



An
Bord
Pleanála

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

Inspector's Report ABP-309553-21

Strategic Housing Development

Demolition of some existing structures comprising The Goat Centre and elements of the existing structure of The Goat Bar and Grill, construction of 299 no. apartments, childcare facility and associated site works.

Location

The Goat Bar and Grill, The Goat Centre, No. 240 and 242 Lower Kilmacud Road, Lower Kilmacud Road, Goatstown, Dublin 14.
(www.thegoatshd.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Charjon Investments Limited

Prescribed Bodies

Irish Water

An Taisce

DAU

Inland Fisheries Ireland

Department of Defence

Observers

Adrian Eccles

Adrian Garvin & Cora Phelan

Aidan Coyne

Alan and Monica Magrath

Albert Holmes

Andrew Clinch

Anne and Brian Dillon

Anne Shearer

Anne Weadick

Bairbre O'Hogan

Barbara Bradley

Barbara Kennedy

Barry Donohoe

Basil and Elizabeth Corballis

Bernadette Whiteley

Billy Stirling

Birchfield Residents' Association

Brandon Thompson and Lynn Park

Brian Cobbe and Shauna Whelan

Carl Flynn

Carmel O Connor and David Moran

Carmel O Donohoe

Carol Fahy
Catherine Martin
Catherine Tynan
Catherine Vale
Chris Harding
Ciara and Neil Metchette
Claire Butler
Claire McGuire
Claire Walsh & Kamil Akca
Colm Duggan
Dan McGuinness
Dara Duggan
David & Deirdre Balfe
David and Grainne Forrest
Debbie and Allan Chapman
Declan and Carmel Conway
Deirdre Gahan - Suttle
Deirdre McCarthy
Derek and Mary Byrne
Drummartin Terrace Residents
Association
Ed and Kate Ryan
Ed and Mary Sherry
Edna and Joanna Wakely
Edward Moore
Elizabeth Humphrys
Evan Hughes
Farhad Patel and Others
Fearghus Mc Cormack
Fergus Nolan

Fiona and Liam Gamble
Fiona Duggan
Frank and Marian Monahan
Frank Duignan and Patricia
Connolly
Garret Sheehy
Gaye and John Naughton
Gerald Byrne and Sile O Dowd
Gerry Loughrey
Gordon and Christine Erskine
Gráinne Casey
Helen Lawlor
Hugh and Mary Ryan
James and Imelda McCrory
Jamie A. Tratalos
Jane Grogan
JJ Doyle
Joanne Hackett
Jocelyn Cathalin
John Kennedy
John Shorten
Jonathan Ross
Josepha Madigan
Judy Rooney
Jurgen and Nicola Whyte
Kevin Kinsella
Knocknashee Residents Association
Lara Byrne
Les Sharpe
Liam & Therese Silke

Linda Cheevers
Lorraine Davidson
Luisa Balacco
Lynne Wilkinson
Maeve O'Connell
Mairin Nic hAodha
Mariana Rappa
Mark & Gayle Power
Mark Mulcahy and Svetlana
Korolkova
Mark Parfrey
Mark Weldon & Bairbre Byrne
Martin Donnelly
Mary Mcloughlin
Maura McKenna
Maura Nevin
Maurice Hayes
Michael and Patricia Veale
Michael Foy
Michael McLaughlin & Kara
Flannery
Michael Neville
Michelle Daly
Moirá O'Brien
Morna Gannon
Mount Anville Lawn Association
(Garrett Stokes)
Nadine Farren & Alan Petherbridge
Niall and Jean Bowen
Nikki Darling

Noelle Daly
Owen Keating
Pamela Naughton
Pat and Jackie Fitzpatrick
Patricia and Fergus Kennedy
Patricia Parfrey
Patrick Brendan Devlin.docx
Patrick Greene
Paul and Judy Dillon
Paul and Kathy Walsh
Paul Carroll
Pauline Callaghan
Phillip Robinson
Piaras O Lorcaín
R.N and M.C Ellis
Richard and Jeanetta Sloane
Richard and Mary Heskin
Roebuck Residents' Association
Ronan and Siobhan Boylan
Ronan Callanan and Catherine
Curtin
Rowan Constable
Ruth and Ross Gillander
Sean & Patricia Fox
Sheila Byrne
Siobhan Nic Aodha
Sorcha Nic Cormaic
Stephen Carroll
Susan and Giovanni Zaidan
Suzanne Buckley

Therese Horan
Therese Smith
Triona Feeney
Una O Shea
Vincent and Niamh McNamee
Vivienne Grace
Yvonne Luven

Date of Site Inspection

21st May 2021

Inspector

Rónán O'Connor

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The site has a prominent location at the junction of Goatstown Road / Lwr Kilmacud Road (R825) and Mount Anville Road / Taney Road in Goatstown, Dublin 14. It is c. 7 km from Dublin city centre, 2 km from UCD Belfield, 1.4 km from Dundrum Town Centre and 1 km from Dundrum Luas stop.
- 2.1.2. The site has a stated area of c. 1.54 ha and comprises:
- The Goat public house.
 - Car park with 2 no. access points to Lwr Kilmacud Road (R825) and to Taney Road (R112);
 - Undeveloped lands to the rear / west of The Goat public house;
 - Two storey commercial block on the southern side of the site, 'The Goat Centre' containing a mix of neighbourhood centre uses including a pharmacy, a betting office and a hair salon;
 - Nos. 240 and 242 Lwr Kilmacud Road, two single storey cottages with gardens to the rear / west;
- 2.1.3. The site has extensive frontages to Lwr Kilmacud Road and Taney Road to the north and east. There are residential areas to the immediate west and south, i.e. Birchfield Lawn and Drummartin Terrace.
- 2.1.4. I note that the Lower Kilmacud Road is also referred to as the Drummartin Road, by observers on the application, and within some of the documentation submitted with the application, as the Drummartin Road. The Planning Authority refer to it as the Lower Kilmacud Road. However I am satisfied that where either road name is used it is clear that it is referring to the road to the north/north-east of the site, the R825. In the interest of clarity and consistency in reporting, I am referring to this road as 'Lower Kilmacud Road' throughout the document, and this reference should be read

as 'Lower Kilmacud Road/Drummartin Road', being one road with two names. Between the application site and the Lower Kilmacud Road, there is a minor road referred to as either Drummartin Terrace or Knockashee. The access to the site is from the Lower Kilmacud Road, crossing this minor road.

3.0 Proposed Strategic Housing Development

3.1.1. The development is described within the statutory notices as:

The development, totalling c. 46,049.3 sq m gross floor area, including c. 6,464 sq m at basement level and an undercroft car park of c. 7,104.8 sq, m will consist of the following:

1. Demolition of c. 1,214 sq m of some existing structures (comprising The Goat Centre (c. 594 sq m); and elements of the existing structure of The Goat Bar and Grill (c. 620 sq m);

2. Removal of temporary structures including agricultural sheds, pizza kiosk, coffee kiosk and associated outdoor seating areas, and removal of statuary adjacent to The Goat Public House);

3. Construction of 299 No. residential units ((89 No. 1-bed units, 202 No. 2-bed units and 8 No. 3-bed units) arranged in 4 No. apartment blocks ranging in height from 5 No. storeys to 8 No. storeys (part above podium), with a cumulative gross floor area above ground (excluding undercroft car park and basement car park) of c. 32,480.5 sq m comprising:

Building 1 (4 - 6 No. storeys over podium; apartment mix: 38 No. 1-bed, 74 No. 2-bed);

Building 2 (5 - 8 No. storeys; apartment mix: 37 No. 1-bed, 42 No. 2-bed);

Building 3 (4 - 8 No. storeys; apartment mix: 7 No. 1-bed, 51 No. 2-bed, 6 No. 3-bed); and

Building 4 (5 - 8 No. storeys; apartment mix: 7 No. 1-bed, 35 No. 2-bed, 2 No. 3-bed));

Provision of c. 3,358.7 sq m of "other uses" as defined by the Planning and Development (Housing) and Residential Tenancies Act

2016 (comprising: a 22 No. bedroom hotel (c. 1,123.3 sq m); 6 No. retail units (c. 678.2 sq m); the change of use of the 2 No. existing cottages at Nos. 240 and 242 Lower Kilmacud Road (c. 104.5 sq m) (including the construction of a single storey extension to the rear of Nos. 240 and 242 Lower Kilmacud Road (c. 277.4 sq m)) from residential use to facilitate the provision of a childcare facility totalling c. 381.9 sq m); and the construction of an extension at ground floor of c. 601.6 sq m to the existing public house (c. 573.7 sq m) to provide for a total public house area of c.1,175.3 sq m);

5. Construction of basement (c. 6,464 sq m) and undercroft (c. 7,104.8 sq m) levels with 2 No. access points provided from Taney Road and Lower Kilmacud Road (accommodating: plant and ancillary residential storage; waste storage facilities; an ESB substation and switchroom; car parking for 475 No. vehicles; 422 No. bicycle parking spaces; and 20 No. motorcycle parking spaces); and

6. Provision of: private open spaces (including balconies / terraces on all elevations of each block), communal open space at podium including 2 No. children’s play areas and public open space area; indoor residential amenity space (c. 251 sq m); 188 No. outdoor cycle parking spaces; vehicular and pedestrian access / egress and associated circulation routes; a cycle lane from Lower Kilmacud Road to Taney Road; a loading bay at Taney Road; a drop-off zone at Lower Kilmacud Road; site lighting; solar panels at roof levels, and all hard and soft landscaping (including the erection of statuary) and green and blue roofs, boundary treatments, and all other associated site excavation, enabling, infrastructural and site development works above and below ground.

Key Figures

Site Area	1.54 Ha (net)
No. of units	299
Density	194 units/ha
Height	4 no. blocks of 4 to 8 Stories
Public Open Space	1,798 sq. m

Communal Space	5,072 sq. m
Part V	30 no. units
Vehicular Access	2 no. access points from Taney Road and Lower Kilmacud Road
Car Parking	475 no. car parking spaces (261 no. spaces at undercroft level and 214 no. spaces at basement level)
Bicycle Parking	610 no. spaces
Other uses	<p>Hotel c1,123.3 sq. m</p> <p>6 No. Retail Units c 678.2sq. m</p> <p>Change of use of the 2 No. existing cottages at Nos. 240 and 242 Lower Kilmacud Road from residential use to facilitate the provision of a childcare facility totalling c. 381.9 sq m); and the construction of an extension at ground floor of c. 601.6 sq m to the existing public house (c. 573.7 sq m) to provide for a total public house area of c.1,175.3 sq m)</p>

Apartment Type	1 bed	2 bed	3 bed	Total
No. of Apts	89	202	8	299
As % of Total	30%	68%	2%	100%

4.0 Planning History

D01A/0811/ABP Ref. No.: PL06D.127591 – Permission refused for mixed used development/nine blocks ranging in height from 2,3,4 and 5 storeys/10 retail units/21 light industrial/office units/70 no apartments/44 short term let apts/medical centre/crèche/2 no. restaurants.

There are a number of other relatively minor permissions on the site which are not of particular relevance to this application.

Other Relevant SHD Permissions

ABP-309430 Grant permission at a site at Our Lady's Grove (which includes an existing childcare facility 'The Grove After School Care', Our Ladys' Grove, Goatstown, Dublin 14 for 698 no. student bedspace accommodation and associated site works.

ABP-308353-20 Grant Permission at 'The car sales premises currently known as Vector Motors (Formerly known as Victor Motors), Goatstown Road, Dublin 14' for: Demolition of an existing building and hard surface parking area and the construction of 239 no. student bedspaces with amenity spaces, bicycle and car parking spaces and all associated site works. This site lies within the boundary of the Goatstown LAP.

ABP-307683-20 Grant permission at Green Acres Convent, Drumahill House and the Long Acre, Upper Kilmacud Road, Dundrum, Dublin 14 for Provision of 54 no. additional apartments on previously permitted development of 253 no. apartments under ABP-304469-19, increase in childcare facility and associated siteworks.

5.0 Section 5 Pre Application Consultation

- 5.1.1. A section 5 Consultation meeting took place via Microsoft Teams (having regard to the Covid-19 crisis) on the 17th July 2020 in respect of the following development:
Demolition of existing buildings, 290 no. apartments, childcare facility
- 5.1.2. In the Notice of Pre-Application Consultation Opinion dated 31st July 2020 (ABP Ref. ABP-307162-20) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **required**

further consideration and amendment in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 5.1.3. In the opinion of An Bord Pleanála, the following issues needed to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

Proposed Mix of Land Uses

Having regard to the 'NC Neighbourhood Centre' land use zoning objective pertaining to most of the application site, the applicant is advised to submit a justification / rationale for the proposed quantum of residential, commercial and retail development within the scheme with regard to the site specific guidance provided in sections 3.4 and 6.2 of the Goatstown Local Area Plan 2012 (as extended), also Table 6.1 of same. The applicant is advised to consider the Neighbourhood Centre function of the site in the wider area in this regard.

The applicant is also advised to note the definition of Strategic Housing Development set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), in particular the following:

(i) the cumulative gross floor area of the houses, student accommodation units, shared accommodation units or any combination thereof, comprises not less than 85 per cent, or such other percentage as may be prescribed, of the gross floor space of the proposed development or the number of houses or proposed bed spaces within student accommodation or shared accommodation to which the proposed alteration of a planning permission so granted relates, and

(ii) the other uses cumulatively do not exceed—

(l) 15 square metres gross floor space for each house or 7.5 square metres gross floor space for each bed space in student accommodation, or shared accommodation, in the proposed development or to which the proposed alteration of a planning permission so granted relates, subject to a maximum of 4,500 square metres gross floor space for such other uses in any development, or

(II) such other area as may be prescribed, by reference to the number of houses or bed spaces in student accommodation or shared accommodation within the proposed development or to which the proposed alteration of a planning permission so granted relates, which other area shall be subject to such other maximum area in the development as may be prescribed;

The applicant is advised to clarify how the proposed development meets the above definition of Strategic Housing Development with regard to the quantum of land uses proposed.

Building Height

Further consideration of the documents as they relate to the building heights proposed in the development, including visual impacts, impacts on residential amenities and the achievement of a satisfactory transition in scale between the proposed development and adjacent properties. This consideration and justification should have regard to, *inter alia*, the guidance provided in the Building Height Strategy of the Dun Laoghaire Rathdown County Development Plan 2016-2022, the site specific guidance provided in the Goatstown Local Area Plan 2012 (as extended) and Policy UD6 of same and the Urban Developments and Building Height Guidelines for Planning Authorities 2018. The applicant is to consider whether the development constitutes a Material Contravention of the Building Height Strategy set out as Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. If considered necessary, the applicant is to submit a Material Contravention Statement and to publish a Newspaper Notice in accordance with the requirements of section 8(1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

Potential Impacts on Residential and Visual Amenities

Further consideration/justification of the documents as they relate to potential impacts on residential and visual amenities at Drummartin Terrace and Birchfield Lawn and other adjacent residential areas to include:

- Detailed elevations and cross sections indicating existing and proposed levels relative to the adjoining public roads and to adjacent residential properties and open spaces within Drummartin Terrace and Birchfield Lawn.

- Visual Impact Assessment to include verified photomontages of the development from Drummartin Terrace and Birchfield Lawn as well as adjoining public roads. The VIA should include views of the development with both winter and summer vegetation and include any plant or other structures on the roof of the proposed development, in order to give as accurate a representation as possible.
- Assessment of overshadowing and impacts on natural daylight in adjacent habitable rooms, communal open spaces and private amenity areas having regard to BRE guidance.
- The proposed development is to be designed to avoid direct overlooking of adjacent residential properties.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Road Frontages and Interaction with the Public Realm at Taney Road and Lower Kilmacud Road

Further consideration/justification of the documents as they relate to the development frontages to Taney Road and Lower Kilmacud Road and to the public open spaces within the scheme to address the following issues:

- Provision of active frontages to public roads and at public spaces within the scheme in accordance with the site specific objectives set out in the Goatstown LAP;
- Provision of a positive contribution to the public realm at both road frontages, to include boundary treatment, pedestrian and cycle facilities and hard and soft landscaping;
- Delivery of a high quality of public realm and way finding at the public open spaces within the development, including detailed landscaping proposals and consideration of microclimate impacts;
- Delivery of façades that relate well to surrounding development, with a high quality of design and finish, to include consideration of the existing building lines, heights and setbacks at this location;

- Provision of safe vehicular, pedestrian and cycle access to the development with regard to DMURS and to the safe provision of accessible car parking and cycle parking, to include consideration of the proposed set down area on Taney Road and 'drop off zone' at Lower Kilmacud Road;
- Letter of consent from Dun Laoghaire Rathdown County Council or any other relevant landowner to carry out any proposed works outside the red line site boundary;
- Applicant is requested to ensure provision of an adequate public footpath with landscaping as well as a National Cycle Manual standard cycle track / lane on all site frontage;
- Provision of satisfactory public lighting.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

5.1.4. The prospective applicant was notified that the following specific information should be submitted with any application for permission:

- Housing Quality Assessment.
- Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within specific habitable rooms within the development, in communal open spaces and in public areas within the development.
- A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The report should also demonstrate that the development provides the optimal architectural solution and sustainable development of the site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed height and design strategy

having regard to inter alia, national and local planning policy, the site's context and locational attributes.

- Comprehensive landscaping proposals to include details of hard and soft landscaping, outdoor exercise equipment (if provided), boundary treatments, delineation of public and communal open space provision, pedestrian and cycle facilities, public lighting, car and cycle parking areas and refuse storage areas.
- Topographical survey of the site and detailed cross sections to indicate existing and proposed ground levels across the site, proposed FFL's, road levels, open space levels, drainage infrastructure, landscaping, etc. relative to each other and relative to adjacent lands and structures including public roads.
- Rationale for proposed car parking provision with regard to development plan car parking standards, to consider the proposed car parking provision in the context of the available pedestrian and cycle facilities and public transport connections in the area, also details of car parking management for each of the proposed land uses and a Mobility Management Plan.
- Rationale for proposed cycle parking provision – quantum, design and layout.
- Statement of Compliance with the Design Manual for Urban Roads and Streets (DMURS).
- Road Safety Audit and Quality Audit
- Surface water drainage proposals to address issues raised in the report of DLRCC Drainage Planning Section dated 20th May 2020.
- AA Screening Report

5.2. Applicant's Statement

- 5.2.1. The application includes a statement of response to the pre-application consultation (Response to the Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Item 1 – Proposed Mix of Land Uses

- 5.2.2. The response addresses the zoning of the site, in the context of the Goatstown Local Area Plan, and addresses the development itself in the context of the SHD legislation. In relation to the zoning, the zoning objectives of the site are noted, with

the majority of the site zoned Objective 'NC' zoning objective (Neighbourhood Centre) in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and a small portion of the site zoned Objective A 'to protect and/or improve residential amenity.

- 5.2.3. Reference is made to the Goatstown Local Area Plan and the criteria that apply to the site. It is noted that no prescriptive quantum with regard to use mix at the subject site is noted in the LAP. It is stated that the variety of uses will contribute positively to the local area and will fulfil the site's Neighbourhood and Residential zoning objectives.
- 5.2.4. In relation to the nature of the application, in the context of SHD legislation, reference is made to a legal opinion which states the proposal adheres to the relevant SHD legislation with regards to the mix of land uses. It is stated that a total of 3,358.7 sq. m. of other uses are proposed, as defined in the Act. The car parking associated with the other uses is stated as being incidental to the other uses and do not contribute to the gross floor area of other uses.

Item 2 – Building Height

- 5.2.5. It is stated that the proposed development contravenes the LAP in relation to building height, and reference is made to the submitted Material Contravention Statement, which considers the issue of height in detail. It is set out that planning policy has moved in favour of greater height since in the adoption of the LAP and the Dun Laoghaire Rathdown Development Plan.

Item 3 – Potential Impacts on Residential and Visual Amenities

- 5.2.6. Reference is made to the 'Architects Design Appraisal' submitted with the application and to the Photomontages Document, in particular Viewpoints 6, 11 and 17. The Design Statement sets out, *inter alia*, separation distances between the proposed development and the houses at Birchfield Lawn. In relation to visual amenities, reference is made to the Townscape and Visual Impact Assessment submitted with the application. Reference is also made to Internal Daylight, Sunlight and Overshadowing Report and to the External Daylight, Sunlight and Overshadowing Report. In relation to overlooking, it is stated that the separation distances are sufficient to ensure that overlooking will be avoided, and reference is made to the translucent screening provided at third floor level.

Item 4 – Road Frontages and Interaction with Public Realm

- 5.2.7. It is stated that active frontage is provided throughout the proposed development, externally and internally, with reference made to Figure 22 of the Design Appraisal. The contribution to the public realm is set out, with the introduction of a new pedestrian link through the site and hard and soft landscaping treatments provided. Details of materials are set out. Reference is made to the Wind Microclimate Assessment which has concluded that pedestrian comfort is achieved in all locations within the boundaries of and in most locations adjacent to the development. Reference is also made to the DMRUR compliance statement and the Quality Audit and *inter alia* the Site Lighting Report.

Response to Specific Information

- 5.2.8. The applicant has responded to each item of Specific Information as detailed in the Response to the Opinion.

Material Contravention Statement

- 5.2.9. The applicant has submitted a Material Contravention Statement which refers to material contraventions of Objective UD6 of the Goatstown Local Area Plan, as relates to height, and of Section 8.2.4.5 and associated Table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, as relates to car parking standards.

Height

- 5.2.10. The Material Contravention Statement refers to Objective UD6 of the Goatstown Local Area Plan. This objective sets out a benchmark height of three storeys on this site (as well as two other sites), with a possible additional set back floor or occupied roof space. It is further stated that height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low rise development.
- 5.2.11. It is stated the proposal materially contravenes the LAP in relation to building height, as the proposed development contains blocks of between five and eight storeys. Justification for materially contravening the plan is set out and reference is made to the provisions of the National Planning Framework, namely objectives 2a, 13, 33 and 35 of same; to the Eastern and Midlands Regional Spatial and Economic Strategy

2019, namely RPO 3.3, 5.4 and Table 4.3 of same. Relevant Section 28 Guidelines are referred to including the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2019 (I note these were in fact updated in December 2020). The applicant's contend that the site can be defined as an Intermediate Urban Location, having regard to the criteria as set out in said guidelines, and as such is suitable for medium to high density development. Reference is also made to the Urban Development and Building Heights, Guidelines for Planning Authorities (2018), including the provisions of SPPR3 and SPPR4. The applicants contend that the site can be defined as public transport corridor, as referred to in the Sustainable Residential Development in Urban Areas Guidelines (2009), and as such, a minimum net density of 50 units/ha should apply, and furthermore the proposed development achieves a density well in excess of this. Other SHD applications permitted in the Dun Laoghaire Rathdown Area are referred to in Table 2.3 of the Material Contravention Statement and it is stated that the proposed density is comparable to, and below, these permitted developments.

Car Parking Standards

- 5.2.12. Reference is made to Section 8.2.4.5 and associated Table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, as relates to car parking standards. If applied to this development, there would be a total requirement for the provision of 408 no. spaces for the proposed development. The proposed car parking provision is 308 no. spaces. It is acknowledged within the Material Contravention Statement that the car parking provision does not strictly meet the standards as set out in the Development Plan.
- 5.2.13. Reference is made to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'. It is stated the site can be defined as an 'Intermediate Urban Location', as it complies with the criteria defining same. In such areas a reduced overall car parking standard applies.

6.0 Relevant Planning Policy

6.1. National Planning Framework

The National Planning Framework supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions

on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2. Regional Policy

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

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin's sustainable growth.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

6.3. Section 28 Ministerial Guidelines

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).(2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (Updated December 2020)
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021

6.4. Local Policy Context

Dun Laoghaire Rathdown County Development Plan 2016-2022

6.4.1. Most of the site is zoned 'Objective NC – To protect, provide for and/or improve mixed-use neighbourhood centre facilities'. The uses 'Residential', 'Public House', 'Childcare Service' are Permitted in Principle and the use 'Hotel' is Open For Consideration. A strip of land on the western side of the site is zoned 'Objective A – To protect and or improve residential amenity'.

