



An
Bord
Pleanála

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

Inspector's Report ABP-310299-21

Strategic Housing Development

Demolition of existing operational petrol filling station and a vacant motor vehicle showroom and the construction of 112 Build to Rent apartments and all associated site works.

Location

Maxol Filling Station and former Michael Grant Motors, motor sales/ service garage, Beach Road, Dublin 4.

Planning Authority

Dublin City Council

Applicant

Maxol Property Limited.

Prescribed Bodies

1. Irish Water
2. Department of Culture, Heritage and the Gaeltacht (DAU)
3. Transport Infrastructure Ireland (TII)

4. National Transport Authority (NTA)
5. An Taisce
6. Heritage Council
7. Failte Ireland
8. An Comhairle Ealaíon – Arts Council
9. Dublin City Childcare Committee

Observer(s)

26 no. submissions and observations as follows:

- Myles O’Grady (Newbridge Avenue)
- Mary & Leonard Harnett (Cranfield Place)
- Jim McBride, Colm McBride, Jacinta Tighe and Pauline Keenan (Church Avenue, Church Avenue, Church Avenue). Submission prepared by Declan Brassil & Co.
- Board of Management, St. Matthew’s National School. Submission prepared by Conor Sheehan.
- David Killion (Wilfield Road)
- Sylvia Healy (Havelock Square)
- Andrea Pappin (Havelock Square)
- Conor Plant (Havelock Square)
- Fiona Smyth (Bath Street)
- Patrick Smith (Pigeon House Road)
- Bronwyn Thomson (Pigeon House Road)

- Ruth D'Alton (Sandymount Castle Drive)
- Karen Woods (St, Alban's Park)
- Penelope McGrath (Tritonville Road)
- Catherine Sherry (Claremont Park)
- Peter & Emma Browne (Church Avenue)
- Crona & Ian Doyle (Ballsbridge Avenue)
- Sinead Carroll (Cranfield Place)
- Geoff Kirk & Ursula Carlin (Tritonville Road)
- Emma Long (Oswald Road)
- Stephen & Denise O'Connell (Tritonville Road)
- Mark Flynn (Cranfield Place)
- Louise McHugh (Cranfield Place)
- Dr John Tobin & Mary O'Connell (Tritonville Road)
- David & Joanne O'Donovan (Cranfield Place)
- Paul Tierney (Cranfield Place)

Date of Site Inspection

14th July 2021

Inspector

Paul O'Brien

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1.0 Introduction

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

2.0 Site Location and Description

2.1. The subject site with a stated area of 0.385 hectares, comprises lands to the south-west of Beach Road and south of Church Avenue, Irishtown, Dublin 4. The northern part of the site, which is almost square shaped, includes the former Michael Grant car dealership and includes a large two-storey building which incorporated offices to the southern side and a double height car showroom on the northern side.

2.2. Extensive car parking/ car display areas are located to the front and sides of this unit. Vehicular access to the existing site is from Church Avenue and to the south via the adjacent petrol filling station. A low wall provides the boundary around the former car dealership site. This part of the site is vacant and appears to have been operational up to late 2018/ early 2019 as per Google Maps – Streetview.

2.3. The southern part of the site is occupied by a Maxol branded petrol/ fuel filling station. This part of the site is triangular in shape and narrows to a point to the south. Two structures are on this part of the site: a large canopy over the petrol/ diesel pump area, and a service unit/ shop branded as a MACE store. A car wash is located to the rear of the site and associated tank/ stores are located in the western corner. The site boundary to the rear/ south of the service station consists of a mix of dashed wall with ornate fencing over and a stone wall.

2.4. To the north-west of the site is a small apartment development consisting of two blocks of two-storey units. These are screened from view by brick finished walls and fencing. To the south of the site is St. Matthew's National School. This is on a relatively large site that is accessed from Cranfield Place to the south. Cranfield Place is a residential street consisting mostly of two-storey terraced/ semi-detached houses and connects Tritonville Road to the west with Beach Road to the east/ north-east. The junction with Beach Road is just to the south-east of the subject site.

