



An
Bord
Pleanála

Inspector's Report ABP-309196-21

Development	161 apartments, 97 car parking spaces, 328 bicycle parking places, communal facilities, communal gardens and play area, new vehicular, cycle and pedestrian entrances.
Location	Lands adjacent to Foxhunter Pub, Ballydowd, Lucan, Co. Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0259
Applicant(s)	Fox Connect Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Fox Connect Limited
Observer(s)	See Appendix A
Date of Site Inspection	4 th October 2021
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located at lands adjacent to the Foxhunter public house at Ballydowd, Lucan, County Dublin. The site is on the southern side of the N4, directly adjacent to and accessed from the west bound diverge/ slip road at Junction 3 off the N4 to Ballyowen/ Lucan. The site is located midway between Lucan village and the Liffey Valley Shopping Centre, c.2km to the west and c.2km to the east respectively.
- 1.2. The site is rectangular in configuration with a stated area of 0.6354 ha. The northern portion of the site comprises a surface car parking area associated with the Foxhunter public house, and the southern portion comprises a grassed area with mature trees along the perimeter. Centrally located on the hard standing within the site are two drive through/ takeaway restaurants surrounded by circulation space, car parking, outdoor seating, and bin storage areas. At the northwestern corner of the site is a private roadway linking the site to the slip road. The vehicular access arrangement for the site comprises a left turn-in from the slip road and left turn-out via the roadway to the slip road.
- 1.3. Adjacent to the east of the site is the Foxhunter public house and its rear curtilage area, with the site boundary comprising a high wooden fence; to the south and west of the site are two storey dwellings fronting onto Hermitage Road and Hermitage Gardens respectively, cul-de-sacs within the Hermitage estate, with the site boundary comprising stands of mature trees; and to the north of the site is the N4 slip road, with the site boundary formed by a low stone wall with palisade fencing. On the northern side of the N4 dual carriageway are agricultural lands and the Hermitage golf course.
- 1.4. In the application particulars, the wider landholding outlined in blue, indicating control by the applicant, includes the Foxhunter public house with rear curtilage area to the east, and the roadway linking the site to the slip road to the west.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 161 apartments in four buildings (referred to in the first party appeal at Blocks A, B, C, and D) ranging in height from 3 to 20 storeys constructed on a raised podium over an underground

level for parking and services. Block D, at ground floor level, comprises communal facilities including work stations, meeting rooms, laundry facilities and offices. The proposal includes a new vehicular access, 97 car parking spaces (basement) and 328 bicycle spaces (basement and surface); public open space and play areas; substation; bin storage; roof plantrooms, green roofs and photovoltaic panels, and all other site servicing and development works.

- 2.2. The following tables present the principal characteristics, features, and floor areas of the components of the proposed scheme (extrapolated from the application form, plans and particulars with the application and appeal):

Table 1: Key Statistics

Site Area	0.6354 hectares
Floor Areas (gross floor spaces)	Total Floor Area = 14,146 sqm Residential = 13,782 sqm Commercial = 360 sqm
Residential component	161 apartments in 4 buildings ('Block' references as cited in first party appeal) 15 apartments in Block A (northwest) 21 apartments in Block B (southwest) 21 apartments in Block C (southeast) 104 apartments in Block D (northeast)
Ancillary uses component	Offices (360 sqm) at ground floor level of Block D Childcare facility – none provided
Density	c. 253 apartment units per hectare
Building Height	Ranges from 3 storey (principal building height 10.50m) to 20 storeys (65.90m) (Note: there is basement parking and a podium level under the blocks, and plant area on the roof of each block; principal

	<p>building height measurements below are from the ground floor to roof cap)</p> <p>Block A (4 storey block): 13.25m</p> <p>Block B (3 storey block): 10.50m</p> <p>Block C (3 storey block): 10.50m</p> <p>Block D (20 storey block): 65.90m</p>
Aspect	Dual aspect: 108 units (67%)
Open Space	<p>Private: balconies, various sqm</p> <p>Public open space: c.1,247 sqm (including open landscaped areas and c. 94 sqm playground)</p>
Part V provision	16 apartments (4 x studio, 4 x 1 bedroom, and 8 x 2 bedroom units in Blocks A, B and D)
Car Parking	97 spaces (basement)
Bicycle Parking	328 spaces (238 at basement and 90 at surface level)

- 2.3. The proposed residential mix, the tenure of which is assessed as being build-to-sell, is as follows:

Table 2: Summary of Residential Unit Mix

Unit Type	Studio	1 bed	2 bed	3 bed	Total
Block A	7	0	4	4	15
Block B	3	7	11	0	21
Block C	3	3	15	0	21
Block D	24	32	48	0	104
Total	37	42	78	4	161
% of Total	23%	26%	48.5%	2.5%	100%

- 2.4. With regard to access, the proposed development includes the formation of a new entrance from Hermitage Gardens in the southwest corner of the site. This proposed entrance will be the only vehicular access for the proposal, and also allowing pedestrian and cycle access. Hermitage Gardens is a cul-de-sac with a turning head at this location, and the proposed entrance will be created by breaking through the existing estate boundary wall. From this entrance, an internal roadway extends along the site's western perimeter before going underground to the basement level. There are no other at-surface vehicular roads within the scheme, as the blocks, footpaths, landscaped areas are constructed on a raised podium. From the site's northern boundary adjacent to the N4, the applicant indicates that the existing vehicular access into the site from the N4 will be removed with only pedestrian and bicycle access facilitated at two new entry points. The application particulars indicate that the adjacent Foxhunter public house maintains its vehicular access to and from the N4 slip road.
- 2.5. With regard to site services, the proposed development will connect into existing water services infrastructure including surface water drainage, wastewater treatment, and water supply. The proposal includes a new underground attenuation tank located towards the southern boundary of the site. The surface water from the podium and buildings' green roofs will be discharge to the tank. Surface water and wastewater from the proposed development will discharge by gravity via new piped infrastructure to the existing surface water and wastewater drainage systems in Hermitage Gardens. Water supply for the proposed development will be provided through new piped infrastructure connecting to the existing public water mains in the N4 slip road.
- 2.6. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by the following reports and documentation:
- Planning Report;
 - Community and Social Infrastructure Audit;
 - Architectural Cover Statement;
 - Schedule of Areas;
 - Transportation Assessment Report;

- Visual Impact Assessment;
- Drainage Report;
- Irish Water Pre Connection Enquiry Confirmation;
- Energy and Sustainability Report;
- Arboricultural Development Report; and
- Landscape Design Rationale.

3.0 Planning Authority Decision

3.1. Summary of the Decision

3.1.1. On the 9th December 2020, the planning authority issued a notification to refuse permission for six reasons. These can be summarised as follows:

Reason 1: The application site is zoned as ‘RW – To provide for and consolidate retail warehousing’ in the South Dublin County Development Plan 2016-2022 (CDP), and residential use is ‘not permitted’. The proposal, a residential scheme, is a material contravention of the CDP, and also contrary to the Core Strategy of the CDP which seeks to achieve the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).

Reason 2: The proposal would materially contravene CDP Policy H7 Urban Design, H9 Residential Building Heights, policy in CDP Sections 11.2.0, 11.2.1 and 11.2.7; and be contrary to Section 3.2 and Specific Planning Policy Requirement (SPPR) 3 of the Ministerial Guidelines, Urban Development and Building Heights Guidelines for Planning Authorities, 2018.

Reason 3: The proposal is of a design, height, bulk, scale, and massing that will be visually obtrusive, injurious to the visual amenities of the site, injure amenities of adjacent properties and character of the wider area.

Reason 4: The proposal would intensify volumes of traffic and cause traffic congestion on substandard local roads that would endanger public safety by reason of traffic hazard or obstruction of road users and is contrary to CDP policies on Traffic and Transport Management.

Reason 5: The residential density of the proposal is inappropriate having regard to the accessibility of the site, the context of the surrounding area, and the strategic approach to consolidated development in the Core Strategy of the CDP; and

Reason 6: The proposal would set an undesirable precedent for similar development which would be harmful to the residential and visual amenities of the area.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planner's report is the basis for the planning authority decision. The key issues from the planner's report, in addition to the items which form the basis of the refusal reasons, can be summarised as follows:

- Lucan is designated as a Metropolitan Consolidation Town in the CDP and includes a significant landbank of suitable residential lands in the area, which the subject site is not located within;
- Proposal provides for the development of an infill site which is surrounded (west, south and east) by existing residentially zoned lands, 'RES', containing two storey housing;
- Subject site was previously zoned as residential, on which low density housing was permitted;
- Under the current CDP, the zoning changed from residential to retail warehousing and, accordingly, the proposal is a material contravention;
- Applicant has not undertaken an assessment of the quantitative performance approaches to daylight provision as recommended in the Ministerial Guidelines;
- Visual impact of the proposal has not been sufficiently addressed by the documentation submitted (includes four photomontages) and a detailed visual and landscape impact assessment is instead required;
- Vehicular access into the proposal is via an existing cul-de-sac turning head at Hermitage Gardens (estimated as 207% increase in local traffic), as the applicant has indicated that due to national roads policy it was not appropriate to access onto the N4;

- The NTA submission (requiring an agreement on a strip of land adjacent to the N4 slip road to facilitate the Core Bus Corridor) is considered to 'likely block any vehicle access onto the N4 slip road' as an alternative access point, and the proposal is described as land locked;
- No screening report for appropriate assessment has been submitted to allow an informed decision on same; and
- The need for environmental impact assessment has been excluded at preliminary examination.

3.2.2. Other Technical Reports

Roads: refusal recommended for reasons including the increase in traffic, substandard roads, and creation of a traffic hazard.

Water Services: no objection (no flood risk), subject to conditions (including provision of attenuation details).

Parks, Landscape and Public Realm: no objection, subject to conditions (including a revised landscape plan).

Waste: further information, requires a construction and demolition waste management plan.

Housing Procurement: no objection, condition requiring Part V agreement.

Environmental Health: further information, requires an acoustic assessment and a noise management plan.

3.3. Prescribed Bodies

Irish Water: no objection, subject to conditions (including pre connection agreements).

National Roads Authority: submission highlights that the preliminary Corridor 6 (Lucan to the city centre) of the Core Bus Corridor Project is adjacent to the site along the N4. The preferred route involves the potential acquisition of a narrow strip of land from the north-west corner of the subject site to allow a bus lane and footpath to be provided on the diverge slip road. Condition requested for the developer to

liaise with the NTA and reach agreement on the design of the internal road layout adjacent to the N4 in order to support the implementation of the CBC along the N4.

Transport Infrastructure Ireland: submission refers to the requirements of the Spatial Planning and National Roads Planning Guidelines, 2012, and that the proposal accords with the recommendations of the Transport (Traffic Impact) Assessment submitted.

3.4. Third Party Submissions

- 3.4.1. In excess of 165 submissions were received by the planning authority on the application from third party observers, including representations from elected members. The submissions from the third parties were overwhelmingly in objection to the proposed development.
- 3.4.2. The issues raised in the third party submissions to the planning authority continue to form the basis of the observations on the appeal, which are outlined in detail in Section 6.0 below.

4.0 Planning History

Appeal Site (Southern Portion)

PA Ref. SD05A/0409, PL06S.215037

Permission granted on appeal on 19th May 2006 for development including 14 dwellings, 26 car parking spaces, and a new access via Hermitage Gardens.

This permission was not implemented and has expired.

PA Ref. SD04A/0701

Permission refused for development including 20 apartments and duplexes, 35 car parking spaces, with access to the N4 slip road. Refusal reasons included traffic hazard and disamenity to adjacent residents to the south.

PA Ref. SD03A/0171, PL06S.204762

Permission refused on appeal for development including 20 apartments and duplexes, 35 car parking spaces, and a new access via Hermitage Gardens.

Refusal reason related to injury to amenities of the area and property through noise, traffic generation and general disturbance.

5.0 Policy Context

5.1. Having considered the nature of the proposed development, the receiving environment, the application and the appeal documentation, submissions from prescribed bodies and observers, and the decision of the planning authority, I consider the following policy and guidance to be of particular relevance to the determination of the appeal.

5.2. National Planning Context

National Planning Framework, Project Ireland 2040 (NPF)

5.2.1. A number of overarching national policy objectives (NPOs) are identified relating to targeted future growth in appropriate locations in Dublin City and suburbs. The appeal site is located just within the boundary of the 'Dublin City and suburbs' area which is identified for consolidated future growth in the NPF.

5.2.2. NPOs for appropriately located and scaled residential growth in the Dublin area include:

- NPO 2a: A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs;
- NPO 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements;
- NPO 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints;
- NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being;
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages,

subject to development meeting appropriate planning standards and achieving targeted growth;

- NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected;
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location; and
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 28 Ministerial Planning Guidelines

5.2.3. The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated references for the titles of certain guidelines, as indicated below (listed chronologically).

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, December 2020 (Apartment Guidelines);
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines);
- Design Manual for Urban Roads and Streets, December 2013 (DMURS);
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, (Sustainable Residential Development Guidelines) (as accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and

Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021); and

- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines).

5.3. Regional Planning Context

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

- 5.3.1. The RSES provides a development framework for the region, including a Metropolitan Area Strategic Plan (MASP) for Dublin City and suburbs, and lands within the adjacent western perimeter. The RSES is required to align with the overarching provisions of the NPF, identifying in a more specific and targeted manner future growth patterns in the region.
- 5.3.2. The MASP identifies five 'Strategic Development Areas and Corridors' described as strategic residential and employment development corridors into which future development will be targeted. The 'Strategic Areas' includes the 'City Centre within the M50' largely corresponding with Dublin City and suburbs, while the identified 'Strategic Corridors' are aligned with rail lines of Irish Rail, Dart, Luas and Metrolink.
- 5.3.3. While the appeal site is located within the MASP area, it is not located within or along one of the Strategic Development Areas and Corridors. The North-West Corridor corresponds with the Maynooth/ Dunboyne line and Dart expansion, while the South-West Corridor corresponds with the Kildare line, Dart expansion, and Luas red line. The N4 (a national road) is not identified as a Strategic Corridor. As such, there are no express policies included in the MASP and associated Table 5.1 that are applicable to the proposed development.
- 5.3.4. Conversely, the RSES includes the following regional policy objectives (RPOs) which are applicable instead to the identified Strategic Development Areas and Corridors:
 - RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

- RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing: Design Standards for New Apartments’ Guidelines and ‘Urban Development and Building Heights Guidelines for Planning Authorities.
- RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

5.4. Local Planning Context

South Dublin County Development Plan 2016-2022, as varied (CDP)

- 5.4.1. The applicable development plan is the South Dublin County Development Plan 2016-2022 (CDP). The CDP was varied by Variation 4 to align with the provisions of the RSES following the latter’s adoption in December 2019.
- 5.4.2. The principal CDP designations for the proposed development include the following:
- The site is zoned as Retail Warehousing ‘RW’ with the stated objective ‘To provide for and consolidate retail warehousing’ (CDP Map 2). Residential use is a ‘not permitted’ use class under this zoning;
 - Adjacent lands to the west, south and east of the site are zoned as Existing Residential ‘RES’ with the stated objective ‘To protect and/ or improve residential amenity’;
 - In the CDP’s Core Strategy Map, the site is located within the wider Metropolitan Consolidation Area to the west of the M50. The site is not located within the Metropolitan Consolidation Area to the east of the M50 (referred to as Dublin City and suburbs) or within a Metropolitan Consolidation Town (i.e. Lucan, Clondalkin, Tallaght) in the Metropolitan Consolidation Area;

- The site is within the 'Urban' Landscape Character Area, and there are no map-based designations 'Protect and Preserve Significant Views' to, from or across the site; and
- There is a map-based designation for the 'NTA Greater Dublin Network Cycle Plan' route on the northern side of the N4 dual carriageway, and the site is not located on the 'RPA preferred Long Term High Capacity Public Transport' route.

