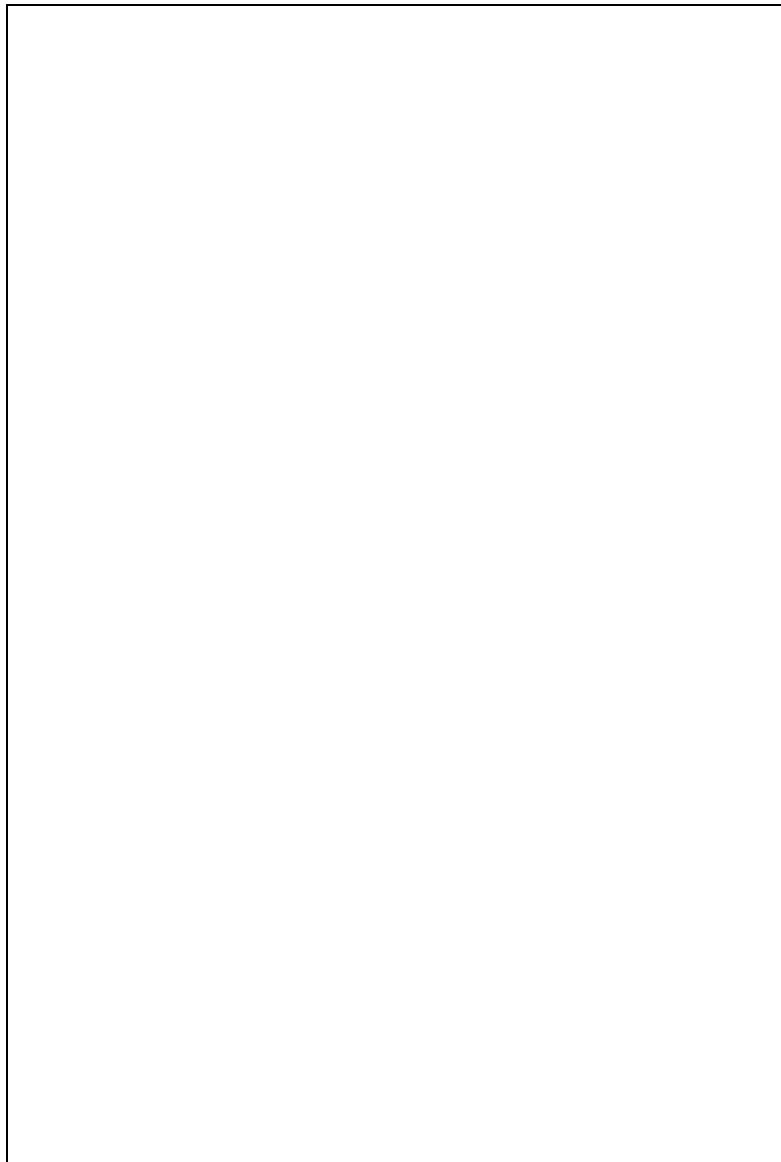
Sarah Moran  
Senior Planning Inspector  
10<sup>th</sup> November 2021

**Appendix A: EIA Screening Form**



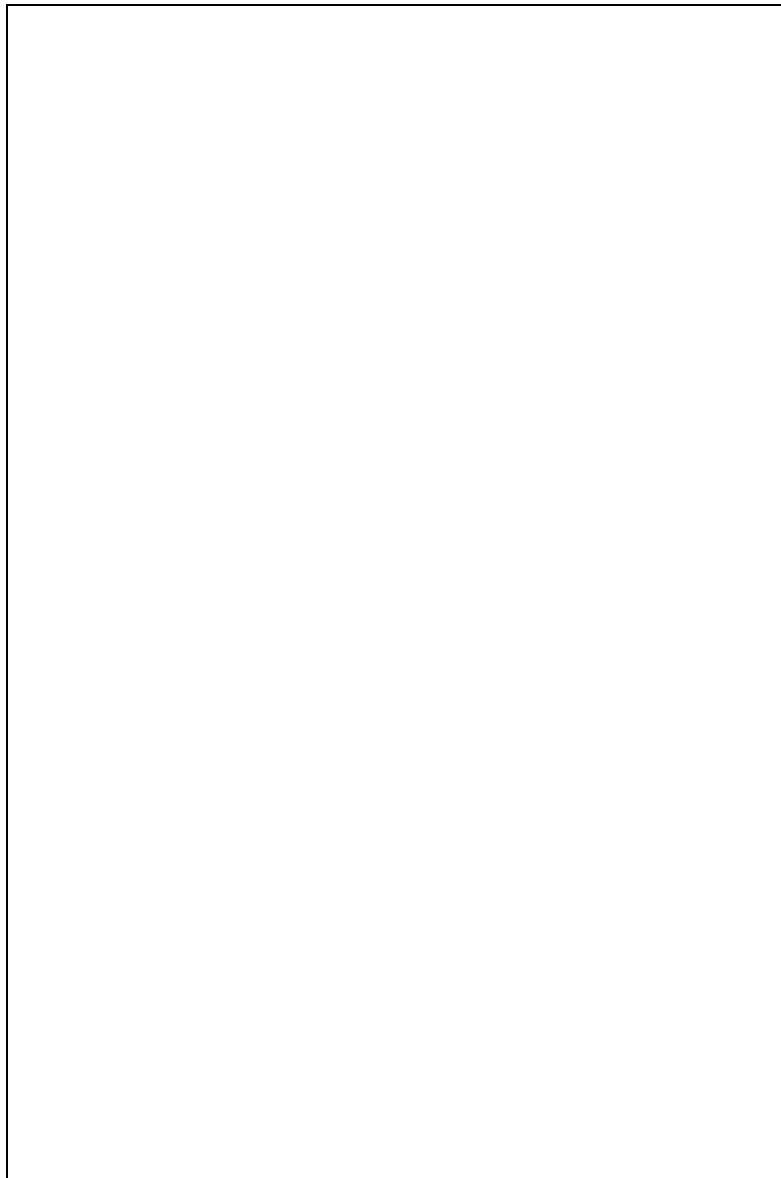
**EIA - Screening Determination for Strategic Housing Development Applications**

