



An
Bord
Pleanála

Inspector's Report

ABP-309378-21

Development

Demolition of all buildings on site (comprising the former Kiely's public house and outbuildings) and construction of a mixed-use building comprising of a café/restaurant unit and Build to Rent Shared Accommodation comprising 100 single occupancy shared living units.

Location

22-24 Donnybrook Road (former Kiely's Public House), Donnybrook, Dublin 4.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

3301/20

Applicant(s)

Domhnach Limited

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

First/Third Party

Appellant(s)

(1) John & Mary Maher

- (2) Marie Kelly & Others
- (3) Louise Supple & Others
- (4) Rosemary Cullen Owen & Others
- (5) Hanley O'Reilly Partnership
- (6) Donnybrook Residents Association
- (7) Domhnach Limited
- (8) Jeff Martin
- (9) Herbert Park Residents Association
- (10) Donnybrook Partners
- (11) Jim Coady

Observer(s)

- (1) Jim O'Callaghan TD
- (2) Dr. Huntly Lauder
- (3) Senator Ivana Bacik
- (4) Phillip O'Reilly
- (5) Tim White
- (6) Cllr Nial Ring
- (7) An Taisce
- (8) Cllr James Geoghan
- (9) Domhnach Limited.

Date of Site Inspection

05th May 2021

Inspector

Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.0813 hectares, is located within Donnybrook village centre and on the northern side of the R138. The appeal site is occupied by a two-storey premises whose last use was a public house (Kielys). The appeal site is defined by Donnybrook Road (R138) to the south, Mulberry Lane to the west and Pembroke Cottages to the east. No. 26, which is a two-storey commercial building is located adjacent the south eastern corner of the site with the site wrapping around it. Other adjoining uses include a warehouse structure in commercial use (Hanley Event Management, Party Shop etc) to the north of the site. To the north of the site is Pembroke Cottages, which is a terrace of single-storey dwellings with no. 1 Pembroke Cottages adjoining the site boundary. On the opposite side of Mulberry Lane is a three-storey structure with shop units and office accommodation above. On the opposite side of Pembroke Cottages to the east is a two-storey structure with an off-licence at ground floor level and commercial use above.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of all existing building on site (comprising the former Kiely's public house and outbuildings) and the construction of a mixed-use building of part 3 to part 7 storeys in height, above basement level. The development comprises a café/restaurant unit (GFA of 92sqm) at ground floor level and Build to Rent shared accommodation comprising of 100 no. single occupancy shared living units (ranging from 18.2sqm to 27sqm), associated reception/concierge area and communal amenities and facilities, from basement to sixth floor level.

The shared accommodation scheme includes resident support facilities including laundry, concierge/reception, management offices and bin storage area at basement and ground floor level, a multifunctional communal area at ground and first floor level and communal amenity space (kitchen/living/dining area) at each level to serve the shared living units. External open space is located within the courtyard at ground floor level and roof terrace at fifth floor level.

The development includes plant rooms, storeroom facilities and 152 no. bicycle parking spaces at basement level and a screened plant area at roof level. The development proposed relocating the existing ESB substation and switchroom within the site from the Pembroke Cottages boundary to Mulberry Lane. The proposal includes foul and surface water drainage, signage, and landscaping, and all associated site development and infrastructural works.

- 2.2 In response to further information the proposal was revised with the one storey removed to make the proposal six-storeys and reducing the number of units from 100 to 91. In granting permission a condition was applied requiring omission of a further 6 no. bedrooms across four floors and a requirement that all bedrooms have a minimum width of 3m.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 23 conditions. Of note are the following conditions...

Condition no. 3: Amendments including omission of a number of bedrooms to provide a more appropriate transition between the development and no. 1 Pembroke Cottages.

Condition no. 4: Revised plans to retain brick façade treatment as proposed originally.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (29/10/20): Further information required including measures to deal with concerns regarding the overall bulk and height of the development, issues concerning bedroom configuration, impact on windows on adjoining structures, separation distances, mitigation measures for construction close proximity to existing

dwellings, details regarding façade treatment and the issues raised by the Transportation Section.

Planning Report (13/01/21): The revisions by way of further information were considered and the proposal was deemed to comply with Development Plan policy, national policy and to be acceptable in the context of the visual amenities of the area, the amenities of adjoining properties, traffic safety and to be in accordance with the proper planning and sustainable development of the area. A grant of permission was recommended based on the following reasons.

3.2.2. Other Technical Reports

Drainage Division (16/09/20): no objection.

Transportation Planning (16/10/20): Further information required including revisions to footpath width, provision of electric bike charging/details of bike storage, details regarding management of the loading bay, and capacity of shared car facilities in the vicinity.

Drainage Division (14/12/20): No objection.

Transportation Planning (07/01/21): No objection subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1 Over 100 submission were received. The issues raised can be summarised as follows...

- Excessive, bulk, scale and density, adverse visual impact, out of character with streetscape.
- Inappropriate form and quality of development, shared accommodation no longer permitted under national policy, substandard in nature, adverse impact on local community.

- Adverse impact on adjoining properties and their amenity including overbearing impact, overshadowing and overlooking.
- Adverse traffic impact, lack of parking and existing issues concerning parking capacity in the area.
- Inappropriate development in light of public health situation (Covid-19).
- Drainage issues.

4.0 Planning History

3036/15: Permission granted for demolition of existing pitched roof and 3 dormer windows to provide a new external roof terrace.

5.0 Policy Context

5.1. Relevant Policy

5.1.1 National Policy

Project Ireland 2040 - National Planning Framework

The National Planning Framework was published in 2018. National Policy Objective 3(b) seeks to 'Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, with their existing built-up footprints'.

The following objectives are of note:

- National Policy Objective 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.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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.

- National Policy Objective 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.
- National Policy Objective 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.

'Housing for All - a New Housing Plan for Ireland' (September 2020)

Section 28 Ministerial Guidelines

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018) (previous guidelines)
- Sustainable Urban Housing, Design Standards for New Apartments, (Updated) Guidelines for Planning Authorities (2020) (current guidelines)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009) Regional Policy

Under the RSES a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin.

The following Regional Policy Objectives are of note:

- RPO 3.2: Compact Growth – to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO 4.3: Support the consolidation and re-intensification of infill/brownfield and sites to provide high density and people intensive uses within the existing built up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- RPO 5.2: Support the delivery of key sustainable transport projects including Metrolink, DART and LUAS expansion programmes, BusConnects and the Greater Dublin Metropolitan Cycle Network and ensure that future development maximises the efficiency and protects the strategic capacity of the metropolitan area transport network, existing and planned.
- 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 5.8: Support the promotion and development of greenway infrastructure and facilities in the Dublin metropolitan area and to support the expansion and connections between key strategic cycle routes and greenways as set out in the NTA Greater Dublin Area Cycle Network Plan.
- Section 9.2 Diverse and Inclusive Region, notes that changing household formation trends will require a range of housing typologies including student

housing, smaller units, shared living schemes and flexible designs that are adaptive for people's full life cycle to meet their housing needs today and into the future.

5.1.2 Local Planning Policy

Development Plan

The Dublin City Development Plan 2016-2022 is the relevant statutory plan for the area. The following sections are considered to be relevant:

- The majority of the site is zoned Z4 'To provide for and improve mixed-services facilities', a portion of the site to the rear is zoned Z1 'to protect, provide and improve residential amenities'.
- Population: Establish significant residential population bases with diversity in unit types and tenures capable of establishing long-term integrated communities.
- Density: Ensure the establishment of high-density developments capable of sustaining quality public transport systems and supporting local services and activities. Account should be taken in any such development of any distinct or valuable architectural or historical features that influence the urban form, character and scale of the existing area.
- Transport: Ensure provision is made for quality public transport systems. Provide improved access to these systems and incorporate travel plans, which prioritise the primacy of pedestrian and cyclist movement and address the issue of parking facilities and parking overflow.
- Commercial/Retail: The creation of a vibrant retail and commercial core with animated streetscapes.
- Community and Social Services: The centres will be encouraged to become the focal point for the integrated delivery of community and social services.
- Employment: Encourage the provision of mixed-use developments incorporating retail, office, residential and live-work units, and the creation of small startup units. (The floor area limitations in respect of offices given in the land-use zoning objective Z4 shall not apply in the case of identified key district centres, and applications involving office development in these areas shall be assessed on their merits, taking account of the overall objective to provide for a mixed-use environment.)

- **Built Environment:** The creation of high-quality, mixed-use urban districts with a distinctive spatial identity and coherent urban structure of interconnected streets and child-friendly public spaces and urban parks. Development should have regard to the existing urban form, scale and character and be consistent with the built heritage of the area.
- **Capacity for development:** Encourage the development/re-development of underutilised sites.

- **Chapter 4 Shape and Structure of the City**

Doonybrook is identified as Neighbourhood Centre (“These support the other higher level centres in the hierarchy, within reasonable walking distance. These small centres are extremely important for local communities for providing day-to-day needs, and are considered appropriate localities for a range of community services”).

SC10: To develop and support the hierarchy of the suburban centres, ranging from the top tier Key District Centres, to District Centres/Urban Villages and Neighbourhood Centres...

SC12: To ensure that development within or affecting Dublin’s villages protects their character.

SC13: To promote sustainable densities, particularly in public transport corridors...

SC14: To promote a variety of housing and apartment types...