5.4.3. Chapter 1 Core Strategy contains policy with associated objectives relating to future residential development in Metropolitan Consolidation Areas to the east of the M50 (Section 1.7.1) and Metropolitan Consolidation Towns (Section 1.7.2).

5.4.4. Chapter 2 Housing contains policy with associated objectives on:

- Urban Design in Residential Developments (Policy H7 Objectives 1 and 2):

H7 Objective 1: *To ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) (or any superseding document) including the urban design criteria as illustrated under the companion Urban Design Manual – A Best Practice Guide, DEHLG (2009).*

H7 Objective 2: *To ensure that residential development provides an integrated and balanced approach to movement, place-making, and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2013).*

- Residential Densities (Policy H8 Objective 2):

H8 Objective 2: *To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).*

- Residential Building Height (Policy H9 Objectives 2, 3, and 4)

H9 Objective 2: *To ensure that higher buildings in established areas respect the surrounding context.*

H9 Objective 3: *To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).*

H9 Objective 4: *To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.*

- Residential Design and Layout (Policy H11 Objective 1)

H11 Objective 1: *To promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in Chapter 11 Implementation.*

- Infill Development (Policy H17 Objectives 2 and 5):

H17 Objective 1: *To support residential consolidation and sustainable intensification at appropriate locations and to encourage consultation with existing communities and other stakeholders.*

H17 Objective 2: *To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.*

H17 Objective 5: *To ensure that new development in established areas does not impact negatively on the amenities or character of an area.*

5.4.5. Chapter 11 Implementation includes the qualitative and quantitative requirements for developments on:

- Building Heights (11.2.7):

Varied building heights are supported across residential areas, urban centres, and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area.

Development proposals that include 'higher buildings' that are greater than the prevailing building height in the area should be supported by a strong urban design rationale (as part of a Design Statement) and provide an appropriate series of measures that promote the transition to a higher building.

Proposals for higher buildings of over three storeys in residential areas should be accompanied by a site analysis (including character appraisal) and statement that addresses the impact of the development (see also Section 11.2.1 – Design Statements). The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.*
- The proximity of existing housing - new residential development that adjoins existing one and/ or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height unless a separation distance of 35 metres or greater is achieved.*
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.*
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.*

Proposals for 'tall buildings', that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme.

- Residential Standards (11.3.1 (v) Privacy):*

Section 10 of the Urban Design Manual (2009) addresses privacy and amenity. A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy.

- Residential Consolidation (11.3.2 (i) Infill Sites):

Development on infill sites should meet the following criteria:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development...*
- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).*
- *Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.*
- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.*

5.4.6. The appeal site is not located in an area subject of a local area plan.

5.5. Natural Heritage Designations

5.5.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA. The Liffey Valley pNHA is the

most proximate designation to the site, located c.500m to the northwest. There are no watercourses at or adjacent to the site.

5.5.2. The European Site designations within a precautionary 15km distance to the appeal site include:

- Rye Water Valley/ Carton SAC (site code 001398) is c.4.7km to the west;
- Glenasmole Valley SAC (site code 001209) is c.11.6km to the southeast;
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is c.12.7km to the east;
- Wicklow Mountains SAC (site code 002122) is c.14km to the southeast; and
- South Dublin Bay SAC (site code 000210) is c.14.1km to the east.

5.6. Preliminary Examination Screening for Environmental Impact Assessment

5.6.1. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10(b)(iv) *Infrastructure Projects* of the Planning and Development Regulations 2001 (as amended);
- The location of the site on lands that are zoned for Retail Warehousing 'RW' under the provisions of the South Dublin County Development Plan 2016-2022, and the results of the strategic environmental assessment of the Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC);
- The location of the site within the existing built-up urban area, which is served by public water services infrastructure, and the existing pattern of development in the vicinity;
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended), and the mitigation measures proposed to ensure no connectivity to any sensitive location;
- 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); and

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

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The following is a summary of the main issues raised in the first party grounds of appeal:

- First party appeal is structured to address the six refusal reasons cited in the planning authority decision;
- Documentation accompanying the appeal includes:
 - Alternative design for a 12 storey Block D with revised plans, particulars (including a schedule of areas) and photomontages;
 - Traffic, Transportation and Roads Response (including analysis for the alternative design);
 - Acoustic Study; and
 - Community and Social Infrastructure Audit (copy of the report as originally submitted with the planning application).
- Acknowledges that the proposed development is a material contravention of the Retail Warehousing 'RW' zoning objective on the lands, which is described as rather odd, a constraint, flawed, unreasonable, unachievable and not valid;
- To overcome refusal reason 1, the Board is requested to use its powers to grant permission for the proposal, which is stated as falling within the scope of the material contravention process legislated for in section 37(2)(b)(i)-(iv) inclusive of the Planning and Development Act 2000, as amended;

- The non-compliance with the Development Plan as cited in refusal reasons 1 and 2 is overcome through compliance instead with national requirements, including policies in the NPF, and with SPPR 3 of the Building Height Guidelines;
- The negative impacts associated with the height, design and scale of the proposal as cited in refusal reasons 2 and 3 are refuted. The contexts for Blocks A, B and C and that for the taller Block D are stated as being wholly different and should be assessed accordingly in terms of impact on residential and visual amenity;
- Accepts there is no policy requirement for a landmark building at the subject site but submits it is an appropriate form of development, will add to the visual environment, and will assist in wayfinding along the N4;
- Refusal reason 4 on traffic grounds is refuted, with reference made to the findings of the Transportation Response on traffic levels, extent of congestion, categorisation of roadway (stated an incorrect measurement of the Hermitage Gardens roadway cited in refusal reason 4), and traffic safety impacts;
- The proposal's excessive density and its being inappropriate at its location and context referred to in refusal reason 5 are refuted, with compliance achieved instead with overarching policy in the Sustainable Residential Development Guidelines, and the requirements of the Apartment Guidelines;
- Refusal reason 6 on precedent is rejected as the appeal site is described as a unique site responding to unique circumstances; and
- The applicant states that in the event that the Board has concerns in respect of building height, an alternative design for Block D is proposed which indicates a reduction in building height from 20 storeys to 12 storeys, and a corresponding decrease in the number of apartments from 161 to 113 units.

6.2. Planning Authority Response

- 6.2.1. No response has been received from the planning authority in respect of the first party appeal or the alternative design.

6.3. Observations

6.3.1. 146 submissions have been received from third party observers, comprising individuals, residents' groups, and elected representatives (listed in Appendix A of this report). These are all in objection to the proposed development. Due to the number of observers and issues raised, I propose to group and summarise the issues under the following headings:

Zoning Objective

- RW zoning is not 'odd', or a 'source of puzzlement' as referred to by the applicant, but an appropriate and considered legal designation for the lands;
- Zoning considerations by elected representatives are not the subject of this appeal;
- RW zoning allows more suitable activities than residential development at the site, such as retailing (similar to Avoca and The Orchard), garden centre, recreation and leisure uses (play centres);
- RW zoning allows for flexible retail and food service uses, which is what is currently in place at the site (Wow Burger food operation);
- RW is suitable as more retail services are required to serve the surrounding residential areas and would be more appropriate form of development; and
- Previous residential zoning is irrelevant to the appeal.

Material Contravention

- Completely disregards the core zoning objective of the lands;
- Represents a significant deviation from the primary zoning objective on the lands;
- Sets an undesirable and dangerous precedent for permitting residential development on retail zoned lands;
- Completely disregards CDP policies on tall structures and where these are to be located including in town centres, mixed use zones, or strategic development zones (Policy H9 Objectives 2, 3, and 4);
- Does not meet the CDP separation distances of 22m and/ or 35m from existing houses;

- Does not come within the scope of section 37(2) to justify a material contravention of a development plan;
- Does not satisfy Section 3.2 and SPPR 3 of the Building Height Guidelines;
- Cannot rely on national or regional policy to develop individual sites;
- Provision for new housing and communities is being delivered through the Adamstown and Clonburriss Strategic Development Zones (SDZs) (figures cited between 15,000 – 20,000 dwelling units);
- Sufficient appropriately zoned land exists in the Lucan area, primarily the Adamstown and Clonburriss SDZs, and residential development at the site is not necessary;
- Nothing about the site or development is strategic in nature (such as the County’s SDZs) or of national importance (the applicant’s reference to NPF objectives is aspirational); and
- Appeal is an attempt to overturn the democratic mandate of elected representatives as zoning of lands is their responsibility.

Planning History

- One smallscale development of 14 houses granted permission at the site;
- Other proposals for apartments (number of units cited varies between 16 and 20) in three storey blocks were refused permission;
- Current proposal is significantly greater in number and different in type of proposed units than the previously granted development;
- Previous grant of permission at the site is irrelevant as under a previous development plan with a different zoning objective; and
- Previous refusal reasons remain applicable for the proposal as the amenities of the adjacent properties will be injured through noise, traffic generation, and general disturbance.

Design, Height, and Scale

- 20 storey block is monolithic, behemoth, an horrific eyesore, a visual nightmare, and a blot on the landscape;
- Proposed blocks will be overly dominant on the skyline and an intrusive form of development over existing residential dwellings;
- Visual impact will be excessively overwhelming and overbearing for adjacent residential properties;
- Visual amenity of the area will be injured, and existing streetscape will be negatively impacted;
- Scale of blocks is out of context with the surrounding environment and out of character with the established two storey residential area;
- No gradual change in building height from existing housing to the 20 storey block;
- Design of the 20 storey block, contemporary in style with metal and glass, does not fit with that of the more traditional red brick 3 and 4 storey blocks;
- Applicant's claim that the tall building reinforces sense of place of the area is rejected;
- Proposal does not contribute positively to the character of the area;
- No multi-storey developments or other high buildings in the area;
- Disputes the Visual Impact assessment conclusion that the quality of the impact of the 20 storey block is 'neutral', instead clearly it is 'severe';
- Views from within the Liffey Valley SAAO will be injured by the proposal;
- Applicant's precedent tall buildings (Liberty Insurance and Royal Liver buildings) are not comparable as these are commercial use and not next to a residential area;
- Alternative 12 storey block in the appeal remains unacceptable and excessive in bulk, scale and massing; and
- Photomontages of the alternative 12 storey block are not an accurate depiction, particularly the viewpoint from Hermitage Gardens as the existing

trees (due to be removed) are included thereby lessening the visual impact of the building.

Density of Development, Population and Services

- Existing pattern of development will be disrupted;
- Density of proposal grossly out of character and completely at odds with established density in the Lucan, Clondalkin, and Palmerstown areas;
- Results in an increase in population (figures cited between 300-500 people), effectively doubling the size of the Hermitage estate (stated as containing 180 houses);
- Intense overdevelopment of the site;
- Proposal, in particular the 20 storey (and the alternative 12 storey) block, is more suitable for the city centre or Docklands area;
- Development with a density as proposed needs to be at multi-modal transportation hubs such as Heuston or Connelly train stations;
- Even if the zoning was for residential, only 10% of what is proposed would be permitted;
- Pressure on existing water services infrastructure, environment, and services;
- Waiting lists for doctors, dentists, childcare, and schools in the area;
- Community and Social Infrastructure Audit contains irrelevant/ incorrect/ unsubstantiated information or omissions on retail provision, hospitals, fire station, and schools; and
- Do not want a repeat of historic planning problems where residential development occurred in the Lucan area and subsequent years are spent fighting for services.

Residential Amenity

- Catastrophic for the adjacent two storey residences and Hermitage estate;
- Many residents have lived in the Hermitage estate for c.30 years and proposal will adversely affect the character and nature of the estate;

- Cause significant loss of residential amenity to all surrounding properties through overlooking, overshadowing, loss of daylight and sunlight, and overbearance;
- Substantial amount of disruption to the existing properties through inconvenience, noise disturbance and additional pollution;
- Separation distances between the blocks and existing houses are not sufficient, being less than required 35m from southern blocks to houses, and less than 22m to from western block to houses;
- Southerly located blocks have balconies at upper floor levels that give rise to overlooking and loss of privacy of garden spaces;
- Objection to the removal of trees along western site boundary as these provide an essential sound barrier from traffic noise on the N4; and
- Acoustic Assessment in the appeal is not an accurate representation of the noise environment for future residents from the N4 due to the survey conditions.