6.4.2. Specific Local Objectives Map 1 Clonskeagh / Dundrum:

- Proposed QBC routes on both road frontages
- SLO 2 To implement and develop the lands in Goatstown in accordance with the Goatstown LAP
- SLO 6 To promote potential additional future uses of the Dublin Eastern Bypass reservation corridor, including a greenway/cycleway, a pedestrian walkway, biodiversity projects, recreational opportunities – inclusive of playing pitches - and public transport provision such as Bus Rapid Transit services, pending a decision from Transport Infrastructure Ireland/Central Government in relation to the future status of the Bypass. Any potential additional future short-term uses of the reservation corridor will be subject to a joint feasibility study to be undertaken by TII and the NTA.

6.4.3. Policy RES 3 Residential Density:

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development ...

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

Policy RES4: Existing Housing Stock and Densification:

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established

residential communities and to retain and improve residential amenities in established residential communities.

Policy RES7: Overall Housing Mix:

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

6.4.4. Policy UD6: Building Height Strategy

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

6.4.5. Section 8.2.8.2 Communal open space. Requirement of 15 sq.m- 20 sq.m. of Open Space per person, based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site.

6.4.6. Policy RET6: Neighbourhood Centres *'It is Council policy to encourage the provision of an appropriate mix, range and type of uses - including retail and retail services - in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.'*

6.4.7. Section 8.2.6 'Retail Development' - Neighbourhood Centres are intended to cater for the daily shopping and service needs of the immediately surrounding neighbourhood and will consequently be generally small in scale. In dealing with applications in local centres any analysis should take cognizance of changing shopping trends and the social and economic circumstances of the area.

6.4.8. Policy RE15 'Urban Villages' *'in new development growth nodes and in major areas in need of renewal/regeneration it is Council policy to implement a strategy for residential development based on a concept of sustainable urban villages'*.

Goatstown Local Area Plan 2012 (as extended to 2022)

6.4.9. The Goatstown LAP was adopted in April 2012. It was subsequently extended up to and including 10th April 2022.

6.4.10. The Goat site is one of three Neighbourhood Centres within the LAP area. Policy NC1:

It is an objective of the Plan that new development located within neighbourhood centres shall incorporate a range of uses that contribute towards the creation of a sustainable community and a vibrant urban village. Redevelopment of the neighbourhood centres should provide for improved pedestrian access between the neighbourhood centres and the residential hinterland.

LAP section 3.4:

In terms of size, the principle neighbourhood centre is located at Goatstown Crossroads and includes lands at 'The Goat' and the Topaz garage opposite. Apart from 'The Goat' public house, which undoubtedly acts as a local focal point, there is an overall lack of identity and sense of place associated with this centre. This is largely due to the dominance of the road network in the area and the absence of any defined or discernible streetscape, either within or on the edges of the site. The lack of identity is possibly also influenced by the limited retailing offer which, in turn, is probably a consequence of the Plan area's proximity to the major shopping centres at Dundrum and Stillorgan.

Goatstown Crossroads provides a low quality urban environment with through traffic taking precedence over the 'sense of place' function of streets. Road access and vehicular movements continue to have priority over pedestrians and cyclists. There is a notable lack of active street frontage at the Crossroads.

'The Goat' is the only public house in the local area. It is undoubtedly important in terms of its social function and its contribution to the character of the area and local identity. Historic photographs of the area indicate that a commercial use at this location is long established. It is considered that a public house function should continue to form part of any future development / redevelopment proposals for this area.

Opposite the Goat, a filling station, two commercial units and a garden centre occupy the lands on the northern side of Taney Road. These units are well set back from the road and as a result fail to establish any discernible or defined streetscape. This further weakens and dilutes the Crossroad's character and sense of place.

The potential to create any form of identity and enhancement of sense of place in the wider Plan area will be strongly influenced by any coherent redevelopment proposals for the lands at 'The Goat' and at the Topaz garage and its adjoining retail units. New development at these sites should include a variety and mix of uses to properly reflect the neighbourhood centre status of the site and incorporate a layout and design that creates a distinctive urban village centre. Detailed design guidance in this regard is set out in the Site Framework Strategies (Section 6).

6.4.11. Architectural heritage policy AH2:

It is an objective of the Plan to facilitate the reuse of older buildings while maintaining their character and special interest.

LAP section 3.7:

In addition to Protected Structures, there are a number of historic buildings within the Plan area that contribute to the area's character and local identity. While these buildings do not warrant inclusion in the Record of Protected Structures they are highly valued by the community for their local historic interest and contribution to the area's sense of place. Examples of such buildings include Drummartin Terrace, the terrace of cottages located northeast of Goatstown Crossroads and the vernacular two-storey structure that forms part of 'The Goat' public house.

Also policy AH4:

It is an objective of the Plan to investigate the designation of Drummartin Terrace as an Architectural Conservation Area (ACA)

6.4.12. LAP Policy UD4:

It is an objective of the Plan that any redevelopment of the prominent and highly visible 'Goat' site shall be based on a design approach that is influenced by, and responds sympathetically to, the historic character of the area - most notably the mature trees, stone walls and various historic buildings; including Drummartin Terrace that flanks the southern boundary of the site. Any redevelopment proposals shall incorporate a diversity of uses and housing typology, varied plot widths and heights and shall include a rich mix and palette of materials and shall avoid excessive obtrusive signage. The public realm component of any redevelopment

scheme shall be of a high quality with particular emphasis on paving, tree planting and street furniture.

LAP Policy UD6:

It is an objective of the Plan that a benchmark height of three storeys (with a possible additional set back floor or occupied roof space) shall apply on the sites of the Goat Public House, Topaz garage and adjoining retail units and the former Victor Motors site. Height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low-rise development.

6.4.13. The subject site is identified as a 'key site' which has potential for redevelopment within LAP Section 6 - Site Framework Strategies. LAP section 6.2 states in relation to the subject site:

Redevelopment of the site would provide an opportunity to establish a more defined urban village centre with attractive and active streetscape. The challenges to be addressed in redeveloping the site include providing a design response that is appropriate to the local context, protecting the residential amenity of neighbouring properties, providing an attractive village streetscape and creating a high quality environment for future occupants.

6.4.14. LAP Table 6.1 provides the following guidance for the development site:

Zoning	'NC' - 'To protect, provide for and / or improve mixed-use neighbourhood centre facilities'
Height	3-storey benchmark (with possible setback floor or occupied roof space) 2-storey at boundaries with existing residential development
Density	In accordance with County Development Plan Design Objectives
Design Objectives	<ul style="list-style-type: none"> • Fine urban grain • Emphasis on vertical proportions • Facades broken up • High quality architecture • Provide for active streetscape

	<ul style="list-style-type: none"> • Provide for a mix of commercial and residential uses appropriate to a neighbourhood centre and in accordance with County Development Plan zoning objective. • Consider provision of live / work units • Retain public house use • Any redevelopment should include retention of the existing vernacular three-bay two-storey structure that fronts onto Lower Kilmacud Road • Creation of a new pedestrian friendly street • Finishes and materials, which enhance the local streetscape and village identity • Own door access for residential uses where appropriate
Open Space	<ul style="list-style-type: none"> • Creation of a new attractive civic space • Provision of high quality private amenity space for residential units • Provision of high quality useable public open space for residential element • Clear demarcation between public and private open space
Signage	<ul style="list-style-type: none"> • Any redevelopment proposals should include a signage strategy • Shopfronts and signage shall not be intrusive or excessive and shall be of a high quality and make a positive contribution to the streetscape
Movement	<ul style="list-style-type: none"> • Rationalisation of existing entry point from Lower Kilmacud Road • Parking may be provided in the form of underground, surface level or small scale 2-3 storey car-parks • Inclusion of road safety audit • Cycle Parking to be provided

Public Realm	<ul style="list-style-type: none"> • Public realm strategy to be included • Suitable paving • Tree Planting along street width and in any new civic space • Outdoor seating in civic space • Provision of street furniture • Provision of street lighting • Redevelopment should include under grounding of wirescape
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7.0 Observer Submissions

7.1.1. 143 no. submissions on the application have been received from the parties as detailed above. The issues raised in the submissions are summarised below.

Oral Hearing/Principle/Material Contravention

- Oral Hearing Request from the Drummartin Terrace Resident's Association.
- Proposal contravenes the Goatstown Local Area Plan/DLR Development Plan
- Breaches maximum heights established by the LAP and Development Plan
- Proposed mix of uses are inappropriate for lands with NC zoning
- Materially contravenes the NC zoning of the site
- Overdevelopment of site
- Ignores the Draft Development Plan
- Does not meet the criteria of the LAP, as related to the development of the site
- Does not meet the zoning objectives
- Village Centre needed in Goatstown
- Other high density examples cited by the applicant are not comparable to this location
- Loss of existing amenities on site

- Viability of hotel/retail units/crèche is questioned
- Fails to respect context as required by SPPR3
- SPPR 3 does not apply as the site is neither a town or a city centre
- Balance needs to be struck between existing community and the new residents moving into the area
- Little community gain as a result of one extra retail unit
- Only a small part of the site is zoned for residential
- Undermines local democracy
- Redevelopment of the site is welcomed/will provide more housing
- Permission is required for the works to the existing public house/demolition of elements of same to facilitate development/works to make the retained structures good will be required
- Proposed density is a material contravention of the Dun Laoghaire Rathdown Development Plan
- Must not be sold to a 'cuckoo' fund
- Will set a precedent for other developments
- Red line and consent issues
- No café/restaurant uses proposed/will be no seating areas outside retail units/Segregation of housing materially contravenes Development Plan Policy RES2
- Previous refusal in Monkstown is of relevant 308432-20 – similar context
- Is not in compliance with Policy RES15: Urban Villages of the Development Plan
- Would be injurious to the residential amenity of the site and would therefore be contrary to the zoning objectives
- Two cottages on site are occupied/in residential use
- No precedent to develop at this scale

- Material Contravention Statement does not contain an assessment against Criteria set out in SPPR3
- No substantive increase in retail uses on the site
- Inaccuracies in application/date reads 2020/photomontage 13 'existing' is missing/is misleading in terms of screening
- Lack of public consultation/engagement.

Design/Visual Impact/Layout/Height/Public Realm/Conservation

- Scale of proposal entirely out of context/will be visually obtrusive
- Impact of the existing trees and the buildings will be significant/in terms of loss of light/dominating appearance
- Do not accept the conclusions of the Townscape and Visual Impact Assessment
- Development is not in keeping with the area
- Glass facades do not fit in with established low rise pitched roof buildings
- Landmark Goat pub will be dwarfed
- Setbacks would help to alleviate the overbearingness/no setback from the boundary at ground level/contravention of guidance in the LAP/Draft Plan
- Does not include all relevant views
- Proposal is twice as high as it should be
- Site is elevated compared to existing properties/
- Density excessive/Is over 4 times that envisaged for the site under the Sustainable Urban Housing Guidelines
- Does not respect neighbourhood context as required under the Building Height Guidelines
- Previous refusal on the Circle K site
- The open space that is provided is intruded upon by a vehicle access point which will make it unusable as a space for relaxation
- Loss of existing open space on the site/no green open space within the site

- Suggest conditions to reduce height/redesign
- Does not comply with the Urban Design manual
- Civic space is inadequate
- Does not meet the criteria as set out in SPPR 3 of the Building Height Guidelines
- Terraced housing should be included
- Does not comply with Section 8.2.8(i) of the Development Plan in relation to the requirement for 10% public open space and/or communal space
- Public open space appears to include the patio area of the pub
- Errors in the Visual Impact Assessment including reference to Mercer House in Viewpoint 13 – there is no Mercer House/Viewpoint 6 does not refer to single storey Taney Lodge/Errors in discussion of Viewpoint 12 and 13/No viewpoint from Knocknashee or at Taney Grove where the visual impact will be significant/
- Impacts on surrounding/nearby Protected Structures
- Ground floor animation is poor/at odds with neighbourhood centre
- Little justification for retaining the existing public house on the corner element of the site/
- Additional retail spaces should be provided
- Maximum height of five storeys would be appropriate towards the centre of the site
- Verified views are inaccurate/summer views are photoshopped winter views/utilises Google Maps as a reference /excessive amount of leaf coverage in the proposed summer views
- Nearest 4/5 storey buildings are located in Dundrum/Sandyford
- Levels indicated at Birchfield Estate are misleading
- Architectural merit of Drummartin Terrace/Policy AH4 – investigate designation of same as an ACA
- No visual representation from Taney Grove

- Poor quality north and east facing plazas/noise impacts from play area/positioning of vents is ill considered
- Proposed boundary treatment is inappropriate/access from the walkway to the south-eastern boundary/lack of information on this aspect/additional graphic information is needed

Surrounding Residential Amenity

- Overlooking; Overshadowing; Overbearing effect; significant visual impact/Trees that are shown to provide screening do not exist/planted trees will take years to grow to size shown/planted next to an underground car park
- Glazed balconies will be insufficient to overcome amenity impacts/will be overlooking from bedrooms/tree screening as shown doesn't exist
- Loss of daylight/sunlight
- Balconies will overlook rear gardens/Overlooking from podium level
- Impact of construction on residential amenity/impact of rock breaking/seismic survey not fully completed/impacts on adjoining properties/damage/vibration/proposed working hours are not acceptable
- Concrete basement too close to boundary with residential properties
- Developer has failed to carry out a sun cast analysis
- Light pollution/Shadow flicker
- Hotel may be used a function room/will add to noise impacts
- Impact of play area on amenity
- Access roads/ramps in close proximity to surrounding houses

Residential Standards/Mix/Tenure

- Lack of family units/does not address local needs
- Prices of units is too high
- Inadequate shared indoor space
- Inadequate daylight provision to the proposed units

- Significant number of single aspect north facing units

Appropriate Assessment/Environmental Impact Assessment/Ecology/Climate

- An Ecological Impact Assessment should be carried out/failed to examine impacts adequately/potential for bat roosts on the site has not been examined/inadequate bat survey/site is likely to provide a foraging habitat for bat/birds/badgers/no assessment of impacts on badger
- Compliance with the relevant EIA, Water Framework, Birds, Habitats Directives must be ensured
- Mature trees on the site should be protected/trees to be retained are unlikely to survive construction impacts
- Use of chemical rockbreaking – environmental impact of same has not been examined
- No formal EIA Screening is recommended by the applicants
- loss of existing animals on the site
- Submitted EIA Screening report is deficient/states that the site is in commercial use/information in the EIA Screening report is inadequate/does not meet minimum requirements.

Transport

- Will exacerbate the use of Lower Kilmacud Road as rat run
- Will add pressure to the public transport system/Luas is already over capacity
- Limited bus services
- Loading Bay on Taney Road should be relocated to the underground parking area
- Insufficient car parking/loss of free parking at the Goat/overspill car parking into neighbouring estates
- Will lead to a traffic hazard/junction is already very busy/no safe cycle lanes/previous accidents near the site
- If density is justified by location why are there so many parking spaces proposed.

- Cumulative impacts of traffic have not been addressed
- Traffic study is misleading/was completed after teaching term in UCD was finished/count was carried out in May 2019/almost 2 years out of date/survey was only carried out on one day/Actuated Traffic Counter should have been in place for 2-3 weeks
- Will add to traffic congestion/resultant impact on air quality
- Noise pollution from additional traffic in the surrounding area/Noise Impact Assessment does not consider this
- Suggest conditions to reduce car parking/report from TII regarding impact on the M50
- Previous refusal in 2002 on this site cited traffic safety concerns/roads have not been improved/additional traffic on roads now
- Inadequate loading/servicing arrangements/safety issues with same
- Impacts of construction parking
- Development is located immediately east of the 'Dublin Eastern Bypass Reservation Line'/development would undermine the future deliverability of same
- Loss of parking for the Medical Centre/Impacts on less mobile persons
- Statements in the Mat Con Statement incorrect regarding accessibility of site/does not account for traffic congestion
- Insufficient provision for EV parking
- Insufficient cycle parking
- Reduction of car parking is suggested
- Mitigation in the form of junction upgrades suggested
- Vehicular access will present a traffic hazard/no justification for 124 spaces for the Public House/max set out in Development Plan is 50 spaces for this use/no parking for the retail provision

- Existing constraints to the junction have not been analysed/allowed right turning traffic in off the lower Kilmacud Road has the potential to result in a serious traffic hazard
- Previous refusal by the Board for 2 reasons, one of which related to traffic (ABP Ref. No.: PL06D.127591)
- Previous refusal related to impact of access on residential amenity/ventilation of car park close to residential properties
- Traffic growth rates are obsolete/rates from the Dublin Metropolitan/Errors in TRICS Data Area should have been used/do not take into account traffic generated by the proposed crèche or retail units

Site Services

- Foul water capacity is inadequate/infrastructure is overstretched
- Site is subject to flooding during heavy rain/Storm Water drain on Goatstown Road doesn't have sufficient capacity/Has not been considered in the Flood Risk Assessment/there are existing flood protection barriers on the site/risk of off site flooding
- Irish Water has indicated that there is insufficient capacity to cater for the proposed development/no project planned to improve capacity/
- Objective WD1 of the Goatstown LAP restricts significant development until upgrades are in place/upgrades required are also referred to in the Greater Dublin Strategic Drainage Study

Other

- Proposal will negatively impact on property prices in the area/a submission has included a letter from a local estate agent estimating a reduction of 10-15% in value given the location of this particular property relative to the proposed development
- Cumulative impact
- Social housing costs are excessive
- Not enough services for the local population

- Insufficient school capacity
- Lack of community amenities in the area
- Health impacts of construction/dust causing lung problems
- Possible subsidence of housing
- Loss of existing amenities for the area
- Lack of detail within the Outline Construction Methodology and Phasing Management Plan including lack of detail as relates to rockbreaking, basement work, tree protection.

8.0 Planning Authority Submission

- 8.1.1. Dun Laoghaire Rathdown has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016.
- 8.1.2. Section 8 of the Planning Authority's submission sets out the planning assessment. I have summarised same below.

Principle of Development

- Notes that residential, public house and shop-neighbourhood uses are acceptable in principle on Objective NC zoned lands. Hotel/motel uses are open for consideration on Objective NC zoned lands.
- Proposed residential also accords with the Objective A zoning on the western portion of the site/Childcare services are open for consideration on Objective 'A' zoned lands.

Mix of Uses

- Retention of public house/hotel use acceptable
- Concerns regarding limited amount of non-residential (retail and services) floor space
- Combined floor area of the proposed 6 no. retail unit is not much greater than the commercial floor area of 'The Goat Centre' to be demolished.

- Neighbourhood Centres play a vital role in providing key services for the local community/site provides a unique opportunity to ensure adequate provision of accessible services for the community.
- Opportunities to provide additional non-residential floorspace/active frontage along the perimeter should be exploited
- Hotel is considered a complementary element rather than forming part of essential neighbourhood centre infrastructure
- Consider a condition requiring another at least 1,000 sq. m. of non-residential use
- Retail Strategy for the Greater Dublin Area sets out that neighbourhood centres generally have a quantum of retail floorspace in the range of 1,000 to 2,500 sq. m.
- Provision of apartment dwellings on the site is acceptable to the planning authority given the predominance of traditional housing stock in the area/mix of units is in accordance with the design standards/greater mix should be provided as per Policy RES7 of the Development Plan.
- Welcome the childcare facility.

Residential Density

- Density proposed is significantly higher than comparable infill developments in the surrounding area and what the planning authority would consider appropriate for the site
- Indication of overdevelopment of the site/impacts on residential amenity/visual impact

Site Layout

- Would deliver the site layout objectives of the LAP/some reservations regarding the civic spaces/closer to a pedestrian internal thoroughfare rather than a civic space
- Concerns about separation distances between some of the blocks /namely between Building 1 and Building 3; and Building 3 and Building 4

- Works to the public realm at junction between Taney Road and Drummartin Road/creation of pinch points/not in accordance with DMURS/footpath should be a minimum width of 4
- Does not address the Taney Road successfully/size of the residents amenity area is problematic

Height

- Proposed is deemed excessive in the context of low-rise (single and two-storey) residential properties
- Materially contravenes the County Development Plan Building Height Strategy and Policy UD6 of the Goatstown LAP
- Material Contravention Statement does not identify conflicting policies within the Development Plan/identifies perceived conflicts between the objectives of the Development Plan and national and regional policies./PA is of the view that no such conflict exists
- Sustainable densities in accordance with current guidelines can be achieved within the parameters set by the County Development Plan Building Height Strategy and Policy UD6/Section 1.9 of the Building Height Guidelines is of relevance/refers to appropriate height in suburban areas
- Heights of four storeys (potentially five with a setback) would be permissible in line with the LAP/Development Plan/would be consistent with the Building Height Guidelines/would avoid abrupt transitions in height.
- Density proposed is 3.88 times the minimum net density recommended in the Sustainable Residential Development in Urban Area Guidelines (2009)
- None of the SHD examples given by the applicant provide an adequate like-for-like comparison with subject site
- None of the nearest infill schemes of relevance exceed five storeys in height/achieve comparable densities/Roebuck Hill development is particularly relevant – is 120 units/ha – considered appropriate
- Proposal does not comply with the criteria of Section 3.2 of the Building Height Guidelines/Does not respond to the surrounding built environment or integrate in

a cohesive manner with the wider urban area/not an appropriate response to the single storey dwellings on Drummartin Terrace/deemed to have heritage value/would have an overbearing and unduly dominant impact on these properties/detract from the residential and visual amenities/would significantly depreciate their value

- Visually discordant and incongruous composition of the two storey public house adjacent to the 6 and 8 storey element (Building 4) next to it (in particular View No. 2 is of relevance)
- Height transition on a west/east axis sits better on site/from 4 storeys to 8 storeys

Standard of Accommodation

- Meets or exceeds standards as relate to size, dual aspect, floor to ceiling heights, lift and stair cores.
- Does not meet the standards as set out in the BRE Guidelines in relation to ADF and Daylight Distribution/no compensatory measures put forward/site is unencumbered

Design

- Provision of active uses and high quality and coherent landscaping proposals is welcomed

Open Space/Public Realm

- Quantity of communal open space is considered acceptable albeit with the quality somewhat compromised by being provided almost entirely above a podium
- Note the loss of trees on the site
- Civic space is capable of broadly meeting the objectives of the Goatstown LAP/principle space would measure 22m x 40m and would have a favourable orientation
- Considered a special development contribution towards the maintenance and enhancement of the public open space at Deer Park.

Transport Issues

- Pinchpoint as noted above.

- Satisfied that an adequate level of car parking has been provided
- 45 spaces would be required for the proposed retail uses according to the Development Plan
- Overprovision of car parking for the extended pub
- Revised car parking proposal that accords with Development Plan standards should be required by way of condition, should permission be granted.
- Quantum and location of cycle parking is a concern/additional spaces required.

Childcare

- Proposed childcare facility would cater for the childcare needs of the proposed development.

Impacts on Residential Amenity

- Separation between the proposed development and adjoining properties on Drummartin Terrace and Birchfield Lawn is considered acceptable, having regards to privacy/overlooking
- Development would however appear visual obtrusive and overbearing when viewed from surrounding properties/a frontal view of Drummartin Terrace with the proposed terrace in the background has not been provided.
- Impacts on surrounding sunlight and daylight is not considered to be significant
- Internal overlooking a concern/conditions recommended in relation to same

Other Issues

- Biodiversity – Condition recommended in relation to the removal of Japanese knotweed
- AA – cumulative impacts an important consideration

Planning Authority's Recommendation

The Planning Authority Recommend that the proposed development is **refused permission** for 6 no. reasons as set out below.

1. Given its height, massing and location within nine metres of the southern boundary, the proposed development would appear visually obtrusive and

overbearing when view from property at Drummartin Terrace and from the public realm at this location. The proposed development would therefore materially contravene the zoning objective 'to protect and or improve residential amenity' as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development would significantly impact on existing residential amenity and would depreciate the value of these properties.