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2.5. As stated, the site addressed Beach Road to the north-east and the road layout here is somewhat complicated. To the south-east of the site, the two-way road splits to form two distinct carriageways separated by a wide grass median. The inbound lane, which is used to access the subject site, continues to Bath Street, which is a one-way street. The outbound lane is a continuation of Pembroke Street and Bayview. To complicate matters, Church Avenue, the northern access point, continues to form the outbound lane of Sean Moore Road, continuing to the south Docks and the Eastlink Bridge and the westbound/ inbound lane of Sean Moor Road connects to Beach Road and Cranfield Place to the south. A turn-off lane to northbound/ eastbound traffic is provided to the front of the site. The traffic layout is somewhat complicated here and more so by only partial signalisation of the junctions.

2.6. The three roads adjoining/ adjacent to the site are all classified as Regional Roads – Beach Road is the R802, Church Avenue is the R111, and Sean Moore Road is the R131.

2.7. The site is generally flat and other than a partially landscaped area to the south-east corner, the site is under either tarmac or concrete. There are no trees on the rest of the site and the only vegetation is from weeds growing due to a lack of maintenance.

2.8. No public transport services operate to the front of the site at Beach Road or Church Avenue. The nearest bus stops are on Tritonville Avenue, circa 76 m to the west for the outbound service from the city centre and 177 m to the north-west for the inbound service towards the city centre. Dublin Bus Route 1 provides an off-peak service of every 10 to 12 mins between Sandymount, Ringsend, City Centre, Drumcondra and on to Santry. Dublin Bus Route 47 provides an off-peak service every 75 minutes and every half hour in the peaks between the City Centre, Ringsend, UCD, Sandyford and Belarmine.

2.9. Under Bus Connects, the 1 will be replaced with routes C1 and C2 that continue to originate in Sandymount but head west through the City Centre to Adamstown. The frequency will drop to a combined service of every 15 minutes. Local route L13 provides an hourly service between Kiltarnan and Ringsend and

Orbital Route S2 will operate along Sean Moore Road, Beach Road and continue west through Ballsbridge, Ranelagh, Rathmines, Rialto and onto Heuston Station.

2.10. The nearest Luas stop is at The Point, approximately 1.4 km to the north-west and Lansdowne Road DART station is circa 0.7 km to the south-west, approximately 0.9 km walking distance. Proposals exist for an extension of the Luas to Poolbeg to serve the Strategic Development Zone (SDZ) lands, but the final route and commencement of construction dates have not been given.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the demolition of the existing vacant motor vehicle showroom, the Maxol petrol filling station and all associated structures with a total stated floor area of 1,311 sq m, and the construction of 112 Built to Rent (BTR) apartments in a single six storey over basement block with setbacks on the third, fourth and fifth floor levels, and all associated site works.

- The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Site Area	0.385 hectares
Site Coverage	44%
Plot Ratio	2.5:1
No. of Houses	0
No. of Apartments	112
Total	112
Density – Total Site Area	290.9 units per hectare
Public Open Space Provision	392 sq m
Communal Open Space	700 sq m
Car Parking –	

Apartments/ Residents	67 (of which eight are electric charging spaces and two are for car sharing).
Visitors	12
Total	79 (Four of which are accessible)
Bicycle Parking	234

Table 2: Apartments - Unit Mix

Floor	1 Bed	2 Bed	Total
Basement	0	0	0
Ground	6	10	16
1st Floor	10	11	21
2nd Floor	10	11	21
3rd Floor	12	9	21
4th Floor	11	8	19
5th Floor	7	7	14
Total	56	56	112

- The total gross floor area is stated to 12,273 sq m and the net floor area is stated to be 8,187 sq m.
- Vehicular access to the basement car park is from the southern part of the site onto Beach Road, this is slightly south of the existing entrance to the petrol filling station.
- A total of 79 car parking spaces are to be provided of which four spaces are to be fully accessible. The car parking is accessed by two separate lift and stair cores which provide access to each floor of the block.
- Bicycle parking is available for 234 bicycles – ten of these spaces are outdoors and the rest are in the basement.
- Water supply and foul drainage connections to the existing public network will be provided.

- An area of public open space, with a stated area of 392 sq m, is provided to the north-western side of the block opposite an area of 80 sq m of communal open space. A larger area of private/ communal open space with a stated area of 620 sq m is located to the west of the block.