Transportation and Traffic Impacts

- Hermitage estate internal road network and the only external junction are inadequate, not designed for, nor capable of safely handling the increase in traffic;
- Hermitage estate is already significantly congested with traffic, especially at peak morning and evening times, with haphazard parking on footpaths and greens;
- Increased traffic and a lack of car parking will create hazardous conditions for existing residents, with severe endangerment of public safety, particularly children at play;
- Removing the cul-de-sac and changing the nature of the road at Hermitage Garden is reprehensible, resulting in significant adverse impacts on residents;
- Proposed access is impractical, not an appropriate entrance, and the existing cul-de-sac should be preserved;

- Childcare facility adjacent to the proposed entrance currently has a safe environment for children and parents, for drop off and collections at the Hermitage Gardens cul-de-sac which will be negatively impacted upon;
- More consideration needed on an access point on/ from the N4;
- On-site car parking provision is substandard (97 spaces) and does not meet development plan requirements (142 spaces);
- Due to the parking shortage, residents and visitors to the proposed development will park throughout the wider Hermitage estate;
- Access from Hermitage estate onto the R136 (outer ring road) is controlled by traffic lights and at peak hours are notable queues;
- Proposal will cause further traffic problems for Hermitage residents and add to current gridlock on the outer ring road;
- Lucan area is underserved by public transport with no train stations, railway lines, and the bus services serving the area (25A, B and D) are at capacity, particularly for morning commuters;
- Household car ownership in the GDA is increasing, is greater than in previous generations, and attempts to limit car parking provision, for example in Adamstown, have not resulted in decreased demand;
- Many houses in the Hermitage estate have in excess of two cars and on-street parking demand is already problematic;
- Suggestion that future residents will predominantly be cyclists is unrealistic and lacks credibility;
- Future residents will need cars to get to larger supermarkets, schools, and employment locations due to distances and lack of public transport options;
- Nuisance and inconvenience from impacts associated with construction traffic, and once built, larger delivery, utility, rubbish, and emergency vehicles;
- Traffic assessment disputed as based on survey undertaken during Covid lockdowns and therefore underestimates the real situation;

- Traffic assessment flawed as no consideration for weekend traffic (only Monday to Friday), of traffic from servicing/ delivery trips (only future residents), or of construction traffic and haulage routes;
- Unclear/ inadequate analysis on traffic impacts from the Hermitage estate to and from the surrounding road network including the R136, R835, N4 slip road;
- Alternative traffic analysis undertaken for the submission of Hermitage Park Residents Association indicates increased trip generation than that of the applicant's; and
- The Roads Department of the planning authority has found the Hermitage road network to be unsuitable and the proposal to be a traffic hazard.

Other

- No pre planning meeting held with the planning authority;
- Hazardous to air navigation due to the proximity to Weston Airport;
- Cause a devaluation of adjacent properties;
- Proposal will be a conduit for anti-social behaviour, a route for burglars, and evading the garda;
- Role of the tall building assisting motorists as a method of wayfinding on the N4 is dismissed due to the existence of signage and GPS systems;
- Extent of excavation for basement parking level and tall building foundations will impact foundations of nearby housing;
- Vapours from the adjacent petrol station will seep into the basement level;
- Environmental damage from the exhaust fumes and emissions;
- Validity issues including indication of extent of site area, land ownership, omission of reference to Hermitage Gardens on plans;
- Applicant wanting to maximise profits at the expense of local residents; and

- Feasibility of the development questioned due to more people working at home and needing larger spaces not studio and 1 bedroom apartments as in the proposal.

6.4. Applicant's Response to Observation

6.4.1. The applicant has responded to one third party observation that was made on behalf of the Hermitage Park Residents Association. The applicant's response comprises correspondence from the planning consultant, architect, and traffic consultants for the proposed development.

6.4.2. The main issues raised in the response can be summarised as follows:

- Acknowledges from the outset that the proposed development is a material contravention of the RW zoning objective;
- Applicant anticipated that the planning authority would refuse permission due to local opposition and that an appeal would have to be made to bring the matter to the Board;
- Applicant refers to the historic context of the RW zoning of the site, attempts to facilitate an Avoca style retail operation, and subsequent attempts to prevent the development of apartments;
- Material contravention is appropriate due to the unsuitability of the RW zoning objective for the site, and the only realistic access to the site being through Hermitage Gardens as largescale vehicular access onto N4 access would likely be prohibited;
- The proposed development will offer a quality residential environment for future residents, will increase residential development offer in a low-density residential location that is not sufficiently utilising the available services;
- The N4 is a strategic piece of state infrastructure and developing high buildings alongside is an appropriate design response;
- Refutes claim that the proposal, including the 3 and 4 storey blocks, are overly dominant and intrusive causing overlooking (disputes claims of a requirement for a 35m separation distance, and that a separation distance of 22m is not achieved), overshadowing and overbearance;

- Claim of overlooking from the upper levels of the tallest building is dismissed due to the separation distances (estimated as c.80m), though to address any concern the applicant's architect suggests (from the 10th floor upwards) the relocation of south facing balconies to the east and north elevations, and restricting views from south facing living rooms as there is a compensating window on another elevation;
- Refutes that the proposal is significantly out of character with the area, reiterating that the context for the 3 and 4 storey blocks is the 2 storey housing, and for the tallest block it is being alongside the N4 motorway;
- Applicant's traffic consultants reiterate that the proposed access arrangements through Hermitage Gardens are DMURS compliant but if necessary, the simple solution is the use of double yellow lines to prevent unauthorised car parking near the access point; and
- Disputes traffic modelling and trip generation rates used in the traffic analysis of the third party observation, notwithstanding however when these are applied the results indicate a marginal increase in traffic generation that could not be reasonably considered as significant.

6.5. Further Referrals

- 6.5.1. On lodgement of the appeal, the Board referred the case to the South Dublin Childcare Committee. No response was received on the case at the time of assessment.

7.0 Planning Assessment

7.1. Introduction

- 7.1.1. Having examined the appeal and application documentation, including submissions received from third parties, prescribed bodies and observers, inspected the site, and having regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in the appeal are as follows:

- Principle of Development;
- Planning History;

- Layout and Design;
- Building Height;
- Residential Density and Social Infrastructure;
- Residential Unit Mix, Standards and Amenity;
- Residential Amenity of Adjacent Properties;
- Transportation: Access, Parking, and Traffic;
- Water Services Infrastructure;
- Material Contravention; and
- Appropriate Assessment Screening.

7.2. Principle of Development

- 7.2.1. The site is subject to the South Dublin County Development Plan 2016-2022 (CDP), and is zoned as Retail Warehousing 'RW' in the CDP which seeks 'To provide for and consolidate retail warehousing'. Under the RW zoning objective, residential use (with ancillary facilities including laundry facilities, work stations, meeting rooms), is not permitted in principle and as such, the proposed development would contravene materially the zoning objective for the lands. This issue formed the basis of the planning authority's first refusal reason.
- 7.2.2. I highlight to the Board, at this point, that I also consider that certain CDP objectives would be contravened materially by the proposed development. This is due to the express and unambiguous wording and/ or the inclusion of specific quantitative standards therein. These objectives include, in relation to building height, H9 Objective 2, 3, and 4, and Section 11.2.7, and in relation to residential density, consolidation, and infill development, H8 Objective 2, Section 11.3.2(i), and H17 Objective 5, all of which I have cited in Section 5.0 of this report.
- 7.2.3. In the grounds of appeal, the applicant submits that the proposal comes within the scope of section 37(2) of the Planning and Development Act 2000 as amended, and requests that the Board use its powers thereunder to grant permission. I consider this item in greater detail below in the Material Contravention subsection of this report.

7.2.4. Finally, in the first party appeal, the applicant proposes an alternative design for Block D which reduces the building height from 20 storeys (principal height of 65.90m) to 12 storeys (for which I estimate a principal height of c.43m), with a corresponding reduction in apartment units from 161 units to 113 units. The planning authority has not made a response to the first party appeal or provided an assessment of or comment on the alternative design. I consider the alternative design to be a material amendment of the proposed development. Due to the extent and materiality of the revisions in the proposal and the nature of the plans and particulars submitted for same, I do not consider it appropriate to assess the alternative design in the manner suggested by the applicant. Therefore, the following assessment is of the proposed development as submitted to and assessed by the planning authority, with corresponding submissions from third parties and prescribed bodies.

7.3. Planning History

- 7.3.1. There is planning history at the appeal site from approximately 15 years ago when the appeal site was zoned for residential purposes under a previous development plan. The proposals were for residential schemes that differed in density, typology (houses versus apartments), building heights, access arrangements (N4 slip road versus via Hermitage Gardens), and final decision (refusals versus a grant of permission).
- 7.3.2. The most recent history case (PA Ref. SD05A/0409, PL06S.215037) dates from May 2006 when the Board granted permission for a smallscale housing scheme with its main vehicular access through Hermitage Gardens. The applicant and observers both refer to the planning history in the current appeal; the former outlining the appropriateness of residential use and access through Hermitage Gardens into the site, and the latter highlighting the significantly smaller scaled housing development.
- 7.3.3. In respect of the planning history, I note that the formation of a new access from Hermitage Gardens, thereby facilitating access from the subject lands to the wider public road network, was previously considered acceptable. While I accept that this decision was for a significantly smaller residential scheme of houses with surface car parking, the access arrangement is a substantive issue in the current appeal. As highlighted by the applicant, it was a condition of that permission that all construction

traffic was required to use the N4 access thereby reducing negative construction traffic impacts.

7.4. Layout and Design

- 7.4.1. Two of the refusal reasons (second and third) in the planning authority's decision address issues arising from the layout, design, building height, and visual impact of the proposed development. While there is a degree of crossover between these refusal reasons (urban design and building height in the second reason, design and height and visual impact in the third reason), I propose addressing the substantive issues of layout and design in this subsection, and building height with associated visual impacts in the following subsection.
- 7.4.2. The second refusal reason states that the proposed development materially contravenes policy on urban design, namely CDP Policy H7, and the third refusal reason indicates that the proposal, due to its design, among other items, will cause injury to the amenities of the site and character of the wider area. In the grounds of appeal, the applicant submits the layout of the proposal has considered the adjacent area through the arrangement of blocks, landscaping, and separation distances, and the design of the proposal reflects the different contexts of the site.

Layout

- 7.4.3. The layout of the proposed development includes for four buildings (Blocks A, B, C, and D) arranged in a square configuration with a block in each respective corner. The 3 storey Blocks B and C are sited in the southern portion of the site, and the 4 storey Block A and the 20 storey Block D are positioned towards the north of the site adjacent to the N4. The buildings, public open spaces, and circulation areas are constructed on a raised podium over the basement level, which accommodates all car parking and services. Along the western boundary is the internal road, providing vehicular access into the basement level. Public open space, including a playground area, is provided in a north-central location within the layout, principally between Blocks A and D.
- 7.4.4. The proposed 161 apartments are arranged with 15 units in Block A, 21 units each in Blocks B and C, and the majority 104 units in Block D. Two of the four apartment blocks (Block A and D) are accessed internally via lifts from the basement level,

while residents of Blocks B and C gain pedestrian access to/ from the basement level via a stairwell next to the public space area/ playground at the ground level/ street level. At ground level, landscaping, soft and hard, pathways, access points from the basement level are indicated at intervals throughout the layout.

- 7.4.5. I consider that the apartment blocks are logically arranged within the site with, by necessity, the access roadway sited along the western boundary and with the higher blocks positioned to the north of the site, stated by the applicant to mitigate against associated overshadowing impacts. Notwithstanding, I consider that due to the restricted nature of the site and the intense form of development being proposed, the layout of the proposal fails to ensure the creation of a quality, distinctive urban development which will contribute to the creation of sustainable communities as required by CDP H7 Objectives 1 and 2.
- 7.4.6. I consider this to be evident through the rigidity of the proposed layout due to limited access options and reduced opportunities for permeability. That being, the proposed layout indicates access through a single vehicular point via a ramp into basement level parking. Such an arrangement has the potential to result in car-based traffic patterns dominating the scheme with the majority of residents likely to access apartments directly from the parking at basement level (Blocks A and D). This resultant loss of activity and movement at street level would be further exacerbated by the limited additional pedestrian and cycle points (with those proposed being onto a one-way trafficked slip road off the N4), and the relative absence of desire lines across and through the scheme due to nature of the wider surrounding area (that being, an outer suburban location next to a national road).
- 7.4.7. Additionally, when considered cumulatively, I consider that a number of other elements of the proposed development will adversely affect the quality and amenity value for future residents, the achievement of which is a requirement of CDP H11 Objective 1. These include the construction of the scheme on a raised podium at ground level with artificially constructed public spaces and pathways many with changes in level, slopes and steps; instances of limited separation distances between the blocks (eg. c.6.9m between Blocks B and C) and between the blocks and site boundaries (eg. c.5m from the N4 slip road and c. 3.5m from the access road of the Foxhunter public house); and the potential for overshadowing of the

central public open space area and adverse microclimate conditions across the ground level due to the siting and heights of the apartment blocks.

Design

- 7.4.8. The 3 and 4 storey blocks have a similar architectural design, consistent in elevational treatment, fenestration and entrance proportions, balcony arrangements, and choice of external finishes (red brick walls, solid rendered balconies, neutral aluminium door and window frames). A notably different design approach is used for Block D, which has a prolific use of elevational features (windows, doors, balconies), a higher proportion of glazing to wall plate, and a wider range of external finishes (white aluminium frames, black handrails, black and bronze aluminium cladding in the wall plates of varying widths).
- 7.4.9. I consider the design of Blocks A-C to be uniform, streamlined, and typical of conventional medium scaled apartment buildings. Likewise, I consider the design of Block D to be similar to other tall apartment buildings of a more modern architectural idiom. That being, I consider that the design of Blocks A-C and that of Block D are, in and of themselves, acceptable. However, the substantive design considerations are firstly, the cohesiveness of the overall scheme and secondly, the relationship with the surrounding area.
- 7.4.10. Of the first item, I do not consider there to be a meaningful design relationship between Blocks A-C and Block D. The design of Block D has a greater vertical emphasis than the remainder of the buildings within the proposal, due primarily to the building height but also to the visual effect of the black cladding used in the elevational treatment. The two groupings of buildings are too divergent in height and scale, and in elevational treatment and external finishes causing the scheme to be imbalanced and incohesive, with Block D failing to integrate with and contribute to the character of the scheme. Of the second item, the surrounding area is characterised by two storey dwellings (west and south), and single/ two storey commercial properties (east). I consider that the general siting and design of Blocks B and C along the southern boundary (3 storey in height, streamlined elevational design, use of red brick and render finishes) and Block A on the western boundary (4 storey in height, sited opposite the gables of existing houses) to be somewhat reflective of the nature and conditions of the receiving area.

7.4.11. However, as is apparent from a review of the cross-section drawings of the proposal, Block D dominates the receiving area in terms of form, scale, and massing. There is no existing development at this general location that provides a context for the proposed building, and I find that, in similarity with the overall scheme, the design of Block D is not consistent with and does not contribute to its surrounding area and the receiving environment. The applicant submits that the design context for Block D is different to that of the other blocks and is set by its proximity to the N4 dual carriageway, commercial operations, and greenfield lands (agricultural fields and golf course). I do not consider the design approach taken to be an appropriate solution as this places too great an emphasis on the design of buildings for different contexts, as opposed to creating a coherent scheme that could be assimilated into its surrounding area on all public interfaces.