SC16: To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected...

SC17: To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban character of the city, having regard to the criteria and principles set out in Chapter 15 (Guiding Principles) and Chapter 16 (development standards)...

- **Chapter 5 Quality Housing**

QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods; QH7: sustainable urban densities; QH8: development of under-

utilised sites; QH13: adaptable and flexible homes; QH17: private-rented accommodation; QH18: high-quality apartments.

- Chapter 11 Built Heritage and Culture acknowledges that built heritage contributes significantly to the city's identity and richness and diversity of its urban fabric.

Relevant policy –

CHC4: To protect the special interest and character of all Dublin's Conservation Areas.

- Chapter 16 Development Management Standards

S.16.2.2.2 - Infill Development: it is particularly important that infill developments respect and enhance its context and is well integrated with its surroundings, ensuring a more coherent cityscape.

S.16.5 – Indicative Plot Ratio: 2.0. A higher plot ratio may be permitted in certain circumstances such as: Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed; To facilitate comprehensive redevelopment in areas in need of urban renewal...

S.16.6 – Site Coverage: 80%. Higher site coverage may be permitted in certain circumstances such as: Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed; To facilitate comprehensive redevelopment in areas in need of urban renewal...

S.16.7.2 - Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development (table 'Building Height in Dublin'; Fig 39). Donnybrook would be classified as outer city. The maximum height permissible for sites in the outer city is 16m (commercial and residential) under the Development Plan.

S.16.10.3 - Residential Quality Standards – Apartments and Houses

S.16.23 - Shopping Centres

5.2. Natural Heritage Designations

South Dublin Bay SAC (000210), 1.7km from the site.

North Dublin Bay SAC (000206), 5.6km from the site.

Rockabill to Dalkey Island SAC (0300), 9.7km from the site.

Wicklow Mountains SAC (002122), 9.9km from the site.

Howth Head SAC (000202), 10.7km from the site.

Baldoyle Bay SAC (000199), 11.0km from the site.

Glenasmole Valley SAC (001209), 11.2km from the site.

Knocksink Wood SAC (000725), 12.3km from the site.

Ballyman Glen SAC (000713), 13.5km from the site.

Irelands Eye SAC (002193), 14.4km from the site.

Malahide Estuary SAC (000205), 14.5km from the site.

South Dublin Bay and River Tolka Estuary SPA (004024), 2km from the site.

North Bull Island SPA (004006), 5.6km from the site.

Wicklow Mountains SPA (004040), 10.1km from the site.

Dalkey Islands SPA (004172), 10.6km from the site.

Baldoyle Bay SPA (004016), 11km from the site.

Howth Head Coast SPA (004113), 12.9km from the site.

Irelands Eye SPA (004117), 14.2km from the site.

Malahide Estuary SPA (004025), >15km from the site.

5.3. EIA Screening

- 5.3.1 The site is an urban brownfield site (the majority of the site is zoned Z4 'To provide for and improve mixed-services facilities', a portion of the site to the rear is zoned Z1 'to protect, provide and improve residential amenities') occupied by existing commercial development comprising of a public house. The proposed development relates to the demolition of the existing structure and the construction of a mixed-use building of part 3 to part 7 storeys in height, above basement level. The development comprises a café/restaurant unit (GFA of 92sqm) at ground floor level and Build to Rent shared accommodation comprising of 100 no. single occupancy shared living units (ranging from 18.2sqm to 27sqm), associated

reception/concierge area and communal amenities and facilities, from basement to sixth floor level.

5.3.2 The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. In addition, Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.3.3 The proposal for 100 no. shared accommodation units and a ground floor café/restaurant on a site of 0.0813 hectares and is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. The AA Screening set out in Section 8 concludes that the potential for adverse impacts on Natura 2000 site can be ruled out.

5.3.4 The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The applicant/first party appellant submitted an EIA Screening Report with the response to the third party appeals, which includes the information required under Schedule 7A to the planning regulations. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation

measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Report
- Landscape and Visual Impact Assessment
- Landscape and Design report
- Engineering Service report
- Ecological Assessment
- Energy Statement
- Construction and Demolition Management Plan
- Construction and Demolition Phase Noise, Vibration and Air Quality Assessment and Management Report
- Flood Risk Assessment
- Daylight, Sunlight and Overshadowing report
- Basement Impact Assessment report
- Preliminary Site Investigation Report.

5.3.5 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening.

5.3.6 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that

it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by John Maher, 11 Vernon Grove, Rathgar, Dublin 6. The grounds of appeal are as follows...

- Inappropriate design and scale without adequate regard to the character of the area.
- Lack of infrastructure in terms of public transport.
- Lack of parking in and area lacking in public transport infrastructure, potential issues with bicycle parking on the public road.
- Adverse impact on privacy and light levels to the appellant's property, no. 12 Donnybrook Road.
- Hastiness in decision in the context of ban on future proposal for similar accommodation.
- Health and environmental concerns in light of Covid-19.

6.1.2 A third party appeal has been lodged by Mary Kelly & Others, 3 Pembroke Cottages, Donnybrook, Dublin 4. The grounds of appeal are as follows...

- Inappropriate location outside city centre with a lack of sufficient public transport and employment in the area to justify the proposal. Covid 19 concerns.
- Inadequate management proposals, inappropriate form of development, ban on such developments in the future. Failure to demonstrate that the location is appropriate or the need for such type of development.
- Inappropriate design and scale, out of character with existing streetscape overbearing impact on existing residential development, overlooking overshadowing, adverse construction impact.
- Standard of accommodation is inadequate and compares unfavourably to other similar developments granted previously.
- Height and scale contrary to national guidelines and development Plan policy.

6.1.3 A third party appeal has been lodged by Louise Supple & Others, 8 Pembroke Cottages, Donnybrook, Dublin 4. The grounds of appeal are as follows...

- The appeal is on behalf of the owners and residents of no.s 4, 5, 13, 24, 27, 31, 76 and 103 Pembroke Cottages.
- Inappropriate scale in the context of existing development in the vicinity. Inappropriate location for shared accommodation with a decision to refuse permission for a similar development noted.
- Overdevelopment of the site, excessive height, overbearing impact and loss of light (daylight and sunlight) to existing properties, and loss of privacy through overlooking.
- Lack of parking will cause issues in the area existing parking capacity issues in the area.
- The impact of construction and demolition will cause significant disturbance in the area.

6.1.4 A third party appeal has been lodged by Rosemary Cullen Owens & Others, 6 Pembroke Cottages, Donnybrook, Dublin 4. The grounds of appeal are as follows...

- Inappropriate location for shared accommodation, suburban location not designated a district centre, lack of high capacity public transport, inadequate car parking, lack of high level of employment in the area. No justification for the nature and scale of development.
- Excessive height and scale in the context of Development Plan policy and existing development in the vicinity.
- Overbearing impact, overlooking and overshadowing of existing property and dwellings in the vicinity.
- Inadequate amenity in the form of pen space for future residents due to noise.

6.1.5 A third party appeal has been lodged by the Hanley O'Reilly Partnership, Mulberry Lane, Donnybrook, Dublin 4. The grounds of appeal are as follows....

- There is an existing culverted stream (Muckcross Stream) traversing the site, which will have implications for constructing the development (basement), the proposal fails to acknowledge such.
- The appellants have a number of legal easements over the site and were not consulted by the applicants.
- Health and environmental concerns in light of Covid-19.
- The daylight and sunlight report submitted does not refer to the appellants' property.
- Health and safety/environmental issues raised regarding relocation of the substation and Covid-19.
- Inappropriate design, height, scale and density at this location and in the context of existing development.
- Typographical errors in the conditions omitting units and lack of clarity.

- Layout does not comply with Part M of the Building regulations.
- Adverse construction impact.
- Mapping discrepancy pointed out, planting provided over a fire escape right of way and an area included as private open space that is inadequate and should not be included for assessment of such.

6.1.6 A third party appeal has been lodged by Donnybrook Residents Association. The grounds of appeal are as follows....

- Inappropriate scale, height and design, existing issues concerning parking and access to dwellings in the area (Pembroke Cottages) and such will be exacerbated by the proposal, lack of consultation. Existing vacant properties in the area.

6.1.7 A first party appeal has been lodged by Domhnach Limited.

- The appeal concern application of condition no. 3(i) and 3(ii). Condition no. 3(i) omits 6 no. bedrooms and condition no. 3(ii) requires all bedrooms to have a minimum width of 3m.
- In relation to condition no. 3(i) it is considered the proposal provides an appropriate transition in scale relative to Pembroke Cottages and no alteration are required.
- In relation condition 3(ii) it is noted that 69 of the 91 units (FI plans) are below the width of 3m and that such is appropriate in the context of their overall size and layout and that implementing the condition would reduce the no. of units from 91 to 79 including the units lost under condition 3(i).

6.1.8 A third party appeal has been lodged by Jeff Martin, 7 Pembroke Cottages, Donnybrook, Dublin 4. The grounds of appeal are as follows...

- Inappropriate type of development in the context of the current resumption against permitted such and its location outside of the city centre.
- Inappropriate design, scale and visual impact at this location.
- Adverse impact on existing residents in the vicinity through overlooking and overshadowing, physically overbearing impact and noise impact.
- Lack of parking in the area and lack of parking proposed as part of the development.
- Devaluation of property in the vicinity.