<b>A. CASE DETAILS</b>		
<b>An Bord Pleanála Case Reference</b>		ABP-308958-20
<b>Development Summary</b>		<p>Alterations to permission ABP-302580-18 (as altered by ABP-305174-19) to result in:</p> <ul style="list-style-type: none"> <li>Alterations to Block 1 including reconfiguration of 4<sup>th</sup> floor level; provision of one additional three-bed unit, and associated changes at roof level; reconfiguration of units from ground to 3<sup>rd</sup> floor, including internal alterations and associated external alterations to fenestration and terraces/balconies; alterations from ground floor to 4<sup>th</sup> floor level to provide for a new fire</li> </ul>



escape stairs, and the provision of a new fire escape stairs from basement to ground floor level; alterations at basement and surface levels to provide for an increase in car parking provision from 63 number spaces to 72 number spaces.

- Redesign of Block 7 to provide for eight number one-bed units and 15 number two-bed units and a residents and communal amenity space and external terrace, in place of seven number one-bed units and 14 number two-bed units and a childcare facility.
- Redesign of Block 8 and adjoining houses to provide for nine number one-bed units and seven number two-bed units in Block 8 and one number one-bed and three number two-bed single storey bungalows (new house types 1W and 2U), in place of two number one-bed units and eight number two-bed units in the duplex Block 8 and three number three-bed two storey houses (House types C2 and C3).
- Provision of bicycle parking spaces at surface level to the north of Block 7 and the reconfiguration of surface



parking in front of Blocks 7 and 8, resulting in a net decrease of five number car parking spaces at surface level (from 41 to 36 number car parking spaces).

- Alterations to the houses located in the central and eastern part of the site including replacement of two number five-bed three storey semi-detached units (House types A3a) with two number four-bed three storey semi-detached units (house type A1) and an additional one number five-bed three storey detached unit (new house type A3); replacement of one number five-bed three storey semi-detached unit (House Type A3B) with a detached four-bed three storey unit (House type A2v); elevation changes, internal changes and variations to house types A1, A2, A2v, B1, B1v, B2, B2v, C1A, C1B, C1C, C3, D1 and D2.
- Introduction of a footpath to Glencairn House through the relocated entrance portal (as permitted) to provide a pedestrian connection to Glencairn House.
- Additional substation, gross floor area of circa 6 square metres, located to the east of Block 3.

		<ul style="list-style-type: none"> <li>All associated car and bicycle parking alterations, bin stores, photovoltaic panels, landscaping, drainage, site services and other works.</li> <li>The proposed alterations result in an overall increase in unit numbers from 341 (as permitted under ABP-302580-18) to 352 units.</li> </ul>	
	<b>Yes / No / N/A</b>		
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIAR and AA Screening Report were submitted with the application	
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>		
<b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2016-2022.	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>	<b>Is this likely to result in significant effects on the environment?</b>

		<p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b></p>	<p><b>Yes/ No/ Uncertain</b></p>
<p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>			
<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The alterations comprise the construction of residential units on zoned lands. The nature and scale of the proposed alterations are not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>The proposed alterations are located on greenfield infill lands at Murphystown Way, Dublin 18, within Dun Laoghaire Rathdown. The proposed alterations are not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>



<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	<p>No</p>

<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p><b>No</b></p>
<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>

<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>This is an alteration to an existing permitted development. The development changes have been considered in their entirety and will not give rise to any significant additional effects.</p>	<p><b>No</b></p>
<p>2. Location of proposed development</p>			

<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> <li><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></li> </ol>	<p><b>No</b></p>	<p>No European sites located on the site. An AA Screening Report accompanied the original application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the sites Conservation Objectives.</p>	<p>No</p>
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>There is a protected structure and a national monument within / adjacent to the site, however the proposed alterations do not negatively impact on these.</p>	<p>No</p>

<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>No such features arise in this urban location.</p>	<p>No</p>
<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>Site investigations identified no risks in this regard.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road, pedestrian and cycle network and Luas Green Line. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No</p>

<b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b>	<b>Yes</b>	The alterations would not be likely to generate additional demands on educational facilities in the area.	<b>No</b>
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<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>	No	<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed alterations, which are below the threshold in respect of Class 10(b)(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 for residential development under the Dun Laoghaire Rathdown County Development PPlan 2016-2022.
- d) The existing / permitted 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 alterations,
- g) The location of the alterations 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

i) The features and measures proposed by requester 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 (CDWMP) of the parent permission,

It is considered that the proposed alterations 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.

**Inspector:** \_ Sarah Moran\_\_

**Date:** \_\_10<sup>th</sup> November 2021\_\_