Layout and Design: Summary

7.4.12. Due to the nature of the site and adjacent area, I consider the design approach taken to be inappropriate and to result in an unsuitable and incohesive layout and design. Having regard to the foregoing, I consider that the proposed development would not comply with the requirements of, and therefore be contrary to, CDP H7 Objectives 1 and 2 in respect of failing to create sustainable residential communities in distinctive quality urban developments, and CDP H11 Objective 1 by failing to ensure a high quality living environment for future residents, in terms dwelling units and the overall layout and appearance of the development.

7.5. Building Height

7.5.1. The four apartment blocks within the proposal range in building height from 3 to 20 storeys, with a basement level and a raised podium constructed under the buildings, and plant area on the roof of each block. The principal building height of Blocks B and C (3 storey) is 10.50m, rising to that of Block A (4 storey) at 13.25m, and increasing to that of Block D (20 storey) at 65.90m. The building heights of the adjacent existing development includes two storey residences and single/ two storey commercial operations.

7.5.2. In the first party appeal, to address concerns cited in respect of the height and associated visual impact of the proposal, the applicant has submitted a revised design for Block D indicating a reduction in building height from 20 to 12 storeys in

height. For the reasons I outlined in the Principle of Development subsection above, the revision is material and substantive, and I do not intend to consider the revised proposal any further in this assessment.

- 7.5.3. In the planning authority's decision, the second refusal reason states that the proposed development materially contravene and be contrary to local and national policy on residential building heights, and the third refusal reason indicates that the proposal, due to its height, scale and massing, will be visually obtrusive.
- 7.5.4. In the grounds of appeal, the applicant accepts there is no CDP policy context for a landmark building at the site's location, instead making the case for the proposed building heights due to compliance with national planning policy (the NPF and Building Height Guidelines), to the different contexts for the proposed buildings particularly that of Block D along the N4 (which is stated as contributing to the visual environment thereof), and to the wayfinding role the proposal will have along the N4. The applicant also refers to a number of other structures in the Dublin area as being examples of existing tall buildings proximate to main thoroughfares.
- 7.5.5. The observers strongly object to the building heights in the proposed development, particularly that of Block D, citing the adverse impact on the visual amenities of the area and on the residential amenities of adjacent properties (I address this issue in the Residential Amenity subsection below). The observers state that the proposal will be overly dominant on the skyline, exert an overwhelming and overbearing visual impact, be out of keeping with and injurious to the character of the area, and fails to provide a gradual change in building height from the existing housing to the 20 storey block. I note the applicant's position in response that the tall building will reinforce a sense of place in the area, that the perceived scale of impact, particularly of the 3 storey blocks on existing housing along Hermitage Road is excessive, and that the term 'overbearing' is used repetitively and subjectively.
- 7.5.6. I have reviewed the plans and particulars in the application (including the cross-section drawings, Architectural Cover Statement, Visual Impact Assessment, and associated photomontages), the appeal (as relevant to the original scheme), and the applicant's response to an observation. The substantive component of the proposed development is Block D, which at c.66m in height, 19m in width, 26.6m in depth and

of vertical emphasis design, will unarguably exert a significant visual impact on the local area and the wider skyline.

- 7.5.7. As I outlined in the subsection above, while I consider the designs of the apartment blocks to be acceptable in and of themselves, it is not possible to conclude that the proposal complies with applicable CDP objectives and development management standards for tall buildings (as required by H9 Objectives 2, 3, and 4, and Section 11.2.7). These include respecting the surrounding context and that the appropriate maximum height will be determined by the prevailing height of existing buildings (which is characterised by low rise developments and has no comparable buildings of scale); that there is a gradual increase in building height with no significant marked increase (3 storey Blocks B and C are gradual, Block A at 4 storeys in height adjacent to two storey dwellings is more marked, and Block D at 20 storeys in height is clearly excessive); and new residential development adjacent to two storey housing (back or gable) shall be no more than two storeys in height unless a minimum 35m separation distance is achieved (I calculate Block A to be c.11.5m from the nearest residence, Block B is c.21m, and Block C is c.26m).
- 7.5.8. I have reviewed the Visual Impact Assessment for the proposed development, which contains photomontages from four viewpoints, two along the N4 (eastwards and westwards) and two from within the Hermitage estate (eastwards and northwards), which is accompanied with brief analysis of the views. The assessment finds the visual impact of the proposal to be moderate or significant, and neutral. A number of observers are critical of the chosen vantage points, the extent to which proposed buildings unobscured, and of the conclusion. I consider the assessment to be limited in its scope with only four viewpoints selected, none of which have a southerly aspect which would indicate the impact, if any, from the Liffey Valley area, and the analysis to be somewhat vague and unsubstantiated especially given the significant visual impact arising from the proposed development, particularly Block D.
- 7.5.9. In my opinion, the visual impact from each viewpoint is significant and negative, not because of the designs of the buildings per se, but due to the degree of variance in design and scale within the overall scheme and from that of the receiving area. I concur with the planning authority and observers that the proposed development, particularly Block D, would be an overly dominant feature on the skyline, would be

visually incongruous at this location, and have a particularly adverse impact on the visual amenity of the local area.

- 7.5.10. Of the policy context cited by the applicant as supporting increased building height at this location, I make the following comments. Fundamentally, the site is an outer suburban location along a national road. The site is not within a town centre, a mixed use or strategic development zone, nor is it subject to a local area plan or planning scheme as prepared by the planning authority (as per local policy context in the CDP). Neither is it located in the Metropolitan Consolidation Area within the M50, a Metropolitan Consolidation Town such as Lucan, a Strategic Development Area or on a Strategic Development Corridor (as per regional policy context in the RSES). Neither is it within the built-up footprint of an existing settlement, or at a location that can support sustainable development at an appropriate scale relative to that location (as per national policy context in the NPF).
- 7.5.11. The applicant submits that the proposed development accords with the Building Height Guidelines, by categorising the site as an intermediate urban location (I highlight this is a categorisation used in the guidelines for car parking provision) and by stating compliance with the criteria in Section 3.2. The applicant requests the use of SPPR 3 which allows the Board to permit a development of height when contrary to the local policy context (for example in this appeal, the location of buildings more than five storeys in height as included for in H9 Objective 4 and Section 11.2.7). In the application and appeal documentation submitted by the applicant, the manner by which the proposal complies with Section 3.2 is stated without a detailed analysis of each of the development management criteria at the different scales. I consider the case made for the proposal to be unsatisfactorily demonstrated and the justification for the height of the apartment buildings, in particular, Block D, to be unsubstantiated.
- 7.5.12. I have undertaken an assessment of the proposed development as required by Section 3.2 of the Building Height Guidelines, which sets out several considerations for developments with increased heights. The assessment is presented in the following table.

Table 3: Development Management Criteria referred to in SPPR 3

At the scale of the relevant city/ town	
<p>The site is well served by public transport with high capacity, frequent service, and good links to other modes of public transport.</p>	<p>The site is adjacent to a slip road off a national road with proximate, c. 250m distance, bus stops serving west-bound bus routes only. Bus stops serving east-bound services are c. 700m distance. Links to other forms of public transport, in particular rail services, are poor and at a distance requiring car travel.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>Proposal at too marked a variance in building typology, design, and height to successfully integrate with the character of the area. The proposal is an infill development at a site extended from a cul de sac with public spaces developed within the scheme.</p> <p>Visual impact assessment has been undertaken but this is insufficiently robust with only four viewpoints and limited analysis, having regard to the visual implications of the proposal, particularly that of Block D.</p>
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to</p>	<p>Proposal is an infill development with a very high site coverage, and a design response that involves the internal road directly accessing the basement level and no new streets created. New public</p>

<p>achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<p>open space area with footpaths is artificially constructed on a raised podium level.</p> <p>Buildings range in height and vary in form however, at a scale and design that are not responsive to that of the adjacent area. Proposal's visual impact is dominant and incongruous as opposed to one of interest in the existing streetscape.</p>
<p>At the scale of district/ neighbourhood/ street</p>	
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p> <p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<p>Proposal is an intense, dense form of development of a scale, plot ratio, and site coverage without comparison in the receiving area.</p> <p>The proposal includes a 20 storey building of c. 66m in height, which can be described as monolithic as it is of a singular large built form.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System</p>	<p>Proposal creates public open space within the scheme. Due to restrictive nature of the site, there are limited opportunities for enhancement of thoroughfares. Access route in from Hermitage Gardens designed as an internal road with ramp straight to basement level. limited pedestrian/</p>

<p>and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<p>cycle access points from the N4 slip road.</p> <p>There are no water courses at or adjacent to the site and flood risk is not an issue.</p>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<p>Proposal would not positively contribute to the legibility of the wider area, not because of the designs of the buildings per se, but due to the degree of the variance in design and scale from that of the receiving area. Proposal does not integrate cohesively, conversely it would be incongruous due to height, scale and massing.</p>
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<p>Proposal comprises all apartments, 49% of which are studio and 1 bedroom units which would constitute a new residential typology available in the area, which is predominately 2 storey houses.</p> <p>There are additional ancillary uses proposed at the ground floor level of Block D, which will be for residents’ use only. The proposal has not made provision for an on-site childcare facility.</p>
<p>At the scale of the site/ building</p>	
<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise</p>	<p>Proposal is laid out with the 3 storey blocks along the southern boundary and the taller 4 and 20 storey blocks on the</p>

<p>access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<p>northern boundary adjacent to the N4 and amenity lands further to the north. This layout will minimise the most significant potential impacts on the residences to the west and south, however the shadow analysis undertaken is very limited, and there is no detailed daylight and sunlight assessment undertaken for the proposed apartments, proposed open space, and impact on the adjacent properties.</p>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.</p>	<p>No daylight and sunlight assessment as outlined in the guidance documents (referred-to in the side bar) has been undertaken of the proposed development. A shadow model has been generated of the scheme and wider area with images for three times of the day in March, June, and December (not September), but with no written analysis.</p> <p>The acceptability, or otherwise, of the proposed development in respect of daylight and sunlight performance is unknown and has not been demonstrated.</p>

<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its 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.</p>	<p>No daylight and sunlight assessment has been undertaken of the proposed development.</p> <p>The acceptability, or otherwise, of the proposed development in respect of daylight and sunlight performance is unknown and has not been demonstrated.</p>
<p>Specific Assessment</p>	
<p>To support proposals at some or all of these scales, specific assessments may be required, and these may include:</p> <p>Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<p>No microclimate conditions assessment has been undertaken of the proposed development. The acceptability, or otherwise, of the proposed development in respect of microclimate conditions performance is unknown and has not been demonstrated.</p>

<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<p>The site is not within/ adjacent to locations with sensitive bird populations, or on bird flight paths. There is a strong treeline along the southern boundary. There are mature tree lines along the western and southern site boundaries which are potential habitats for bats. There is no bat survey or assessment of tall buildings on bats for the proposed development. The impact, if any, is unknown.</p>
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<p>Not applicable to the site or proposed development.</p>
<p>An assessment that the proposal maintains safe air navigation.</p>	<p>The site is not located within any aviation designations included in the CDP. The proposed development was not referred to the relevant prescribed bodies by the planning authority. Not applicable to the site or proposed development.</p>
<p>An urban design statement including, as appropriate, impact on the historic built environment.</p>	<p>Application and appeal documentation includes an Architectural Cover Statement and separate correspondence from the project architects at appeal response stage. There are no protected structures in the immediate vicinity of the site.</p>

<p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p>	<p>Appeal does not include an EIA or AA screening reports, or an Ecological Impact Assessment.</p> <p>In this assessment, I have concluded EIA and AA are not required.</p>
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7.5.13. The Building Height Guidelines states that the implementation of SPPR 3 is required only if the Board considers that a proposal satisfies the development management criteria included in Section 3.2 of the guidelines. As I have outlined in the table above, I consider that the proposed development fails to satisfy the criteria as stipulated in the Building Height Guidelines and accordingly is not in compliance with the requirements of the guidelines.

7.5.14. Finally, as I outlined previously in the subsection above, I consider that the approach taken for designing Block D which is largely dependent on the site's proximity to and visibility from the N4, to not be an appropriate design solution. Of the other tall buildings along national roads referred to, while this may be an appropriate approach for these buildings, I consider that the degree of suitability likely arises from the commercial use (as opposed to a residential use in the proposed development), the existing mixed use/ office context (as opposed to, predominantly, an established residential area), and their standalone status (as opposed to being part of a wider scheme).

Building Height: Summary

7.5.15. Having regard to the foregoing, I consider that the building height of the proposed development would contravene materially CDP H9 Objectives 2, 3 and 4 and Section 11.2.7 by failing to respect the context of the surrounding area, by not ensuring a gradual increase in building height especially by failing to avoid a significant marked increase in building height adjacent to existing housing, by not being an appropriate location for tall buildings, and by not achieving the required minimum separation distances from existing two storey housing. Finally, I consider the proposed development does not satisfy the criteria for developments with increased heights in

the planning guidelines, and as such would be contrary to the Building Height Guidelines.

7.6. Residential Density and Social Infrastructure

- 7.6.1. The planning authority's fifth refusal reason states that the proposed density of the scheme is inappropriate, referring to site specific issues of accessibility and the context of the surrounding area, and strategic considerations arising from the CDP's Core Strategy for residential development. In the appeal, the applicant contends that the proposed density is appropriate having regard to national planning guidelines (the Sustainable Residential Development Guidelines and Apartment Guidelines) and submits a Community and Infrastructure report (I note the report is a copy of that submitted with the application), which identifies services in the area.
- 7.6.2. The observations describe the proposal as being an intense overdevelopment, grossly out of character, and at odds with the existing pattern of development. The observers contend that this density of development is more suitable to locations in Dublin City centre, the Docklands area, and at multi modal transport hubs such as Heuston and Connolly train stations. A number of observations include estimates of between 300 and 500 people residing in the scheme, with many observers highlighting the limited services, facilities, and infrastructure in the area which are already under pressure from existing demands. These include schools, childcare, doctors, and dentists. I propose addressing the substantive issues of density and social infrastructure in turn.

Residential Density

- 7.6.3. The proposed development comprises 161 apartments within a compact site measuring 0.6354 hectares. The planning authority refers to a density of 253 dwelling units per hectare, and I calculate the same. As outlined in the Layout and Design subsection above, the proposal constitutes an intense form of development of four apartment buildings, with relatively limited separation distances between blocks and to site boundaries, constructed over basement level (containing all car parking and services) and on a raised podium level. The proposal has a very high plot ratio (I calculate this to be 2.27, comparable with Dublin City centre standards), and a near-complete site coverage evident at basement level (I calculate this to be c. 96%, again comparable with city centre standards).