6.1.9 A third party appeal has been lodged by the Herbert Park Residents Area Association. The grounds of appeal are as follows...

- In consistency with development plan policy of the Dublin City Development Plan 2022-2028.
- Inappropriate form of development with concerns regarding the size and quality of the units and the principle of shared accommodation.
- Inappropriate design, height, scale and density at this location and in the context of existing development and incongruent with architectural character of the area. Lack of improvement of footpath width along the front of the site.

6.1.10 A third party appeal has been lodged by Donnybrook Partners, Beechfield, Sydney Avenue, Blackrock, Co. Dublin. The grounds of appeal are as follows...

- Inappropriate height and scale of development, no justification for excessive plot ratio and site coverage. The proposal is considered inappropriate in the context of visual and the amenities of adjoining properties.
- Construction and demolition impact will be negative due to existing access arrangements/constraints Mulberry Lane and Pembroke Cottages are unsuitable for construction traffic access. There is a lack of clarity in the

information submitted regarding management of construction traffic and the existing road network is unsuitable to cater for such.

- Inappropriate design, height, scale and density at this location and in the context of existing development and incongruent with architectural character of the area.

6.1.11 A third party appeal has been lodged by Jim Coady, 12 Morehampton Lane, Donnybrook, Dublin 4.

- Inappropriate design, height and scale at this location and in the context of existing development and the architectural character of the area. The ground floor should be set back to provide a wider footpath and improved public realm.

6.2. Applicant Response

6.2.1 Response by the applicant Domhnach Limited.

- The proposal for shared accommodation can be assessed on its merits as it was submitted prior to December 2020.
- The proposal is an appropriate location for shared accommodation in the context of its location relative to public transport, employment uses and a justification report was submitted in this regard.
- The scheme submitted meets the required qualitative standards for shared accommodation in terms of size, facilities provided within each unit and supporting communal facilities.
- The default for location with good access and public transport is to provide no car parking.
- The design and height of the proposal is acceptable at this location and such is demonstrated in the submitted LVIA with an appropriate transition between

development on adjoining sites and the development proposed. The plot ratio of the proposal is consistent with development plan policy.

- A report addressing the significance of Muckross Stream is provided and there is no evidence of such being a culverted entity crossing the site. The DCC Drainage section raised no objection to the proposal.
- The design and scale of the proposal has adequate regard to the amenities of adjoining properties and is acceptable in relation to its physical impact, overlooking and overshadowing. The documents include a daylight and sunlight assessment demonstrating the acceptable impact of the development.

6.3. Planning Authority Response

No response.

6.4. Observations

Several observations have been received from the following...

Jim O'Callaghan TD

Dr. Huntly Lauder, 40 Whitethorn Road, Clonskeagh, Dublin 14.

Senator Ivana Bacik.

Phillip O'Reilly, 18 Grosvenor Place, Rathmines, Dublin 6.

Tim White, London School of Economics and Political Science, Houghton Street, London WC2A 2AE.

Cllr Nial Ring.

An Taisce.

Cllr James Geoghan

The issues raised in the observations are similar in nature and can be summarised as follows...

- Excessive scale and height, out of character at this location.

- Adverse impact on adjoining amenities due to overlooking and overshadowing.
- Co-living developments no longer permitted under national policy. Co-living provides for an inappropriate form of residential development and is of poor quality model for future housing.
- Contrary development plan policy in terms of height and plot ratio.
- Lack of car parking and existing capacity issues.
- Existing stream flowing under the site for which no consideration has been given.

6.5. Further Responses

6.5.1 Response by Louise Supple & Others.

- The third party appellants reiterate their concerns regarding the design and scale of the proposal in the context of its impact on adjoining amenities with a significant impact in terms of daylight and sunlight, overlooking and a visual overbearance. The condition applied under 3(ii) is reasonable. The appellants note support for issues raised by the other third party appellants in this case.

7.0 Assessment

7.1. Having inspected the site and the associated documents the main issues can be assessed under the following headings.

Principle of Shared Accommodation

Quality of residential accommodation

Visual Amenity/Architectural Character/Height

Compliance with Development Plan Building Height policy

Neighbouring residential amenity

Traffic/Car Parking

First Party Appeal

Other Issues

7.2. Principle of Shared Accommodation

7.2.1 The guidelines Sustainable Urban Housing: Design Standards for New Apartments were revised on 23rd December 2020 in relation to shared accommodation provision, specifically SPPR 9, which states:

There shall be a presumption against granting planning permission for shared accommodation/co-living development unless the proposed development is either:-

(i) required to meet specific demand identified by a local planning authority further to a Housing Need and Demand Assessment (HNDA) process;

or,

(ii) on the date of publication of these updated Guidelines, a valid planning application to a planning authority, appeal to An Bord Pleanála, or strategic housing development (SHD) planning application to An Bord Pleanála, in which case the application or appeal may be determined on its merits.

7.2.2 The application was submitted prior to the publication of the current apartment guidelines (2020), therefore, as per SPPR 9(ii), I am assessing this application on its merits. In assessing the merits of this application, I consider it reasonable to consider the guidance provided in the 2018 Apartment Guidelines (notwithstanding they have been superseded) as an aid to assessing the merits of this application, as they are the most relevant guidance available against which to assess a shared accommodation proposal. I have therefore referred to specific sections of the 2018 Apartment Guidelines in my assessment hereunder.

Location:

7.2.3 A number of the submissions consider the proposed development is not justified at this location as Donnybrook is not a city centre location but an urban village. It is

contended that the proposal would contribute to an overconcentration of 'transient' housing in the area and does not meeting planning requirements for a sustainable community. Section 5.18 of the 2018 Apartment Guidelines notes that due to the distinct nature and features of Shared Accommodation type development, it is only appropriate where responding to an identified urban housing need at particular locations. There is an obligation on the proposer of a shared accommodation scheme to demonstrate to the planning authority that their proposal is based on accommodation need and to provide a satisfactory evidential base accordingly. Section 5.19 states that the prevailing context of the proposed site shall also be considered, with city centres identified as the appropriate location for such development. Section 5.22 states that shared accommodation proposals may be related to the accommodation needs of significant concentrations of employment in city centres and core urban locations such as major national level health campuses or similar facilities. The guidelines state that planning authorities should ensure that the scale of such proposals is appropriate to the location and / or buildings involved and to the specific role that the development of the shared accommodation sector should play in the wider urban apartment market.

- 7.2.4 The submitted reports in relation to the shared accommodation/co-living element of the development include a Shared Accommodation Report report, Shared Accommodation Brochure and a Shared Accommodation Operational Management Plan. These reports address the suitability of the site for shared accommodation and set out a rationale/justification for this type of development having regard to the site location and housing need, as well as management proposals. The document also has regard to the location of the site in proximity to high frequency public transport, within walking distance to the city centre and within the centre of a large mixed use area. The documents submitted points to the fact that, at present, there is only a limited number of shared accommodation schemes granted, currently within the planning system, or potentially part of a future application. The documents submitted also state that there is a demand for this type of development. The information submitted points out that demand in the rental markets has been particularly strong in the past few years. The central location of the site is considered, as well as proximity to employment, and the high level of existing services and amenities. The

type of accommodation proposed is considered an innovative solution aimed at revitalising underutilised spaces such as this site. It is considered that the co-living model of residential development can provide a reasonable new form of accommodation to help in satisfying the demand in the housing market and alleviate rental affordability pressures.

7.2.5 While submissions consider this area is inappropriate location for Shared Accommodation, I note that Donnybrook is located within the area identified in the RSES as 'Dublin City and Suburbs', within the Dublin Metropolitan Area. Dublin City and Suburbs accounts for about half of the Region's population or a quarter of the national population, as well as being the largest economic contributor in the state. I note policy SC10 of the development plan seeks 'To develop and support the hierarchy of the suburban centres, ranging from the top tier Key District Centres, to District Centres/Urban Villages and Neighbourhood Centres, in order to support the sustainable consolidation of the city and provide for the essential economic and community support for local neighbourhoods, including post offices and banks, where feasible, and to promote and enhance the distinctive character and sense of place of these areas'. While historically Donnybrook has evolved from being a village and from an urban design perspective has its own distinct character and community (as raised in submissions), the prevailing context is of a well serviced, centrally located, urban area. The site is highly accessible by bus, as well as being within walking distance of a range of city centre services and amenities. While disputed in submissions, I note the site is connected to a number of employment sites, including University College Dublin where there may be significant demand for short term accommodation for those employed there, as well as being a short commuting distance from a range of city centre based employers. I am satisfied that the location is suitable for a Shared Accommodation development of the type proposed. I consider also that the link between the application site and employee catchment has been demonstrated and the location of the development in the context of accessibility within walking and cycling distance of the city centre, and proximity to high frequency public transport offerings of bus and Dart is acceptable.