- Tom Phillips + Associates, Town Planning Consultants, are the lead consultants and have submitted the following in support of the application:
 - Cover Letter/ Planning Report which includes a document schedule
 - Material Contravention Statement
 - Planning Statement of Consistency
 - Environmental Impact Assessment (EIA) Screening
 - Planning Response to An Bord Pleanála Opinion
 - Childcare Demand Audit
 - Social Infrastructure Audit

- The architects – John Fleming Architecture, submitted a number of supporting documents as follows:
 - Architectural Design Statement
 - Housing Quality Assessment
 - Schedule of Accommodation
 - A3 Drawing Booklet

- An Appropriate Assessment (AA) Screening and an Ecological Impact Assessment (EclA) were prepared by Altemar – Marine & Environmental Consultancy and submitted with the application.
- A number of other documents were submitted in support of the application, including the following:
 - Assessment of Daylight Levels Associated with a Proposed Residential Development on Beach Road, Sandymount, D4. – Prepared by BPG3.
 - Archaeological Assessment – prepared by Irish Archaeological Consultancy Ltd (IAC).

- Presentation and Verified Views – prepared by 3D Design Bureau.
- Outline Construction and Demolition Waste Management Plan – prepared by Punch Consulting Engineers.
- Engineering Planning Report – prepared by Punch Consulting Engineers.
- Traffic and Transport Assessment – prepared by Punch Consulting Engineers.
- Outline Construction Management Plan – prepared by Punch Consulting Engineers.
- Outline Construction & Demolition Waste Management Plan – prepared by Punch Consulting Engineers
- Site-Specific Flood Risk Assessment – prepared by Punch Consulting Engineers.
- Outline Basement Construction Method Statement – prepared by Punch Consulting Engineers.
- Outline Operational Waste Management – prepared by Punch Consulting Engineers.
- Car Parking Management Plan – prepared by Punch Consulting Engineers.
- Mobility Management Plan – prepared by Punch Consulting Engineers.
- Landscape Report – prepared by Áit Urbanism + Landscape.
- Residential Energy Statement – prepared by Ethos Engineering.
- Construction Noise Impact Assessment – prepared by RSK.
- Building Lifecycle Report – prepared by Aramark.

4.0 Planning History

P.A. Ref. 2001/18/ ABP Ref. 302082-18 refers to a November 2018 decision to grant permission for the demolition and clearance of an existing motor sales showroom and a separate petrol filling station, and for the construction of a five-storey apartment building with 83 Apartments in the form of one-, two- and three-bedroom units. This site and the referred to existing units are the same as the subject development. The permitted height was 16 m, though plant and equipment increased this to over 18.5 m, which was considered to be acceptable.

P.A. Ref. 3173/10/ ABP Ref. 237613 refers to a February 2011 decision to refuse permission for the demolition of car showrooms and motor servicing buildings and for the construction of a single-storey 'drive thru' restaurant. Three reasons for refusal were issued as follows:

- '1. The proposed development is located on 'Z1' zoned lands in the Dublin City Development Plan, 2011-2017, 'to protect, provide and improve residential amenities'. Take away use is neither permissible nor open for consideration on 'Z1' zoned lands, and the proposed development would, if permitted, materially contravene the development plan zoning provisions, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located on 'Z1' zoned lands in the Dublin City Development Plan, 2011-2017, 'to protect, provide and improve residential amenities'. The application site is located between the 'Z3' zoned neighbourhood centre in Sandymount and the 'Z3' zoned neighbourhood centre in Irishtown, and the 'Z4' zoned district centre in Ringsend is also in the vicinity of the site. Having regard to the nature and scale of the proposed development and its proximity to 'Z3' and 'Z4' zoned lands, the proposed development would, if permitted, result in leakage from these commercially zoned areas, would be contrary to Policy RD19 of the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the scale of commercial activity to be undertaken at the site, it is considered that the proposed development would endanger public safety by reason of traffic hazard due to the additional traffic turning movements the development would generate within the adjoining petrol filling station site to the south through which the vehicular egress is proposed, and also from the shared egress with the Petrol filling station onto the Beach Road. The proposed development would generate excessive traffic movements at this location and would result in inadequate access arrangements, which would tend to create traffic congestion and would result in obstruction of road users on the adjoining road network. The proposed development would, therefore, seriously injure the residential amenities of property in

the vicinity and would be contrary to the proper planning and sustainable development of the area’.