- 7.6.4. Of the proposed scheme, this is accessed via a single vehicular access from Hermitage Gardens, with limited additional pedestrian/ cycle access points provided onto the N4 slip road. Of the surrounding area to the west and south, this is characterised by low density, conventionally designed, semi-detached two storey housing in the Hermitage estate. Due to the extent and intensity of the development, evidenced by the density, the plot ratio and site coverage indicators, and the restricted access options, I concur with the position of the planning authority and observers, that the density of the proposed development is not appropriate at the site, or within the wider receiving area.
- 7.6.5. In respect of the policy context for higher density development, the CDP defers to the requirements of the Sustainable Residential Development Guidelines through policy on residential density (H8 Objective 2), infill development (H17 Objective 2), and to residential consolidation (Section 11.3.2(i)). The guidelines encourage higher density at appropriate locations, including in town centres and on public transport corridors.
- 7.6.6. In the appeal, the applicant submits that the site is located in the Lucan town area and adjacent to a public transport corridor, the N4, which is served by high frequency bus routes. Fundamentally for the appeal determination, I highlight to the Board that the guidelines' starting premise on appropriate locations for increased densities is that these are to be encouraged on residentially zoned lands (which the site is not), and in locations such as town centres (which the site is not, instead being located mid-way between Lucan and Liffey Valley shopping centre (c.2km distance to each)), and along public transport corridors, specifically 500m from bus stops (the site is c. 250m distance from bus stops for buses travelling west from the city centre, but importantly, c. 700m to the closest bus stop for buses travelling into the city centre). I do not consider that the appeal site comes within the scope of appropriate locations for higher densities as identified in the Sustainable Residential Development Guidelines and accordingly I do not consider that the proposed development is in compliance with the guidelines. By association, and due to the express nature of the wording in the objective, I consider the proposed development materially contravenes CDP H8 Objective 2.

7.6.7. Furthermore, the guidelines encourage appropriately designed and located infill residential development, directing that in residential areas whose character is established by its density or architectural form, a balance is required between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. This position is replicated in CDP H17 Objective 1 in respect of supporting residential consolidation and sustainable intensification at appropriate locations. In this regard, I consider the proposed development to be contrary to CDP H17 Objective 1. As I have outlined previously within this subsection, I consider that the proposed development is also contrary to the requirements of H17 Objective 2 as the amenities of the adjacent area are not sufficiently safeguarded. By association, I consider the proposed development materially contravenes CDP Section 11.3.2(i) by failing to meet the necessary criteria for infill development in the Sustainable Residential Development Guidelines.

Social Infrastructure

7.6.8. The applicant has submitted a Community and Social Infrastructure Audit of services within a 2km catchment of the site. The applicant states the report is not intended to be an exhaustive list, but to demonstrate there is sufficient capacity in services in the area for the proposed development. The report identifies amenity space, recreation, education, healthcare, community, and retail infrastructure. The report concludes there is ample capacity in existing infrastructure for the development without causing undue stress on facilities.

7.6.9. I have reviewed the report and the observations that refer to same, and I note that that the planning authority did not comment on this issue in its decision. The applicant does not specify a potential population that could reside in the scheme, and I conservatively estimate 375 residents (37 in studios (1 person), 84 in 1 bedroom units (2 persons), 234 in 2 bedroom units (3 persons), and 20 in 3 bedroom units (4 persons)). While the report identifies a range of services and infrastructure, there is no substantive or meaningful analysis provided on the available capacity to justify the conclusion, it is somewhat simply stated. Similarly, the observers dispute the contents of the report by stating that there is no capacity, particularly in schools, doctors, and dentists, as opposed to presenting definitive evidence of same. In any

event, due to the often market driven nature of service provision, I do not consider the general demand on social infrastructure in the wider area to be a substantive refusal reason in and of itself.

7.6.10. The exception to this, however, is in respect of childcare provision within the scheme. The proposal does not include for a dedicated childcare facility as required in Section 2.4 of the Childcare Guidelines, with a standard of one facility per 75 dwelling units. The absence of an on-site childcare facility is not expressly referred to by the applicant in the Community and Social Infrastructure Audit, nor raised and assessed by the planning authority. A submission has not been received from the South Dublin Childcare Committee (the relevant prescribed body consulted on the appeal). While I note that Section 4.7 of the Apartment Guidelines advises that studio and 1-bedroom apartments (which comprise 49% of the scheme) can be excluded from generating a demand for such a facility, this is based on a reasoned justification. From a review of the application and appeal documentation, the applicant has not sufficiently demonstrated there is no need for, or satisfactorily justified not providing such a facility, by way of calculating the need arising from the proposed development and demonstrating available capacity in the existing services (evidence of current numbers catered for, demand for future places, predictions of future carrying capacity of services). In this regard, I consider the proposed development is not in compliance with the requirements of the national planning guidelines on this issue.

Residential Density and Social Infrastructure: Summary

7.6.11. Having regard to the foregoing, I consider that the proposal, an infill development, does not comply with the requirements of, and is therefore contrary to, CDP H17 Objectives 1 and 2 in respect of not being an appropriate location for sustainable residential consolidation and not satisfying the necessary safeguards and standards. As the proposal does not include a childcare facility, nor has it been satisfactorily demonstrated that there is no requirement for one and that there is capacity in the existing services to cater for the additional demand, I consider that the proposed development would be contrary to the Childcare Guidelines and the Apartment Guidelines. Finally, I consider that the density of the proposed development would contravene materially CDP H8 Objective 2 and Section 11.3.2(i) by failing to satisfy

the criteria for higher densities at appropriate locations, and that the proposed development would be contrary to the Sustainable Residential Development Guidelines.

7.7. Residential Unit Mix, Standards, and Amenity

- 7.7.1. This subsection considers the residential unit mix and standards of the proposed development, and the residential amenity afforded to future residents. I note that the planning authority report does not expressly analyse these three items in its decision. I consider CDP H11 Objective 1 to be of relevance to this item. Additionally, the extent of compliance with national planning guidelines which serve as indicators of the quality and amenity of the residential environment, the impacts associated with buildings of height, and the proximity of the site to the N4 dual carriageway are items of relevance under this subsection. I propose to address each item in turn.

Residential Unit Mix and Standards

- 7.7.2. The proposal includes 161 apartments arranged in four buildings with 15 units in Block A, 21 units each in Blocks B and C, and the majority 104 units in Block D. Two of the four apartment blocks (Block A and D) are accessed internally via lift shafts from the basement parking level, while residents of Blocks B and C gain pedestrian access to/ from the basement level at the ground level via a stairwell next to the public open space area and playground. At ground level, access into each block is through a single main entrance, and each block has a stairwell and lift shaft (Block D has two lifts). The apartments are conventional in internal layout served by open plan living and kitchen areas, varying bedspaces, storage areas, and areas of private open space (balconies). The unit mix caters for a range of studio units (23%), 1 bedroom units (26%), 2 bedroom units (48.5%), and 3 bedroom units (2.5%), and within the formats, particularly the 2 bedroom unit, there are slight differentiations due to variations in size, layout, and aspect.
- 7.7.3. I have reviewed the Schedule of Areas, the floor plans for each type of unit, and within each apartment block. Of the applicable SPPRs in the Apartment Guidelines with which the proposed development is required to comply, I find the following:

- Proportion of unit mix comprising studio and 1 bedroom units is within the range specified in SPPR 1 of up to 50% 1 bedroom or studio type units with no more than 20-25% as studios (proposal has a combined total of 49% studio and 1 bedroom units, and 23% studio units);
- Minimum floor areas and standards are within the required range of 37 sqm, for studios, 45 sqm for 1 bedroom, 63-73 sqm for 2 bedrooms (3-4 persons), and 90 sqm for 3 bedrooms specified in SPPR 3 and Appendix 1 (on average c.38-40 sqm for studios, c.50 sqm for 1 bedroom, c.65-80 sqm for 2 bedrooms, and c.113 sqm for 3 bedrooms);
- Dual aspect ratios comply with required minimum of 50% for suburban locations in SPPR 4 (67% of units are dual aspect);
- Floor to ceiling heights meet SPPR 5 requirements of a minimum of 2.7m (Blocks A, B, and C have 2.7m measurements for each level, Block D has 4.5m ground floor level, and 2.7m for the upper levels); and
- Number of apartments per floor per core is within the maximum number of 12 units specified in SPPR 6 (Block A has 3 units, Blocks B and C have 7 units, and Block D has 4-8 units).

7.7.4. Further requirements in the Apartment Guidelines include the provision of private open space, of privacy strips for ground floor apartments, regard being had to daylight/ sunlight provision, and of a building lifecycle report for the running and maintenance costs of the apartments. I propose to address each item in turn.

7.7.5. In respect of private open space design and provision, each apartment is provided with a projecting balcony space, of either solid rendered construction (Blocks A, B and C) or of aluminium frame and glazing (Block D). The balcony areas comply with the applicable standards in Appendix 1 of the Apartment Guidelines, typically meeting the minimum standard.

7.7.6. From a review of the site layout plan and landscaping details, the proposed ground floor apartments adjacent to public areas, including footpaths and open space, are provided with privacy strips and/ or private open spaces that are delineated with landscaping treatments in line with guidance in the Apartment Guidelines.

- 7.7.7. In respect of daylight and sunlight, I note that the applicant has submitted a shadow analysis for the proposal with images generated for three different times of the day in the months of March, June, and December, but without corresponding detailed assessment of the findings. The applicant has not submitted a daylight and sunlight assessment as stipulated by the Apartment Guidelines and the Building Height Guidelines, the implications of which for the residential amenity of future residents is considered below.
- 7.7.8. In addition to the absence of a daylight and sunlight assessment, a Building Lifecycle Report, required by the Apartment Guidelines to include an assessment of long-term running and maintenance costs, has not been submitted with the application or appeal. While not a refusal reason in and of itself, I consider the information to be purposeful and beneficial for future residents.
- 7.7.9. Finally, in respect of the Part V obligation, the applicant proposes 16 apartments in total comprising a mix of four studio units, four 1 bedroom and eight 2 bedrooms units. There are three 2 bedroom units at ground floor level of Block B, five 2 bedroom units at ground floor level of Block C; and the studios and 1 bedroom units are all at the 1st floor level of Block D. The housing section of the planning authority had indicated this proposal to be acceptable, and I would concur.

Residential Amenity

- 7.7.10. In considering the residential amenity afforded to future residents, I have previously discussed restrictions in the layout and design of the scheme which I consider to impede the creation of a high-quality residential scheme as required by CDP H11 Objective 1. Other important considerations for this appeal case include the availability of daylight and sunlight due to the notable scale of the buildings, in particular that of Block D (the principal building height of Blocks B and C (3 storey) is 10.50m, Block A (4 storey) is 13.25m, and Block D (20 storey) is 65.90m), and the noise impacts associated with the site's location adjacent to the N4 dual carriageway.
- 7.7.11. The Apartment Guidelines and the Building Height Guidelines both highlight the necessity of regard being given to quantitative performance approaches to daylight provision in proposed developments. The Apartment Guidelines (Section 6.6) and the Building Height Guidelines (Section 3.2) refer to undertaking analysis in

accordance with best practice guidance documents such as the Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice BRE, 2011 (BR209), or BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting. Importantly, as I highlighted in the Building Height subsection above, the applicant has not provided a daylight and sunlight assessment for the proposed development in accordance with these guidance documents, nor has an assessment of the microclimate conditions for the proposal been submitted.

7.7.12. The applicant has submitted a shadow analysis for the proposal and adjacent area with images generated for three different times of the day in the months of March, June, and December, but without detailed corresponding assessment of the findings. I note that the images generated are small, without measurements, not to scale, and there is no shadow image submitted for the month of September. I have reviewed the available images and considered the impact of the proposed development firstly, within the site itself (i.e. the proposed buildings and open spaces), and secondly on the wider receiving area (which I discuss in the Residential Amenity of Adjacent Properties subsection below).

7.7.13. Of the impact within the site, I find the following:

- In March, Block A and/ or Block D cast northerly shadows over each other and/ or the area of public open space between them in the AM/ PM. Blocks B and C cast northerly shadows across each other and/ or their adjacent curtilage areas (which includes communal areas, footpaths, and private balconies) throughout the day;
- In June, Block D casts a westerly shadow fully over Block A in the AM, while in the PM all buildings cast a southeasterly shadow over each other and/ or areas of open space and curtilage areas; and
- In December, overshadowing occurs throughout the site, with all buildings casting deep shadows in northerly directions over each other and the open space areas, and the latter appear to be in near-complete shadow for the day.

7.7.14. The shadow analysis submitted is limited in scope, however, I consider the extent of the shadow cast from the proposal, Block D in particular, which is evident in the images to cause an adverse impact within the scheme (i.e. on other apartment

buildings, balconies, public open spaces, and curtilage areas). In the absence of an adequate daylight and sunlight assessment, it is not possible to conclude that the apartments and public open space within the scheme would have sufficient access to daylight and sunlight, would not be unduly overshadowed, or would not be subject to unfavourable microclimate conditions at ground level.

- 7.7.15. Another relevant consideration for residential amenity arises from the potential for traffic noise impacts on future residents from the adjacent N4 dual carriageway. The report of the planning authority's Environmental Health Officer (EHO) sought further information of an acoustic assessment and noise management plan for the proposal. To address the issue, the applicant includes an Acoustic Assessment as part of the first party appeal. The assessment was undertaken on Friday 8th January 2021 commencing at 5am. A number of the observations are critical of the assessment stating that the time (5am too early), day (Friday commuter traffic is typically lighter), date (8th January 2021 when the country was in a Stage 5 Lockdown, and initial Brexit impact had lessened HGV traffic), and weather conditions (cold and dry, distorting distance of sound) of the baseline survey are flawed.
- 7.7.16. The methodology applied in the Acoustic Assessment includes testing at two locations for a period of some 3hrs between c.5.40am-9am. The locations include initial testing at a station established at the perimeter fence adjacent to the N4 slip road for a period of c. 1hr 20mins, between c.5.40-7am, and subsequent testing at a second station established 41m directly behind the first station for a period of c.1hr 40mins, between c.7.20-9am. The first station is stated as generally representing conditions of the northern elevation of the four storey building (i.e. Block A) and the second station coinciding with the northern elevation of the three storey buildings (i.e. Blocks B and C). The assessment outlines the survey findings over the time intervals, states the established noise guidelines for rooms at night-time, and indicates the method of construction (walls, acoustic vents, double and triple glazing) that would be appropriate for Blocks A, B and C.
- 7.7.17. Having reviewed the EHO's report, the Acoustic Assessment, and the observations, I consider that the assessment fails to fully address the requirements of the EHO, that the methodology used is not sufficiently robust, and that concerns cited by the observers are justified. In the assessment, the noise survey results are presented,

the industry standard night-time noise levels are indicated, and general construction options are suggested. There is no meaningful analysis and/ or sufficient modelling that would demonstrate that the suggested measures will achieve the required ambient noise levels within apartments, thereby protecting future residents' amenity. The assessment only refers to and suggests construction measures for the three and four storey buildings, i.e. Blocks A-C, with no reference to Block D. I consider this to be a significant omission due to the building's height and proximity to the N4. There is simply no consideration given to the conditions that would pertain to the 104 apartments therein. Finally, I concur with the shortcomings raised in the observations in respect of the time, day, date, and conditions of the survey work on which the assessment is based. In my opinion, due to the limited nature of the survey, it fails to be representative of the noise conditions that pertain at the site and on which a sufficiently robust noise assessment could be based.