Identified Need:

7.2.6 The previous 2018 Apartment Guidelines state that shared accommodation is only appropriate where responding to an identified urban housing need at a particular location. A large number of submissions have raised concerns in relation to the transient type of accommodation does not support sustainable communities and will not contribute to the existing community. The previous 2018 Apartment Guidelines state that the planning authority should monitor the provision of Shared Accommodation in areas to ensure a proliferation does not result. Having reviewed all the information submitted and having regard to the historical context of houses in the immediate area and traditional apartment developments, I do not consider there is an oversupply of this type of accommodation. I consider this shared accommodation format will provide for diversity in unit type and tenure in this area. Concerns raised in submissions in relation to the negative impact of Shared Accommodation on established communities is not substantiated and there is no evidence to support these claims. In my view, this type of accommodation should not be viewed as being provided to the detriment of family housing provision or social housing. This type of accommodation is recognised as fulfilling a distinct housing need under planning policy. While working from home is dominant at present due to the Covid 19 pandemic, I do not agree with concerns raised in submissions that this format of accommodation is incapable of supporting working from home, notwithstanding that this current situation may be a relatively short term issue.

7.2.7 The applicant has in my opinion suitably demonstrated that there is need for this type of housing in the area, which is in close proximity to employment opportunities as described under the Apartment Guidelines and accessible by high quality public transport and active modes. It is evident that there is a shortage of rental accommodation and housing in general, which has not been reduced during the Covid 19 pandemic. The provision of this format of accommodation, will provide additional accommodation and will free up other rental accommodation for the wider housing market. At a local level, the proposed development would introduce a significant residential population into this area and support the zoning objective to avail of opportunities to provide for residential use with appropriate amenity facilities as well as providing for a vibrant retail and commercial core with animated

streetscapes. Having considered all the information before me, I consider that the proposed shared accommodation use overall is acceptable at this location and is in line with the overarching national aims to increase housing stock, including in the rental sector, as set out in various policy documents, including, but not limited to, Housing for All-A New Housing Plan for Ireland (September 2021).

7.3 Quality of Residential Accommodation:

7.3.1 A number of submissions raise concerns in relation to the quality of residential accommodation being offered and the fact that the proposal is shared accommodation. There is also a first party appeal against a condition, condition no. 3 requiring that all units have minimum width of 3m. As noted previously in this report, notwithstanding that the Apartment Guidelines were updated in 2020, I have had regard to the 2018 Apartment Guidelines as an aid to assessing the merits of this application. The 2018 Apartment Guidelines refer to Shared Accommodation as a specific type of Build to Rent (BTR) accommodation where individual rooms are rented within an overall development that includes access to shared or communal facilities or amenities. Specific Planning Policy Requirement (SPPR) 7 and 9 of the 2018 Apartment Guidelines relate to Shared Accommodation. A clustered model of shared accommodation with one format detailed as 2-6 bedrooms sharing common areas is advocated in the guidelines. Section 5.15 notes other formats may be proposed. Section 5.16 identifies specific standards for bedroom sizes and the provision of communal amenities. SPPR 9 of the 2018 Apartment Guidelines states the following: “Shared Accommodation may be provided and shall be subject to the requirements of SPPRs 7 (as per BTR). In addition: (i) No restrictions on dwelling mix shall apply; (ii) The overall unit, floor area and bedroom floorspace requirements of Appendix 1 of these Guidelines shall not apply and are replaced by Tables 5a and 5b; (iii) Flexibility shall be applied in relation to the provision of all storage and amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities. The obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity; (iv) A default policy of minimal car parking provision shall apply on the basis of shared accommodation development being more suitable for central locations and/or

proximity to public transport services. The requirement for shared accommodation to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures”.

7.3.2 Table 5a of the Apartment Guidelines set out the minimum bedroom size for shared accommodation proposals. For a single room the minimum bedroom size is 12 sqm. For a double/twin room, the minimum bedroom size is 18 sqm. The proposed development is for 100 (revised to 91 in response to FI) units classified as single person units. The smallest unit is 17.2sqm and the largest of 24.4sqm with the average size being 18.9sqm. The units provide for an entrance area with an ensuite bathroom, a kitchenette/storage area featuring a sink, electric hob and fridge and a sleeping area that also doubles up as a living space. Most units are single aspect with some units being dual aspect and feature floor to ceiling windows. All the bedrooms meet the minimum bedroom size of 12sqm for single occupancy rooms and are substantially bigger than the minimum with the majority of units being above the floor area required for a double/twin room (18sqm).

7.3.3 External amenity space comes in the form of a courtyard terrace area at ground floor level 48.1sqm in area and a fifth floor roof terrace providing 189sqm. In relation to communal space the approved development features the following breakdown...

Ground floor

7 bedroom units

Communal Kitchen Living Dining 32.1sqm.

Multifunctional Communal Space 105.2sqm.

Café restaurant 91.5sqm.

First Floor

17 bedroom units

Communal Kitchen Living Dining 68.4sqm.

Residential Lounge 63.9sqm.

Second Floor

19 bedroom units

Communal Kitchen Living Dining 74.1sqm.

Third Floor

19 bedroom units

Communal Kitchen Living Dining 74.1sqm.

Fourth Floor

19 bedroom units

Communal Kitchen Living Dining 74.1sqm.

Fifth Floor

9 bedroom units

Communal Kitchen Living Dining 48.3sqm.

The approved development provides a total of 371.1 sqm of shared kitchen/dining/living space is provided with every floor having a shared k/d/l facility. The level of such space equates to 4.08sqm per bedspace. This figure does not include additional common living space of 260sqm including a Multifunctional Communal Space (105.2sqm) and Café Restaurant (91.5sqm) at ground floor level and a Residential Lounge (63.9sqm) at first floor level. This takes the average of communal space in the approved development to 6.9 per bedspace. In terms of cooking facilities the approved development provides a rate of one cooking station per 3.79 persons for communal spaces and is in addition to cooking facilities in room. I would consider that this is an acceptable standard in the context of the previous guidance.

- 7.3.4 Condition no. 3(ii) requires all bedrooms within the shared living scheme to have a minimum width of 3m. This issue will be addressed further under Section 7.8 of this report however is relevant to this section regarding quality of residential

development. As noted above all bedroom units meet the required standards under the previous 2018 Apartment Guidelines as listed above. There does not appear to be any restriction specified in the guidelines in relation to the width of the units with the units in this case being varying from 2.5m in width in most cases up to over 3m in width. The applicant has provided a shared accommodation brochure, which shows a typical bedroom unit in the proposed scheme (18.4sqm) in comparison to four other shared schemes that have been permitted including a scheme at New Row South, Dublin 8 under ref no. PL29S.307217 in which units are permitted with a width of 2.5m. With the first party appeal submission this was updated and includes details of other permitted schemes where comparable rooms widths for permitted shared accommodation are less than 3 m including the Phibsborough Shopping centre site (3088751). On this basis the proposed width of at least 2.5m would be acceptable.

7.3.5 Daylight and Sunlight

In considering daylight and sunlight impacts, the Apartment Guidelines (2020) state that PA's should have regard to quantitative performance approaches outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' (Section 6.6 refers). I have had regard to both documents. A Daylight and Sunlight Report has been submitted with the application, which I have considered. Within the submitted Daylight and Sunlight Report, I note internal spaces and external amenity areas have been examined. The potential impact in terms of neighbouring properties has also been addressed, which I discuss separately in section 7.5 hereunder. With regard to the internal spaces, the ground and first floor have been analysed in the submitted reports (assessment or original proposal and assessment of the amended/approve proposal) to determine the Average Daylight Factor for each unit. It is stated that the lower floors will experience the highest degree of obstruction from existing and proposed (permitted) opposing structures and will therefore demonstrate the lowest daylight levels. Higher floor levels are not assessed as it is assumed that having the same design layout they will achieve better results. I accept the basis of the survey. BRE209 uses the recommendations of BS8206-2 Code of practice for daylighting for ADF of 5% for

well day lit space, and also the specific minimum standards for different residential room types as follows: Kitchens min. 2.0%, Living Rooms min 1.5%, Bedrooms min 1.0%. I note the updated BS EN 17037:2019 has replaced BS8206-2, however, I note BS 2008 remains the applicable standard, as provided for in the s.28 Guidelines and Development Plan, and notwithstanding this the BS and BRE guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. In terms of shared living/kitchen/dining space, an ADF of 1.5% is applied to the site. The ADF of the submitted floors shows that all shared kitchen/dining/living rooms are in excess of 2%, with the exception of one unit having an ADF of 1.7% (first floor single room). The units have a shared living and kitchen function with the BRE guidelines having no value specified for shared living/kitchen accommodation. The British Standards BS 8206-2:2008 are where these values in the BRE guidelines are derived from. The BS guidance states that “where one room serves more than one purpose, the minimum average should be for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%). All of the communal spaces have an ADF above 2% apart from the communal spaces at ground and first floor level, which have an ADF of 1.9 and 1.85% respectively. These are living spaces exclusively and would meet the 1.5% standard. I consider the findings of the report in relation to ADF values acceptable and I am satisfied that the proposed development will meet residential amenity levels for future occupants.

- 7.3.6 The BRE guidelines state that in terms of sunlight access, for an external garden or amenity space to appear adequately lit throughout the year, it should be capable of receiving at least two hours of sunshine on 21st March on 50% of the space. The assessment includes the two amenity areas within the development, which include a ground level courtyard (48.1sqm) and a fifth floor roof terrace (189sqm). In the case of the ground floor level the standard is not met, but is in the case of the fifth floor roof terrace, which is the main area of open space. The results show that the areas of shared external space collectively will be capable of receiving more than 2.0 hours of sunlight on 21st March on 80.79% of the total space. The lower courtyard area, if considered individually, is shown to fall below the 50% target. The external rooftop terraces at upper levels and the roof are in full sunlight. I am satisfied that

while there are some shortfalls, the majority of outdoor space meets the targets and taken as a whole the development is well served and will adequately serve future occupants.