2. The juxtaposition of the two-storey vernacular pub structure with the abutting Building 4 would result in a visually discordant composition, particularly when viewed from the east, and would seriously detract from the visual amenities of the area. The proposed development is therefore deemed contrary to policy objectives as set down in the Goatstown Local Area Plan and the Dun Laoghaire Rathdown Development Plan 2016-2022.
3. Having regard to the results of the internal daylight, sunlight and overshadowing assessment submitted, the Planning Authority considers that given the numbers of units proposed with substandard levels of access to daylight and sunlight, the subject scheme is not deemed capable of providing an adequate level of residential amenity for future occupants. The proposed development is, therefore, deemed to be contrary to the proper planning and sustainable development of the area.
4. The proposed development, ranging from five to eight storeys in height, materially contravenes the Height Strategy of the 2016-2022 Dun Laoghaire Rathdown County Development (Plan) and Policy UD 6 of the Goatstown LAP. In addition, the quantum of development proposed is inconsistent with the established character and pattern of development in the area, which, if permitted would result in a visually discordant addition at this prominent location and would seriously detract from the visual and residential amenities of the area.
5. The proposed development fails to provide the appropriate quantum and mix of non-residential uses as required by the Neighbourhood Centre zoning and as such would not contribute towards the creation of a sustainable community with proximate retail and services of an appropriate scale.

6. The proposed mix of units, and notably the lack of larger units bedrooms would fail to deliver an appropriate mix of housing types in accordance with Policy RES7 of the County Development Plan. It is considered that notwithstanding the profile of the existing stock in the area, that a scheme of this size should provide a more appropriate balance of apartment sizes.

8.1.3. Section 10 of the report sets out suggested conditions. Those of note include:

- Condition No. 2 – increase the quantum of non-residential floorspace to at least 1,000 sq. m (excluding the resident’s facilities, hotel, pub and crèche/revised parking layout demonstrating compliance with standards)/omission of the 2nd and 3rd floors of all the proposed blocks within the scheme.
- Condition No. 3 – glazing on the windows on the east elevation of Building 3/the south elevation of the residential element of Building 4 to be opaque or frosted glass.
- Condition No. 4 – Creche to be constructed and operational prior to the occupation of more than 50% of the residential units within the scheme.
- Condition No. 26- footpath of a minimum width of 4m to be provided along the entire frontage of the development site.
- Condition No. 28 – cycle parking details
- Condition No. 43 – Special Levy in lieu of public open space.

Internal Reports

Appendix A of the Planning Authority’s submission includes the internal reports which are summarised below.

Drainage – Report and drawings generally satisfy the requirements of Drainage Planning subject to conditions/Overprovision of attenuation storage/Conclusions of the Site Specific Flood Risk Assessment are accepted.

Housing - require a condition requiring application to enter into an agreement in accordance with Part V.

Environment Section – conditions recommended including but not limited to a condition related to specialist rock excavation techniques/invasive species management/recycling station

Measures set out in the outline construction methodology and phasing management plan should be implemented.

Transport Planning - Pinchpoint at junction of Taney Road and Drummartin Road (Lower Kilmacud Road)/Further improvements to the pedestrian environment recommended/adequate footpath width in accordance with LAP objective MT6/Impact of Loading Bay on Pedestrians/servicing should be managed within the site/Pub and hotel parking exceed standards/additional cycle parking is required/revised location of cycle parking is recommended/assessment of traffic noise impacts is recommended in accordance with CDP Policies ST28 and E120/Conditions recommended.

Parks

Scale of buildings may impact on usability of the open spaces proposed/proposal fails to include a meaningful open area for uses to linger or relax as suggested the LAP/Little effort to retain the trees along Taney Road boundary/potential to retain some of the trees if the building line was moved back/special contribution towards the provision of open space

Concluded provided development is no in accordance with the Development Plan/Refusal recommended/Conditions recommended in event of a grant.

Elected Members

8.1.4. A summary of the views of Elected Members as expressed at the Dundrum Area Committee Meeting held on 22nd March 2021 is set out in Section 4 of the Planning Authority's submission. The issues raised are as follows.

- Impacts on residential amenity/overbearing impact/overlooking/overshadowing
- Impacts on trees and hedgerows
- Not in compliance with the Goatstown LAP/Excessive height/does not enhance the streetscape
- Hotel does not deliver neighbourhood centre uses
- In breach of Res3 and Res4 of the Plan
- Cycle access/lack of cycle parking/transport impacts/car parking is excessive/contravenes plan – height and density/overdevelopment

- Premature pending foul sewer upgrades
- School capacity/mix of units/lack of 3 beds
- SHD process is flawed
- Permission should be refused/at least two floors removed

9.0 Prescribed Bodies

Irish Water:

- Water - Upsizing of existing 6" CI main in Lower Kilmacud Road to 200mm ID for approx. 190m is required. Irish Water currently does not have any plans to extend its network in this area.
- Wastewater - The existing 225mm clay sewer in Lower Kilmacud Road is out of capacity. The sewer has to be upgraded downstream of the site for approx. 1.2km up to the Goat Pub, prior to the connection. The concept design works have been completed by Irish Water as part of the Local Network Reinforcement Programme. The upgrade works are on the Irish Water Capital Investment Plan, however, the applicant may be required to provide a contribution. Estimated completion time of the upgrade is Q4 2022 (subject to change).
- Design Acceptance - The applicant has engaged with Irish Water in respect of design proposal and has been issued a Statement of Design Acceptance for the development for 200 units.
- Conditions recommended

An Taisce

- Contrary to LAP/Material Contravention of same
- Scale is too great/dominant and overbearing
- Overdevelopment of the site/density is 194 unit/ha/comparisons provided by the applicant are not relevant
- Would be unduly car dependant

- Basic LAP concepts of the village centre and its historic character are not matters of building height/SPPR3(A) cannot be invoked to over-ride them/Proposal is not in line with a 'village'.
- Pub on site has a long history/would be dwarfed by the development
- Negative impact on the surrounding area/visually obtrusive
- No own door access units provided
- Impact on traffic/capacity issues on the Luas
- Previous permission on the Vector Motors site (308535-20) – Board had regard to the location of the development on a curve of the Road/existing three to five storey developments to the north and east of the site/these are not factors on this site/this permission does not provide a precedent.
- Some increase in height would be in line with the LAP.

DAU (Archaeology)

- Condition recommended

Inland Fisheries Ireland (IFI)

- All works will be completed in line with a Construction Environmental Management Plan (CEMP)
- Best practice should be implemented at all times in relation to any activities that may impact on surface water (stream and river) or riparian habitats/discharges to surface streams present on or near the site must not impact negatively on the system/Comprehensive surface water management measures must be implemented at the construction and operational stage
- No direct pumping of contaminated water from the works to a watercourse at any time/dewatering of ground water during excavation of basement area must be pumped into an attenuation area before being discharged to offsite/discharge license may be required from DLRCC
- Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023/ High Court judge has recently ruled planning permission must be quashed for a proposed €500 million wastewater treatment

plant at Clonshaugh, intended by Irish Water to supplement the Ringsend waste water treatment plant (November 2020).

- Precautions must be taken to ensure there is no entry of solids, during the connection or stripping of old pipework to the surface water system
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

Department of Defence

- Given the proximity to the N11, operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before use.

10.0 Environmental Impact Assessment (EIA) Screening

- 10.1.1. An Environmental Impact Assessment Screening report was submitted with the application and I have had regard to same.
- 10.1.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units,
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 10.1.3. It is proposed to construct 299 No. residential units arranged in 4 No. blocks; a 22 No. bedroom hotel; 6 No. retail units; and a childcare facility on a c. 1.87 ha site (with a net site area of c. 1.54 ha), together with all related ancillary development and services including internal access roads, car parking, landscaping and site development works. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of c1.89ha and is located within an existing built up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is partly commercial

in character with associated surface car parking. There is an area of undeveloped land to the south-west of the site, currently utilised for grazing donkeys and goats. The surrounding areas are generally low/medium density residential uses, with commercial uses located to the north-west of the site, on the opposite side of Taney Road. The introduction of a mixed-use development including residential will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed below). The majority of the development would be in residential use with the proposed uses also comprising of an extended public house, a 22 bed hotel, a crèche and 6 no. retail units. It would not give rise to waste, pollution or nuisances that differed from that arising from the existing public house or retail units on the site, or from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon which its effects would be marginal.

10.1.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for 'Neighbourhood Centre' and 'Residential' uses under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022, and the results of the strategic environmental assessment of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

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.

11.0 Appropriate Assessment

- 11.1.1. 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.

The Project and Its Characteristics

- 11.1.2. See the detailed description of the proposed development in section 2.0 above.

Compliance with Article 6(3) of the Habitats Directive

- 11.1.3. 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).
- 11.1.4. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of

each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS) (dated 10th February 2021).

- 11.1.5. The submission from the IFI refers to the need to implement measures to prevent impacts on surface water and refer to the capacity of Ringsend WWTP. I have had regard to observer comments as relates to Appropriate Assessment which state that Compliance with the Habitats Directives must be ensured. The Planning Authority state that cumulative impacts are an important consideration.
- 11.1.6. Section 4 of the Appropriate Assessment (AA) Screening and Natura Impact Statement (NIS) sets out the Screening Stage Assessment, and a detailed description of the project is set out therein. This includes detail as relates to proposed excavation, which appears to be drawn from Outline Construction Methodology and Phasing Management Plan. Of note is that the largest volume of excavation is to the western part of the site, and excavation as whole involves the removal of granite, with the process expected to last a number of months (although it is not specified for how long). Mechanical breaking is proposed for the majority of the site and where the rock is hardest, at the northwest corner of the site (at the highest point), chemical breaking will be required to ensure that there will be no impact on nearby properties. Best practice measures are proposed to manage surface water during this stage, and any surface water encountered will be pumped to the foul sewerage network during periods of low flow, or pumped to tankers and removed from site. In the event of an unexpected underground stream being encountered, this will be diverted in consultation with relevant agencies before excavation works continue. While there was evidence of seepage during the ground investigation works, no underground watercourse was encountered. Details of Phasing of works is set out, and works will be carried out over 4 phases, with the overall timescale of construction expected to continue for 22-24 months. Measures in relation to maintenance of public roads, traffic movements, air and dust, waste management and water pollution are set out in this section of the Screening Report, again appearing to be drawn from Outline Construction Methodology and Phasing Management Plan. In relation to foul drainage, it is proposed to connect to the existing public network adjacent to the site at Lower Kilmacud Road. It is stated that Irish Water has indicated that there is currently insufficient capacity in the public foul

drainage network to cater for the development, however, planned upgrade works to the network (which will facilitate development) at this location are included on the Irish Water Capital Investment Programme with an anticipated completion date in the fourth quarter of 2022 – prior to the occupation of the scheme. Foul water will be treated at Ringsend WWTP and discharged into Dublin Bay, at the point of the Lower Liffey Estuary. Surface water drainage will connect to the existing segregated surface water drainage infrastructure surrounding the site, with onsite attenuation provided to restrict flows. The Screening Report notes the site is not subject to flooding.

11.1.7. In relation to those Natura 2000 sites potentially affected, the Screening Report sets out those sites within 15km of the site and I have set these out below:

Table 1

Site (site code)	Distance from site	Qualifying Interests
South Dublin Bay and River Tolka Estuary SPA (004024)	C3 km north-east	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]

		<p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
South Dublin Bay SAC (000210)	C2.9km north-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
North Bull Island SPA (004006)	C7.9km north-east	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p>

		<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	C8.1km north-east	Mudflats and sandflats not covered by seawater at low tide [1140]

		<p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Glenasmole Valley SAC (001209)	c9.9km south-west	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p>

		Petrifying springs with tufa formation (Cratoneurion) [7220]
Wicklow Mountains SAC (002122)	C7km south-west	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p>

		<p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p>
Wicklow Mountains SPA (004040)	C7.5km south-west	<p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
Baldoyle Bay SAC (000199)	C13.4km north-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
Baldoyle Bay SPA (004016)	C13.4km north-east	<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>

		<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p>
Rockabill to Dalkey Island SAC (003000)	C9.2km east	<p>Reefs [1170]</p> <p>Harbour Porpoise (<i>Phocoena phocoena</i>) [1351]</p>
Howth Head Coast SAC (000202)	C12.4north-east	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
Knocksink Wood SAC (000725)	C8.9km south	<p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>
Dalkey Islands SPA (004172)	C9.0km east	<p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p>

Ballyman Glen SAC (00713)	10.2km south-east	Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7320]
Bray Head SAC (00714)	14.1km south-east	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]

11.1.14. The Screening Report states that the proposed development has an indirect pathway and connectivity to the South Dublin Bay SAC and the South Dublin Bay and River Tolka SPA, via surface the surface water drainage network, which discharges to the Elm Park Stream, which in turn discharges into Dublin Bay close to Merrion Gates. There is also an indirect pathway to these two sites via the foul sewer network. The Screening Reports also notes there is an indirect pathway to North Dublin Bay SAC and to North Bull Island SPA via the foul sewer network (within Table 1), although Table 2 of the Screening Report also refers to an indirect connection to these two Natura 2000 sites via the Elm Park Stream, via surface the surface water drainage network, which discharges to the Elm Park Stream.

11.1.15. In relation to surface water, the Screening Report notes that the Elm Park Stream flows directly into the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. It is noted that an intertidal seagrass bed (*Zostera noltii*) is in the vicinity of the mouth of this stream (Figure 12 of the report refers). This is associated with the qualifying habitat 'Mudflats and Sandflats' of the South Dublin Bay SAC and is also associated with Brent Goose, a qualifying interest associated with South Dublin Bay and River Tolka Estuary SPA , which feeds on *Zostera noltii* in the autumn. Table 2 of the Screening Report notes that concludes that significant effects on the South Dublin Bay SAC South Dublin Bay and River Tolka Estuary SPA are possible from the proposed works, as a result surface water entering the stream via the surface water network during construction, in the absence of mitigation measures. It is concluded that a NIS is therefore required.

11.1.16. In relation to foul water, significant effects from same are ruled due to the distance (at least 2.9 km) via the indirect pathway (foul water networks) which will result in pollutants will being treated, dispersed and diluted. Foul water from the development will be processed in the existing Ringsend Treatment works, which will be upgraded by the time the project becomes operational and must comply with environmental legislation. It is stated within the Screening Report that the indirect pathway of foul water to Ringsend will not result in a significant effect on the Natura 2000 site. While I concur with the conclusions of same, I do not necessarily concur with the reasoning behind this conclusion. I do not consider that the indirect distance to the Ringsend WWTP would necessarily result in significant dispersion and dilution. Foul water is not treated until reaching the Ringsend WWTP, and following treatment, it is then dispersed and diluted via the WWTP outfall, located at the Lower Liffey Estuary. However, given the upgrade works planned to Ringsend WWTP and that this WWTP must comply with environmental legislation, I do not consider that foul loading associated with this project would result in significant effects on the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, subject to a condition restricting occupancy of the proposed units to after the completion of the required upgrade works to the local foul sewer network, as detailed in the submission from Irish Water.

11.1.17. In relation to North Dublin Bay SAC and North Bull Island SPA, significant effects from foul water are ruled due to the same considerations and reasoning above. As per my reasoning above, I do not consider that foul loading associated with this project would result in significant effects on the North Dublin Bay SAC and North Bull Island SPA, subject to a condition restricting occupancy of the proposed units to after the completion of the required upgrade works to the local foul sewer network, as detailed in the submission from Irish Water. Table 2 also refers to the an indirect connection to the marine environment as the Elm Park Stream discharges into Dublin Bay but it is stated that this watercourse undergoes significant dilution and dispersion in the marine environment before reaching North Dublin Bay SAC and North Bull Island SPA. As such particulates or pollutants will settle within the network or will be diluted within the marine /estuarine environment of Dublin Bay and would not be seen to be at levels that would cause significant effects on North Dublin Bay SAC and North Bull Island SPA, which would be located on the far side of the

estuarine element of the River Liffey. I concur with this conclusion and I am satisfied that any effects would not be significant.

- 11.1.18. Table 2 of the Screening Report rules out likely significant effects on other Natura 2000 sites referred to within the Screening Report, either as a result of the lack of a pathway or connection to same and/or the distance from the relevant Natura 2000 site and I concur with the conclusions set out within this Tables, as relates to the Natura 2000 sites not associated with Dublin Bay.
- 11.1.19. Section 5 of the report contains the Natura Impact Statement (NIS). This sets out detailed information in relation to the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA. In relation to the South Dublin Bay and River Tolka Estuary SPA, the NIS notes that the sands support the largest stand of *Zostera noltii* on the East Coast and it supports an internationally important population of *Branta bernicla hrota* (Brent Goose) which feeds on *Zostera noltii* in the autumn. In relation to the South Dublin Bay SAC, again it is noted that this site has the largest stand of *Zostera* on the east coast. The conservation status of each of the qualifying interests is set out in Table 3 of the NIS, and it is noted that all of the habitats within the South Dublin Bay SAC currently have an 'unfavourable/inadequate' conservation status. In relation to the conservation objectives for each of the two Natura 2000 sites, Table 4 of the NIS sets out same. Specifically in relation to *Zostera noltii* there are specific objectives to maintain the extent of same, and conserve the high quality of same.
- 11.1.20. Table 5 of the NIS considers the 'Potential for adverse effects on the qualifying interests and conservation objectives of Natura 2000 sites'. In relation to South Dublin Bay SAC, it is stated that given the location of the *Zostera* beds, in the absence of standard construction phase mitigation, impacts cannot be ruled out. It is further stated 'the level of effect on South Dublin Bay SAC, without the use of mitigation measures, is not deemed to be significant due to the small scale of the proposed development, the distance to the SAC, and the significant mixing in the marine environment in Dublin Bay'. In relation to the South Dublin Bay and River Tolka Estuary SPA, it is stated that within the presence of mitigation measures, there is potential for downstream effects if significant quantities of pollution or silt were introduced into the surface water network, with downstream effects on the Elm Park Stream, limited to impacts the *Zostera* beds with subsequent impacts on the Light

Bellied Brent Goose which feeds on same. I note that the NIS does not refer specifically to impacts associated with chemical rockbreaking, although any run off from same would be classed as a 'pollutant'.

11.1.21. Table 8 of the NIS sets out detailed mitigation measures to minimise the potential for surface water pollution during the construction stage. It is stated that during demolition and enabling works all surface water from the site will enter the foul sewer network following desilting, until the surface water infrastructure is complete. As such it is at this stage that chemical rockbreaking will be utilised, with any contaminated water associated with same directed to the foul network, rather than the surface water network. Water from excavations will be filtered and subject to petrochemical interception. Desilting and petrochemical interception of all surface runoff/pumped water will take place for the duration of the construction project, and a petrochemical interceptor will be placed on the surface water network prior to discharge. Fuel oil and chemical storage will be sited within a bunded area, at least 50m from drains, excavation and other locations where it may cause pollution. Spills within the bund area will be cleaned immediately to prevent groundwater contamination. It is concluded within the NIS that no significant adverse impacts on the conservation objectives of Natura 2000 sites are likely following the implementation of the mitigation measures outlined in the NIS and that the implementation of these standard construction controls the proposed development would not impact on the water quality or conservation objectives of the Natura 2000 sites, South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. The features of interest of these Natura 2000 sites will not be impacted by the proposed works.

Inspector's Screening Assessment

11.1.22. In determining the Natura 2000 sites where there is potential for likely significant effects arising from this development, I have had regard to the scale and nature of the project, the proximity of the site to any Natura 2000 sites, and I have had regard to any hydrological or hydrogeological links to any Natura 2000 sites. I have been aided in this regard by the EPA Appropriate Assessment Mapping Tool¹ as well as by the information on file, including observations on the application made by

¹ <https://gis.epa.ie/EPAMaps/AAGeoTool>

prescribed bodies and observers on the application, as well observations made on my site visit.

- 11.1.23. There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase. There will be no loss or alteration of habitat associated with the above Natura 2000 sites detailed in Table 1 as a result of the proposed development. There is no evidence to suggest that the site encompasses any ex-situ breeding, roosting, staging or foraging habitats for any of the species listed as Species of Conservation Interest (SCI) for the any of the Natura 2000 sites detailed in Table 1 above.
- 11.1.24. In relation to those conclusions made within the Screening Report, and in particular in relation to the stated need for an NIS, I have the following observations. The Screening Report and NIS refers to likely significant effects on the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA that are possible from the proposed works, as a result surface water entering the Elm Park stream during construction, in the absence of mitigation measures. It is previously stated elsewhere in the Screening Report (and also within the Outline Construction Methodology and Phasing Management Plan) that surface water encountered during construction will be pumped to the foul sewerage network, during periods of low flow, or pumped to tankers and removed from site. As such there is some disparity in relation to the proposed treatment of surface water at construction phase. However there remains the potential for contaminated surface water run off to enter the surface water network. I note that standard construction practices and best practice construction measures, as relates to the prevention of surface water pollution, as outlined in detail in the Outline Construction Methodology and Phasing Management Plan, would prevent polluted surface water from entering the surface water drainage network. However, even in the absence of the above measures, the direct line distance from the site to the discharge point at the Elm Park Stream is approximately 2.5km north-east², with the indirect distance via the surface water network likely to be greater than this. Furthermore, there is at least 550m from the point of discharge to the mouth of the Elm Park Stream. As such the ecological connection is somewhat weak, in my view. I would consider that any contaminants (i.e. such as oils,

² I have referred to EPA mapping to determine the relevant discharge point into the Elm Park Stream (<https://gis.epa.ie/EPAMaps/AAGeoTool>)

hydrocarbons, silt etc) would be sufficiently dispersed and diluted by the point of entry into Dublin Bay such that likely significant effects on South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA can be ruled out. I note the NIS and the Outline Construction Methodology and Phasing Management Plan make reference to the potential use of chemical rockbreaking on site. Observations on the application have stated that this is not a commonly used technique and the implications of its use are unknown. In my view, the use of such a technique on development sites underlain by hard rock that cannot be excavated through 'ripping' is not unusual. I note also that the potential use of chemical rockbreaking is limited to the northwest corner of the site where the rock is hardest, as stated in the Outline Construction Methodology and Phasing Management Plan. It is further stated within this document that ground investigation has indicated that the granite is generally removable through mechanical means and it is not definitive that chemical rockbreaking will be utilised. I am satisfied that, as per the discussion above, I am of the view that any surface water contaminants associated with chemical rockbreaking would be sufficiently dispersed and diluted by the point of entry into Dublin Bay such that likely significant effects on South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA can be ruled out. In relation to the implications on groundwater as a result of the use of the chemical rock breaking technique, or as a result of any other construction practices on the site. There is no evidence of a groundwater connection to any of the Dublin Bay Natura 2000 sites, or to any other Natura 2000 site. Even if there was a groundwater connection to the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary, the species and habitats of qualifying interest of same do not appear to be groundwater dependant, having regard to the supporting documentation relating to same on the NPWS website. In relation to the North Dublin Bay SAC, the 'Coastal Monitoring Project 2004-2006' supporting document, as available on the NPWS website, refers to the uncontrolled abstraction of groundwater leading to a lowering of the water table as a threat to the 'Humid dune slacks' habitat, one of the habitats of qualifying interest associated with the North Dublin Bay SAC. It is not proposed to abstract groundwater in significant quantities such as to lower the water table. However, this document would indicate that there is some dependency on groundwater. Notwithstanding, there is no evidence of a groundwater connection to the North Dublin Bay SAC and even if there was, the distance to same is some 8.1km from the site, and any pollutants would be

sufficiently dispersed and diluted if they were to reach the site. Other Natura 2000 sites not associated with Dublin Bay are a sufficient distance from the site to ensure similar dispersion and dilution of any pollutants, even if there was a groundwater connection to same.

11.1.25. In conclusion therefore, while there is an indirect connection to Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA and North Dublin Bay SAC and North Bull Island SPA, via the surface water network, which in turn discharges to the Park Stream which then discharges into Dublin Bay, as stated above. I am of the view that any particulates or pollutants will be diluted within the surface water network and marine /estuarine environment of Dublin Bay and would not be seen to be at levels that would cause significant effects on the Dublin Bay SAC, the South Dublin Bay and River Tolka Estuary SPA, the North Dublin Bay SAC or North Bull Island SPA.. As such likely significant effects on the Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA and North Dublin Bay SAC and North Bull Island SPA can be ruled out. In relation to surface water impacts at operational stage, I am satisfied that the proposed surface water drainage measures as outlined in the 'Engineering Report for Planning' and within the Flood Risk Assessment will serve to limit the quantity and improve the quality of surface water runoff. These include on site-attenuation is proposed to restrict flows to QBAR or 2l/sec/ha. SuDS measures are proposed to reduce the quantity of surface water discharge from the site, and to improve discharge water quality. These measures include green and blue roofs with attenuation. The Engineering Report notes that the existing building and car park drain unattenuated into the surface water network, and following completion of this development, the total area draining to the municipal network will be approximately 5,800 sq. m. smaller than the existing, with a subsequent reduction in surface water entering the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any effect on any Natura site and would be introduced as a standard measure on such housing developments, regardless of any direct or indirect hydrological connection to a Natura 2000 site. As such I am satisfied that the quantity of surface water run-off will be reduced compared to the existing situation and I am satisfied that the quality will ensure the quality of surface water run-off will be sufficient so as not to result in any likely

significant effects on any Natura 2000 within Dublin Bay, or any other Natura 2000 sites, having regard to the sites' conservation objectives.