Residential Unit Mix, Standards, and Amenity: Summary

7.7.18. In summary, the proposal complies with the mandatory SPPRs included in the Apartment Guidelines in respect of unit mix and minimum standards. However, importantly, the applicant has not provided a daylight and sunlight assessment of the proposed development, which is a requirement of both the Apartment Guidelines and the Building Height Guidelines. Nor has an assessment of the microclimate conditions of the public spaces at ground level of the proposal been submitted, as required by the Building Height Guidelines. Additionally, the noise impact assessment is insufficiently robust, being dependent on a survey of unrepresentative baseline conditions and reliant on general construction measures. On balance therefore, I consider that the proposed development would be contrary to CDP H11 Objective 1 by failing to ensure a high quality living environment for future residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development, and would be contrary to the Apartment Guidelines and Building Height Guidelines.

7.8. Residential Amenity of Adjacent Properties

7.8.1. The proposed development's negative impact on the residential amenity of adjacent properties is a key concern for the vast majority observers. The negative impacts cited include overlooking and loss of privacy, overshadowing and loss of daylight,

overbearance and injury to visual amenity, disruption (noise, pollution, construction), and traffic related inconvenience (which I consider in the following subsection). I propose to address each issue in turn.

Overlooking and Loss of Privacy

- 7.8.2. There are existing residences, two storey dwellings, located adjacent to the west and south of the proposed development. Block A is the 4 storey building positioned in the northwest corner of the site, the side gable of which is c.11.5m distance from that of the most proximate dwelling, No. 3 Hermitage Gardens. Blocks B and C are the 3 storey buildings positioned along the southern boundary of the site, directly opposite No.s 52-74 (even numbers) Hermitage Road, with separation distances to the rear walls of these properties of between of c.22-25m (except for No. 74 which I calculate at c.21m). The side gable of Block B is c. 25m distance to the rear walls of No.s 1 and 2 Hermitage Gardens.
- 7.8.3. Relevant CDP policy on separation distances is in the form of quantitative development management standards in Sections 11.2.7 and 11.3.1.(v). The former standard, definitive in its wording, stipulates that new development greater than two storeys in height requires a separation distance of 35m from existing two storey residences, to rear and gable walls. The latter standard, guides that a 22m distance should be provided between directly opposing above ground floor windows to maintain privacy unless an innovative design solution is used.
- 7.8.4. While Block A and the adjacent property to the west are aligned side to side, the majority of Block A's building footprint is opposite the property's rear garden. The western elevation of Block A includes two windows at each of the four levels serving a bedroom and a toilet in two separate apartments. In respect of overlooking, the windows in the western elevation would have an outlook over the rear garden areas of the properties to the west. While I note these windows are associated with a bedroom and toilet, so not for main living areas, the separation distance of c.11.5m falls short of a separation distance that could be reasonably considered to safeguard the amenity and privacy of those properties.
- 7.8.5. The western and southern elevations of Block B oppose, and have outlooks towards the rear gardens of properties on Hermitage Gardens and Hermitage Road. The western elevation features two windows at each of the three levels serving a

bedroom and living area of an apartment unit. Due to the separation distance achieved (c.25m), these gable windows are acceptable up to first floor level. The southern elevation of Block B features four projecting balconies and numerous windows serving living areas and bedrooms of several apartments. Due to the separation distances achieved, predominantly of 22m, these windows are also considered acceptable up to first floor level. However, as a result of the increased building height to second floor level, coupled with the projecting balconies along the southern elevation from first floor level up (I note the southwestern positioned balconies are just c.8.3m from the site boundary), I consider the potential for overlooking to markedly increase with a resultant loss in privacy and amenity of these adjacent properties. I conclude the same in respect of Block C, which has a similarly designed southern elevation as Block B and achieves similar separation distances to the houses in Hermitage Road of c.26m.

- 7.8.6. As I have outlined in the Building Height subsection above, I consider that the proposed development materially contravenes Section 11.2.7 as Blocks A, B, and C are over two storeys in height and do not provide the required 35m separation distances to adjacent properties. The 22m separation distance is generally achieved with the directly opposing properties along the southern boundary when considered up to first floor level. However, I consider Section 11.2.7 to be the relevant, overriding standard in the context of the appeal due to the building heights proposed.

Overshadowing and Loss of Daylight

- 7.8.7. As discussed in the previous Residential Amenity subsection in respect of future residents, the applicant has submitted a shadow analysis for the proposal and receiving area with images generated for three different times of the day in the months of March, June, and December. In that subsection I highlighted a number of shortcomings in respect of the adequacy of the analysis, which are also relevant to this subsection.
- 7.8.8. Of the proposed development's impact on the adjacent properties within the receiving area, I find the following:
- In March, Block A and Block D cast northwesterly shadows mainly across the N4, though Block A casts a shadow across the rear garden area of the adjacent property to the west. In the midday and PM, the shadows cast by

the Blocks are northerly and northeasterly largely within the site, on the N4, and on the adjacent eastern commercial property, and not across the western and southern residences;

- In June, Block D and/ or Block A cast shadows across the rear gardens of four properties to the west in the AM, while in the PM Blocks C and D cast southeasterly shadows over houses on Hermitage Road and their rear garden areas (and I note that the shadow from Block D extends deeply into the Hermitage Park open space area); and
- In December, overshadowing occurs in northerly directions, with deep shadows cast in the AM and PM. The extent of northwesterly shadows cast from the proposed development in the AM on the adjacent western properties is not discernible due to the blanket overshadowing indicated, while midday and PM overshadowing is across the western and southern residences.

7.8.9. The shadow analysis submitted is limited in scope, and I consider that the applicant's position in the Architectural Cover Statement that as Block D is located in the northeast corner of the site, which is north of the existing houses, that limited impacts arise to be insufficient. In the absence of an adequate daylight and sunlight assessment, it is not possible to conclude that the existing adjacent properties would have sufficient access to daylight and sunlight (particularly as there is no information and analysis of the impact of the proposal on loss of daylight and sunlight in windows of the adjacent properties), or would not be unduly overshadowed (particularly the rear garden areas of the properties). In the absence of meaningful analysis, the applicant has not demonstrated that residential amenity of existing residents is sufficiently safeguarded and protected.

Overbearance and Loss of Visual Amenity

7.8.10. The issue of overbearance on, and the associated loss of visual amenity of, adjacent properties by the proposed development is cited in numerous observations. In the Building Height subsection (sections 7.5.5-7.5.9) above, I have outlined my consideration of the visual impact of the proposed development on the wider and local areas.

7.8.11. Following a review of associated appeal and application documentation and following my site inspection travelling in and around the local area, I consider that the proposed development, in particular Block D due to its being an overly dominant feature, would be visually incongruous at this location, and have a particularly adverse impact on the visual amenity of the local area. In my opinion, therefore, the proposal would be unduly overbearing, significantly altering the current outlooks and aspects of existing adjacent properties, and causing a loss of visual amenity to the adjacent properties located to the west and south of the site.

Disruption and Disturbance

7.8.12. Other issues of relevance when considering the residential amenity of adjacent properties, a number of which are cited in the observations, include disruption and disturbance caused by noise, pollution, and construction impacts associated with the proposal.

7.8.13. As outlined above in the Residential Amenity subsection for future residents, I consider the Acoustic Assessment undertaken for the proposal to be inadequate. Of particular note, is the omission of any meaningful consideration of the noise impacts for the existing residences, which would be categorised as sensitive receptors. For instance, the EHO report of the planning authority required a construction noise and vibration management plan with an appropriate focus on determining the level of impact on and measures safeguarding the residential amenity of the adjacent properties. Such a plan was not included as part of the Acoustic Assessment submitted by the applicant in the grounds of appeal.

7.8.14. Similarly, the Waste report of the planning authority required a construction and demolition waste management plan for the proposal, which was not been submitted in the appeal. While I accept these are items that can, in the instance of a grant of permission, be conditioned accordingly, I note the extent of disruption and disturbance arising, and whether the degree of impact is within acceptable levels has not been established.

Residential Amenity of Adjacent Properties: Summary

7.8.15. In summary, I consider the proposed development by reason of its nature, height, and massing, to result in overlooking, overshadowing, and overbearance of adjacent

properties, thereby adversely affecting their residential amenity, and negatively impacting on the character of the established residential area. The proposal does not provide for the minimum required and/ or recommended separation distances or include innovative design solutions that would allow a reduction of same, as such, I consider that the proposed development would contravene materially CDP Section 11.2.7 and be contrary to CDP Section 11.3.1 (v). Finally, I consider that the proposed development, an infill scheme, would contravene materially CDP H17 Objective 5 by comprising a new development in an established area that would impact negatively on the amenities or character of that area.

7.9. Transportation: Access, Parking, and Traffic

- 7.9.1. The planning authority's fourth refusal reason relates to transportation issues associated with the proposal, stating that firstly, the intensification of traffic will result in unacceptable congestion in the adjoining road network, secondly, the Hermitage Gardens cul de sac (stated as 3.8m in width) is substandard and not designed for such levels of through traffic, and thirdly, a traffic hazard will be created for users of the estate's area of public open space adjacent to the proposed access route. In the appeal, the applicant contends that the increase in traffic movements and impacts on surrounding junctions are within acceptable parameters, the measurement of the roadway width is incorrect, and there will not be a resultant traffic hazard as this is an existing trafficked route which passes by the area of public open space.
- 7.9.2. Many observers cite strong objections in respect to a range of transportation related items. The observations state that the newly proposed entrance is inappropriate, the existing roadway is inadequate, the existing levels of on-street car parking are excessive, the shortfall in on-site car parking provision is unacceptable and will result in on-street car parking in the Hermitage estate adversely impacting residents, the predicted trip generation is underestimated (the Hermitage Park Residents Association (HPRA) observation includes an alternative traffic analysis), the increase in traffic movements will negatively impact on the estate and on the wider road network, and will create a traffic hazard endangering public safety. I propose addressing the substantive transportation related items of access (entrance points and access route), car parking (on-site and on-street), traffic generation, and traffic hazard in turn.

Access: Entrance Points and Access Route

- 7.9.3. The proposed development is served by a new vehicular entrance from Hermitage Gardens, presently a cul de sac with a turning head. The proposed internal road is c.6m in width with a 1.75m wide cycle lane, providing direct access via a ramp to the basement level. A separate pedestrian entrance is proposed on the southern side of the vehicular entrance from Hermitage Gardens providing direct at-grade access into the scheme. Two additional pedestrian/ cycle entrances are provided in the northern site boundary providing access to/ from the N4 slip road across a one-way road serving west bound traffic exiting from the Foxhunter public house premises.
- 7.9.4. Of the main vehicular entrance, the potential for an alternative vehicular access to/ from the N4 slip road to serve the proposed development features in the planning authority assessment. I note that the prescribed bodies (NRA and TII) raise issues that would appear to restrict access options onto the N4 slip road (potential land acquisition for a Bus Connects route, and national planning guidelines requirements in respect of limiting accesses onto national roads respectively). As such, the planning authority's Roads Section describes the site as being landlocked and not having a suitable alternative vehicle access available, a position with which I would agree.
- 7.9.5. Of the proposed access points and the internal roadway, the applicant outlines that the main entrance and access road have been suitably and safely designed in terms of widths, gradients, inclusion of a cycle lane, to accord the applicable requirements in DMURS. I have reviewed the application details including the design of the entrance, access road (with sightlines and turning movements indicated), and pedestrian access points, note the planning authority's Roads Section report, submissions from the prescribed bodies, and the standards for arterial and link streets in DMURS. No evidence has been provided in the observations that any of the entrances are unsafe. The planning authority and prescribed bodies raised no objection to the access points and/ or internal roadway per se. I consider that the entrances, both vehicular and pedestrian/ cycle, and internal roadway are acceptable in design and layout, and comply with required standards.
- 7.9.6. Of the proposed access route, the scheme will connect into the surrounding public road network from the main entrance, via Hermitage Gardens, onto Hermitage Road,

and then intersecting with the regional Ballyowen Road, R136. The planning authority's refusal reason and many of the observations state that Hermitage Gardens is substandard in nature and has not been designed to accommodate the increase in traffic movements arising from the proposal. The refusal reason stated that the roadway measured 3.8m width, which is corrected by the applicant as being 5.9m in width (which I confirmed at my site inspection). In its observation, the HPRA accepts the wider measurement of the roadway, but submits that the effective width of the road is not amenable to two-way traffic and will make cycling less attractive due to the existing levels of on-street car parking, and the predicted increase in on-street car parking and congestion associated with the proposed development.

- 7.9.7. In the appeal and response to the HPRA observation, the applicant states that Hermitage Road is not substandard, meets the criteria for an arterial and link street as contained in DMURS, and is part of a residential street network which has appropriate signage and traffic calming measures (the applicant provides photos and images with 30km slow zone for the Hermitage estate).
- 7.9.8. I have reviewed the applicant's documentation, the observations, the planning authority report, and undertaken a site inspection noting the road conditions including a number of instances of on-street car parking. Of fundamental importance to a consideration of this issue, is the guidance included in DMURS. In terms of carriageway classifications, the design of Hermitage Gardens (5.9m wide, facilitating two-way traffic, accepting of potential for on-street parking) comes within the scope of an arterial and link street carriageway. DMURS includes for two lower tiered carriageways of local street (5-5.5m wide) and local street with shared surface (4.8m wide), which would be more restrictive in terms of carrying capacity. As such, I consider that Hermitage Gardens is of a design that which would support the creation of a new entrance allowing access into the site. Furthermore, I note the planning history at the site where a smaller infill scheme was permitted with vehicular access via Hermitage Gardens and construction traffic movements were restricted to the N4 slip road.
- 7.9.9. In summary, I do not consider the formation of a new entrance from the Hermitage Gardens cul-de-sac connecting the site to the wider public road network to be a refusal reason in and of itself. However, as is discussed below in respect of traffic

generation, I find that the proposed development by reason of its use and density to result in an increase in traffic movements that would adversely affect the residential amenity of the Hermitage Gardens properties (No.s 1-11 inclusive) that are located along the part of the proposed development's access route between the new entrance and the intersection with Hermitage Road.