7.3.7 I am that satisfied that overall quality of residential development proposed is satisfactory based on the relevant guidelines, that the design, layout and level of communal amenity is satisfactory as is the level of daylight and sunlight available to all units, communal space and amenity space. The proposed development as approved would give rise to a satisfactory level of residential amenity for future occupants.

7.4 Visual Amenity/Architectural Character/Height:

7.4.1 The overall, height, design and scale of the proposal is a major concern of the third party appellants, with the proposed and approved development being considered excessive in bulk and height and out of character at this location. The original proposal was for a seven-storey structure with the top two levels setback. In response to further information the proposal was revised to remove one floor and is a six-storey development with the top level set back. The site is occupied by an existing two-storey block (Kiely's public house) to the north west and on the other side of Mulberry Lane is a three-storey block. To the south east and on the opposite side of Pembroke Cottages is two-storey development and to the north of the site are single-storey dwellings (Pembroke Cottages). The appeal site is defined by being surrounded by existing roads with Donnybrook Road along its southern boundary, Pembroke Cottages along its eastern boundary and Mulberry Lane along a portion of its north western boundary.

7.4.2 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria

under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

7.4.3 SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan indicates a maximum height of 16m, while the development originally proposed had a ridge height of 23.2m (parapet level of 21.15m) and the approved development has a ridge height of 20.350m (parapet height 18.30m). The first criterion relates to the accessibility of the site by public transport. The site is located adjacent to a Quality Bus Corridor (QBC) on Donnybrook Road and benefits from excellent bus links, with 20 bus routes and a frequency of 2.5 minutes for buses stopping immediately adjacent to the site. The site is also less than a 20 minute walk to Sandymount Rail Station and a short cycle ride to surrounding Luas Stations (Cowper is 2km away). I note that the future BusConnects corridor runs alongside the site and will further increase connectivity across the bus network. Notwithstanding future transport proposals, it is clear to me that the site has excellent existing public transport accessibility to high frequency bus services and good access to the wider network including rail links.

7.4.4 The second criterion relates to the character of the area in which the development is located. The immediate setting of the site is characterised by 20th century buildings, with a mixture of architectural styles with two-storey and three-storey structures on adjoining sites, single-storey dwellings to the north. The site is located on a main route into the city centre and in the heart of the Donnybrook Village. There are structures comparable in height and stature both existing and permitted including Donnybrook House a five-storey structure with a ridge height of 19.1m a short distance to the south east, a permitted hotel development of six-storeys with a ridge height of 18.9m on the opposite side of the road to the south and a permitted

apartment development on the corner of Eglington Road and the Donnybrook Road, twelve-storeys in height with a ridge height of 43m (construction works on this site have just commenced).

7.4.5 The site is positioned on the corner of a road junction and immediately adjacent to a major arterial road. The locating of buildings with increased scale on the corner of intersections is an established architectural response. It creates an opportunity to provide more enclosure to the street and aid legibility in an area and the Building Height Guidelines state on page 8 that locating taller buildings can contribute to a sense of place by marking important street junctions and transport interchanges. The approved development was reduced in scale by one level to a six-storey structure. I would be of the view that the design and scale of the proposed development can be absorbed into the streetscape at this location without having a significant or adverse visual impact. The structure when viewed along the Donnybrook Road is not excessive in scale and the fact that the site is a corner site as well as the alignment of the road allows for a structure of larger scale at this location. As noted above there are existing structures in the vicinity and permitted in close proximity that are of similar scale.

7.4.6 The applicant has submitted a visual impact assessment including photomontages illustrating the impact of the development from various view points for both the original proposal, the amended proposal as well as additional views in their response to the third party appeal submission. I would be of the view that amended and approved proposal would have a more satisfactory visual impact due to its reduced height. In terms of views from other locations other than the main street through Donnybrook, the impact of such is neither significant nor negative with the approved development within a built up area with buildings of various scale in the vicinity. I am of the view that overall visual impact of the approved development can adequately absorbed by the existing urban character of the area and the varied pattern and scale of existing development at this location and the proposal would be satisfactory in the context of visual amenity.

7.5 Compliance with Development Plan Building Height policy:

7.5.1 The appeal site is in a location identified as being suitable for low rise development under Section 16.7.2 and a maximum building height of 'up to 16m' applies. The approved development, which has a ridge height of 20.35m and exceeds the heights specified under Development Plan policy. Section 37(2)(b) of the Act of 2000 (as amended) states that where a planning authority has refused permission for a development on the grounds that it materially contravenes the development plan, the Board may only grant permission where it considers that: (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 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.

7.5.2 I would note that in this case permission was granted by the Planning Authority and was not deemed to be a material contravention of Development Plan policy. In this case Section 37(2)(b) does not apply. Notwithstanding such I would outline that in the case of the proposed development S.37(2)(b)(i) would be relevant with the development being of strategic importance to the consolidation of development and compact growth within existing urban footprints, as supported by NPO 11 of the National Planning Framework, and RPO 3.2 and RPO 4.3, as set out the Dublin MASP within the RSES. The site is in proximity to public transport and major employment facilities, which is considered a strategic development corridor. The application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Housing for All issued in September 2021. With regard to S.37(2)(b)(iii), I consider the proposed development in terms of the density, layout and design is in accordance with national guidance, including the National Planning Framework specifically NPO 13 and NPO 35, and the EMRA-RSES, which support compact

sustainable development on central and accessible sites. The proposed development is furthermore in compliance with the Urban Development and Building Height Guidelines in particular SPPR3, which references section 3.2 Development Management Criteria. In the case of S.37(2)(b)(iv), a number of developments have permitted in the vicinity that are higher than 16m in ridge height at this location

7.5.2 I have assessed the proposed development against the section 3.2 criteria (see previous section above). The proposal is of a reasonable quality in terms of urban design and the form, massing and height of the proposed development has been adequately considered to ensure any impacts on sunlight/daylight/overshadowing are not significant (see following section). The proposal also complies with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018, as relates to Shared Accommodation proposals. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, of particular relevance is a previously approved development to the south east at the junction of Eglinton Road and the Donnybrook Road with an apartment development of 43m height permitted. There were also a previous developments exceeding 16m height permitted on the same site previously (303708). As such precedent for higher buildings has been recently established in the area. If the development was considered to materially contravene Development Plan, I consider that the provisions of Section 37(2)(b)(i),(iii) and (iv) would be met in this case.

7.6 Neighbouring Residential Amenity:

7.6.1 The appeal submissions raise concerns regarding the impact of the development on both the residential amenity of adjoining properties and commercial premises due to overall scale, height and proximity. In regards to residential amenity a significant level of objection has been raised by the residents of Pembroke Cottages, which are single-storey dwellings to the north of the site.

7.6.2 The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the

BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the PA or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (updated 2020) also state that PA's should have regard to these BRE or BS standards (S6.6 refers). Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

- 7.6.3 The applicant's assessment of daylight, sunlight and overshadowing relies on the standards in the following document: - BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). I have considered the reports submitted by the applicant and have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) – the documents referenced in Section 28 Ministerial Guidelines. I have given a detailed description of the interface between the proposed development and existing housing earlier in this report. I have also carried out a site inspection, considered the third party submissions that express concern in respect of potential impacts as a result of overshadowing/loss of sunlight/daylight and reviewed the planning drawings. In considering the potential impact on existing dwellings I have considered – (1) the loss of light from the sky into the existing houses through the main windows to living/ kitchen/ bedrooms; and (2) overshadowing and loss of sunlight to the private amenity spaces associated with the houses (rear gardens in this instance).

7.6.4 A Daylight and Sunlight Report has been submitted with the application (August 2020). This assessment relates to the original proposal consisting of seven-storey structure with approved development having been amended and reduced in height by one-storey. A further Daylight and Sunlight report (December 2020) was submitted in relation to the amended and approved development reduced by one-storey. This describes the performance of the development against BRE criteria (The Building Research Establishment guidelines on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice). An additional Daylight and Sunlight report was submitted by the applicant/first party appellant in response to the third party appeal submissions and includes analysis of impact on roof lights in no. 1-7 Pembroke Cottages and impact in relation to no. 72-77 Pembroke Cottage. The analysis provided describes the results of testing for the proposed development compared to the existing site situation. The report focuses properties in the vicinity with 12 Donnybrook Road (commercial property), Mulberry Garden, 1-7 Pembroke Cottages, 72-77 Pembroke Cottages and the amenity area of Pembroke Cottages analysed. The study analyses the identified properties on the basis of Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH), and Average Daylight Factor (ADF). I have considered the reports submitted by the applicant and have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) –

7.6.5 The BRE guidance on daylight is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens, and bedrooms. Criteria set out in Section 2.2 of the guidelines for considering impact on existing buildings are summarised as follows:

- (i) Is the separation distance greater than three times the height of the new building above the centre of the main window? In such cases the loss of light will be small. If a lesser separation distance is proposed further assessment is required.
- (ii) Does the new development subtend an angle greater than 25° to the horizontal measured from the centre line of the lowest window to a main living room? If it does further assessment is required.