Cumulative impacts with other proposed/existing developments

- 11.1.26. In relation to in-combination effects it is concluded within the NIS that no recent permissions for development on the site, or projects in the vicinity of the proposed development, would result in a significant in combination effect on Natura 2000 sites.
- 11.1.27. In relation to other larger scale residential developments, I note that other SHD permissions have been granted in the wider area, including but not limited to, those detailed in Section 4 'Planning History' of this report. Each of the permissions referred to in Section 4 underwent an AA Screening which determined that there were no likely significant effects on any Natura 2000 sites. Given that I have concluded that this project would not result in likely significant effects on any Natura sites, I am satisfied that that the cumulative impacts of these SHD permissions, in combination with this development, would also not result in likely significant effects on any Natura sites.
- 11.1.28. I note that project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in this area, by the Dun Laoghaire Rathdown Development Plan 2016-2022 and the Goatstown LAP. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small mixed use development of 299 residential units, a 22-bed hotel, 6 no. retail units, a crèche and an extended public house. The site is on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works permitted under ABP PL.29N.YA0010 and this facility is subject to EPA licencing and associated Appropriate Assessment Screening.

11.1.29. Having regard to the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any likely significant effect to Natura 2000 Sites within the zone of influence of the proposed development

AA Screening Conclusion

11.1.30. Notwithstanding that a Natura Impact Statement has been submitted, it is reasonable to conclude that on the basis of the information on the file, which I considered 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 and River Tolka Estuary SPA (Site Code 004024), South Dublin Bay SAC (Site Code 000210), North Dublin Bay SAC (Site Code 000206), and North Bull Island SPA (Site Code 004006) or any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

12.0 **Assessment**

12.1.1. The main planning issues arising from the proposed can be addressed under the following headings-

- Principle of Development
- Material Contravention
- Mix of Uses/Neighbourhood Centre Designation
- Design and Layout including Density, Height and Public Realm/Visual Impact
- Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Traffic and Transportation
- Ecology
- Trees
- Flood Risk
- Site Services
- Oral Hearing Request

- Other Issues
- Planning Authority's Recommended Reasons for Refusal

12.2. Principle of Development

Zoning

- 12.2.1. The majority of the site is zoned 'Objective NC – To protect, provide for and/or improve mixed-use neighbourhood centre facilities'. The uses 'Residential', 'Public House', 'Childcare Service' are Permitted in Principle and the use 'Hotel' is 'Open For Consideration'. A strip of land on the western side of the site is zoned 'Objective A – To protect and or improve residential amenity'. In relation to the proposed uses, I note that residential, public house and shop-neighbourhood uses are 'acceptable in principle' on Objective NC zoned lands, with 'Hotel/motel' uses 'open for consideration'. The residential use is 'permitted in principle' on the Objective A lands with the crèche use 'open for consideration'.
- 12.2.2. The Planning Authority have raised concerns in relation to the limited amount of non-residential (retail and service) floor space provided (see discussion on same in Section 12.4 below and Planning Authority's Recommended Reason for Refusal No. 5), but have not stated the proposal is material contravention of the NC zoning objective. While the Planning Authority have also stated that the proposed residential use accords with the Objective A zoning on the western portion of the site, although they have raised concerns in relation to the impact on surrounding residential amenity (see discussion in Section 12.7) and the Planning Authority's Recommended Reason for Refusal No. 1 states that the proposal would materially contravene the zoning objective 'to protect and improve residential amenity..'.
- 12.2.3. A number of observer submissions have stated that the proposal represents a material contravention of the Objective NC zoned lands as it does not deliver sufficient non-residential uses and would also be a material contravention of the Objective A zoning, as the proposal has a negative impact on surrounding amenity.
- 12.2.4. I am of the view that the proposal complies, in principle, with the various zonings on site, having regard to the mix of uses proposed, which are either 'permitted in principle' or 'open for consideration' and does not materially contravene same. The Planning Authority have not objected to any of the uses proposed, in relation to the zoning objectives for the site. I have considered how the proposal complies with the

broader aims and objectives of the Dun Laoghaire Rathdown Development Plan and of the Goatstown LAP, as relates to neighbourhood centres in Sections 12.4 and 12.5 below, and I have considered the issue of surrounding residential amenity in Section 12.7 below.

- 12.2.5. The site is also subject to the Specific Local Objective 2 'To implement and develop the lands in Goatstown in accordance with the Goatstown LAP', as identified on Map 1 of the Dun Laoghaire Rathdown Development Plan 2016-2022 (hereinafter referred to as the Development Plan). I have considered the requirements of same in the relevant sections of this report.

Height

- 12.2.6. The Development Plan sets out policy on Building Height under Policy UD6: Building Height Strategy, which states that it is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County, which is set out in Appendix 9 of the Development Plan. Section 4.1.8 of the Height Strategy sets out that guidance on Building Height will also be provided in forthcoming Local Plans, including the Goatstown Local Area Plan (which I will discuss below). Section 4.2 of same states that these local plans are the most appropriate vehicle for providing the kind of fine-grained analysis which can determine if taller buildings are appropriate or not to any given location. The area with the boundary of the Goatstown LAP is within a Cumulative Area of Control – and as such section 4.8 of the Building Height Strategy, does not apply to it, as this section sets out the building height policy for residual suburban areas not included within Cumulative Areas of Control. As such it is clear that the policy on heights for this site is determined by the Goatstown LAP (hereinafter referred to as the LAP), rather than the Building Height Strategy.
- 12.2.7. Objective UD6 of the LAP states that '*It is an objective of the Plan that a benchmark height of three storeys (with a possible additional set back floor or occupied roof space) shall apply on the sites of the Goat Public House, Topaz garage and adjoining retail units and the former Victor Motors site. Height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low-rise development*'.

12.2.8. Table 6.1 of the LAP sets out the height parameters for the site and states that heights will be 3 –storey benchmark (with possible setback floor or occupied roof space, and 2 storey at boundaries with existing residential development). The proposed development includes residential buildings fronting onto the public realm that are up to 8 storeys in height, with heights dropping down as one moves towards the boundaries of the site. The proposed heights are as follows:

- Building 1: 4-6 storeys over podium level
- Building 2: 5-8 storeys
- Building 3: 4-8 storeys
- Building 4: 5-8 storeys

12.2.9. As such the proposed heights are a material contravention of the height parameters as set out in the LAP. I have considered the issue of material contravention in Section 12.3 below and I have considered the merits, or otherwise, of the proposed heights in Section 12.5 below.

Car Parking

12.2.10. Table 8.2.3 sets out car parking standards for various use classes. For the residential uses, a total of 1 space per 1-bed unit, 1.5 spaces per 2-bed unit and 2 spaces per 3-bed unit. This is the ‘standard’ requirement, and the table also states that the standards in the table depend on design and location. The standard requirement for the residential element of the development is 408 no. spaces. The proposed development proposes 323 no. spaces for the residential element. As such there is a shortfall of 85 no. spaces from the standard requirements. As such, given the magnitude of the shortfall, I am of the view that the proposed development materially contravenes the Development Plan as relates to car parking standards. I have considered the issue of material contravention in Section 12.3 below and I have considered the merits, or otherwise, of the proposed car parking provision in Section 12.8 below.

12.3. Material Contravention

12.3.1. The applicants have submitted a Material Contravention Statement (dated 28th January 2021). In summary the Statement refers to material contraventions of Objective UD6 of the Goatstown Local Area Plan, as relates to height, and of Section

8.2.4.5 and associated Table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, as relates to car parking standards.

Height

- 12.3.2. As outlined in section 8(1)(iv)(II), the applicant is required to submit a statement 'where the proposed development materially contravenes the said plan other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000'. There is no requirement to explicitly specify which section of 37(2)(b) applies and nor should this statement be seen as a mechanism to restrict the Board in their considerations in this regard, as outlined in s.9(6)(C), permission may be granted where it (the Board) considers s.37(2)(b) applies. It is for the Board to satisfy itself that s.37(2)(b) applies, and I have dealt with this matter in full in Section 12.3 of my report.
- 12.3.3. The applicant's Material Contravention Statement generally sets out various criteria under 37(2)(b) to justify a material contravention of the LAP, albeit are not always explicit as to the section, but rather focused on the criteria. Page 4 and 5 of the Material Contravention Statement place some emphasis on Section 37(2)(b)(ii), as relates to conflicting or unclear objectives of the Development Plan, and on Section 37(2)(b)(iv), as relates to the pattern of development, or permissions granted in the area, since the making of the Development Plan. It would also appear that the material contravention statement relies heavily on Section 37(2)(b)(iii), as relates to *inter alia* regional spatial and economic strategies, Section 28 guidelines and relevant Government Policy, and to an extent Section 37(2)(b)(iv). Section 2.1 of the Statement states that that the LAP conflicts with National Policy. As the Planning Authority have pointed out, this is not relevant to 37(2)(b)(ii). Notwithstanding, there is sufficient information and justification set out in the Statement, as to why the proposed development should be granted notwithstanding the material contravention, in particular relating to Section 37(2)(b)(iii) and I am further satisfied it is clear to any parties reading the document that the criteria of Section 37(2)(b)(iii) and 37(2)(b)(iv) have also been relied upon in this instance.
- 12.3.4. The Material Contravention Statement refers to Objective UD6 of the Goatstown Local Area Plan and that the proposal materially contravenes the LAP in relation to

building height. Justification for materially contravening the plan is set out and reference is made to the provisions of the National Planning Framework, namely objectives 2a, 13, 33 and 35 of same; to the Eastern and Midlands Regional Spatial and Economic Strategy 2019, namely RPO 3.3, 5.4 and Table 4.3 of same. Relevant Section 28 Guidelines are referred to including the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2019 (I note these were in fact updated in December 2020). The applicant contends that the site can be defined as an 'Intermediate Urban Location', having regard to the criteria as set out in said Guidelines, and as such is suitable for medium to high density development. Reference is also made to the Urban Development and Building Heights, Guidelines for Planning Authorities (2018), including the provisions of SP3 and SP4. The applicants contend that the site can be defined as public transport corridor, as referred to in the Sustainable Residential Development in Urban Areas Guidelines (2009), and as such, a minimum net density of 50 units/ha should apply. Other SHD applications permitted in the Dun Laoghaire-Rathdown Area are referred to in Table 2.3 of the Material Contravention Statement and it is stated that the proposed density is comparable to, and below, these permitted developments.

Car Parking Standards

- 12.3.5. The Statement refers to Section 8.2.4.5 and associated Table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan, 2016-2022, as relates to car parking standards. If applied to this development, there would be a total requirement for the provision of 408 no. spaces for the residential element. The proposed residential car parking provision is 323 no. spaces. It is acknowledged within the Material Contravention Statement that the car parking provision does not strictly meet the standards as set out in the Development Plan.
- 12.3.6. Reference is made to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'. It is stated the site can be defined as an 'Intermediate Urban Location', as it complies with the criteria defining same. In such areas a reduced overall car parking standard applies. As such, although not explicitly stated with the Statement, reliance is placed on Section 37(2)(b)(iii) to justify the Material Contravention of the Plan, as related to car parking.

- 12.3.7. As noted above, I am of the view that any material contraventions raised by the proposal relate to the issues of height and car parking only, specifically those height limitations as set out in Objective UD6 of the LAP and the car parking standards as set out in Section 8.2.4.5 and associated Table 8.2.3 of the Dun Laoghaire Rathdown County Development Plan, 2016..
- 12.3.8. Should the Board be minded to materially contravene the Development Plan (as relates to car parking standards) and the LAP (as relates to height), the following considerations are relevant.
- 12.3.9. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (c) of same states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'. As noted in Section 12.2, I do not consider that the proposal materially contravenes the zoning objectives that pertain to the site.
- 12.3.10. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional planning guidelines 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.

- 12.3.11. I have set out my considerations of the proposal, as relates to the relevant criteria of 37(2)(b) of the Planning and Development Act, below.
- 12.3.12. In relation to the matter of strategic or national importance, (criteria 37(2)(b)(i) of the PDA 2000), the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature, in that it is part of a cumulative response to a strategic issue of national importance (ie the provision of housing and compact urban growth). National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, and sought to expedite decision making around developments such as that proposed on this site in response to the housing crisis. I note the proposal represents the regeneration of an important site within Goatstown, and makes a contribution to the housing stock, of some 299 units, and therefore seeks to address a fundamental objective of the Housing Action Plan, and as such addresses a matter of national importance, that of housing delivery.
- 12.3.13. In relation to the matter of conflicting objectives, or objectives not clearly stated in the development plan, I noted that the applicant has cited Section 37(2)(b)(ii) within the Material Contravention Statement although no conflicting policies are in fact referred to. However I am of the view that there is some lack of lack of clarity in relation to car parking standards for both residential and non-residential uses. While Table 8.2.3 of the Development Plan sets out ‘standard’ parking requirement, the supporting text within 8.2.4.5 allows for reduced car parking in certain circumstances relating to the location of the site, its proximity to public transport, the nature of the proposed development, mix of land uses within and surrounding the development, the availability of on-street parking controls, the implementation of a Travel Plan and other agreed special circumstances where it can be justified on sustainability grounds. In my view, there is a lack of clarity in relation to what quantum of reduction that can be applied in any particular instance. and as such I am of the opinion that, should the Board be minded to materially contravene the Development Plan, in relation to car parking standards, it can be so, having regard to 37(2)(b)(ii).
- 12.3.14. In relation to National Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve

well-designed high quality outcomes in order to achieve targeted growth. Car parking should be based on performance criteria (NPO Objectives 13 and 35 refer). Also of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation regional planning guidelines for the area and Section 28 Guidelines, the Eastern & Midland Regional Assembly – Regional Spatial & Economic Strategy 2019-2031 seeks to increase densities on appropriate sites within Dublin City and Suburbs.

12.3.15. In relation to relevant Section 28 Guidelines, given that the material contraventions in this instance relate to the matters of height and car parking, those of most relevance are the Urban Development and Building Height Guidelines (2018), issued under Section 28 of the PDA 2000 (hereinafter referred to as the Building Height Guidelines); ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)’ and ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)’ (hereinafter referred to as the Apartment Guidelines), the latter of which has commentary on car parking standards.

12.3.16. The Building Height Guidelines state that increasing prevailing building heights therefore has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development. It is further set out that building heights must be generally increased in appropriate urban locations, subject to the specific criteria as set out in Section 3.2 of the Guidelines. In principle, given the locational characteristics of this site, within a neighbourhood centre well served by public transport, increased heights on this site are supported by the Building Height Guidelines, subject to a detailed consideration of the design merits of the proposal, including a consideration of the proposal in relation to the criteria as set out in Section 3.2 of the Guideline. I have considered the merits, or otherwise, of the design of the proposed development, within Section 12.5 of this report.

12.3.17. Other Section 28 Guidelines of relevance include the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018), and the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) which support increased densities in appropriate

locations. In reference to the relationship between density and height, it is acknowledged that, while achieving higher density does not imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability (Section 2.3 of the Building Height Guidelines refer) and as such increases in density are generally associated with increases in height. I am of the view that, in principal, an increased density on this site, and subsequently an increased height, is supported by the Section 28 Guidelines referred to above.

12.3.18. Therefore, having regard to the considerations above, should the Board be minded to materially contravene the provisions of the Goatstown LAP, as relates to matter of height, in principle, it can do so having regard the criteria of 37(2)(b)(iii).

12.3.19. In relation to car parking, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, seeks to reduce car parking standards in central /accessible urban locations sites. I have concluded that the site lies within an accessible urban location (see Section 12.5 of the report), and therefore, should the Board be minded to materially contravene the Development Plan as relates to car parking, it can do so having regard to the criteria of 37(2)(b)(iii).

12.3.20. In relation to the pattern of development/permissions granted in the area since the adoption of the Development Plan, the Material Contravention Statement refers to SHD applications granted in the wider DLRCC administrative area, and refer to the density of same, but not to the height permitted. However, I am of the view that these permissions do not fulfil the criteria set out in Section 37(2)(b)(iv) as the height restrictions being contravened in this instance are those of the LAP, and those relevant are those granted within the LAP area. I refer the Board to SHD Application ABP-308353-20 relating to a site at 'The car sales premises currently known as Vector Motors (Formerly known as Victor Motors), Goatstown Road, Dublin 14'. This was for *inter alia* the construction of 239 no. student bedspaces. This site lies within the boundary of the Goatstown LAP. In terms of heights the building was four storeys along the southern boundary (with roof terraces at fourth floor level) and part five and six storeys along Goatstown Road (with setbacks) and boundary to the north (with roof terrace at fifth floor level fronting onto Goatstown Road). The Board considered

the proposal materially contravened the LAP in relation to height (and also of the Development Plan as relates to Part V units). As such there is precedent for a material contravention of the height parameters as set out in the LAP, and for a greater height than prevailing within the wider area (albeit for the Vector Motors site the height was up to six storeys and not up to eight storeys as proposed here). However, I consider that the criteria of 37(2)(b)(iv) has been fulfilled in this instance.

12.3.21. In conclusion, should the Board be minded to invoke the material contravention procedure, as relates to matters of height and car parking standards, I am of the opinion that;

In principle, meets the criteria of 37(2)(b)(i), as the development is strategic in nature and relates to matters of national importance (the delivery of housing);

The criteria of 37(2)(b)(ii) apply as the requirements of the Development Plan as relates to the specific quantum of car parking required for particular developments are not clearly stated;

In principle, meets the criteria of 37(2)(b)(iii), as increased heights and densities are supported by national and regional policy, and by relevant Section 28 Guidelines. Reduced car parking provision is also supported by national and regional policy, and by relevant Section 28 Guidelines.

In principle meets the criteria of 37(2)(b)(iv), as relates to permissions granted in the area.

In conclusion, therefore should the Board be minded to invoke the material contravention procedure, as relates to the provisions of the Goatstown LAP pertaining to height, I consider that, in principle, the provisions of Section 37(2)(b)(i)(iii) and (iv) have been met, and in this regard I consider that the Board can grant permission for the proposal, should it be minded to do so. Should the Board be minded to invoke the material contravention procedure, as relates to the provisions of the Development Plan pertaining to car parking standards, I consider that the provisions of Section 37(2)(b)(i)(ii) and (iii) have been met, and in this regard I consider that the Board can grant permission for the proposal, should it be minded to do so.

12.4. **Mix of Uses/Neighbourhood Centre Designation**

- 12.4.1. The Planning Authority have raised concerns in relation to the amount of non-residential (retail and services) floor space provided within the scheme, and it is contended that the that the combined floor area of the proposed 6 no. retail unit is not much greater than the commercial floor area of 'The Goat Centre' to be demolished. It is stated that opportunities to provide additional non-residential floorspace and active frontage along the perimeter should be exploited. Reason for refusal No. 5 of the Planning Authorities recommended reasons for refusal refers to the shortfall in non-residential uses.
- 12.4.2. Observer submissions have stated that the mix of uses are inappropriate for land with NC zoning, and the proposal does not meet the criteria of the LAP, as relates to the development of the site. It is stated that a village centre is needed in Goatstown and little community gain results from the development. The viability of the hotel, retail units and crèche is also questioned by some observer submissions. It is stated the proposal is not in compliance with Policy RES15 'Urban Villages' of the Development Plan.
- 12.4.3. Section 3.4 of the Goatstown LAP refers to Neighbourhood Centres. This refers to the principle neighbourhood centre on this site, and which extends to the Topaz garage opposite. It is stated that there is an overall lack of identity associated with this centre, due to the dominance of the road network, and the absence of any defined streetscape. The lack of identity is possibly also influenced by the limited retailing offer which, in turn, is probably a consequence of the Plan area's proximity to the major shopping centres at Dundrum and Stillorgan. It is stated that development at this site, and the Topaz site, should include a variety and mix of uses to properly reflect the neighbourhood centre status of the site and incorporate a layout and design that creates a distinctive urban village centre. Objective NC1 'Neighbourhood Centres of the LAP refers to the need to provide a range of uses and to provide improved pedestrian access between neighbourhood centres and the surrounding areas. Policy RET 6 'Neighbourhood Centres' refers to the need to provide an appropriate mix, range and type of uses.' It is further set out that the function of Neighbourhood Centres is to provide a range of convenient and easily accessible retail outlets and services within walking distance for the local catchment population. Section 8.2.6 'Retail Development' of the Development Plan states that Neighbourhood Centres are intended to cater for the daily shopping and service

needs of the immediately surrounding neighbourhood and will consequently be generally small in scale.

12.4.4. In relation to the non-residential uses proposed, the applicants proposes an extended public house (there is an existing public house on the site), 6 no. retail units, a 22 bedroom hotel and a crèche. I note that the policies and objectives of the Goatstown LAP and of the Development Plan do not specify a particular quantum of non-residential uses that should be provided within neighbourhood centre sites. The retail units proposed are set out within the civic space and front onto same. The residential element of the proposal, in terms of quantum of floorspace is by far the largest element (42,690.6 sq. m of residential floorspace is proposed). That is not an issue, in and of itself, given the need to develop such sites at an appropriate residential density, and given the urgent need to deliver housing. In relation to the non-residential uses provided, the quantum of retail provided here is likely to be quantum that is viable having regard to the proximity of the site to other retail centres, Dundrum Town Centre in particular. The site is 1.2km walking distance from same. This influence of Dundrum and Stillorgan Shopping Centres on the existing retail provision on this site is acknowledged within the LAP, as noted above. While I note that the Planning Authority have suggested a condition requiring at least an additional 1,000 sq. m, should the Board be minded to grant permission, I am not of the opinion that a significant quantum of additional retail or service provision would be either necessary or viable on this site, given its locational characteristics. In addition long standing vacancy of units of the site would serve to create a poor urban environment. The quality of the retail provision that is proposed under this application is set within a far more attractive urban environment that that which currently exists.

12.4.5. While the proposed upper floor uses on the site are residential in nature, the ground floor uses provide, for the most part, more animation, most notably fronting on the proposed civic space within the development. I am of the view that the retail provision will be in line with that envisaged within such neighbourhood centres and will provide for the daily shopping and service needs of the immediate surrounding areas. The development is also in line with the 'Urban Villages' concept (Policy RE15 of the Development Plan refers), in that it provides shops and services within walking distance of neighbouring residential areas. The extended public house will also serve as a focus for the neighbourhood centre, and will contribute to the function of same,

as will the proposed crèche use. In relation to the hotel use, it is likely demand for same would not necessarily stem from surrounding areas but it may well serve to increase the viability of the public house and retail provision on the site and in that regard, it is supported. It would also contribute to the wider economy in terms of providing a tourism use.

- 12.4.6. In terms of providing active uses and animation, the Planning Authority, and observers on the application, have cited the lack of animation on the Taney Road. While I acknowledge that that the majority of the frontage onto Taney Road is dominated by residential amenity uses at ground floor level, there is a retail unit fronting on Taney Road, as well as the existing public house use, which provides animation as one moves towards the junction of Taney Road and Lower Kilmacud Road. As per my assessment above, I am not of the opinion that additional retail is either necessary or viable on the site, and vacant units fronting onto Taney Road would be detrimental to the quality of the urban environment.

Conclusion

- 12.4.7. In conclusion, I am satisfied that the proposed uses provided are in line with the aims and objectives of the LAP and the Development Plan, as relates to Neighbourhood Centres. The proposed retail, crèche and extended public house will provide an appropriate range of shops and services within walking distance of surrounding residential uses and will be set within a much improved urban environment, relative to the existing nature of the site, which is dominated by car parking and provides a poor contribution to the public realm.