Car Parking: On-Site and On-Street

- 7.9.10. In respect of car parking provision, I note the numerous references made by observers, including that from the HPRA, of unrealistically low car ownership assumptions, the failure to provide a sufficient on-site quantum of parking spaces in line with CDP standards, and the resultant demand from future residents and visitors for on-street parking in the wider Hermitage estate.
- 7.9.11. In response to the HPRA observation, the applicant disputes some of the figures cited, stating that the proposed development generates a parking requirement of 141 spaces and that 101 spaces are provided representing 72% of the scheme not 60% stated in the observation (however I highlight possible errors in the applicant's figures as the planning authority correctly calculates 142, and the description of development and basement plan indicate 97 spaces inclusive of the mobility impaired spaces). The applicant justifies the approach taken to parking provision through reference to the Apartment Guidelines. The applicant states that concern for on-street parking in the estate is exaggerated as in practice people will not knowingly park on public roads in a manner which blocks the safe passage of other vehicles as this against road traffic legislation. A traffic management solution is suggested by way of providing double-yellow lines on the southern side of Hermitage Gardens adjacent to the side of No. 2 Hermitage Gardens.
- 7.9.12. Of on-site car parking provision, I note that the CDP requirement of 142 spaces is a maximum provision, that being, providing a lesser quantum is acceptable, and that the planning authority considered the level of provision to be acceptable. National planning policy, (eg. Section 4.21 Intermediate Urban Locations in Apartments in the Apartment Guidelines) supports a demand management approach to car parking provision, and the encouragement of alternative sustainable modes of transportation in favour of private car use. The proposed development reflects the national policy position through the limited provision of car parking per apartment unit and

supplementing with a notable quantum of 328 bicycle spaces. As such, I do not consider that the under provision of car parking in the proposed development is a refusal reason in and of itself.

- 7.9.13. I note the concerns of observers with respect to on-street parking demand overspilling into the Hermitage estate, particularly along Hermitage Gardens, however I concur with the applicant that people tend not to intentionally park to block the flow of traffic, and I consider the suggested traffic management solution of providing a double-yellow line along the southern side of the Hermitage Gardens to have merit. As such, I do not consider the potential for on-street car parking in the Hermitage estate as an implication of inadequate provision of on-site spaces to be a refusal reason in and of itself.

Traffic Generation

- 7.9.14. The application was accompanied by a Traffic Assessment Report (TAR) which included a survey of existing traffic conditions in the AM and PM peaks (undertaken on Thursday 6th February 2020, pre covid conditions). The survey recorded 14 PCUs (passenger car unit, a two-way traffic measurement) in the AM peak and 16 PCUs in the PM peak on Hermitage Gardens to the T junction with Hermitage Road. Hermitage Gardens is described as being very lightly trafficked, with similar findings made for Hermitage Road. The TAR includes trip generation based on TRICs data which yields 43 PCUs in the AM and PM peaks for the proposed development.
- 7.9.15. The trip generation is assigned, distributed, and assessed for seven junctions in the surrounding road network by using named guidelines including the TII's Traffic and Transport Assessment Guidelines. The Hermitage Gardens/ Hermitage Road junction output is assessed differently using the TII's Picady model. The applicant's TAR indicates all junctions have sufficient capacity to absorb the increase in traffic movements associated with the proposed development (i.e. changes at the junctions on the surrounding road network are between <1% and <3.5% which is within the <5% change subthreshold in the TII Guidelines; and the Hermitage Gardens/ Hermitage Road junction is similarly within acceptable 0.85 ratio to flow capacity).
- 7.9.16. The Roads Section of the planning authority does not provide any detailed analysis of the TAR, save to highlight that the trip generation for the proposal results in a 207% increase in traffic movements on Hermitage Gardens. The planning authority

does not comment on the methodology used, or the robustness of the trip generation, distribution, and assessment of impact on Hermitage Gardens/ Hermitage Road junction or the seven junctions in the wider road network.

- 7.9.17. The HPRA observation includes a traffic statement which analyses the TAR and disputes assumptions in the methodology including that the estate roads have a carrying capacity of 800-1000 PCUs, no regard has been given to on-street car parking, the peak flows are underestimated, and there will be a significantly greater increase in traffic through the estate in the AM and PM peaks. The traffic statement is critical of the TRICs data used for the trip generation, and instead applies different TRICs data which is Irish data, from edge of town/ neighbourhood centres/ suburban locations with a car ownership ranging from 1-1.5. This TRICs data is stated as being more representative than assumptions used by the applicant. The observer's trip generation results in 60 PCUs in the AM peak and 44 PCUs in the PM peak (compared to the applicant's 43 PCUs for each).
- 7.9.18. In the applicant's response to the HPRA observation, the use of alternative TRICs data is disputed though no specific details are provided as to why. I consider there to be merit in the alternative TRICs data used and consider it to form the basis of more representative analysis, and so therefore I accept the alternative higher trip generation figures. The applicant applies the increased trip generation figures to the seven junctions in the surrounding road network and finds the conclusions to be the same, i.e. that there is sufficient capacity in the junctions. There are a number of other criticisms cited in observations of the applicant's TAR methodology, relating to unclear or inadequate analysis on the wider road network, which I have outlined in Section 6.0 of this report.
- 7.9.19. From my review of the appeal and application documentation, and from my site inspection, I consider the substantive issue to be the increase in traffic along Hermitage Gardens to the junction with Hermitage Road, and the resultant impact on Hermitage Gardens properties along the access route from the proposed development. Importantly, therefore, I highlight that in the applicant's response to the HPRA observation, the applicant did not apply the alternative trip generation figures to the Hermitage Gardens/ Hermitage Road junction. As such, the extent of

the impact on the junction is unclear and whether the impact is within acceptable parameters has not been demonstrated.

7.9.20. The applicant focuses on considering the increase in traffic movements as an instance within a period of time (eg. a PCU trip every 83 seconds (applicant's traffic generation), then a PCU trip every 60 seconds (HPRA traffic generation)). However, I find this approach to be somewhat misleading, and instead believe it more accurate to consider the increase in traffic movements through a comparison with the existing level of traffic activity. That being, the traffic survey indicated 14 PCUs in the existing AM peak, the applicant's trip generation to 43 PCUs equates to an increase in 207% (as noted by the planning authority), and the HPRA's trip generation to 60 PCUs equates to an increase of 329%. In terms of time, I calculate that the existing level of traffic activity of 14 PCUs equates to a PCU trip every 4mins17secs, rising to a PCU trip every 1min24secs (applicant's traffic generation), and increasing to a PCU trip every 1min (HPRA's traffic generation). As the applicant has failed to demonstrate otherwise through applying the alternative trip generation figures to the Hermitage Gardens/ Hermitage Road junction, from the available information, I consider it reasonable to conclude that the proposed development will give rise to a marked and significant increase in local traffic causing disturbance and nuisance which will adversely impact on the residential amenity of the Hermitage Gardens properties along the proposed access route.

Traffic Hazard

7.9.21. The Roads Section report, and subsequently cited in the fourth refusal reason, associates the increase in traffic movements and the substandard nature of the Hermitage Garden road to an increase in traffic hazard for children at play in the area of open space, around which the access route travels. The applicant disputes the traffic hazard and safety aspect of the refusal reason, stating the road is not substandard, that the increase in traffic movements on the road network is minimal, and that existing traffic passes this open space area and there will continue to be a level of passive surveillance and awareness of the open space and users therein.

7.9.22. A number of observers reiterate the planning authority's position, including the HPRA observation which submits that the combination of increased traffic movements, under provision of on-site parking and increased demand for on-street parking will

cause traffic congestion which will create a significant traffic hazard and endanger public safety. In the response, the applicant submits that the proposed development is accessed via residential streets which are traffic calmed and limited to 30kmph speed limits, that the access route's close proximity to the open space area is an arrangement found in many modern residential developments, and will contribute to the safety of users due to existing supervision and awareness. The applicant states there are no known accidents or incidents.

7.9.23. In having reviewed the relevant appeal and application documentation on this item, I find the basis on which the planning authority determined there to be a traffic hazard to be flawed as this was associated with an incorrect classification of Hermitage Gardens as a substandard road. I note the concerns of observers, but there is no evidence of traffic hazard or an endangerment to public safety at this location or arising from the proposal. I accept the applicant's position that the proposed development does not constitute a traffic hazard as the Hermitage estate is a 30kmph safe zone, there is existing traffic using the roads enclosing the open space, and there is a knowledge and awareness of the open space.

Transportation: Summary

7.9.24. In summary, I consider the proposed entrance arrangements (a vehicular access via the existing Hermitage Gardens cul de sac, and pedestrian and bicycle accesses onto the N4 slip road), the level of on-site car parking provision to serve the proposal, and the increase in traffic movements in the wider road network to be acceptable. I do not consider the proposed development to constitute a traffic hazard in respect of users of the area of public open space along which the access route traverses. However, I do consider the proposed development by reason of its use and density (a residential scheme potentially accommodating c.375 residents) to result in an increase in traffic movements (in particular vehicular, but also pedestrian and bicycle) that would seriously injure the amenity of properties located along Hermitage Gardens between the proposed entrance up to the intersection with Hermitage Road (No.s 1-11 inclusive), to cause a potentially adverse impact on the junction of Hermitage Gardens and Hermitage Road, and to negatively impact on the character of this component of the Hermitage estate area. As such, I consider that the proposed development, an infill scheme, would contravene materially CDP H17

Objective 5 by comprising a new development in an established area that would impact negatively on the amenities and character of that area.

7.10. Water Services Infrastructure

Water Supply and Wastewater Treatment

7.10.1. The proposed development is connecting into the existing public water supply and wastewater treatment services infrastructure. Pre connection enquiry correspondence from Irish Water indicating capacity in the systems subject to agreements for wastewater and water supply accompany the application. Irish Water report indicates no objection to the proposal.

Surface Water

7.10.2. The Water Services Section of the planning authority indicates no objection to the proposal subject to conditions, including requiring section drawings of the attenuation tank.

Flood Risk

7.10.3. The Water Services Section of the planning authority indicates that flooding is not an issue for consideration. I note that the applicant's Drainage Report refers to a flood risk assessment undertaken (Section 7, pg 15), however in the interests of clarity, I could not find same in the case file and this may be a typographical error.

7.11. Material Contravention

7.11.1. Under the current RW zoning for the site, the proposed development, a residential use, is not permitted in principle and therefore constitutes a material contravention of the CDP. This is acknowledged by the applicant in the application and appeal, cited as the first refusal reason by the planning authority, and raised by nearly all of the observers. The contravention of other objectives relating to urban design, building height, and density forms the basis of the planning authority's second and fifth refusal reasons and is also cited by numerous observers.

7.11.2. As I have previously determined in the relevant subsections above, I highlight to the Board that in addition to the proposed development being a material contravention of the RW zoning objective, it is my opinion that the proposed development would contravene materially CDP H9 Objectives 2, 3, 4, and Section 11.2.7 relating to

building height, and CDP H8 Objective 2, Section 11.3.2(i) and H17 Objective 5 relating to residential density, consolidation, and infill development. In my view, therefore, there is no basis for the Board to grant permission for the proposal.

7.11.3. In the grounds of appeal, the applicant considers that policy in the applicable national planning guidelines overrides the CDP objectives and requests that the Board permits the proposed development through section 37(2) of the Planning and Development Act 2000, as amended.

7.11.4. Under section 37(2)(a) of the 2000 Act, An Bord Pleanála can grant permission for a proposed development which would contravene materially an applicable development plan. Of relevance for the current appeal, section 37(2)(b) states that where a planning authority has refused permission on the grounds that a proposed development materially contravenes the development plan, the Board may grant permission in accordance with paragraph (a) where it considers that criteria contained in section 37(2)(b)(i)-(iv) are met.

7.11.5. These criteria are as follows:

- (i) the proposed development is of strategic or national importance;
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned;
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister, or any Minister of the Government; or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.11.6. In the first party appeal, the applicant submits each criterion is satisfied, which is disputed by observers. I propose to address, in turn, whether each criterion is met.

Strategic or National Importance

7.11.7. In respect of section 37(2)(b)(i), the proposed development is a medium scaled residential development of 161 apartments, on a site measuring c.0.64 ha. I note the proposal is a residential scheme, that there is national policy supporting the provision of housing, and that the applicant refers to several national policy objectives (NPOs) from the National Planning Framework (NPF). However, as discussed below for section 37(2)(b)(iii), I consider the referred-to policy objectives are supportive of planned and targeted housing provision across the country, and are not applicable to an instance such as the proposed development due to its being simply located within the Dublin City and suburbs area included in the NPF.

7.11.8. The provision of new residential development in the South Dublin County administrative area is an ongoing, plan-led process. For the Lucan area, as raised by observers, this is focussed on the delivery of several thousand dwellings in the Adamstown and Clonburriss Strategic Development Zones (SDZs). Having regard to the above, I do not consider that the proposed development is of a scale or a land use that, in and of itself, is of strategic or of national importance.

Conflicting Development Plan Objectives

7.11.9. In respect of section 37(2)(b)(ii), the applicant states broadly that the site's zoning conflicts with 'the provisions of the development plan' to provide for residential development along public transport corridors and in areas with a high degree of services. The applicant does not specifically reference the stated conflicting objectives. In Section 5.4 of this report above, I have identified the CDP policies and objectives I consider of relevance to the determination of the appeal. These relate to zonings, core strategy, housing, building height, and development management standards.

7.11.10. The appeal site is zoned for retail warehousing and not for residential purposes. The site is located on a national road with bus services, but this is not designated as a 'Long Term High Capacity Public Transport' route in the CDP maps. The site is not located within the Metropolitan Consolidation Area to the east of the M50, or within a Metropolitan Consolidation Town, such as Lucan, and as such, there are simply no objectives that positively support the proposed development. Having regard to the above, I do not consider the CDP objectives relevant for the determination of the appeal to be in conflict. Instead, the RW zoning objective is

logically, necessarily, and reasonably different to CDP objectives that are supportive of planned residential development. Having regard to the above, I do not consider there to be conflicting or unclear objectives within the development plan in respect to the proposed development.