(iii) Is the Vertical Sky Component (VSC) >27% for any main window? If VSC is >27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum.

(iv) Is the VSC <0.8 of the value before? The BRE guidance states that if VSC with new development in place is both, 27% and, 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.

(v) In the room impacted, is area of working plan which can see the sky less than 0.8 the value of before? (i.e., of 'yes' daylighting is likely to be significantly affected). Where room layouts are known, the impact on daylight distribution in the existing buildings can be assessed.

7.6.6 Based on the criteria under section 2.2.4 of the BRE guidelines and the predominant ridge height of the development (approved development) or 18.35m (parapet height), the requirement for further assessment would relate residential properties within 50.55m of the development (based on centreline of windows at ground floor level of 1.5m). I am satisfied that the assessment submitted deals with all residential properties within this distance that would have windows at this level. In relation to VSC the benchmark standard for conventional window design is 27%, between 15-27% special measures are need to provide adequate daylight. The guidelines identify that if the value drops below 27% and is less than 0.8 times the existing value such could have a noticeable impact on the amount of daylight received. In relation to 12 Donnybrook Road, which is a three-storey structure with windows on the front elevation and gable facing the site at first and second floor level the results vary with imperceptible impact on the windows on the front elevational and a significant/moderate impact on the windows on the gable facing the site. I would note that two of the gable windows impacted are not the only source of light to the first and second floor with the windows on the front elevation also serving such rooms. The property in this case is not a residential property with commercial use at ground floor and office use at first and second floor level. I would be of the view that the impact of the proposal on this property in relation to VSC is acceptable. The BRE guidelines refer to light levels in residential properties and rooms such as living, kitchen and bedrooms.

- 7.6.7 In the case of 12 Mulberry Gardens, which is located to north west and has two first floor windows orientated towards the property the VSC values of remain above the target value of 27%.
- 7.6.8 An assessment was carried out in the case of 1 to 7 Pembroke Cottages located to the north/north west of the site. The assessment relates to windows to the rear of these properties. In the case of all of windows analysed the VSC level of none of the windows falls below 80% of their former value with the level of impact for the majority of windows imperceptible. The most significant impact of the windows serving no. 1, which is immediately adjoining the site and with a window on the rear of such having 81.867% of its former value. The assessment relates to the revised plans submitted in response to further information. It is notable that further amendments in scale to the structure immediately adjoining no. 1 were proposed under condition no. 3, which is the subject of a first party appeal and assessment.
- 7.6.9 An assessment was carried out in the case of 72 to 77 Pembroke Cottages located to the north/north east of the site. The assessment relates to windows on the front elevation of these properties. In the case of all of windows analysed the VSC level of all the windows is above 27% VSC and none fall below this value as a result of the proposal apart from one window serving no. 77, which is 93.09% its former value and is on its front elevation.
- 7.6.10 The response to the appeal includes additional assessment of daylight and sunlight based on issues raised in the third party appeals. In response to the appeal the applicant submitted a revised assessment that includes an assessment of Horizontal Sky Component (HSC for roof lights) for the roof lights serving no.s 1-7 Pembroke Cottages, which were not assessed originally. It is notable that some of the roof lights serve rooms, also served by the windows analysed in relation to these properties originally. VSC only relates to vertical windows. In the case of HSC the recommended standard under BRE guidance is the value should remain above 0.8 times the baseline value. In the case of all roof lights analysed serving properties no.s 1-6, this standard is met.

7.6.11 In response to issues raised regarding Annual Probable Sunlight Hours (APSH) in relation to 72-77 Pembroke Cottages an assessment of such is included. The BRE guidelines recommend a standard of 25% annually and 5% during winter. The value needs to drop below the stated target value of 25% (annual)/5%(winter) and be reduced by more than 80% of the baseline value and it has to have a reduction of sunlight over the whole year greater than 4% of the probable sunlight hours. The assessment shows that all windows assessed on no. 72-74 meet the recommended standard. In the case of nos 76 and 77, the APSH value falls below 25% (annual) and is more than 80% its former value with impact noted as being moderate/significant. The winter value would remain above 5% for both properties.

7.6.12 The impact of sunlight in the amenity areas serving existing development in the vicinity and the open space areas provided in the scheme are assessed. This is based on a target level of 2 hours of sunlight on March 21st. The assessment is in relation to 1 Pembroke Cottages, an amenity area serving Pembroke Cottages and 12 Mulberry Garden. The required standard is currently not available at 1 Pembroke Cottage and there is no change to this arrangement as a result of the proposed development. In the case of the other two areas analysed the required standard is met in relation to the amenity space serving Pembroke Cottages. In the case of 12 Mulberry Gardens the existing amenity space serving it has 46.3% of the area receiving at least 2 hours of sunlight on March 21st and this drops to 37.1% as a result of the proposal. In response to the third part appeals an additional Daylight and Sunlight report was submitted. This includes an assessment of impact on sunlight for the amenity spaces of nos. 2-7 Pembroke Cottages, which was not done under the original assessments. These properties have small rear yards areas to the south of the dwellings backing onto properties along Mulberry Lane. As noted above no. 1 Pembroke Cottage 0% of its amenity space receives at least 2 hours of sunlight on March 21st and the proposal will not change this arrangement. The same situation is recorded for nos. 2-6. In the case of no. 7 15% of the rear amenity space achieves the standard and this will fall to 12% post development. The impact in relation to sunlight for all of the amenity spaces analysed is imperceptible.

7.6.13 Overshadowing of the permitted development compared to the proposed

development has been set out in the submitted report. Shadow profiles are included for March 21st (07:00-18:00 every hour) June 21st (06:00-21:00 every hour) and December 21st (09:00-16:00 every hour). Shadows cast will mostly impact to the north and north east of the site. The shadow analysis shows that the proposal will result increased overshadowing during March in the first half of the day. In June there is no significant perceptible change in overshadowing. During December there is an increased level of overshadowing throughout the day. I would consider that although there is an increased level of overshadowing, that the level of such is an acceptable degree in the context of the location of the site. I would note that there is no significant change for a number of properties in immediate vicinity due to the existing built up nature of the area and the level of existing development on site. I would also note that the level of overshadowing would unlikely to be significantly different if the development was greatly reduced in height and was three-storeys in height. I would consider that the site is an appropriate site for increased height over the existing development in the immediate vicinity due to its location in the centre of the village, its proximity to public transport, the city centre, employment uses and in light of national policy regarding residential development in urban areas. I would be of the view that the level of overshadowing caused by the proposed development is an acceptable level in an urban context such as this and as noted earlier the impact of the development in terms of daylight and sunlight to adjoining properties and the development itself is of a good standard when measured against the relevant guidelines for such.

7.6.14 One of the appellants occupy the commercial development adjoining the site

(Hanley's Event Management) raise concerns about the lack of daylight and sunlight assessment in relation to their property. The property in question is a warehouse in commercial use and has its main access off Mulberry Lane. This property has a window on its southern elevation at the main entrance off the lane. There are also windows on the south eastern elevation of the two-storey flat roofed section of the commercial building. I would of the view that the premises is commercial in nature and that is likely to be dependent on artificial light as well as the fact that the

existing location off the laneway is likely to impact natural light levels for the window off the laneway. I am of the view the proposal is unlikely to alter significantly the existing light level or the fact that this property is dependent on artificial light. The commercial nature of the existing use is also factor for consideration.

7.6.15 In the case of the proposed development a significant level of development in the vicinity is commercial in nature and the proposal would have no adverse impact in relation to daylight and sunlight levels. The assessment of residential properties relates to 1-7 and 72-77 Pembroke Cottages as well as 12 Mulberry Gardens. I am satisfied that these are the appropriate residential units requiring assessment in terms of impact and that the scope and detail in the daylight and Sunlight assessment reports is sufficiently robust to reach a conclusion. In case of the dwellings there are variable result in terms of overall impact on daylight and sunlight. The impact on 12 Mulberry Gardens and no.s 72-77 Pembroke Cottages is minimal with these dwellings for most part meeting the recommended standards for daylight and sunlight. Where there is shortfalls such is minimal in impact. In the case of no.s 1-7 Pembroke Cottages, the level of impact is more pronounced given their proximity to the site, the existing nature and layout of the dwellings and their proximity to existing development with close knit urban pattern of development in the vicinity. The existing properties are constrained in terms of fact they are in close proximity to the village centre and existing built up development. I am of the view that overall impact of the proposed development would not be significant over and above the existing situation on site. I am satisfied that the level of detail and scope of the assessment of daylight and sunlight impact is satisfactory to adequately determine the impact of the proposed development. I am satisfied based on the information submitted and based on the recommended standards of the BRE guidelines that the impact of the proposed development in terms of daylight and sunlight/overshadowing is satisfactory in the context of adjoining amenities and in the context of the quality of the approved development.

7.6.16 As stated above the standards in relation to daylight and sunlight are a general guide only and the BRE guidance states that they need to be applied flexibly and sensibly. The document states that all figures/targets are intended to aid designers

in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new residential development within Dublin city, and increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical. In this regard I would be of the view that the level of impact on adjoining properties is reasonable in the context of the urban location of the site and the reasonable expectation of development of the site to a scale appropriate having regard to its location in an urban centre designated as a neighbourhood centre, its proximity to the city centre, public transport infrastructure and the existing employment activity as well as in the context of national, regional and local planning policy objectives.