12.5. Design and Layout including Density, Height and Public Realm/Visual Impact

Density

- 12.5.1. The proposed density is 194 units/ha. Increasing residential density at appropriate locations is national policy and articulated in section 28 guidelines, as well as within Regional Policy and as a general principle increased density is also supported within the Dun Laoghaire Rathdown Development Plan, subject to location and protection of amenity (Policy RES 3 and RES 4 refers). Such increases in density are to ensure the efficient use of zoned and serviced land.
- 12.5.2. The Planning Authority state that the density proposed is significantly higher than comparable infill developments in the surrounding area and what the planning

authority would consider appropriate for the site, and is an indication of overdevelopment of the site with resultant impacts on residential amenity and with a resultant visual impact.

- 12.5.3. Observer submissions have stated that the density is greatly in excess of 45 unit/ha and the site is not suitable for a development of such density.
- 12.5.4. In relation to national policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.
- 12.5.5. In relation to regional policy, the site lies within the Dublin Metropolitan Area Strategic Plan (MASP) as defined in the Regional Spatial & Economic Strategy (RSES) 2013-2031 for the Eastern & Midland Region. A key objective of the RSES is to achieve compact growth targets of 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs. Within Dublin City and Suburbs, the RSES support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area and ensure that the development of future development areas is co-ordinated with the delivery of key water and public transport infrastructure.
- 12.5.6. In relation to Section 28 Guidelines, I note the provisions of the Apartment Guidelines which state, with respect to location, the guidelines note that, in general terms, apartments are most appropriately located within urban areas. The site lies within the category of an 'Intermediate Urban Location, as defined within the Apartment Guidelines (as amended 2020) as the site is 1.0km from Balally Luas Stop (a 13 minute walk) and 1.2km from the Dundrum Luas Stop and the Kilmacud Luas Stop (a 15 minute walk).
- 12.5.7. The guidelines noted that such intermediate locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net). The guidelines also note the scale and extent of apartment development should increase in relation to proximity to core urban

centres and other relevant factors. Existing public transport nodes or locations where high frequency public transport can be provided, that are close to locations of employment and a range of urban amenities including parks/waterfronts, shopping and other services, are also particularly suited to apartments. In principle, therefore, a density such as that proposed here is supported by the Apartment Guidelines, as it is in excess of the 45 dwellings per hectare cited, the minimum for such intermediate sites.

12.5.8. In relation to the criteria as set out in the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), the site could be considered under the category of a ‘Public Transport Corridor’ as it is within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Given the site is 1km from the nearest Luas Stop, which is a high frequency transport service, the density is also supported, in principle, by these guidelines.

12.5.9. In relation to Dun Laoghaire Rathdown County Development Plan 2016-2022, Policy RES 3 Residential Density is of relevance:

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development ...

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

As is Policy RES4: Existing Housing Stock and Densification:

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established

residential communities and to retain and improve residential amenities in established residential communities.

12.5.10. Section 8.2.3.2 (ii) of the Development Plan refers to residential density, and states *inter alia*, that in general, the number of dwellings to be provided on a site should be determined with reference to the Government Guidelines document: ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (2009) (see discussion of same above).

12.5.11. In conclusion therefore, a higher density, such as that proposed here, is supported by National and Regional Policy, Relevant Section 28 Guidelines and, in principle, is supported by the Development Plan, subject to the proposal meeting certain criteria including the need to provide high quality development and the protection of surrounding residential amenity

Height

12.5.12. The vast majority of observer submissions raise concerns in relation to the height and scale and design of the proposed development and resultant impacts upon adjacent residential properties. It is stated that the proposal does not respect the neighbourhood context as required under the Building Height Guidelines and in general does not comply with the requirements of SPPR 3. The conclusions of the Townscape and Visual Impact Assessment are not accepted and it is contended that not all relevant views are included within the photomontage document. Errors and inaccuracies in the Townscape and Visual Impact Assessment and within the photomontage document are also highlighted. The impact of the proposal on Drummartin Terrace and on nearby Protected Structures is highlighted. Elected Members have also objected to the proposed height.

12.5.13. The Planning Authority expressed concerns in relation to height, for reasons of amenity (Planning Authority’s Recommended Reason for Refusal No. 1), visual amenity and impact on the retained public house (Planning Authority’s Recommended Reason for Refusal No. 2) and consider that the height proposed is a material contravention of the Height Strategy of the 2016-2022 Dun Laoghaire Rathdown County Development (Plan) and Policy UD 6 of the Goatstown LAP (Planning Authority’s Recommended Reason for Refusal No. 4). It is set out that the proposed development is deemed excessive in the context of low-rise (single and

two-storey) residential properties. It is stated that heights of four storeys (potentially five with a setback) would be permissible in line with the LAP and Development Plan and this would avoid abrupt transitions in height. It is further stated that none of the nearest infill schemes of relevance exceed five storeys in height. It is contended that the proposal does not comply with the criteria of Section 3.2 of the Building Height Guidelines and *inter alia* would have an overbearing and unduly dominant impact on the properties at Drummartin Terrace properties and would present a visually discordant and incongruous composition of the two storey public house adjacent to the 6 and 8 storey element (Building 4) next to it.

12.5.14. Prior to my assessment of the heights proposed here, it is pertinent to set out an overview of current policy on height as set out at national level, and as set out in the Development Plan and the LAP. Policy on heights as set out in the relevant Section 28 Guidelines are then discussed, and I have utilised the criteria as set out in Section 3.2 of the Building Height Guidelines to form a framework for my assessment.

12.5.15. The National Planning Frameworks supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). The principle of increased height, such as that set out here, is supported by the NPF therefore, subject to compliance with the relevant performance criteria.

12.5.16. In relation to Section 28 Guidelines, the most relevant to the issue of building heights, is the Building Height Guidelines (2018). Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas. (Section 1.21 refers). In reference to the relationship between density and height, it is acknowledged that, while achieving higher density does not imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability (Section 2.3 refers). It is further stated that such increased in density and height help to optimise the effectiveness of past and future investment in public transport serves including rail,

Metrolink, LUAS, Bus Connects and walking and cycling networks (Section 2.4 refers). The Height Guidelines also note that, Planning Authorities have sometimes set generic maximum height limits across their functional areas. It is noted that such limits, if inflexible or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework. It is also noted that such limitations can hinder innovation in urban design and architecture leading to poor planning outcomes.

12.5.17. Objective UD6 of the LAP states that *'It is an objective of the Plan that a benchmark height of three storeys (with a possible additional set back floor or occupied roof space) shall apply on the sites of the Goat Public House, Topaz garage and adjoining retail units and the former Victor Motors site. Height should graduate down to a maximum of two-storey along the site boundaries where they adjoin existing low-rise development'*.

12.5.18. Table 6.1 of the LAP sets out the height parameters for the site and states that heights will be 3 –storey benchmark (with possible setback floor or occupied roof space, and 2 storey at boundaries with existing residential development).

12.5.19. SPPR 3 of the Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 of the guidelines, then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise (I refer the Board to Section 12.3 'Material Contravention' for further consideration of this issue). In this regard the criteria under section 3.2 of the Building Height Guidelines, provide a relevant framework within which to assess the merits, or otherwise, of this proposed development.

12.5.20. Section 3.2 sets out detailed development management criteria, which incorporate a hierarchy of scales, (at the scale of the relevant city/town, at the scale of the district/neighbourhood/street; at the scale of the site/building, with reference also made to specific assessments required to be submitted with application for taller buildings. In relation to same I note the following.

City Scale

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

12.5.21. The first criterion relates to the accessibility of the site by public transport. I have set out a detailed assessment of same above, and I note that the site is relatively well served by public transport, namely by the Luas but does not have a high frequency bus service. However, it falls within the 1km corridor of a high frequency service and as such I would consider there is scope for increased height over and above the 3 storey limitation, or indeed above the 3 storey plus setback limitation, as set out in the LAP. I consider that the site complies with the above criteria.

Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.

12.5.22. A Townscape and Visual Impact Assessment (TVIA) has been submitted and I am satisfied the report has been prepared by a suitably qualified practitioner. The application is also accompanied by a Photomontage Document, which the Visual Impact Assessment makes reference to. In terms of townscape impacts, the TVIA concludes that there will be positive effects on the existing site as a result of the development, with moderate adverse effects on the site during construction phase. Impacts on the surrounding residential areas are not clearly stated and is not stated whether impacts will be positive, negative or neutral, and this is somewhat unsatisfactory. In relation to the Visual Impact Assessment, aside from adverse effects resulting from construction, no adverse effects (significant or otherwise) were found at operational stage. I do not necessarily concur with the conclusions of the TVIA, for the reasons set out in detail below.

12.5.23. A key consideration as set out in criteria in Section 3.2 is the character of the area in which the development is located and reference is made to impacts on architecturally sensitive areas, setting of key landmarks and protection of key views. In terms of the character and public realm of the area, the immediate character of the site is dominated by the existing road junctions, and the LAP acknowledges that the site lacks clear definition, partly as a result of the lack of built form defining the boundaries of the site, and is dominated by surface level car parking. The character of this site is also reflected in the adjacent neighbourhood centre site. Overall, the

existing public realm is poor from an urban design perspective, and the proposed redevelopment of the site which includes built form to the street, providing a defined streetscape, is welcomed by most parties, although the scale of development is strongly opposed by the Planning Authority and by observers on the application.

12.5.24. In relation to the prevailing height, the immediate area is dominated by single and two storey dwelling houses, although within the commercial site to the north-west of the application site, there is a three/four storey commercial building, that is somewhat visually prominent, partly as a result of the existing low rise nature of the surrounding development. While I am not of the view that the existing low rise character of the area should be replicated on this site (and current policy on heights acknowledges that this is an unsustainable form of development), there does need to be an appropriate transition in height, in my view.

12.5.25. In terms of heights, I note that the existing ground level is proposed to be reduced to facilitate the podium and basement levels. Building 1, located to the south/south-west of the site, steps up from 4 storeys stepping up to 6 then 7 storeys (6 storeys over podium level) one moves towards the centre of the site. I note that the floor plan drawing 'Building 01- First (Podium) and Second Floor Plans' refer to the lower level of units as a 'first floor/podium'. The building is effectively a maximum of 8 storeys in height (7 storeys over ground/undercroft level), with the appearance of a 7 storey building when viewed from surrounding properties. Building 2, located to the west of the site is partly five storeys, partly four storeys over undercroft level, with height increasing to 7 and 8 storeys as one moves towards the centre of the site. Building 3, when viewed from the Lower Kilmacud Road, is partly 4 storeys, partly 5 storeys in height, with the height stepping up to 6, 7 and 8 storeys as one moves towards the centre of the site. Building 4 incorporates the retained elements of the public house, and also includes the 22 bed hotel element and associated function room. The retained public house is 2 storeys in height and building 4 steps up from 5 storeys to 6 and 8 storeys in height as one moves towards the centre of the site. The crèche has utilised the existing structure on site and retains the single storey height. The overall height strategy then, is to step in the heights as one moves away from the boundaries with the 8 storey elements framing the public realm.

12.5.26. My view is that, despite the variation in height proposed, the development would be visually dominant from surrounding viewpoints, and is overscaled having regard to

the existing site context. This in part due to the location of the site on a prominent junction, and in part due to the height strategy pursued. In this regard, I am of the view that the potential of the site to facilitate heights such as that proposed here, is somewhat compromised by the retention of the existing two storey public house, as required by the LAP. In relation to same I note this is not a Protected Structure, nor does it appear on the NIAH register, and it is of little architectural merit and has been extended with somewhat unsympathetic additions in the past. It is however a well-known local landmark, and there is an element of cultural heritage value to its retention. That said the highest elements of the scheme would have preferably been provided on the northern part of the site, where the existing public house is located on the corner of Taney Road and Lower Kilmacud Road, with lower heights on other areas of the site. However, the retention of the pub has led to it being visually dominated by the surrounding built form, in particular by the higher 8 storey elements that sit behind it. The height strategy that has been pursued over the entire site has led to somewhat of a 'wedding-cake' effect with the resultant massing of the development increasing substantially within the site, presenting an abrupt transition in height, scale and massing, which pays insufficient regard to its immediate context, that of surrounding low rise development. In this regard, given its designation as a neighbourhood centre, and given the need to develop these sites efficiently, a development of scale and height that is greater than the surrounding development is, in principle, appropriate, and is supported by national policy and relevant Section 28 Guidelines. However, I do not consider that this has been successfully achieved in this instance. In particular, I refer the Board to Views 1 (Winter and Summer Proposed), 6 (Winter and Summer Proposed), 11, 12, 13, 14, and 15, which, to my mind, illustrate the visual dominance and inappropriate massing of the proposals, and they are also illustrative of the failure to find a balance between a higher density development which makes more efficient use of a key urban site, and one which has had sufficient regard to its context, as required by Building Height Guidelines.

12.5.27. I concur with views of observers that an insufficient number of viewpoints have been provided within the Photomontage Documents. I consider that a view should have been provided from Taney Grove, to the west of the site, on the opposite side of Taney Road, which would have provided a wider view of the proposed development, including a view of the higher eight storey elements. A view also should have been

provided from a point north of Drummartin Terrace, near the existing bus stop on the opposite side of the Lower Kilmacud Road. This viewpoint does not have the benefit of substantial tree screening, as does the viewpoint selected within the Photomontage Document (Viewpoint 3 refers) and as such the visual impact of the proposed is far greater when view from this point. The abrupt transition between the single storey dwellings on Drummartin Terrace and the proposed development would have been evident from this viewpoint with the 8 storey elements visually prominent in this view. There also appears to be some inaccuracies within the photomontage document. Existing and proposed views 18 do not correspond to the photo location map, and viewpoint 18 appears to be in fact taken from the location shown as viewpoint 19. Viewpoint 19 is in fact taken from opposite a laneway on Drummartin Terrace.

12.5.28. In relation to impacts on architecturally sensitive areas, on key landmarks and on key views, I note the Planning Authority have not raised concerns in relation to impacts on any specific ACA, Conservation Area or Protected Structures. However, the PA raise concern in relation to the visually discordant and incongruous composition of the two storey public house adjacent to the 6 and 8 storey elements of the proposed development. The public house is referred to in the LAP as a cultural landmark, and as such impacts on same are a consideration under the criteria as set out in Section 3.2 of the Building Height Guidelines. The PA and Observer submissions have stated that the Drummartin Cottages are being considered for inclusion as an Architectural Conservation Area (ACA), but I note that they are not designated as such at present. I am of the view, that if the public house is to be retained, by virtue of the requirements of the LAP, then impacts on same are relevant, and I concur with the view of the Planning Authority in relation to these impacts, in that the proposal visually dominates same.

12.5.29. Observers have also cited the topography of the site, and state the site is on a higher elevation than surrounding residential properties, increasing the visual prominence of same. The site does sit higher than some surrounding properties, namely those on Goatstown Road, to the north and north-west of the site, and I consider that this does indeed increase the visual prominence of the development when viewed from Goatstown Road (I refer the Board to Views 14 and 15), and is a further factor that mitigates against the height and design strategy pursued here, with the bulk and

massing of the proposal presenting a dominant and overbearing form of development when viewed from the Goatstown Road.

12.5.30. A further criteria set out in Section 3.2 of the Guidelines is the contribution of tall buildings to place-making and the introduction of new streets and public spaces. I am of the view that taller buildings can be supported on this site, but not necessarily as per the height strategy that is currently proposed under this application. Taller buildings than prevailing can provide legibility and increased heights can serve to define this site as a neighbourhood centre. However, this can be achieved in my view, with a height strategy that is appropriate to the site and its context.

12.5.31. In relation to the detailed design and materials proposed, the design statement sets out the approach to same. While the applicants have provided variations in the heights of the block, in order to break down the overall massing of the buildings, I do not consider it has been successful in this regards and the design strategy pursued in this instance has led to an inappropriate massing towards the centre of the site, resulting a visually dominant and overbearing development.

12.5.32. In terms of materials, brick is the primary façade material, with variations in brick detailing adding visual interest. Setback top floors are clad in a curtain walling system to provide a contrast to the lower floors. These facades will have a combination of clear glass and black painted glass panels. I have no objection to the materials proposed, and are of sufficient quality.

12.5.33. The role of taller developments in the creation of streets and public spaces is also a criteria at both the city and neighbourhood scales. The creation of streets and a civic space within this site is also a requirement of the LAP. In relation to same, the proposal creates a new street linking the Taney Road with the Lower Kilmacud Road. The street accessed from the Taney Road also functions as the civic space for the neighbourhood centre. In terms of the quality of the public realm, I note the Planning Authority consider that the civic space broadly meets the objectives of the Goatstown LAP, citing the dimensions of the main civic space (22m x 40m) and the favourable orientation of same, notwithstanding the concerns raised by the Parks Department in relation to same. I share the view of the Planning Authority in that the proposed public realm is generally in line with the objectives of the LAP, albeit in more informal layout rather than a defined civic space within the centre of the site.

The multi-functional use of the space, as a thoroughfare and as a sitting out area, help to create vibrancy and activity within the space.

- 12.5.34. In terms of contribution to the streetscape, including the provision of active frontages, I noted the concerns of the Planning Authority, and that of observer submissions, in relation to the lack of active frontage on Taney Road (See also discussion in Section 12.5 of this report). While I concur that animation is limited on the Taney Road, the retail unit and the public house do provide some animation. The frontage to the Lower Kilmacud Road, at ground floor level, provides activity in the form of the public house, two no. retail units and the crèche, and sufficient animation to the frontages of the site has been provided, in my view.
- 12.5.35. Internally, within the provided area of public open space, retail units, and the public house use, front onto this space and sufficient animation has been provided internally.
- 12.5.36. Criteria 3.2 sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of use and building dwelling typologies. I have considered in detail the mix of uses proposed, which also need to be considered in the context of the site's designation as a neighbourhood centre, in Section 12.4 above.
- 12.5.37. In terms of the mix of residential units provided, the proposal provides of a mix of 1 (89 no), 2 (202 no) and 3 (8 no) bed apartments units that positively contributes towards the dwelling mix for the area, and is in line with SPPR 1 of the Apartment Guidelines.
- 12.5.38. At the scale of the site/building, it is expected that the form, massing and height of the proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of light. 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.
- 12.5.39. I have set out my assessment of the internal amenity of the proposed units, as results to daylight and sunlight in Section 12.6 below, and I am satisfied that, on balance a sufficient standard of daylight and sunlight would be provided to the units, and where targets for daylight and sunlight have not been achieved, sufficient

alternative compensatory measures have been set out. I have considered the issue of overshadowing of proposed amenity spaces in Section 12.6. below. I have considered the issues of surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 12.7 below, and I am satisfied that there will be no significant adverse impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts.

12.5.40. In relation to specific assessments, the Guidelines require that such assessments may be required, and refer to an assessment of the micro-climatic effects of the proposed development. In relation to same, the applicants have submitted a wind study which addresses this requirement (see discussion of same in Section 12.6 below). In locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight -lines and /or collision. There is no evidence that the location is particularly sensitive location having regards to the potential for bird or bat flight lines and collision. Further it is unlikely that the proposed development would have a material impact on telecommunication channels and no party has raised this as an issue.

12.5.41. While I have considered the proposal within the framework of the Building Height Guidelines, proposals which are of increased densities are also expected to comply with the 12 no. criteria in the Urban Design Manual that accompanies the Sustainable Residential Development in Urban Areas (2009), In relation to same, having regard to the above, I am not of the opinion that the proposal would respond well to its context. Connections and permeability are discussed above and the proposal complies with this criteria. Inclusivity is considered in the design, including the provision of a range of apartment types providing for different households. A variety of active spaces are provided including the play areas and the internal amenity spaces. The proposal makes efficient use of land, as discussed above. Having regard to the limitations in relation to the layout, as a result of the need to retain the public house, I am generally satisfied in relation to the layout and the public realm provision. The proposal meets and exceed apartment standards and provides for a mix of users and I am satisfied in relation to the level of daylight provided to the units and in relation to the overall standard of accommodation for end users (see relevant discussion below). In terms of the parking proposed, I have

considered this issue in Section 12.8 below and I have considered the issue of detailed design above, within this section of the report, and I have concluded that the proposals does not achieve an appropriate form of development for the site, as a result of the height strategy pursued.

12.5.42. In relation to the potential for a condition to reduce the overall height, I note that, while the Planning Authority have recommended refusal, the suggested conditions in the event of a grant includes a condition requiring the omission of the 2nd and 3rd floors of all the proposed blocks within the scheme, reducing the height across the entire development by 2 no. stories. I do not think this height reduction is necessarily appropriate, as it would result in what is effectively 2 no. two storey blocks near to the south-west boundaries of the site, which is not necessary either in design terms, nor to protect amenity. I am of the view that the height strategy for site needs to be revisited in its entirety, which is over and above the scope of a condition in my view. If the Board were of the mind to condition a reduction in height, and not require a revised strategy for the site, a reduction of the height towards the centre of the site is suggested.

Conclusion

12.5.43. The proposed development is located on visually prominent site, with single and two-storey domestic dwellings forming the immediate context of same. It is considered that the proposed design and height strategy, as it relates to the height and massing of apartment buildings 1, 2, 3 and 4, would result in a visually dominant and overbearing form of development which does not provide the optimal design solution for the site, having regard to the site's locational context and would, therefore, be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018. At the scale of the town, the applicant has not satisfactorily demonstrated that the proposed development would successfully integrate into the existing character of the area, having regard to the height strategy pursued and given the visual prominence of the site, which is partly due to the topography of the site and of the surrounding area, and partly due to its location at a key junction. At the scale of the neighbourhood and street proposal also fails to integrate into the wider urban area within which the development is situated. The proposal would, therefore, be contrary to the Urban Development and Building

Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, and would be therefore contrary to the proper planning and sustainable development of the area.

12.6. Residential Amenities/Residential Standards

- 12.6.1. The submission from the Planning Authority sets out concerns in relation to the assessment of daylight and sunlight levels to the proposed units and the Planning Authority's Recommended Reason for Refusal No. 3 relates to same. A number of the submitted observations raise the same concern. Observers also raise concerns in relation to the number of single aspect north facing units and in relation to the public realm. The lack of three bed units is highlighted and it is stated that the proposal will not appeal to families.

Daylight and Sunlight to the proposed units

- 12.6.2. The applicants have submitted an 'Internal Daylight, Sunlight and Overshadowing Report'. This considers the daylight and sunlight amenity within the dwellings of the proposed development as well as the sunlight availability for the outdoor amenity spaces. Section 1.2.5 states that the report is based on the following standards:
- Building Research Establishment (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011" ("the BRE guide")
 - BS8206 – Part 2: 2008 Code of Practice for Daylighting
- 12.6.3. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance standards remain those referenced in the Urban Development & Building Heights Guidelines i.e. those referred to above.
- 12.6.4. Section 1.6 of the BRE 209 Guidelines states that the advice given within the document is not mandatory and the aim of the guidelines is to help, rather than constrain the designer. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibility since natural lighting is only one of many factors in site layout design, with factors such as views, privacy,

security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers).

Daylight

- 12.6.5. In relation to The BRE 209 guidance, with reference to BS8206 – Part 2, sets out minimum values for ADF that should be achieved and these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylight living room. This BRE 209 guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout, although the submitted report references a 2% target, stating that ‘where a room is multi-functional, for example a Living Kitchen Dining Room (LKD), then the higher level of 2% should be achieved’, making reference to BS8206 – Part 2: 2008 Code of Practice for Daylighting.
- 12.6.6. It is further stated that this is difficult to achieve with modern apartment design typically comprising a large open plan space with the kitchen area placed at the rear of the room.
- 12.6.7. The proposed units contain combined kitchen/living/dining layouts, and no completely internal kitchens are proposed. The report sets out that circulation spaces and the rear wall where banks of kitchen units are located have been omitted from the LKD assessment. This is illustrated diagrammatically in Section 1.3.7 of the report. To my mind, this approach effectively excludes the kitchens from analysis, as the area being assessed is the living/dining area. Section 1.5.3 sets out a summary of the results, and it is stated that within the 4 no, residential blocks, a total of 815 rooms were analysed, with 740 of these rooms meeting BRE Standards. This is a total of 91% of rooms analysed. Specifically in relation to the 299 open plan LKDs, it is stated that 155 of these will achieve over 2% ADF while 85 will achieve between 1.5 and 1.99% ADF (240 in total). In considering these results, I am aware that the report has effectively excluded the kitchen area from the analysis, and essentially has carried out an analysis on the living/dining element. However I am cognisant 155 of the living/dining elements have achieved an ADF of 2% (51.8% of such rooms)

which indicates that the kitchen will also achieve good daylight levels. A further 85 will achieve at least an ADF of between 1.5% and 1.99% (28.4%) of such rooms, indicating that the standard for living rooms has been met, and given the kitchen is linked to same, the daylight levels to the kitchen will be sufficient. Of the living/dining areas that fall below an ADF value of 1.5% (the report indicates that 59 such rooms achieve between 0.47% and 1.48% or 19.7% of such rooms), these are located on the lower floors, with balconies above some of these windows. I note also that as well as the factors referred to above, some of the rooms that achieve a relatively low ADF are also facing towards other blocks on the site, which will serve to limit the level of daylight achieved to these rooms.