Regional and National Policy Context

- 7.11.11. In respect of section 37(2)(b)(iii), of relevance to the appeal is the Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES) (I have identified relevant policies in Section 5.3 above), government policy such as the NPF (identified in Section 5.2.2 above), and a number of section 28 planning guidelines (identified in Section 5.2.3 above). I propose to address each in turn.
- 7.11.12. In the appeal, the applicant broadly states that the proposed development is consistent with the 'regional planning guidelines' by reason of their encouragement of redevelopment in urban areas, along public transport corridors, with available services. The applicant does not elaborate further on how the proposal complies with the development framework for the Metropolitan Area Strategic Plan (MASP) in the RSES or identify specific regional policy objectives (RPOs) which are complied with.
- 7.11.13. As outlined in Section 5.3 of this report, while the appeal site is located within the wider MASP area, it is not located within or along one of the Strategic Development Areas or Strategic Development Corridors identified as being the appropriate locations for future development in the MASP area. The N4, as a national road, is not identified as a Strategic Development Corridor as the Corridors align with rail lines of Irish Rail, Dart, Luas and Metrolink. As such, there are no RPOs in the RSES that support the proposed development.
- 7.11.14. In the appeal, the applicant submits the proposal is in compliance with a number of NPOs from the NPF. I note the site is just within the boundary of the Dublin City and suburbs area being on the southern side of the N4, to which NPOs 2 and 3 would apply in generality. However, I consider that NPOs 11, 13, 33, and 35 are supportive of planned and targeted growth in appropriate locations subject to the achievement of necessary standards. I do not consider the thrust of the NPOs to apply to the proposed development, that being, there is nothing specifically applicable to the site or its location that support the proposed development.

7.11.15. In respect of the section 28 guidelines, the applicant refers broadly to the proposed development's compliance with the Building Height Guidelines (for supporting the proposed heights in the scheme), Sustainable Residential Development (for density) and the Apartment Guidelines (for standards). Conversely, as outlined in the Building Height subsection above, I consider that the proposal does not satisfy the criteria for developments with increased heights and as such would be contrary to the Building Height Guidelines. Similarly, as outlined in the Residential Density subsection above, I consider that the proposal does not satisfy the criteria for higher densities at appropriate locations and as such would be contrary to the Sustainable Residential Development Guidelines. Furthermore, as outlined in the Residential Amenity subsections (future residents and adjacent properties) above, I consider the proposal fails to provide for adequate future, and to safeguard existing, residential amenity standards and as such would be contrary to the Apartment Guidelines. Finally, as outlined in the Social Infrastructure subsection above, the proposal does not include, or justify the omission of, a childcare facility and as such would be contrary to the Childcare Guidelines and the Apartment Guidelines.

Pattern of Development

7.11.16. In respect of section 37(2)(b)(iv), the applicant focuses on the site's proximity to the N4 in determining the context for the proposal. I do not consider this to be a relevant consideration for pattern of development, which in my opinion, is clearly characterised by low density, two storey residences to the west and south, similarly low scale commercial operations to the east, and undeveloped amenity lands to the north. There is no existing development or recent planning history in the area which could be considered as having the potential to alter this pattern of development or that would allow a justification for the proposal under this criteria section 37(2)(b)(iv).

Material Contravention: Summary

7.11.17. The proposed development would contravene materially the RW zoning objective for the site and several objectives of the South Dublin County Development Plan 2016-2022, as varied. The proposed development is not of strategic or national importance, is not subject to conflicting or unclear CDP objectives, is not supported by national or regional planning policy, is contrary to several section 28 ministerial

planning guidelines including those relating to residential density, building height, residential amenity standards, and childcare provision, and a pattern of development does not exist in the area which would support the proposal. As such, the proposed development does not satisfy any of the criteria contained in section 37(2)(b)(i)-(iv) of the Planning and Development Act 2000, as amended, through which permission may be granted.

7.12. **Appropriate Assessment Screening**

Background on the Application

- 7.12.1. The applicant has not submitted an appropriate assessment screening report or a Natura Impact Statement for the proposed development with this appeal case. Therefore, this screening assessment has been carried *de-novo*.

Brief Description of the Development

- 7.12.2. The project is located on lands at Ballydowd, Lucan. The site is a square shaped configuration, with distinct northern and southern portions. The northern portion of the site comprises a hard surface parking area and commercial operations, while the southern portion comprises a grassed area with mature tree lines on the western and southern boundaries. There are no watercourses or habitats identified in or adjacent to the site.

- 7.12.3. The proposed development comprises the following the key elements:

- 161 apartments and ancillary uses arranged in four buildings constructed over a basement level and on a raised podium, within a site measuring 0.6354 ha;
- Basement level with 97 car parking spaces, 238 bicycle parking spaces, and all services including an attenuation tank;
- Hard and soft landscaping at surface level on the raised podium, including public open space of c.1,247 sqm with open landscaped areas and c. 94 sqm playground; and
- New piped infrastructure installed within the site connecting the proposed development to the existing surface water drainage, wastewater treatment (in Hermitage Gardens) and water supply (in the N4 slip road) public systems. The proposal includes a new underground attenuation tank, to which the

surface water from the podium and buildings' roofs will be discharge to the tank.

7.12.4. Taking account of the characteristics of the proposed development in terms of its location and scale of works, the following are considered for examination in terms of implications for likely significant effects on European sites:

- Construction and/ or operation related surface water and wastewater pollution; and
- Habitat/ species disturbance related to the construction and/ or operation impact from the height of the buildings.

Submissions and Observations

7.12.5. The Water Services of the planning authority indicates no objection to the proposal subject to conditions, including requiring section drawings of the attenuation tank, and indicates that flooding is not an issue for consideration. The Irish Water report indicates no objection to proposals to connect to the wastewater and water supply infrastructure. The planning authority decision stated that no screening report for appropriate assessment has been submitted to allow an informed decision on same.

European Sites

7.12.6. The application site is not located in or immediately adjacent to a European Site. Of the European Sites I identified in Section 5.5 of this report, within a precautionary 15km distance to the appeal site, the most proximate is c.4.7km with the remainder of the European Sites are more than 11km distance away.

Identification of Likely Effects

7.12.7. As outlined above, the site does not have any habitats that are associated with species or habitats for which SACs or SPAs are designated. As such, there is no likelihood of effect on the European Sites through habitat loss/ fragmentation. Therefore, it would be due to construction and/ or operation related surface water and wastewater pollution, or due to habitat disturbance/ species disturbance associated with the height of the proposed buildings, particularly Block D that implications for likely significant effects on European sites may arise.

- 7.12.8. However, from my site inspection and a review of available sources, there is no watercourse at or adjacent to the site which could serve as a hydrological connection between the proposed development and a European Site through which surface water and/ or wastewater pollution could effect a European Sites' conservation objectives. Similarly, there is no habitat at or adjacent to the site which could serve as an ecological connection between the proposed development and a European Site through which species disturbance (such as through disturbance of a flight path of a protected bird species) could effect a European Sites' conservation objectives.
- 7.12.9. Once operational, the proposed development is to be served by existing water services infrastructure, with wastewater and surface water discharging to the piped drainage systems located in Hermitage Gardens. For the construction phase of the proposed development, applying the precautionary principle, there exists the potential for pollution of groundwater and surface water environments at the site. However, having regard to the absence of any watercourse at or adjacent to the site, the likelihood of effect on any European Sites and their conservation objectives is negligible.
- 7.12.10. In respect of potential for in-combination impacts, as it is considered that no likely significant effects will arise from the proposed development, therefore, logically by association, significant effects will not arise as a result of any in-combination effects with any individual planning application or plan.

Mitigation Measures

- 7.12.11. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

- 7.12.12. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the physical separation distances to European Sites, and the absence of ecological and/ or hydrological connections, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

8.1. I recommend that permission be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1.	The proposed development, a residential apartment scheme of scale in terms of density and building height, would contravene materially the Retail Warehousing 'RW' zoning objective applicable to the site, H9 Objectives 2, 3, 4, and Section 11.2.7 relating to building height, and H8 Objective 2, Section 11.3.2(i) and H17 Objective 5 relating to residential density, consolidation, and infill development of the South Dublin County Development Plan 2016-2022, as varied.
2	Due to the inappropriate location, the restrictive nature of the site, and the unsuitable layout and design of the scheme, the proposed development would fail to create a high quality residential development within a distinctive urban environment. Furthermore, due to the absence of, or insufficient information on, daylight and sunlight performance, microclimate conditions, noise protection measures, and childcare facilities, the Board is not satisfied that future residents of the proposed development would be provided with acceptable standards of residential amenity, within apartment units, private amenity spaces, and public open spaces. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3.	The proposed development, an infill scheme located in an outer suburban area characterised predominantly by two storey residences, would by reason of its proximity to boundaries, insufficient separation distances, excessive height, massing, and density, and traffic generation, result in overlooking, overshadowing, overbearance of, and disturbance to adjacent properties, thereby seriously injuring their amenity and adversely affecting the character of the established residential area, particularly that of

	Hermitage Gardens. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4.	The proposed development does not satisfy the criteria for developments with increased heights; does not satisfy the criteria for higher densities at appropriate locations; fails to ensure adequate future and to safeguard existing residential amenity standards; and does not provide for, or justify the omission of, a childcare facility, and as such would be contrary to the following section 28 Ministerial guidelines: Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018; Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009; Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, December 2020; and Childcare Facilities, Guidelines for Planning Authorities, 2001, respectively.

Phillippa Joyce

Senior Planning Inspector

29th November 2021

Appendix A: List of Observers

1. John Murphy
2. Marie Murphy
3. Sean and Loraine Tighe
4. Frank O' Leary and Deirdre McIntyre
5. Ken and Helena Goodwin
6. Ruth Curran
7. Siobhan Nolan
8. John Green
9. James and Miriam Lawlor
10. Dermot Byrne
11. Barry and Michelle Lee
12. Paul and Linda McKenna
13. Siobhan Casey
14. Laura Shanley
15. Rosaleen Murphy and John Conneely
16. Kevin and Bernie Murtagh
17. Deirdre and Derek Roche
18. Donal and Tessa Curran
19. Susan Quinn and Brendan Hanley
20. Mary McCormack
21. John and Caroline O'Brien
22. Kevin O'Sullivan
23. Sarah McDermott
24. James and Brigetta Connolly
25. Helena Goodwin
26. Ronan and Yvonne Brannigan
27. Edmund Longworth and Anne Hunston
28. Westbury Court Residents Association
29. Teresa Duggan
30. Geraldine and Christopher Stynes
31. Esther Monahan
32. Fionna Langan
33. John and Aileen Ennis
34. Niall and Anne Redmond
35. Owen and Yvonne O'Brien
36. Liam Kelly and Antoinette Jamieson
37. Philip Jordan
38. Niall O'Neill
39. Desmond G Burke
40. Cora Kelly
41. Majella Bond
42. Lorraine Kavanagh
43. Genevieve Hennessy and Others
44. John and Suzanne Best

45. Alan and Rhona Lynch
46. Marie McCluskey
47. Mary Heeny
48. Damien and Linda Brennan
49. Helen and Paul Roche
50. Eamonn and Deirdre Regan
51. John Slattery
52. Nicholas Murphy
53. Gerry McInerney
54. Noel Rogers
55. Anthony and Catherine Locke
56. Brian and Joyce Flynn
57. John and Ann Byrne
58. Aine Gilligan and Niall McGrath
59. Dionne Murphy
60. Gerard and Helen O'Connor
61. Elaine and Tom O'Hare
62. Christine and Paul Begg
63. Deasun and Edel O'Broin
64. Valerie and Robert Smith
65. Pat O'Keeffe
66. Larkfield Residents Association
67. Cllr Alan Hayes
68. Martin Mulvey
69. Ciaran O'Rourke and Amanda Cullinane
70. Adrienne Murphy
71. Aileen Blackwell Kelly
72. Graham and Louise Carthy
73. Cllr Shane Moynihan
74. Hugh and Anne Jones
75. Patrick Pierce
76. William Lavelle
77. Emer Higgins TD
78. David McGuinness
79. Aisling Murphy
80. Damien and Catherine Dunne
81. John and Lynn O'Dwyer
82. Eamonn and Anne Moore
83. James Doddy
84. Sile McIntyre
85. Mary Downes
86. Liam Bartley
87. Daniel McCartney
88. Philip Devereux
89. Niall Strickland
90. Yvonne Byrne
91. Tim Ahern

92. John Moran
93. Isobelle McCarthy
94. Edel and Derek Mooney
95. Colette Treacy and Family
96. Margaret O'Dwyer
97. Liam Morgan
98. Tina Lewis
99. Valerie Spollen
100. Paul McEntee
101. Audrey Smith
102. Paul Casey
103. Paul Donnelly
104. Declan Dunne
105. Ann Dunne
106. Johanne Flanagan
107. James and Diane Grogan
108. Brian Dooley
109. Ger Clarke
110. Peter Kirwan for Ballydowd Residents Association
111. Gabriel McKeon
112. Pdraig and Patricia Ryan
113. Jim and Adrienne Devoy
114. Ger Sejean
115. Bernadette and Jonathan O'Reilly
116. Geoffrey and Deirdre Nolan
117. Una Duke
118. Simon and Ann Condon
119. Paul and Tina Shields
120. David Keane
121. Margaret Maher
122. Martin Duncan
123. Michael and Caroline Casey
124. Orla Duke Garcia and Antonio Garcia Lopez
125. Nina Byrne
126. Jenna Goodwin and Jamie Ellis
127. Mary Temple
128. Gerry Bellew
129. Leursa Furlong
130. Melissa Rogers and Oliver Skehan
131. John Kelly
132. Anne and Bernard Foy
133. Elaine Collins
134. Daniel Melia
135. Mark Gannon
136. Cheuk Shing Yu
137. Nigel and Edel Moran
138. Derek McGlynn

139. Eamonn Jackson
140. Paddy and Hillary Keating
141. Eamonn and Michelle McMahon
142. Annmarie Quinn
143. Ardeevin Residents Association
144. Michelle Whelan
145. Cllrs Liona O'Toole, Guss O'Connell, Paul Gogarty
146. Hermitage Park Residents Association by Hughes Planning Consultants