7.6.17 The issue of overlooking, overbearing impact and privacy is raised in the appeal submissions. The appeal site is a village centre location and the site itself is at a prominent junction and along the main thoroughfare through the village. The location of the site in the village settlement and its accessibility to the city centre and wider area, public transport makes the site suitable for an increased level of development. I would be of the view that the urban context and specific characteristics of the site and its location merit the level of development proposed and that in such locations that a level of overlooking and reduced privacy is an unavoidable consequence of urban development. The development in this case due to the nature of the units (shared accommodation) does not feature any balconies. There is an issue regarding the level and scale of development relative to adjoining development to the north west, namely Pembroke Cottages and in particular no. 1 adjacent the boundary of the site. This issue is also subject to a first party appeal and is dealt with in Section 7.7 of this report. I would consider that the relationship between the approved development and existing adjoining development is an acceptable

standard in an urban location such it has been demonstrated that the proposal is satisfactory in the context of daylight and sunlight impact.

7.7 Traffic/Car parking:

7.7.1 The proposal for residential development does not include any proposal for car parking. The appeal site is a village centre development and facilitating off-street car parking would have serious implications for the development potential of the site. The appellants raise concerns regarding the fact that the area and particularly residents at Pembroke Cottages are dependent on on-street car parking and that there are already issues regarding capacity of such. The appellant raise concerns that the proposed development would increase demand for parking and exacerbate this issue.

7.7.2 The appeal site is located in Area 2 (Map J of the City Development Plan), where the maximum parking requirement for residential is 1 per unit dwelling. The proposal is for shared accommodation and the nature of such is that it is provided in an area in close proximity to employment and public transport infrastructure meaning no need for provision of parking. As noted above I am satisfied that the current proposal meets these criteria and there is no necessity for the provision of parking with the development in an area that is accessible for alternative modes of transport. The nature of the development is such that the future occupants would have no expectation of such facilities and would use alternatives such as walking/cycling, public transport or shared car facilities. Notwithstanding such the provision of parking would make no sense and render the site impossible to development in any meaningful way. In addition I would note that parking at this location and in the Pembroke Cottages Area is controlled by way of pay and display and permit parking.

7.7.3 A number of appeal raise concerns regarding the width of the footpath along the front elevation/Donnybrook Road. The existing footpath is just over 2m in width and the proposal does not entail a decrease in such maintaining the existing standard. The appeal submissions are critical regarding the fact that the footpath is not being

widened as part of the proposed development. The Design Manual for Urban Roads and Streets states under Section 4.3.1 relating to footways that “minimum footway widths are based on the space needed for two wheelchairs to pass each other (1.8m). In densely populated areas and along busier streets, additional width must be provided to allow people to pass each other in larger groups. In this regard: The width of footways should increase from Suburbs (lower activity), to Neighbourhood (moderate activity) and to Centres (higher activity) and as development densities increase”. Figure 4.34 indicates recommended widths based on location and intensity of activity with a 3m wide footway recommended in moderate to high pedestrian activity locations. There may be scope to increase the width of the footpath requiring a setback at ground floor level, however I would note that the proposal maintains the existing footpath width and that such is above the minimum standard recommended by the guidelines to allow for two wheelchairs to pass.

7.8 First Party Appeal:

7.8.1 Condition no. 3 requires a number of alterations to the including omission of 6 no. units, one at first floor (K-01-06), two at second floor (K-02-07 and K-02-08), one at third floor level (K-03-07) and two at fourth floor level (K-04-07 and K-04-08).

Alteration is required to storage rooms at the end of the corridors on each floor to be in line with the revised floor plans. The condition also required all bedrooms within the shared living scheme to have a minimum width of 3m.

7.8.2 I have already dealt with the issue of width of the bedroom units a previous section (Section 7.3) and would consider that the width and, dimension and layout of the individual bedroom units is satisfactory and compliant with the relevant standards with no alteration required.

7.8.3 The omission of the 6 no. units brings the number of units approved from 91 units to 85. The reason for their omission relates to providing a setback from no. 1 Pembroke Road (Pembroke Cottages) to provide a more appropriate transition. This relates to the existing single-storey dwelling whose side boundary is adjacent the north western boundary. The existing proposal is for development tight to the side

boundary from ground level up to fourth floor level, with a level of setback at third floor level with a green roof to the north of the site. The alterations provides an increased setback adjacent no.1 from first floor level upwards. I would be of the view that the transition between no. 1 and development proposed on the appeal site is very abrupt as proposed originally and subsequently amended by way of further information. I would agree with the Planning Authority's assessment that a less abrupt transition is appropriate where it adjoins the existing single-storey dwelling and that some level of alteration is justified in the interest of visual and residential amenity. I would consider that the omission of some units is justified but would consider that this should be limited to 5 no. units, with one at first floor (K-01-06), two at second floor (K-02-07 and K-02-08), one at third floor level (K-03-07) and one at fourth floor level (K-04-07) being the appropriate response. I do not consider that omission of the unit K-04-08 at fourth floor level is justified. I would recommend a similar condition as condition 3(i) be applied however confined to omission of 5 no. units.

7.9 Other Issues:

7.9.1 A Flood Risk Assessment was submitted. The flood risk assessment indicates that the site is within Flood Zone C based on Dublin City Council Flood Maps. The site is not at risk of flooding from fluvial, tidal, pluvial or ground water sources. Based on the requirements of The Planning System and Flood Risk Management Guidelines a justification test is not required due to the site location within Flood Zone C.

7.9.2 An Ecological Assessment was submitted with the sites described as having minimal biodiversity value. The site was determined to be of low value in terms of being a roosting habitats for birds or bats. A bat potential assessment and preliminary pre-demolition survey was submitted with the response to the third party appeal submissions. This report reiterate the fact the site has little bat roost potential with no sign of roosting bats or bat activity. The report includes a number recommendations including minimising light overspill and a pre-demolition bat survey prior to the commencement of development.

- 7.9.3 One of the appellants (Hanley's Event Management) raises concerns regarding the fact there is a culverted stream traversing the site called the Muckcross Stream and that the basement works have significant implications in this regard. The appellant responded by noting there is no evidence of the existence of a stream under the appeal site. In relation to this matter, the proposal was assessed by the Councils Drainage Division who raised no objection to any aspect of the proposal in relation drainage and infrastructural issues.
- 7.9.4 The same appellants also raised concerns regarding easements and rights of way they enjoy that will be impacted by the proposal. These are not planning considerations and are civil matter that cannot be assessed or determined under this appeal.
- 7.9.5 Issues such as compliance with building regulations and fire safety regulations are raised in the appeal submissions. These are not planning considerations and the Board is not the body charged with evaluating or enforcing compliance with such.
- 7.9.6 The appeal submission raised concern regarding the disruptive impact of construction. I would acknowledge that construction impact in such a built up area would have the potential to cause disturbance, however I would consider that some level of disturbance is necessary to facilitate construction projects. I am satisfied that subject to adequate construction management plans and the imposition of appropriate conditions regarding timing/hours of works in conjunction with the temporary nature of such would be sufficient to offset the impact of such on adjoining amenities. In relation to construction traffic, I would consider that construction management is sufficient to deal with such. I would recommend that a condition be applied requiring submission of construction management plan prior to the commencement of development including details of construction traffic management to be agreed prior to the commencement of development.

8.0 Appropriate Assessment

8.1 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

8.2 Compliance with Article 6(3) of the Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3). The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application (August 2020) and a revised Appropriate Assessment report in response to the appeal submission (March 2021) with updated information in relation permitted developments in the area. The Screening Report has been prepared by Enviroguide Consulting and is supported by an Ecological Assessment. The Report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that the proposed development either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives. A Stage 2 Appropriate Assessment is deemed not to be required. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

8.3 Need for Stage 1 AA Screening

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

8.4 Brief Description of the Development

The applicant provides a description of the project in Section 3.2 of the Screening Report. The development is also summarised in Section 3 of this Report. In summary, permission is sought for a housing development comprising of 100 build to rent shared accommodation units, ground floor restaurant, shared/communal facilities in a structure ranging from 3 to 7 storeys over basement level on a site of 0.0813 ha situated in an urban area of Dublin. The revised screening report refers to the approved development ranging from 3-6 storeys and 91 units. The site is serviced by public water and drainage networks. Surface water from the development will drain to a surface water sewer. The site is a brownfield site that contains a currently vacant public house. There are no watercourses within or immediately adjoining the site. The River Dodder is located approximately 435m to the south east of the site. No Annex 1 habitats were recorded within the application site, which is occupied by an existing commercial structure that was in use up until recent times.

8.5 Submissions and Observations

The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 6 of this Report. The submissions do not refer to AA concerns.

8.6 Zone of Influence

A summary of European Sites that occur within the vicinity of the proposed development is presented in the applicant's AA Screening Report (Table 1 Chapter 5). In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. The nearest European sites are

South Dublin Bay SAC (000210), 1.7km from the site.

North Dublin Bay SAC (000206), 5.6km from the site.

Rockabill to Dalkey Island SAC (0300), 9.7km from the site.

Wicklow Mountains SAC (002122), 9.9km from the site.

Howth Head SAC (000202), 10.7km from the site.

Baldoyle Bay SAC (000199), 11.0km from the site.

Glenasmole Valley SAC (001209), 11.2km from the site.