- 12.6.8. A No Sky Line (NSL) analysis was also undertaken which considers how well daylight will be distributed within the proposed dwellings, and the results of same are set out in Section 1.5.8 of the report. The no sky line divides points on the working plane which can and cannot see the sky. Section 2.2.8 of the BRE 209 guidance states that if a significant area of the working plane (normally more than 20%) lies beyond the no sky line (i.e. it receives no direct sunlight) then the distribution of daylight in the room will look poor and supplementary electric lighting will be required. Of the 815 rooms analysed, 699 meet BRE targets for NSL, a total of 86%. The report concludes that this demonstrates the majority of the habitable rooms will have daylight distributed well across their area. Of the L/K/Ds 251 of the 299 will meet their target values and receive daylight to at least 80% of their floor area. Of the 166 rooms that fall short of the BRE numerical values, 68 are bedrooms, and the report references paragraph 2.1.13 of the BRE Guidelines which state that bedrooms do not need as much daylight as living rooms and kitchens.

Sunlight

- 12.6.9. The report also considers internal sunlight levels to the proposed units, and a summary of results is set out in Section 1.5.17 of the report. This assesses all room types within the proposed units which have a main window facing within 90 degrees of due south. Section 3.1.10 of the BRE 209 Guidance sets out that for interiors where the occupants expect sunlight, these should receive at least one quarter (25%) of annual probable sunlight hours (APSH) including in the winter months between 21 September and 21 March at least 5% of APSH. The results set out that of the 441 rooms analysed, 302 meet BRE standards, a total of 68%. Of the 183

LKD areas analysed, 93 will meet the BRE numerical targets. It is stated that of the 90 LKDs which fall short, 41 will achieve over 20% APSH annually which will provide reasonable levels of sunlight. It is further stated that 34 of these rooms will comfortably achieve the winter values with results between 5% and 17% winter APSH. 7 no. rooms achieve between 2% and 4% winter APSH, and between 20% and 36% annual APSH. It is concluded that these 41 LKDs will receive reasonable sunlight levels throughout the year. 19 of the remaining 49 LKDs achieve annual APSH results between 1% and 15% and winter APSH results between 3% and 13%. 28 of the 49 LKD's achieve between 8% and 12% PSH, with winter values between 0% and 12%. The remaining two rooms achieve between 2% and 3% PSH and winter PSH. Of the 259 bedrooms assessed for sunlight, 49 bedrooms fall short of the sunlight criteria however. However I am satisfied that for the majority of those bedrooms that do fall short, the shortfalls are not significant, with 24 of these rooms, achieving between 25% and 43% annual APSH, 12 achieving between 20% and 24% APSH, and the remaining 13 rooms achieve between 8% and 18% APSH. I note that for some rooms on the lower levels, winter values also range between are at 0%, but I have calculated only 6 instances where this occurs out of a total of 259 bedrooms (2.4%).

12.6.10. In relation to the results for daylight (ADF and No Sky Line), and for sunlight (APSH), I am satisfied that where shortfalls have been identified, they are not significant in number or magnitude, and are generally limited to those units on the lower floors, or which have balconies or opposing blocks that partially obstruct daylight/sunlight provision. In this regard, it is of note that the submitted report states that, even if the proposed development were only 3 to four storeys in height, it is expected that the lowest floors would achieve similar results due to the balconies above their windows and by virtue of facing other blocks within the scheme. As such it is not the overall height that is resulting in any shortfalls in achieving target levels, it is the nature of such higher density apartment blocks.

12.6.11. I note that Criteria 3.2 of the Building Height Guidelines states that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a

proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

12.6.12. As noted, the report submitted indicates that there are some shortfalls in daylight provision, on the lower floors in particular. The full extent of these shortfalls are made clear within the Daylight and Sunlight report. While the report does not consider the kitchen areas, justification is set out for this, and a 2% ADF target value has been applied to the area that has been considered, which is the majority of the space within the living/kitchen/dining areas. BRE recommendations are that kitchens are attached to well day-lit living areas, and for the majority of units here, this is the case. Where shortfalls are identified reasons are set out for same, including that the units in question are on a lower floor, that balconies are obstructing levels of daylight or due to the proximity of the opposing blocks. I am satisfied that all of these reasons are reasonable, and given the need to development sites such as these at an appropriate density, full compliance with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same.

12.6.13. In terms of compensatory design solutions, I note the favourable orientation of the majority of the units, with most having a westerly, southerly or easterly aspect. In addition, the proposal provides a generous provision of communal amenity space, over and above the minimum requirement (see below), which will achieve good levels of sunlight due to its favourable orientation. There are no single aspect north facing apartments, with the majority of the units being dual aspect (53.1%). Each of the units has either a ground floor terrace or a balcony space that meets or exceeds the minimum requirements. Internal residential amenity spaces totalling 251 sq. m in area have also been provided. The provision of the public realm is also of benefit to the amenity of the proposed residential units. The proposal also contributes to wider planning aims such as the delivery of housing and regeneration of an underutilised site.

12.6.14. Having regard to above, on balance, I consider the overall the level of residential amenity is acceptable, having regard to internal daylight and sunlight provision and having regard to the overall levels of compliance with BRE Targets, to the

compensatory design solutions provided, and having regard to wider planning aims. As such, in relation to daylight and sunlight provision for the proposed units, the proposal complies with the criteria as set out under Section 3.2 of the Building Height Guidelines, and provides a satisfactory level of amenity for future occupiers.

Communal Open Space/Public Open Space

- 12.6.15. The BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. Section 1.5.25 of the Internal Daylight, Sunlight and Overshadowing Analysis sets out that all of the proposed amenity areas achieve or exceed BRE Targets.
- 12.6.16. In terms of the quantum of open space provided, the proposal provides for a total of 1,798.5 sq. m. of public open space. The Planning Authority have stated that the quantity of communal open space is considered acceptable albeit with the quality somewhat compromised by being provided almost entirely above a podium.
- 12.6.17. Having regard to the standards set out in Appendix 1 of the Design Standards for New Apartments (updated December 2020), the overall communal space provision required is 1,913 sq. m. The proposal provides for a total of 5,072 sq. m. of communal open space at podium level (33% of the site area). This is directly accessible from Buildings 1, 2 and 3. However, occupants of Building 4 will need to cross the area of public open space to access same. While this is not ideal, I do not consider it is fundamental deficiency, having regard to the need to develop the site at an appropriate density, and to meet the requirements of the LAP in relation to the public realm provision. I have also have had regard to the significant provision of communal open space, over and above the minimum required by the Apartment Guidelines. I do not consider its location at podium level would necessarily impinge on the quality of the communal open space, and I consider that the supporting documentation in relation to same provide sufficient reassurance in relation to the viability of the landscaping proposed.
- 12.6.18. I note that Section 8.2.2 of the Development Plan sets out a requirement for public/communal open space of 15 sq.m to 20 sq. m. per person, with a default minimum of 10% of the overall site area. Setting the 15 sq. to 20 sq.m standard, the communal/public open space required would be between 6,967.5 to 9,290 sq. m..

The public open space provided as part of this application, in the form of the civic space, is 1,798 sq. m (11.7% of the site area). I have discussed the quality of same in Section 12.5 above. As such the total communal/public open space provided is 6,870 sq. m, which is slightly below the 6,967.5 sq. m referred to above. However this shortfall is not material in my view, and in any event, a provision well above the minimum of 10% of the site area has been provided (44.7%). I do not consider a special contribution towards the provision of public open space, as suggested by the Planning Authority, is justified in this instance.

12.6.19. In conclusion, the quantum of the communal open space is in line with the requirements of the Design Standards for New Apartments (updated December 2020) and the quantum of communal/public open space provided is well in excess of the minimum of 10% of the site area as required by Section 8.2.2 of the Development Plan. I am satisfied also with the overall quality of communal and public open space provided.

Wind/Microclimate

12.6.20. A Wind Microclimate Assessment was submitted with the application. These documents concludes that the majority of the pedestrian spaces within and adjacent to the development will be suitable for their intended purposes. It is noted within the document that wind speeds at the petrol station and the retail unit opposite on Taney Road, there are some wind impacts, resulting in this area being suitable for 'strolling' rather than 'standing'. While I note that mitigation measures are recommended in relation to same, including additional tree planting. I am of the view that such measures are not necessary, given the limited impacts on wind speeds on Taney Road, and the nature of the retail/petrol station space, which is not generally utilised as an amenity space.

Private Open Space

12.6.21. All private amenity spaces in the development comply with or exceed the minimum required floor areas for private amenity spaces, as set out in Appendix 1 of the Apartment Guidelines. Private open spaces are provided in the form of balconies or ground floor terrace areas.

Dual Aspect

12.6.22. I note Specific Planning Policy Requirement 4 (SPPR4) of the aforementioned Apartment Guidelines, which state that:

'In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply

(i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.

(ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

(iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha , planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects'.

12.6.23. It is stated within the Housing Quality Assessment that the number of dual aspect units is 186 no. units, which equates to 62.2%. It is stated that there are no north facing single aspect units. I note that there are a number of apartment types that are stated as being dual aspect, whereas this is achieved only by way of a bay window on the floorplan and I do not consider that these are in fact dual aspect. I have calculated that there are 27 of these units in total (13 within Building 1 and 14 within Building 3). From an analysis of the floorplans, I am satisfied that the remaining dual aspect units can be considered as such. As such I am of the view that 159 of the units are dual aspect, which equates to 53.1%. I am also of the opinion that given the locational context of the site, the site falls within the category of an 'intermediate site', which has a requirement for a minimum of 50% dual aspect. The minimum requirement has been therefore achieved in this instance.

Mix

12.6.24. The Subject Proposal includes 89 No. 1-bed units, accounting for some 30% of the proposed units. The 202 no. 2-bed units account for 68% of the proposed units. No studio-type units are proposed. 8 no. 3-bed units are proposed. I note the provisions of SPPR 1 of the Apartment Guidelines (2018) which state that Apartment

developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

12.6.25. I consider the mix to be acceptable in this instance and is compliant with SPPR 1 of the Apartment Guidelines.

Floor Area

12.6.26. The apartments are designed to exceed minimum standards with the 59.9% of units sized to be at least 10% larger than the minimum space standards. Of the 1,005 No. residential units proposed, 588 No. (58%) exceed the minimum floor area standard by a minimum of 10%. As such the proposal is in compliance with SPPR 3 of the Apartment Guidelines, which sets out the minimum floor area standards for apartment unit and the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.

Floor to Ceiling Heights

12.6.27. The Apartment Guidelines set a minimum floor to ceiling height of 2.4m with ground floor units required to have a minimum of 2.7m floor to ceiling height. The upper level units in this proposed have a 2.6m floor to ceiling height. There are no ground floor residential units but the residential amenity areas and the retail unit have a floor to ceiling height of at least 2.7m.

Apartments Per Core

12.6.28. SPPR 6 of the Apartment Guidelines sets out that a maximum of 12 apartments per floor per core may be provided in apartment schemes. The 4 no. residential buildings have between 5 and 11 units per core. As such I am satisfied that the proposal is in compliance with SPP6.

Internal Storage

12.6.29. The storage areas are provided entirely with the apartment units and either meet or exceeds standards for same.

Noise

- 12.6.30. In relation to noise, a Noise Impact Assessment has been submitted, which references industry standard guidance including 'The Professional Guidance on Planning & Noise (ProPG), May 2017', 'BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings' and 'BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound'. This considers *inter alia* potential noise impacts on the proposed residential units from the surrounding roads. In relation to the baseline traffic noise levels. It is of note that the weekday road traffic noise levels were corrected by up to +1.2 dB, and that weekend road traffic noise levels were corrected by up to +2 dB to account for the lower than typical traffic flows, as a result of Covid 19 restrictions, with 2019 TII Traffic Survey Data utilised to determine an appropriate correction.
- 12.6.31. In relation to internal noise levels, due to the presence of the road junction close to the site, mitigation measures are required for those habitable rooms most exposed to the traffic noise, including acoustically rated ventilators and glazing that achieves a minimum sound insulation performance. The implementation of these measures will ensure that good or reasonable internal noise levels will be achieved within the units, albeit with the windows closed in some of the units. In relation to same, I note that the majority of units have achieved good to reasonable noise levels with the windows partially open.
- 12.6.32. In relation to noise levels at the external amenity spaces, such as the private balconies and the communal space, those balconies facing towards the surrounding roads will have noise levels above the recommended noise levels, as set out in the report. However, there will have access the communal amenity space which will have noise levels within the recommended levels, as set out in the report
- 12.6.33. Having regard to the conclusions of the report, I am satisfied that noise impacts from the surrounding road network will not be excessive, with the mitigation measures in place.

12.7. Surrounding Residential Amenity

- 12.7.1. The nearest residential dwellings are located to the south-west of the site at Birchfield Lawn, to the south of the site at Drummartin Terrace and to the west of the site, on the opposite side of Taney Road. There are also residential properties to the north of the site and north-west of the site along Goatstown Road, as well a

standalone dwelling to the east of the site, directly across the Lower Kilmacud Road. There are significant numbers of residential dwellings in the wider area, within the surrounding housing estates.

- 12.7.2. The submission of the Planning Authority state that the separation between the proposed development and adjoining properties on Drummartin Terrace and Birchfield Lawn is considered acceptable, having regards to privacy and overlooking. It is stated that impacts on surrounding sunlight and daylight are not considered to be significant. However the Planning Authority contends that the proposal would appear visually obtrusive and overbearing when viewed from surrounding properties.
- 12.7.3. Observer submissions have also raised concerns in relation to impacts on daylight, sunlight and overshadowing. It is stated that the proposal will result in overlooking, overshadowing and will be overbearing with adverse visual impacts. It is further stated that the proposed trees to provide screening to Birchfield Lawn will take a number of years to grow to the size indicated in the visualisations and the viability of same is questioned, given their location adjacent to an underground car park. It is also contended that the glazed balconies will be insufficient to overcome amenity impacts, as relate to overlooking. It is further stated that there will be significant impacts at construction stage as a result of vibration and noise associated with the proposed rock breaking on site, and cite potential damage to properties. Noise impacts from the hotel function room, from the proposed vehicular access point and from the proposed play areas is also cited as a concern, Light pollution is also raised as a concern. Elected Members have also raised concerns in relation to impacts on surrounding residential amenity.

Daylight and Sunlight

- 12.7.4. I note that the criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines.

Daylight

- 12.7.5. Paragraph 2.2.7 of the BRE Guidance (Site Layout Planning for Daylight and Sunlight - 2011) notes that, for existing windows, if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this would be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight.
- 12.7.6. The applicant has submitted an External Daylight, Sunlight and Overshadowing report. This considers the impacts on daylight to existing adjacent buildings, in terms of Vertical Sky Component (VSC) and considers impacts on sunlight, in terms of APSH, as well as overshadowing impacts. Section 2.4 of the report states that it is based on the following standards:
- Building Research Establishment (BRE) Report 209 "Site Layout Planning for Daylight and Sunlight – a guide to good practice, 2nd Edition, 2011" ("the BRE guide")
- BS8206 – Part 2: 2008 Code of Practice for Daylighting
- 12.7.7. As per Section 12.6 above, I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment.
- 12.7.8. The table in Section 2.3.2 of the report sets out the properties that were assessed and I am satisfied that all relevant properties have been considered. It is noted that a site inspection was also undertaken on 28th August 2020 and for the majority of surrounding properties, the report states that it was possible to view internal floor plans/layouts which were available from the planning portal or from estate agents websites. Where this information was not available, reasonable assumptions were made, based on those properties where layout information was available. It is further stated that the impact of the crèche was not considered in the original assessment of impacts, but it is stated that given the crèche is low rise, and sits below the level of the mezzanine, it is unlikely to cause material effects to the surrounding properties in terms of daylight and sunlight availability.

12.7.9. Section 1.3 summarises the impacts on surrounding properties and Section 3 of the report considers in detail the nature of any impacts. Of the 196 windows assessed for Vertical Sky Component, 185 (94%) will meet the target values as set out in the BRE Guidelines. 10 windows fall marginally short by achieving VSC levels between 0.70 and 0.79 times their former value (BRE target is 0.80 times its former value) and it is stated that these windows will only experience minor changes in daylight levels. One window, at No. 104 Taney Road, achieves a VSC 0.45 times its former value. This window is one of 5 windows (including 3 sky lights) which serve one ground floor room (a living room). The remaining 4 windows to the room are unaffected by the proposed development and achieve VSC values in excess of the 27% target (between 36% and 58%). The report concludes the impact on this property is not considered to be material. The submission from the occupiers of 104 Taney Road states that there is only one skylight serving room (and from an examination of an aerial view of this property, this is the case) and the occupiers of this property state that the impact on daylight and sunlight will be severe. In relation to same, the report does contain an error in reporting impacts on this room, in that the skylights (Windows W3 and W5) do not exist. However I am not of the view that this is fundamental. There will be impacts on daylight to this living room, due to the proximity of No. 104 to the site. The existing VSC to this living room is poor, possibly as a result of the overhang of the existing front extension to the dwelling. However, the daylight levels to the room, notwithstanding that they are relatively low, are helped to a degree by the existing open nature of the application site opposite, and I am of the view that any development of scale, that makes a more efficient use of the site, may have some impact on daylight levels to this window. The room in question is also served by at one skylight and a window to the rear of the property which will meet BRE targets. I note that a further window to this property (W7) does not achieve BRE targets but the shortfall is minor (0.76 – the BRE Target is 0.80). Other windows to the property, at ground and first floor levels meet BRE Targets.

12.7.10. The report also considers impacts on daylight distribution within the rooms of surrounding properties, utilising the 'No Sky Line/Daylight Distribution Method' and it is stated that of the 116 rooms analysed, 112 will meet BRE Target Values for daylight (97% of rooms analysed). Of the rooms that do not meet the target, it is reported that 3 of the rooms retain between 0.7 and 0.78 times their former daylight

values (BRE Target is 0.8 times) and it is concluded that the rooms will only experience a small change and will retain good levels of daylight distribution. The remaining room still retains daylight distribution to at least 50% of the room area.

12.7.11. I note that the skylights reported at No. 104 Taney Road (W3 and W5 – serving Room R1) are not in fact in place and the results of the omission of these skylights on the calculations of daylight distribution for this particular room (R1) is therefore unknown. However, as noted above the room is served by two windows (to the front and rear) and a skylight, of which the rear and skylight remain for the most part unaffected by the development (in terms of VSC). The remainder of the rooms of this property achieve BRE Targets for daylight distribution.

12.7.12. In relation to the conclusions of the report, in terms of impacts on daylight, I generally concur with same, although I acknowledge the error within the document as relates to No. 104 Taney Road. I am of the view that where shortfalls in meeting BRE targets have been identified, the quantum of windows affected is relatively small, with 94 % of windows meeting BRE targets for VSC, and the remainder of the windows not meeting VSC targets, save for window W1 at 104 Taney Road, the shortfalls are minor (0.70 and 0.79 times their former value). I have considered the impact on No. 104 Taney Road above and in relation to same I am of the opinion that impacts on same are, on balance acceptable, having regard the minimal impacts on the remaining windows of this property, to the existing open nature of the site and the need to deliver wider planning aims, including the delivery of housing and the regeneration of an underutilised urban site.

Sunlight

12.7.13. The impact on sunlight to neighbouring windows is generally assessed by way of assessing the effect of the development on Annual Probable Sunlight Hours (APSH). The BRE Guidelines suggest that windows with an orientation within 90 degrees of due south should be assessed.

12.7.14. In terms of sunlight, it is stated that habitable rooms which face within 90 degrees of due south were selected for analysis. Of the 50 no. windows assessed, 49 (98%) will meet the BRE Targets, with 1 no. window falling marginally short, with a value of 0.73 times its former value (at 106 Taney Road). It is stated in the report that the residual level of sunlight is reasonable, with 40% of available annual sunlight hours

being retained (BRE target is 25%)., with the winter levels falling below the BRE target value, retaining 3% against a target of 5%. The window in question serves a study. I note the remaining windows of this property achieve BRE Targets as relates to sunlight. As per the discussion of daylight impacts above, I note that the skylights reported at No. 104 Taney Road (W3 and W5 – serving Room R1) are not in fact in place and the results of the omission of these skylights on the calculations of APSH for this particular room (R1) is therefore unknown. However, as noted above the room is served by two windows (to the front and rear) and a skylight, of which the rear and skylight remain for the most part unaffected by the development (in terms of VSC). The remainder of the rooms of this property achieve BRE Targets for sunlight. In relation to the conclusions of the report, as relates to sunlight I am satisfied that impacts of the development on sunlight levels to surrounding property will be minor, and are on balance, acceptable.

Shadow Analysis

12.7.15. In relation to overshadowing, the BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21st March. Of the 30 amenity areas assessed, all 30 will meet the BRE target values for direct sunlight on March 21 (100% will meet the targets) and will not be overshadowed by the proposed development. The report states that trees and fences over 1.5m in height have been included within the assessment. Section 3.3.9 of BRE 209 states that where a dense belt or group of trees is planned as a windbreak or for privacy purposes, then it is better to include their shadow in the calculation of the shaded area. I note the existence of the dense group of trees on the south-eastern boundary of the site. As such the inclusion of trees in the shadow assessment is reasonable in my view. Section 3.3.13 of the BRE Guidelines states that where a large building is proposed which may affect a number of gardens, it is often illustrative to plot a shadow diagram showing the location of shadows at different times of day and year. It is not stated that is a mandatory requirement however. While a supporting Shadow Study is not included within the external daylight, sunlight and overshadowing report (although reference is made to same as being included within Appendix F – this is not the case), I do not consider that this is a fundamental omission, having regard to the requirements of BRE 209. I have had regard to the results of the analysis as set out in Appendix F ‘Overshadowing Study’

of the report, and I am satisfied that all affected garden areas have been considered. I have also had regard to the orientation of the proposed development relative to these surrounding gardens, and note that the proposed development generally lies to the north-east and north-west of same, with sunlight from a westerly and southerly direction unaffected. I have also had regard to the setbacks of the proposed development from the boundaries of the site, which will further mitigate against loss of sunlight.

12.7.16. In conclusion, and having regard to impacts to daylight and sunlight levels to surrounding properties, and overshadowing of same, I am satisfied that external daylight, sunlight and overshadowing report has identified the vast majority of potential impacts, notwithstanding the error as relates to No. 104 Taney Road, I am satisfied that the majority of properties will experience impacts that are in line with BRE Targets. Where shortfalls have been identified these are for the most part minor in nature and will not materially impact daylight or sunlight levels to the properties in question. In relation to the one room where a shortfall of significance has been identified, the living room of 104 Taney Road, I have considered the significance of same above, and while I acknowledge there will be an impact on daylight levels to this particular room, and possibly on sunlight levels, the overall impact is on balance acceptable having regard to the detailed discussion above. I am satisfied that impacts on surrounding amenity spaces will also be acceptable, having regard to the considerations above.

Overlooking/Loss of Privacy/Visual Impact

12.7.17. The majority of observer submissions state that the proposed development would lead to overlooking and loss of privacy, having regard to the height and proximity to the boundaries. The inclusion of screened balconies within the development is cited as evidence of same.

12.7.18. In relation to those properties at Birchfield Lawn, to the south-western boundary of the site, I note the height of the proposal steps down to four storeys over basement level. The buildings are a distance of between 14.3 and 19.3m from the boundary. There is a distance of between 24.6m and 29.6m to the first floor windows of properties on Birchfield Lawn. It is stated that semi-mature trees of between 6-9m high are to be planted on this boundary. There are balconies facing towards the

properties on Birchfield Lawn and it is stated that these will have 1.6m high translucent screens at third floor level.

12.7.19. In relation to those properties on Drummartin Terrace, the closest built form is 28.2m from these properties (to No. 40 Drummartin Terrace) with setback distances to other properties exceeding this. There are only a limited number of windows on the south elevation of the four storey element of Building 1, closest to the site. There is significant screening provided also by way of the large Monterey Cypress trees on this boundary. In relation to those properties opposite the site on Taney Road, the closest built form is 33.2m from these properties.

12.7.20. I note the separation distance to all surrounding proposed here exceeds the 22m separation distance between opposing first floor windows cited in Section 8.2.8.4(ii) of the Dun Laoghaire Rathdown Development Plan. I am satisfied there is sufficient setbacks proposed in order to overcome any material loss of privacy. In addition to the separation distance, the proposed semi-mature planting to the boundary with Birchfield Lawn would provide further screening. I consider that the translucent balconies will have a limited impact in relation to maintaining privacy, given that if one was standing on the balcony, it would fail to provide any screening. However as noted above the separation distance from these balconies is sufficient to overcome any material impact as relates to overlooking.

12.7.21. In relation to other properties, I am of the view that all other properties not referred to above are sufficiently set back from the proposed development to ensure that no material impact from overlooking results.

12.7.22. In relation to visual impact, I have discussed this in detail in relation to views from the street, and the resultant visual impact of same, in Section 12.5 above. In relation to views from adjacent properties, I consider that the existing tree line on the south-western boundary provides a substantial level of screening to the development, when viewed from the single storey dwellings on Drummartin Lane. In relation to those properties on Birchfield Lawn, I note that the applicant has sought to reduce the height of the proposal close to the boundaries of these properties, with the highest element of the proposal set back a considerable degree from the rear boundaries and rear windows of Birchfield Lawn. As such I am not of the opinion that the proposal be so overbearing, specifically when viewed from Birchfield Lawn, so as

to seriously injure the visual amenities of these properties. In relation to those properties on Taney Road, which face towards the site the height of proposed Building 2 drops to 5 storeys directly opposite these properties and I do not consider that the proposal would have an adverse impact on the visual amenities of same.

Noise/Vibration

12.7.23. In relation to noise and vibration, a Noise Impact Assessment has been submitted, which references industry standard guidance including 'The Professional Guidance on Planning & Noise (ProPG), May 2017', 'BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings' and 'BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound'. This report considers *inter alia*, appropriate levels of plant noise from the proposed development. There is limited discussion of the type of plant noise source expected, and no discussion of predicated or potential noise impacts from the excavation process, including the required rock breaking on site. However, the submitted Outline Construction Methodology and Phasing Management Plan considers Noise & Vibration (Section 5.7 refers). It is stated that noise will be generated from excavation works, from delivery vehicles and from concreting operations. It is stated that noise hoarding will be erected around noisy equipment or activities where necessary, and a noise and vibration control management plan shall be prepared and submitted to Dun Laoghaire-Rathdown County Council for approval. Appendix C of this document sets out detailed measures relating to the control of noise and vibration. Measures include the provision of at least 8 no. noise monitoring stations to be operation on the site at any one time in order to ensure appropriate noise levels are not significantly exceeded. Provision is also made for the drawing of an Environmental Operating Plan which will *inter alia* define the locations of noise and vibration monitoring equipment and provide for appropriate acoustic barriers where required, as well as limiting hours of noise generating works in proximity to dwellings. Specifically in relation to vibration, Appendix C Section 2 of the Outline Construction Methodology and Phasing Management Plan sets out mitigation measures to control and monitor same, including but not limited to, the use of digital seismographs to ensure compliance with appropriate vibration limits.

12.7.24. In conclusion then, subject to condition requiring the mitigation measures as set out in the Outline Construction Methodology and Phasing Management Plan to be

implemented, I am satisfied that noise and vibration impacts, at construction stage, on surrounding residential properties can be reduced to acceptable levels.

12.7.25. In relation to the operational stage of the proposed development, within the Noise Impact Assessment, there is no discussion of noise impacts on surrounding residential receptors at operational stage. In relation to the proposed residential element, I do not consider that noise impacts from same would be over and above that expected from a residential development, and would be similar to noise levels generated in surrounding residential estates. In relation to the specific points raised by observers, I note a play area is proposed close to the boundary of the site, and several submissions have cited potential noise impacts from same. However, I do not consider a play area of the size proposed in this development would generate excessive levels of noise, and any noise that is generated would be during daytime hours. In relation to the function room element of the hotel, I consider that this element is sufficiently set back from surrounding developments so as to ensure that there will be little noise impacts from same. Furthermore, the operation of same is expected to comply with relevant legislation, as relates to noise pollution, which is enforced by the local authority. I am satisfied that noise impacts from the operational stage of the development would not be significant and there would be no loss of amenity from same.

12.8. Traffic and Transportation

12.8.1. In relation to traffic and transport issues, I have had regard to the Transport Impact Assessment Report (TIA) (dated February 2021), the DMURS Compliance Statement and Quality Audit (dated 1st February 2021), the Mobility Management Plan (dated February 2021), the Operational Waste Management Plan (dated 09 February 2021) and the Outline Construction Methodology and Phasing Management Plan (dated February 2021). I have also had regard to the submission from the Planning Authority, from Prescribed Bodies as well as observer submissions.

12.8.2. The Planning Authority submission, in relation to Transport Issues, refer to insufficient width of the public realm at the junction of Taney Road and Lower Kilmacud Road/Drummartin Road and state that it is not consistent with DMURS. It is further stated that an adequate level of car parking has been provided and that 45

no. spaces would be required for the proposed retail uses according to the Development Plan. It is stated that there would be an overprovision of car parking for the extended pub and that a revised car parking proposal that accords with Development Plan standards should be required by way of condition, should permission be granted. The quantum and location of cycle parking is a concern and additional spaces are required.

- 12.8.3. Observer submissions state the proposal will result in adverse impacts on the surrounding road network and state that it will add pressure to the already over capacity public transport system. The limited bus services in the area are noted. Concerns are raised in relation to the loading bay on Taney Road. In relation to car parking, some observers have stated that there is insufficient car parking, and the proposal will lead to overspill parking on surrounding estates. Others have stated that there is an overprovision of car parking, and is not justified and will lead to a reliance on private car, contrary to the justification for high density proposals. It is further stated the proposal will lead to a road safety hazard and the lack of safe cycle routes in the area is noted. Deficiencies in the TIA are highlighted, included the date of the survey (carried out two years previously, only on one day and when UCD term time was finished, lack of cumulative assessment). Reference is made to a previous refusal on the site which cited road safety concerns. The impact of construction traffic is also raised as an issue. Elected Members have cited concerns in relation to transport impacts and have stated that there is an overprovision of car parking.

Road and Public Transport Proposals

- 12.8.4. Road proposals of note include the 'Strategic Road Reservation' for the Eastern Bypass, which is located to the east of the site, on the opposite side of the Lower Kilmacud Road/Drummartin Road. A Quality Bus Corridor is on Development Plan Map 1 running along Lower Kilmacud Road/Drummartin Road and Taney Road.

Public Transport

- 12.8.5. The site is 1.0km from Balally Luas Stop (a 13 minute walk) and 1.2km from the Dundrum Luas Stop and the Kilmacud Luas Stop (a 15 minute walk).
- 12.8.6. In terms of bus services, the site is serviced by the No. 175 and the No. 11. Information provided within the Traffic Impact Assessment submitted with the application indicates that the No. 11 bus has a 15-30 minute frequency and operates

between Wadelai Park through Dublin City Centre and to Sandyford Business District. The No. 175 route operates from Kingswood Avenue to UCD and has a 30 minute frequency. As part of the Bus Connects programme it is proposed to replace these existing services with the No. 10 Bus Route, operating between Ticknock and the City Centre, passing along the R825 with a 30 minute frequency, and with the No. S6 route, between Mount Merrion and Firhouse, along the R112, with a 10-15 minute frequency.

Access/Servicing/DMURS

- 12.8.7. Vehicular access to the proposed development is from the Lower Kilmacud Road and the Taney Road. The access to the parking for the hotel, pub and crèche will be via the Lower Kilmacud Road. Access to the residential car parking will be via the Taney Road. Sightlines for both access/egress points comply with the requirements of DMURS.
- 12.8.8. In relation to servicing, it is proposed to provide a loading bay along Taney Road that would service the public house and hotel. The civic space is designed to allow morning loading activity, which will also allow for emergency access. I am of the view that this for servicing within the civic space is not necessary and would reduce the quality of same. I consider that this should be expressly precluded by way of condition. The Planning Authority raise concern in relation to the interaction of the loading bay and pedestrians and state that servicing should take place within the site. I am of the view that the loading bay appears to be appropriately located and will have limited impacts on the quality of the pedestrian environment and I do not consider it necessary to have servicing for the development take place entirely within the development.
- 12.8.9. A segregated cycle track along Taney Road is being provided as well as a cycle track for left-turning cyclists along Lower Kilmacud Road is being provided with pedestrian footpath provided along the boundaries of the site. I note the Planning Authority has raised concerns in relation to the creation of a pinchpoint at the junction of Taney Road and Lower Kilmacud Road and suggest a minimum footpath width of 4m for the entirety of the boundaries of the site. However I do not consider that this suggested width is justified and would necessitate moving the building line back from where it is now proposed. DMURS suggests a minimum footway width of

1.8m within increased width in densely populated areas, to allow people to pass each other in large groups (Section 4.3.1 of DMURS refers). The applicants are proposing a minimum footpath width of 2m, which is greatly exceeded in some areas and I am satisfied that this is sufficient to ensure pedestrian safety and comfort.

12.8.10. The DMURS Compliance Statement and Quality Audit sets out how the proposal complies with the requirements of the Design Manual for Urban Roads and Streets and refers to such matters as connectivity, enclosure, active edges and pedestrian activity/facilities. Of note is the provision of the pedestrian plaza/street which provides additional connectivity through the site and is multi-functional in nature. Pedestrian and cycle connectivity is improved as a result of the provision of this pedestrian and cycle connectivity in and around the site. A sense of enclosure is created by the layout of the development. The proposal creates a level of active frontages around and within the site, although I have cited my concerns in relation to the lack of active frontage along the Taney Road (see Sections X and X above). The provision of the car parking within the basement and undercroft level has allowed for a separation of pedestrian and vehicular traffic within the development, save for potential servicing within the public realm, which I have referred to above. Generally the proposal complies with the overarching provisions of DMURS, save for the lack of activity along the ground floor frontage of Taney Road.

Car and Cycle Parking

12.8.11. Table 8.2.3 sets out car parking standards for various use classes. For the residential uses, a total of 1 space per 1-bed unit, 1.5 spaces per 2-bed unit and 2 spaces per 3-bed unit. For the residential element, the 'standard' requirement is 408 no. spaces. The table also states that the standards in the table depend on design and location. 22 no spaces would be required for the hotel element, 45 no. spaces for the retail uses and 59 no. spaces for the extended pub.

12.8.12. I am cognisant of the existing parking provision on the site (some 180 spaces) which appears to serve the pub and the remaining retail/cafe elements on the site, and it would appear from submissions it would serve the existing medical centre to the south-east of the site also, albeit informally.

12.8.13. A total of 475 parking spaces are proposed in total. Of the 475 parking spaces, 125 will be allocated to the public house, 22 to the proposed hotel, 5 for creche staff and

the remaining 323 allocated for residential use. In relation to the provision for the public house use, the TIA refers to a survey of the existing car park usage carried out over 5 weeks in 2019 which concluded that there was an average weekly maximum of 125 spaces, and hence the proposed parking provision for the pub is set at 125 spaces. I assume the 'average weekly maximum' is the daily maximum use averaged out over the week, although this is not clear from the TIA. In any case, it is not evidenced that the maximum demand related solely to the pub use, and may have stemmed from the other uses on the site, and from surrounding uses, given that there is no parking controls on the site at present. I note that the PA and observers have stated that the parking provision for the public house use is too high, and I concur with this statement. I am of the opinion that the provision for same should be in line with Development Plan standards, some 59 spaces as suggested by the Planning Authority. I am satisfied that the provision for the hotel use is appropriate given the likely demand for car parking associated with same. The Planning Authority have also stated that 45 no spaces would be required for the proposed retail use. There is no justification for the lack of parking for the retail units set out in the application documents. However, given the neighbourhood centre status of the site, I am of the mind that parking for the retail should be minimal given the need to reduce reliance on private car use. However, accessible parking should be provided, in the region of 10% of the Development Plan requirements (i.e. 4 no. spaces).

12.8.14. In relation to the proposed residential car parking provision, I note that 'standard' requirement is 408 spaces but the applicant has proposed a total of 323 spaces (a ratio of 1.08 spaces per unit, citing the accessible nature of the site as justification for the reduced level of parking, below the 'standard' provision). The Planning Authority has expressed satisfaction in relation to the overall level of residential car parking provided. In relation to car parking, some observers have stated that there is insufficient car parking, and the proposal will lead to overspill parking on surrounding estates. Others have stated that there is an overprovision of car parking, and is not justified and will lead to a reliance on private car, contrary to the justification for high density proposals.

12.8.15. I am of the opinion, that there is an overprovision of residential car parking and I concur with the view put forward by some observers, that the site is a relatively

accessible site which is justification, in part, for a higher density scheme. However, a provision such as that proposed by the applicant somewhat conflicts with their assertions as relates to the accessibility of the site, and I consider that such a provision would not lend itself to a reduced reliance on private car use, as espoused in Section 28 Guidance, namely the Design Guidelines, the Building Height Guidelines and the Sustainable Urban Development Guidelines. The Design Standards for New Apartments Guidelines (2018) states that in larger scale and higher density developments which comprise wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. I note that the proposed or targeted model split as reference within the Mobility Management Plan (MMP) would still see 37% of residents utilise a car, either as a driver or passenger. It would appear that the model split target of 5% of residents utilising the Luas is less than the current model split of 13.1% of surrounding residents utilising the Luas, and as such is somewhat unambitious in this regards.

12.8.16. I refer the Board to a recent decision on an SHD application at Green Acres Convent, Drumahill House and the Long Acre, Upper Kilmacud Road, Dundrum, Dublin 14 (ABP Reference 307683-20) which allowed a provision of 0.67 spaces per unit. This site is located approx. 800m from both the Kilmacud and Balally Luas stops with 6 no. Dublin Bus routes (11, 14/c, 44/b and 75) located within 1km of the site. As such, the site is somewhat comparable to this one in terms of accessibility, although I note this current site is slightly further from the Luas. As such I would consider it reasonable to apply a similar standard here, perhaps allowing for the slight increase in distance from the Luas, and allowing for the need for car storage for residential users. In my view a provision of the order of 0.8 spaces per unit would be reasonable, having regard to the context of the site. This would result in a requirement of 239 spaces (rounding down), a reduction of 84 no. spaces.

12.8.17. While observer comments regarding overspill car parking onto the surrounding areas are noted, I am of the view that should overspill car parking become an issue it could be managed by the planning authority through the introduction of restrictive measures on the relevant residential street. In relation to same I note there is little

opportunity to park on the surrounding road network, given the current restrictions in place.

12.8.18. I am of the view that the parking reductions as sought above should be facilitated in a reduced area of basement, the details of which can be sought by way of condition, should the Board be minded to grant permission.

Cycle Parking

12.8.19. 299 no. secure covered cycle spaces will be provided for residents within the car park, with a further 123 cycle spaces for use by visitors, hotel users and other commercial visitors. 188 no. uncovered bicycle parking spaces will be provide around the perimeter of the site. A total of 10 no. cargo bike spaces will be provided.

12.8.20. The proposal does not comply with the cycle parking requirements for the residential element as set out in the Apartment Guidelines. A total of 517 spaces are required. Should be Board be minded to grant permission additional cycle parking should be requested by way of condition.

Impacts on the surrounding road network.

12.8.21. The TIA states that a Traffic Survey was undertaken on Tuesday 14th May 2019 at the Taney Road/Drummartin Road Junction, in order to ascertain existing traffic conditions, and was carried out over a 12 hr period, between 7am and 7pm. This is used, in turn, to feed into the assessment of the impact of the proposed development on the surrounding road network. In terms of impacts on the surrounding road network, the TIA considers traffic movement generated at construction phase and operational phase. At construction phase, it is concluded there would be little impact on the operation of the surrounding road network. In relation to the operational phase, the TIA considers trip generated by the various uses on the site, and applies a growth factor to same to forecast volumes at opening year (2022) and at Design Year (2037). This refers to the use of TRICS to calculate movements (as presented in detail in Appendix C) and as such is in line with Guidance produced by the TII in relation to Traffic and Transport Assessments.³ The growth factor utilised is drawn from TII document PE-PAG-02017⁴, with factors for Dublin with ‘central growth’ used. I note observer submissions which states that the traffic growth rates utilised

³ [PE-PDV-02045 \(tiipublications.ie\)](#) (accessed 25/05/2021)

⁴ [Microsoft Word - PE-PAG-02017-01.docx \(tiipublications.ie\)](#) (accessed 25/05/2021)

are obsolete. I have had regard to this document referred to in the TIA, which is accessible on the TII website. This document sets out travel demand projections and predicted growth rates, which I accept can be utilised in this instance. I note that the document states that 'the central growth rates are intended for use in project appraisal with the low and high growth rates to be used as sensitivity tests for economic and environmental impacts'. As such the use of the 'central growth rate', as indicated in the TIA, is acceptable in my view.

12.8.22. Section 8 of the TIA sets out the results of the Traffic Analysis and assesses the junction of Lower Kilmacud Road and Taney Road for the Base Year (2020), Opening Year (2022) and the Design Year (2037), with the Development in place. This is not necessarily in line with TII guidance, which states that the required modelling scenarios are summarised as follows:

- Base Year.
- Opening Year (With / Without Development).
- Opening Year + 5 Year Forecast (With / Without Development).
- Opening Year + 15 Year Forecast (With / Without Development).

12.8.23. Notwithstanding, the results of the assessment indicate that that the junction is operating within capacity at the base year (utilising 2019 flows). I note that this survey was carried out in May 2019 and observers have stated that the traffic data is outdated. There is no indication in the TIA as to why more recent data has not been provided. However, I have had regard to the restrictions imposed as result of the Covid 19 regulations, which from March 2020 to recently, have restricted movement throughout the country. In addition, I am of the view that even if surveys were taken from March 2020, they would not necessarily be indicative of traffic volumes, due to same restrictions. For the opening year (2022), the junction is shown to operate at 86.4% of its theoretical capacity. For the design year (2037), the junction is shown to operate at 92% of its theoretical capacity, which the TIA states is slightly above the desirable maximum of 90% (it is elsewhere stated in the TIA that it is considered good practice to ensure the Degree of Saturation (DoS) on any arm of a signalised junction should not exceed 90% as turbulent factors above that threshold may inhibit the optimal performance of the junction). It is stated that the assessment assumes that the pedestrian crossing phase is called every cycle, which isn't the case, and

that no future improvements to the junction have been considered, and reference is made to planned improvements by DLRCC and as a result of the Bus Connects Programme. It is concluded that the slight exceedance of the 90% threshold is not considered to be a significant cause of concern.

12.8.24. In relation to same, I note that TII guidance states that a junction or link is considered to be congested when traffic flows are at 85% of the estimated capacity of the junction or link. As such having regard to the results in the TIA, including the detailed results in Appendix D of same, at the base year (2020) the junction appears to be operating at 83.6% capacity (utilising 2019 data). At the opening year and the design year, it is operating at 86.4% and at 92% capacity, and is considered then to be 'congested' according to TII guidance. The TIA does not set out 'with/without development' scenarios, and therefore it is not explicitly made clear the impact of the development on junction capacity in the modelled years. Furthermore the conclusion within the TIA that the junction will continue to operate at capacity following completion of the development is not supported by the results of the assessment. I also share the concern of observers in relation to the limitation of the traffic survey data, which was limited to one day. It is evident from the submitted observations that traffic congestion is a problem in the area and in light of this, and in the absence of detailed and comprehensive survey data, I do not consider that the existing capacity of the adjacent junction has been determined with a sufficient degree of reassurance.

12.8.25. In relation to servicing of the site, Section 3.4 sets out the anticipated servicing movements, and these movements are minimal, with food supplies comprising the majority of movements, of approximately 10 per day. Having regard to same, I do not consider that traffic movements associated with the servicing of the site will have a material impact on the surrounding road network.

12.8.26. However, I am of the view that in its current form, in particular having regard to the proposed the proposed level of parking for the public house and the residential elements, I cannot rule out detrimental impacts on the surrounding road network in term of increased traffic congestion, and the TIA submitted has provided insufficient information to allow me to come to a different conclusion in relation to traffic impacts. As noted above I consider there is an overprovision of car parking associated with both the residential and public house uses on the site. While a reduction in car

parking provision associated with both uses, as suggested above, would likely result in reduced impacts on the surrounding road network, the resultant reduction in impact is unknown. Furthermore, the TIA does not consider the cumulative impact of other developments on the capacity of the road network, and observers have raised this as a concern. TII guidance notes that such assessments should consider all committed developments within the vicinity of the site. I consider also that more detailed analysis should have been carried out in relation to proposed junction improvements, referred to in the TIA, proposed by both the Planning Authority and under the Bus Connects programme.

12.8.27. Given the substantive reason for refusal as set out in Section 14 below, I am of the view that the applicant should be advised that a revised Transport Impact Assessment would be required, should a subsequent application be made on this site, that addresses the concerns I have set out above.

12.9. Ecology

12.9.1. Observer submissions have raised concerns in relation to ecology including that the application has failed to examine impacts adequately and that the potential for bat roosts on the site has not been examined. It is further stated that that inadequate bat surveys have been carried out and that the site is likely to provide a foraging habitat for bat, birds and badgers and that there is no assessment of impacts on badger. It is further stated that compliance with the relevant EIA, Water Framework, Birds and Habitats Directives must be ensured.

12.9.2. In relation to trees, it is stated that the mature trees on the site should be protected and that the trees proposed to be retained are unlikely to survive construction impacts. Concern is also raised in relation to the use of chemical rockbreaking and that the environmental impact of same has not been examined. The loss of the existing animals on site is also raised as an issue. Observers also note that no formal EIA Screening is recommended by the applicants.

12.9.3. Ecological Impact Assessment (EclA) (dated 10th February 2021) has been submitted with the application. This includes a 'Bat Fauna Impact Assessment' in Appendix 1 of same. As with the submitted NIS, this refers extensively to the various reports submitted with the application and summarises details in relation to excavation, phasing of works, air and dust management, waste management,

maintenance of water quality, mitigation of light spill, proposed site services arrangements and flood risk issues.

- 12.9.4. The EclA refers to two surveys that were carried out, in March 2020 during the wintering bird and mammal season and on 15th April 2020 during the optimal flora and bat season. The latter survey included a bat roosting assessment and a bat emergent survey. It is noted that the nearest conservation site is South Dublin Bay and River Tolka Estuary SPA at 2.9km from the proposed development. The nearest pNHA, South Dublin Bay SPA, is located 3km from the site. The closest RAMSAR site is Sandymount Strand/Tolka Estuary, 2.9km from the site. Habitats within the proposed site were classified according to Fossitt (2000). On the site itself, habitats consists of GA2- Amenity Grassland (Improved), which was grazed by goats and donkeys. There is a small area of ungrazed amenity grassland beside Taney Road. Also noted was a small stand of Japanese knotweed on the on the boundary with Taney Road. Also recorded were Treelines (WL2). There is a tall treeline of Monterey Cypress to the south/south-east of the site, which is outside the redline boundary but the canopy extends into the site. It is proposed to retain this treeline. There is also a treeline on the boundary with Taney Road, which it is proposed to remove. Also on site were buildings and artificial surfaces (BL3) which occupy approximately 60% of the site. The bat survey did not find any evidence of the presence of bats, or the use of the buildings by bats in any of the buildings on the site, although bats were observed foraging along the large treeline to the south of the site. Flower beds and borders (BC4) were also on the site. No rare or plant species were recorded on the site, and no terrestrial mammals of conservation importance, or signs of same, were recorded on the site. Likewise the common frog was not recorded and there are no of watercourses, drainage ditches or streams on the site.
- 12.9.5. Specifically in relation to bats, a bat fauna study (Bat Fauna Impact Assessment) is included within Appendix 1 of the EclA. As noted above, no bats, or sign of bat roosting was evident within the buildings on site. Two bats (Soprano pipistrelle) were detected foraging along the tall treeline. It is noted that the trees on site do not have any features that would act as potential roosting areas, and no bats were seen emerging from the onsite trees. Based on compliance with lighting guidelines, no negative impacts on bats is expected, as it expected that foraging will continue on the treeline to the south/south-east of the site. In relation to bat collision, it is stated

that the likelihood of same is not significant as the materials proposed for the apartment blocks are generally solid and would have good acoustic properties to reflect echolocation signals, with the result that the buildings would be clearly visible to bats. The study concludes that the impact of the proposed development on bats will be negligible in the short and long term.