Knocksink Wood SAC (000725), 12.3km from the site.

Ballyman Glen SAC (000713), 13.5km from the site.

Irelands Eye SAC (002193), 14.4km from the site.

Malahide Estuary SAC (000205), 14.5km from the site.

South Dublin Bay and River Tolka Estuary SPA (004024), 2km from the site.

North Bull Island SPA (004006), 5.6km from the site.

Wicklow Mountains SPA (004040), 10.1km from the site.

Dalkey Islands SPA (004172), 10.6km from the site.

Baldoyle Bay SPA (004016), 11km from the site.

Howth Head Coast SPA (004113), 12.9km from the site.

Irelands Eye SPA (004117), 14.2km from the site.

Malahide Estuary SPA (004025), >15km from the site.

- 8.7 Section 3.7 of the applicant's screening report identifies all potential impacts associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, examines whether there are any European sites within the zone of influence, and assesses whether there is any risk of a significant effect or effects on any European sites, either alone or in combination with other plans or projects. The issues examined are

habitat loss or alteration, habitat/species fragmentation, disturbance and/or displacement of species, changes in population density and changes in water quality and resource. The potential for habitat loss or habitat/species fragmentation is ruled out due no direct habitat loss or alteration. The possibility of a hydrological connection between the proposed development and habitats and species of European sites in Dublin Bay (South Dublin Bay SPA, North Dublin Bay SAC, South Dublin Bay and Tolka River Estuary SPA ad North Bull Island SPA) is noted. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, all sites outside of Dublin Bay are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. In relation to the potential connection to sites in Dublin Bay I am satisfied that sites beyond the inner section of the bay (namely South Dublin Bay SPA, North Dublin Bay SAC, South Dublin Bay and Tolka River Estuary SPA ad North Bull Island SPA) the hydrological link will only exist during the construction phase of the proposed development.

8.8 Screening Assessment

The Conservation Objectives (CO) and Qualifying Interests of sites in inner Dublin Bay are as follows:

South Dublin Bay SAC (000210) - c. 1.7 km east of the proposed development. c. 537 m south of Ringsend WWTP outfall.
CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

North Dublin Bay SAC (000206) – c. 5.6 km north east of the proposed development; c. 2.3 km north east of Ringsend WWTP outfall.

CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 2 km east of the site.

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

North Bull Island SPA (004006) - c. 5.6 km north east of the site.

CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

8.9 Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within or in the immediate vicinity of the site. During the operational stage surface water from the proposed development will drain to an existing public surface water sewer, this sewer drains to the Dodder river catchment, which drains to the River Liffey close to Heuston Station, and in turn drains to the Liffey Estuary Lower transitional waterbody, and then flows into Dublin Bay coastal waters. According to the EPA, water quality of the Liffey Estuary transitional waterbody and Dublin Bay coastal waterbody is classified as ‘moderate’ and ‘good’ respectively and Dublin bay coastal waterbody has a WFD risk score of ‘not at risk’. The surface water pathway creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase standard

pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase surface water discharge is to municipal infrastructure. The pollution control measures to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- The foul discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to ABP-Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. I consider that the foul discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.
- The EPA is the competent authority in respect of issuing and monitoring discharge licences for the WWTP at Ringsend and the license itself is subject to the provisions of the Habitats Directive. Despite capacity issues at Ringsend WWTP the Liffey Estuary and Dublin Bay are currently classified by the EPA under the WFD 2010-2015 as being of 'unpolluted' water quality status. The 2019 AER for the Ringsend WWTP notes that discharges from the WWTP does not have an observable negative impact on the water quality in the near field of the discharge and in the Liffey and Tolka Estuaries. The WFD characterisation process concluded that the Ringsend WWTP is a significant pressure on the Liffey Estuary Lower Water Body (EPA 2018). However, the pollutant content of future discharges to Dublin Bay is likely to decrease in the longer term due to permissions granted for upgrade of the Ringsend WWTP (2019). It is also an objective of the GDSDS and all development plans in the catchment of Ringsend WWTP to include SUDS within new

developments and to protect water quality in the receiving freshwater and marine environments and to implement the WFD objective of achieving good water quality status in Dublin Bay.

On the basis of the foregoing, I conclude that the proposed development will not impact the overall water quality status of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

- It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

8.10 AA Screening Conclusion

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

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives set out in the Dublin City Development Plan 2016-2022.
- (b) 'Housing for All - a New Housing Plan for Ireland' September 2021
- (c) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.
- (d) the Design Manual for Urban Roads and Streets (DMURS), 2013.
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009.
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing, Design Standards for New Apartments, (Updated) Guidelines for Planning Authorities (2020).
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009.
- (h) Architectural Heritage Protection – Guidelines for Planning Authorities, 2011.
- (i) the nature, scale and design of the proposed development.
- (j) the availability in the area of a wide range of social, community and transport infrastructure.
- (k) the pattern of existing and permitted development in the area.
- (l) the planning history within the area.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this village centre location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

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

Having regard to:

(a) the nature and scale of the proposed development on an urban site served by public infrastructure,

(b) the absence of any significant environmental sensitivities in the area,

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is, apart from overall height is, broadly compliant with the current Dublin City Council Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area. The Board considers that, while a grant of permission for the proposed development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Plan with respect to building height. The Board considers that, having regard to the provisions of section 37(2)(b)(i) and (iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

(a) It is considered that section 37(2)(b)(i) applies as the development is considered to be of strategic and national importance having regard to its potential to contribute

to the achievement of the Government's policy to increase delivery of housing from its under supply as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

(b) In relation to 37(2)(b)(iii) it is considered that permission should be granted for the proposed development having regard to National Policy Objectives of the NPF, specifically NPOs 3a, 3c, 5, 32, 33 and 35.

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

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans received on the 08th day of December 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) the development is to be set back from the adjoining residential property at no. 1 Pembroke Road to provide a more appropriate transition by omitting the following bedrooms (5 units) from the development.

- First floor bedroom K-01-06;
- Second floor bedrooms K-02-07 and K-02-08.
- Third floor K-03-07.
- Fourth Floor K-04-07.

The storage rooms at the end of each of these corridors adjoining the bedrooms are to be repositioned to be in line with the revised floor plans.

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

Reason: In the interests of providing a satisfactory standard of residential amenity for occupants of the development and to improve overlooking of pedestrian routes through the site.

3. The shared accommodation units hereby permitted shall operate in accordance with the definition of Build to Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018.

Reason: In the interests of the proper planning and sustainable development of the area.

4. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units

shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first 'shared living units' within the scheme.

Reason: In the interests of proper planning and sustainable development of the area.

5. Prior to expiration of the 15 year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the continued operation of the entire development as a shared accommodation scheme. Any proposed amendment or deviation from the shared accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

6. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the management company, established to manage the operation of the development together with a detailed and comprehensive Shared Accommodation Management Plan which demonstrates clearly how the proposed shared accommodation scheme will operate.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area, and in the interests of residential amenity.

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

Reason: In the interest of visual amenity.

8. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause a nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound

insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

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

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area, and to allow the planning authority to assess the impact of any such development through the planning process.

10. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

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

12. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

Reason: In the interest of sustainable waste management.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction and demolition waste.

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

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

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

16. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

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

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

Colin McBride
Planning Inspector

05th November 2021

EIA - Screening Determination

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-309378-21
Development Summary		Construction of mixed use development, ground floor café/restaurant and 100 no. shared accommodation units
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	Screening report
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No

3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Refer to section 5.3.5 in my report
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	Not significant in scale in context of the wider area.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	Demolition of commercial at transitional location between commercial and residential uses. Uses proposed consistent with land uses in the area and with the Z4 and Z1 zoning. Residential uses and	No

		transition to more urban format of development permitted. No changes to topography or waterbodies.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials used will be typical of any urban development project. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Materials used will be typical of those used in construction activities. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction and Demolition Management Plan. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction and Demolition Management Plan.</p> <p>No operational impacts in this regard are anticipated. Operational waste will be managed via an operational waste management plan. Foul water will discharge to</p>	No

		the public network. No significant operational impacts anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	<p>No significant risk identified. Risks during construction will be mitigated by measures detailed in the submitted Construction and Demolition Management Plan.</p> <p>No operational impacts in this regard are anticipated. In the operational phase the development will connect to public wastewater network and attenuated surface water will discharge to surface water drainage network.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>Potential for construction activity to give rise to noise and vibration emissions. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction and Demolition Management Plan</p> <p>No operational impacts in this regard are anticipated.</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity is likely to give rise to dust emissions and surface water runoff. Any impacts would be local and temporary in nature and will be mitigated by measures detailed in the submitted Construction	No

		and Demolition Management Plan. No operational impacts in this regard are anticipated.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. The issue of Flood Risk has been satisfactorily addressed in the submitted FRA.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in an increase in residential units within the city. The anticipated population of the development is small in the context of the wider urban area. No social environmental impacts anticipated.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No. Potential for significant effects on Natura 2000 sites has been screened out.	No

5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	No habitats of species of conservation significance identified within the site or in the immediate environs.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no areas in the immediate vicinity which contain important resources.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No		No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No		No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No	No

2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	No	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	Residential / community and social land uses. No significant impacts are envisaged.	No

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	

Real likelihood of significant effects on the environment.	No		
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Inspector: _____

Date: _____