- 12.9.6. In relation to birds, no rare or bird species of conservation value were noted during the field assessment, although 7 no. bird species were recorded on site, as detailed in Table 4 of the EclA. The EclA notes the proposed development is within 2.9km of South Dublin Bay (SPA) – (there is a typo in the report referring to South Dublin SPA), which is feeding ground for Brent geese. The site survey was carried out during the overwintering period when Brent geese and other wintering birds were present in this SPA. No Brent geese or other wintering birds were observed on the site, and it is stated that the enclosed nature of the site with tall trees and large grazing animals present would indicate that this is not a feeding ground for Brent Geese or other wintering animals.
- 12.9.7. In terms of impacts, it is stated that the development of the site would have direct negative impacts on the existing habitats, fauna and flora within the site, as the majority of existing habitats are to be removed, with the exception of the treeline to the south/south-east of the site (which I note only the canopy of same is within the site). Removal of treelines will result in loss of potential nesting sites for garden birds. During construction, excavation has the potential to create noise, dust, light and surface water impacts if left unmitigated. The surface water connection to the Elm Park Stream and to Natura 2000 sites is noted. Mitigation measures in relation to surface water, dust and light pollution are also included in Table 6 of the EclA (see detailed discussion of potential impacts on Natura 2000 sites in Section 11 ‘Appropriate Assessment’ of this report). No significant ecological impacts are expected during the operational phase of the development. The planting of native species is suggested as this would be of benefit to biodiversity. Mitigation measures are set out in the EclA and include, but are not limited to, appropriate timing of tree removal, monitoring of ground water levels and filtering of excess water for suspended solids.
- 12.9.8. Table 6 does not include measures relating to invasive species management and I note that Japanese Knotweed was identified on the site. The EclA does however

recommend appropriate measures are taken in order to contain the infestation (page 29 of same). An Invasive Species Management Plan has also been submitted with the application. I am of the view that this issue can be dealt with by way of an appropriate condition, as suggested by the Planning Authority.

- 12.9.9. No cumulative impacts were considered likely, with no projects in the vicinity of the proposed development seen to have a significant cumulative impact with the proposed development. The EclA concludes that, during the construction phase there will be localised light and noise disturbance. Surface water discharge from site will be compliant with the relevant guidance and legislative requirements. Following the implementation of the mitigation measures set out in the report, the EclA concludes that the construction and operational phases will not have a significant impact on biodiversity and designated sites.
- 12.9.10. In terms of the conclusions set out in the EclA, as relates to impacts, I generally concur with same, although not in relation to the need for mitigation measures to prevent impacts on the Dublin Bay Natura 2000 sites. I have discussed the issue of Natura 2000 sites specifically in Section 10 of this report. While I note observer submissions in relation to potential impacts on bats and mammals including badger, there is no evidence that there will be adverse impacts on bats, birds of conservation concern, protected mammals such as badger or otter, or on any other species or habitat of conservation concern, and I am satisfied that sufficient survey work was carried out in order to be able to arrive at the conclusions set out in the EclA. I do consider however that there is the potential to include bat and bird boxes within the development which will have a positive impact on said species. This can be required by way of condition, should the Board be minded to grant permission.. The suggesting native species planting can also be ensured by way of condition.
- 12.9.11. In conclusion then, I consider that, subject to the recommendations of the appraisal being carried out, there would no significant ecological impact arising from either the construction phase or from the operational phase of the development. Specifically in relation to bats, I am satisfied that, subject to the measures as outlined in the EclA, and the associated 'Bat Fauna Impact Assessment' as relates to appropriate lighting, being implemented there will be no adverse impacts on bats as a result of this development. In this regard, I note that the submitted 'Site Lighting Report' has detailed specific mitigation measures as relates to bats, which details measures to

minimise light spillage and the use of bollard lighting as the primary way finding light source.

12.10. Trees

12.10.1. An Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report (dated 11/02/21), and associated drawings, have been submitted. The report identifies a total of 106 trees, the majority of same being in moderate to poor conditions (Categories B and C), with two category A trees on site. The Monterey Cypress Trees accounted for 40.2% of the trees identified, although as noted above these are located outside the red line boundary. The proposal will necessitate the removal of 67 no. trees in total, accounting for 62.8% of the total number of trees within the survey boundary. In relation to the Monterey Trees to be retained, it is noted that proposed paths and play areas are to be located in close proximity to many of the Monterey Cypress on the southern boundary of the site. It is intended to build over existing roots using cellweb or other suitable materials to minimise any negative impacts on soil/roots in these areas. Some of the Monterey Cypress trees will be removed to facilitate a crèche. It is stated that the podium for the undercroft impinges on the RPAs of the majority of the remaining trees on the eastern boundary (I assume it is meant the trees on 'south-eastern' boundary). Protective matting is recommended during construction, and it is recommended that an arboricultural consultant is retained during the construction phase. The report indicates that an assessment of root development and potential impacts on root should be made before any wholesale removal of the trees is considered. It would appear then that there is potential for these trees to be removed at a future date. The propensity of these trees to lose limbs (as cited in the report) would to my mind pose a potential danger to the paths and play areas located underneath same. An observer submission has stated that the removal of these trees has previously been sought by some residents on Drummartin Terrace. I have discussed this treeline as relates to potential screening in Section 12.7 above). Notwithstanding, specific measures in relation to the protection of the retained trees are set out in the report. These mitigation measures and protection measures should be required by way of condition and should there be a need to remove additional trees, either as a result of the need to facilitate the development or as a result of any danger presented as a result of

lose limbs, details of same should be agreed with the planning authority, and again this can be ensured by way of condition.

12.11. Flood Risk

- 12.11.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.
- 12.11.2. The applicants have submitted a Flood Risk Assessment. This notes that the subject site drains in a north / north east direction towards the Elmpark Stream approximately 2.3km north-east of the site. Reference is made to the published CFRAM mapping indicates that the site is not in a flood risk zone, and to the OPW flood records and historical flood records, and no records of flooding are recorded within the vicinity of the proposed development site. In relation to OPW Drainage Districts it is noted that the Elmpark Stream is not part of any OPW Arterial Drainage Scheme. In relation to the geology of the site, reference was made to GSI Maps, and the proposed development is indicated to be ‘made ground’, and no fluvial derived subsoils are shown to be present on the proposed development site. In relation to groundwater flooding, the FRA states that there is a low possibility of same, resulting from a high groundwater table present on a proportion of the site. However the risk is considered to the low permeability of soil cover
- 12.11.3. In terms of surface water management, the site is designed with permeable green roofs and permeable pavements with a combined surface water attenuation system in the substructure of the green and permeable surfaces. It is stated that in a 100 year extreme short term rain 5 minute event, the ponding water on the slabs would be maximum 10.2mm with the level difference between the entrance of the apartments and the podiums is 20mm plus a freeboard of 50mm. No apartment will flood even in such an extreme event. In the event of a blockage, the basement drainage system can facilitate the expected volume of water and the volume of the

underground storage is increased to facilitate a blockage of the hydro-brake. The report concludes that there is a low risk of flooding on the site.

12.11.4. In relation to the conclusions of the report, I am satisfied that the site is not subject to tidal or fluvial flooding or groundwater flooding. In relation to surface water flooding, from overland flow, the report states that no such flooding has been recorded on site. Observer submissions have stated the area is subject to overland flooding during pluvial events, and have cited the existence of flood gates to the front of the Goat Public House as evidence of same. I have examined the mapping available on the OPW run website 'Floodinfo.ie' and this does not indicate any previous flooding events in the vicinity of the site. The Planning Authority have not raised any concerns in relation and the Drainage Division of the Planning Authority have stated that the conclusions of the Site Specific Flood Risk Assessment are accepted.

12.11.5. I am satisfied that the site is not subject to tidal, pluvial or fluvial flooding, and in relation to the operational stage of the development I am satisfied that the measures outlined in the FRA are sufficient to ensure that no residential properties on the site or adjacent to the site will be at an increased risk of pluvial flooding.

12.11.6. However, there is little detail in relation to the potential for groundwater flooding submitted with the application. I consider that additional detail should be provided in relation to same, by way of condition, examination the potential impact of the high groundwater table during the operational stage of the proposed development, as relates to groundwater flooding (I have considered general impacts on groundwater below) and suggested mitigation measures in relation to same. This condition is in line with Section 5.20 of the Flood Risk Management Guidelines which state that conditions should deal with any residual risk and should be guided by the development management objectives set out in the development plan. Section 5.22 of the Guidelines state that in most cases, conditions will be required to amend, clarify or further detail flood mitigation measures.

12.11.7. In conclusion, having regard to the fact that the site lies within Flood Zone C, the lack of an evident history of flooding on the site itself and having regard to the surface water management proposals as set out in the application documents, I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

12.12. Site Services

Water Supply

12.12.1. The submitted 'Engineering Report for Planning' (dated February 2021) states that , in order to serve the proposed development, a connection will be made to the existing public watermains infrastructure on the Lower Kilmacud Road, although the existing water supply connection to the public house will be retained. Irish Water have stated, in their submission on this application, that in order to facilitate a connection, upgrades of approximately 190m of water main is required, and that the applicant is required to fund this upgrade. If the Board is minded to grant, a condition is recommended in relation to the requirements of Irish Water, as relates to water supply.

Foul

12.12.2. The proposed foul drainage systems will outfall to the existing public network adjacent to the site at Lower Kilmacud Road. The existing foul connection for the existing Goat Grill Public House will be retained and the existing foul connection to the existing cottages to be upgraded for use as a crèche will be renewed, with this connection will also be used to discharge the water from Apartment Block 1. Irish Water have stated that the existing sewer on the Lower Kilmacud Road is out of capacity and that upgrades of approximately 1.2km are required. Irish Water state that these works are on the Irish Water Capital Investment Plan, with the estimated completion time of same being Q2 2022, which is subject to change. It is further stated that the applicant may be required to provide a contribution to same. Irish Water has issued the applicant a Statement of Design Acceptance for the development for 200 units. I note that the proposed upgrade forms part of the Irish Water's current investment plan. Irish Water do not raise any objection, in principal, to the proposals. Subject to an appropriate condition restricting occupancy of the development to coincide with the completion of the upgrade works to the foul sewer, I do not consider that the development is premature pending these upgrade works.

Surface Water

12.12.3. The subject site drains north and north-east towards the Elm Park Stream. There is existing segregated surface water drainage infrastructure surrounding the subject site. Upgrade works to existing surface water infrastructure is will be carried on the

Taney Road and the Drummartin Road/Lower Kilmacud Road. On site-attenuation is proposed to restrict flows to QBAR or 2l/sec/ha (whichever is the greater). SuDS measures are proposed to reduce the quantity of surface water discharge from the site, and to improve discharge water quality. SuDUS measures include green and blue roofs with attenuation, with additional volume provided in the event of a 50% blockage of the drainage system. The public realm, footpath and cycle track area around the edge of the development will drain to the municipal drainage system and existing surface water systems for the Goat Grill Public house and the existing cottages (proposed creche) will be retained. The Engineering Report notes that the existing building and car park drain unattenuated into the surface water network, and following completion of this development, the total area draining to the municipal network will be approximately 5,800 sq. m. smaller than the existing, with a subsequent reduction in surface water entering the surface water drainage network.

12.12.4. The submission from the Drainage Section of the Planning Authority has stated that the report and drawings generally satisfy the requirements of Drainage Planning subject to conditions, although it is noted that there is an overprovision of attenuation storage. I note the conditions as recommended by the Drainage Section, and should the Board be minded to approve, these conditions should be imposed on any permission. Subject to the conditions as suggested by the Planning Authority, I consider the surface water proposals to be acceptable.

12.13. Oral hearing Request

12.13.1. Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016 provides that An Bord Pleanála may in its absolute discretion hold an oral hearing, and in making its decision, shall have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan for Housing and Homelessness and shall only hold an oral hearing if there is a compelling case for such a hearing.

12.13.2. The submission made on behalf of Drummartin Terrace Residents Association requests an Oral Hearing, although no specific grounds are requested. The submission raises a number of issues including matters relating to heights, density, permeability/public realm, boundary treatment, design and traffic.

12.13.3. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I do not consider that there is any exceptional circumstances or a compelling case for a hearing in this instance. I therefore recommend that the oral hearing request not be acceded to.

12.14. Other Issues

12.14.1. Childcare/Creche – It is proposed to change the use of the 2 no. existing cottages at Nos. 240 and 242 Lower Kilmacud Road to a childcare facility and to construct an extension at rear of same with the resultant facility totalling c381.9 sq. m. The Planning Authority have not raised an objection to the change of use and have welcomed the provision of a crèche on the site. A number of observers on the application have questioned the viability of the crèche. The applicants have submitted a Childcare Capacity Audit with the application. The expected potential childcare uptake for a new facility is c20-36 children, having regard to recent demographic trends, with the report utilising 2016 census data to determine same (although utilising the methodology with the Apartment Guidelines a demand of 56 spaces is calculated). The proposed crèche will accommodate 56 no. spaces, with the possibility of reducing the occupancy subject to the agreement of the planning authority. I am of the view that such an approach is reasonable, as it will ensure the long-term viability of same.

12.14.2. Archaeology -An Archaeological Assessment (dated February 2021) has been submitted with the application.

12.14.3. An Archaeological Impact Assessment (dated 3rd September 2020) has been submitted with the application. This report stated that there are no topographical files or recorded monuments within a 500m radius of the proposed development. No areas of archaeological potential were identified during the field inspection. It is further stated that ground disturbances associated with the development may have an adverse impact on previously unrecorded archaeological features or deposits that have the potential to survive beneath the greenfield area of the site. Archaeological monitoring is proposed. The submission from the Development Applications Unit (DAU), recommends conditions in relation to such monitoring and subject to the imposition of appropriate conditions as relates to archaeological monitoring, I am

satisfied therefore that, no significant negative impact on archaeology will result from the proposed development.

12.14.4. Property Values – A number of submissions have stated the proposal will result in a reduction in property values and have included a submission from a local estate agent estimating a reduction of 10-15% in value given the location of one particular property in Birchfield Lawn, as a result of the 4 storey apartment block located close to the boundary with same. This contention is not supported by any wider analysis of the overall impacts of the development (i.e. impacts of additional shops and services on property values etc) and I do not consider the Board has sufficient evidence before it to conclude that the proposal would have an adverse impact on property values.

12.14.5. Aviation – The Department of Defence recommend conditions in relation to crane operation. Given the distance to Casement Aerodrome (some 14km) I am not of the opinion that these are necessary.

12.15. Planning Authority's Submission including Recommended Reasons for Refusal

12.15.1. The Planning Authority Recommend that the proposed development is refused permission for 6 no. reasons as set out below.

- 1. Given its height, massing and location within nine metres of the southern boundary, the proposed development would appear visually obtrusive and overbearing when view from property at Drummartin Terrace and from the public realm at this location. The proposed development would therefore materially contravene the zoning objective 'to protect and or improve residential amenity' as set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development would significantly impact on existing residential amenity and would depreciate the value of these properties.*

12.15.2. I have considered the issues raised above in Sections 12.5 and 12.7 of this report. In summary, I do not concur that the proposal would have a negative impact on the visual amenities of surrounding properties, having regard to the existing screening provided by tree coverage on the south-western boundaries of the site, and the reductions in height in proximity to the properties on Birchfield Land and Taney Road. I do not share the view that the proposal would materially contravene the

zoning objectives pertaining to the site. I do not consider there is sufficient evidence on file to demonstrate that the proposal would have an adverse impact on property values.

2. The juxtaposition of the two-storey vernacular pub structure with the abutting Building 4 would result in a visually discordant composition, particularly when viewed from the east, and would seriously detract from the visual amenities of the area. The proposed development is therefore deemed contrary to policy objectives as set down in the Goatstown Local Area Plan and the Dun Laoghaire Rathdown Development Plan 2016-2022.

12.15.3. I have considered the issues raised above in Sections 12.5 of this report. In summary, I have concluded that the proposal fails to successfully integrate into the existing character of the area, and that, given the height strategy pursued and the visual prominence of the site, which is partly due to the topography of the site and of the surrounding area, and partly due to its location at a key junction, the proposed development would result in a visually dominant and overbearing form of development which does not provide the optimal design solution for the site (see Recommended Reason for Refusal No. 1 in Section 14 below).

3. Having regard to the results of the internal daylight, sunlight and overshadowing assessment submitted, the Planning Authority considers that given the numbers of units proposed with substandard levels of access to daylight and sunlight, the subject scheme is not deemed capable of providing an adequate level of residential amenity for future occupants. The proposed development is, therefore, deemed to be contrary to the proper planning and sustainable development of the area.

12.15.4. I have considered the issues raised above in Sections 12.6 of this report. I am satisfied that, although some shortfalls have been identified, the overall levels of daylight and sunlight provision are acceptable, having regard to the compensatory design solutions provided and the achievement of wider planning aims such as securing the regeneration of an underutilised urban site.

4. The proposed development, ranging from five to eight storeys in height, materially contravenes the Height Strategy of the 2016-2022 Dun Laoghaire Rathdown County Development (Plan) and Policy UD 6 of the Goatstown LAP. In

addition, the quantum of development proposed is inconsistent with the established character and pattern of development in the area, which, if permitted would result in a visually discordant addition at this prominent location and would seriously detract from the visual and residential amenities of the area.

12.15.5. I have considered the issues raised above in Sections 12.2, 12.3, 12.5 and 12.7 of this report. In summary I have concluded that the parameters on height that relate to the site are set by the provisions of Policy UD 6 of the Goatstown LAP, and I concur that the proposal materially contravenes same (see Section 12.2 and 12.3 above). I do not concur that the proposal would in an adverse impact on residential amenities of the area due to the setbacks from the boundaries and the reduction in height closer to the boundaries. I have considered visual impact generally in Sections 12.5 above and have concluded that the proposal would be visually dominant when viewed from surrounding streets (see also Recommended Reason for Refusal No. 1 in Section 14 below)

5. The proposed development fails to provide the appropriate quantum and mix of non-residential uses as required by the Neighbourhood Centre zoning and as such would not contribute towards the creation of a sustainable community with proximate retail and services of an appropriate scale.

12.15.6. I have considered the issues raised above in Sections 12.4 of this report and in summary I am satisfied that the mix of uses is sufficient for this neighbourhood centre site, having regard to the need to ensure viability of the non-residential uses and the location of the site relative to larger retail centres such as Dundrum Town Centre and Stillorgan.

6. The proposed mix of units, and notably the lack of larger units bedrooms would fail to deliver an appropriate mix of housing types in accordance with Policy RES7 of the County Development Plan. It is considered that notwithstanding the profile of the existing stock in the area, that a scheme of this size should provide a more appropriate balance of apartment sizes.

12.15.7. I have considered the issues raised above in Sections 12.6 of this report. I do not concur with same and in summary I consider that proposal provides of a mix of 1 (89 no), 2 (202 no) and 3 (8 no) bed apartments units that positively contributes towards the dwelling mix for the area, and is in line with SPPR 1 of the Apartment Guidelines.

13.0 Conclusion and Recommendation

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

14.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dun Laoghaire-Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on 26th Day of February 2021 by Charjon Investments Limited care of Tom Philips and Associates, 80 Harcourt Street, Dublin 2, D02 F449.

Proposed Development:

The development, totalling c. 46,049.3 sq m gross floor area, including c. 6,464 sq m at basement level and an undercroft car park of c. 7,104.8 sq, m will consist of the following:

1. Demolition of c. 1,214 sq m of some existing structures (comprising The Goat Centre (c. 594 sq m); and elements of the existing structure of The Goat Bar and Grill (c. 620 sq m);
2. Removal of temporary structures including agricultural sheds, pizza kiosk, coffee kiosk and associated outdoor seating areas, and removal of statuary adjacent to The Goat Public House);
3. Construction of 299 No. residential units ((89 No. 1-bed units, 202 No. 2-bed units and 8 No. 3-bed units) arranged in 4 No. apartment blocks ranging in height from 5 No. storeys to 8 No. storeys (part above podium), with a cumulative gross floor area above ground (excluding undercroft car park and basement car park) of c. 32,480.5 sq m comprising:

Building 1 (4 - 6 No. storeys over podium; apartment mix: 38 No. 1-bed, 74 No. 2-bed);

Building 2 (5 - 8 No. storeys; apartment mix: 37 No. 1-bed, 42 No. 2-bed);

Building 3 (4 - 8 No. storeys; apartment mix: 7 No. 1-bed, 51 No. 2-bed, 6 No. 3-bed); and

Building 4 (5 - 8 No. storeys; apartment mix: 7 No. 1-bed, 35 No. 2-bed, 2 No. 3-bed));

Provision of c. 3,358.7 sq m of “other uses” as defined by the Planning and Development (Housing) and Residential Tenancies Act

2016 (comprising: a 22 No. bedroom hotel (c. 1,123.3 sq m); 6 No. retail units (c. 678.2 sq m); the change of use of the 2 No. existing cottages at Nos. 240 and 242 Lower Kilmacud Road (c. 104.5 sq m) (including the construction of a single storey extension to the rear of Nos. 240 and 242 Lower Kilmacud Road (c. 277.4 sq m)) from residential use to facilitate the provision of a childcare facility totalling c. 381.9 sq m); and the construction of an extension at ground floor of c. 601.6 sq m to the existing public house (c. 573.7 sq m) to provide for a total public house area of c.1,175.3 sq m);

5. Construction of basement (c. 6,464 sq m) and undercroft (c. 7,104.8 sq m) levels with 2 No. access points provided from Taney Road and Lower Kilmacud Road (accommodating: plant and ancillary residential storage; waste storage facilities; an ESB substation and switchroom; car parking for 475 No. vehicles; 422 No. bicycle parking spaces; and 20 No. motorcycle parking spaces); and

6. Provision of: private open spaces (including balconies / terraces on all elevations of each block), communal open space at podium including 2 No. children’s play areas and public open space area; indoor residential amenity space (c. 251 sq m); 188 No. outdoor cycle parking spaces; vehicular and pedestrian access / egress and associated circulation routes; a cycle lane from Lower Kilmacud Road to Taney Road; a loading bay at Taney Road; a drop-off zone at Lower Kilmacud Road; site lighting; solar panels at roof levels, and all hard and soft landscaping (including the erection of statuary) and green and blue roofs, boundary treatments, and all other associated site excavation, enabling, infrastructural and site development works above and below ground.

Decision

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

Matters Considered

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

Reasons and Considerations

1. The proposed development fails to meet the criteria set out in 3.2 of SPPR3 as set out within Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, in that at both town and streetscape level, the proposed development fails to successfully integrate into the existing character of the area, given the height strategy pursued and the visual prominence of the site, which is partly due to the topography of the site and of the surrounding area, and partly due to its location at a key junction. The proposed development, therefore, would result in a visually dominant and overbearing form of development when viewed from the public realm and does not provide the optimal design solution for the site. The proposal would, therefore, be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, and would be, therefore, be contrary to the proper planning and sustainable development of the area

Note:

The applicant should be advised to address any outstanding matters as relates to Traffic and Transport Issues in any subsequent application on this site.

Rónán O'Connor
Senior Planning Inspector

15th June 2021