P.A. Ref. 4267/09 refers to a December 2010 decision to grant permission for a new automatic rollover carwash to replace the existing jet wash; a 10,000-litre overground water storage tank; realignment and extension of the compound fence at the rear and any ancillary and contingent works at the Maxol Filling Station, Beach Road.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place, remotely via Microsoft Team due to Covid-19 restrictions in place, on the 16th of December 2020; Reference ABP-308090-20 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the demolition/ removal of existing building and for the construction of 112 apartment units located at Beach Road, Dublin 4.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultation constitute a reasonable basis for an application for strategic housing development. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A report, including CGIs, visualisations and cross sections, as necessary, which clearly show the relationship between the proposed development and existing development in the immediate and wider area. The applicant to include details which include rationale/ justification for the proposed heights/ setbacks. Details to also include interactions with nearby Protected Structures, residential development, boundary treatments and public realm. Detailed proposals for the

interface between the proposed development and Beach Road/ Church Road to also be submitted.

2. A report that specifically addresses the proposed materials and finishes and the requirement to provide high quality and sustainable finishes/ details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development. In this regard, a life cycle report shall also be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). This report should specifically address proposed materials, finishes and detailing which seek to create a distinctive character for the development, avoiding blank facades, dead frontage and render finishes. The documents should also have regard to the long-term management and maintenance of the proposed development.
3. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. A month-by-month assessment of average daylight hours within the public open space should be provided within the Daylight and Sunlight Analysis document to allow for a full understanding of the year-round level of overshadowing of the primary outdoor recreation area for the development should be submitted.
4. A housing quality assessment which provides specific information regarding the proposed apartments, and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements. This should also include a schedule of floor areas for all proposed units, clearly setting out the aspect (single, dual, triple) of each unit.
5. A detailed landscaping plan for the site which clearly differentiates between areas of public, communal and private open space and which details exact figures for

same. Details should also include proposals for hard and soft landscaping including street furniture, where proposed, which ensures that areas of open space are accessible, usable, and available for all. Additional cross sections, CGIs and visualisations to be included in this regard.

6. Justification for lack of childcare facility which includes childcare demand analysis and likely demand for childcare places resulting from the proposed development.
7. Additional details in relation to surface water management for the site, having regard to the requirements of the Drainage Division as indicated in Addendum B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.
8. Additional details and justification for the proposed development in relation to roads, access and circulation, having regard to the report of the Transportation Division of the planning authority as detailed in Addendum B of their Opinion.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. The Minister for Culture, Heritage and the Gaeltacht
3. Transport Infrastructure Ireland (TII)
4. The National Transport Authority (NTA)
5. An Taisce
6. The Heritage Council
7. Fáilte Ireland
8. An Comhairle Ealaíon
9. Dublin City Childcare Committee

5.4. Applicant's Statement

5.4.1. A document titled 'Planning Response to An Bord Pleanála Opinion' prepared by Tom Phillips + Associates (TPA) was submitted with the application as provided for under Section 8(1)(iv) of the Act of 2016.

The following information was provided in response to the opinion by TPA:

Issue 1 – Context and Justification/ Rationale for Height: The development relies heavily on the permitted scheme under P.A. Ref. 2001/18/ ABP Ref. 302082-18 in terms of building footprint, site layout, boundary treatments and setbacks at the upper levels. In support of the response to this item the following documents are included:

- Architectural Design Statement, and Elevational and Sectional Drawings prepared by John Fleming Architects
- Verified Views (Photomontages) prepared by 3D Design Bureau
- Landscape Report, and associated Drawings prepared by Áit Urbanism + Landscape

Photomontages were taken from 17 no. viewpoints (listed in the Table on page 4 of the TPA planning response opinion) and provide a comparison between the:

- 'As existing' condition
- Previously permitted scheme
- Proposed development

View nos. 7 – 9, 15 – 16 include views of St Matthew' Church, which is located on Irishtown Road, but the side of the church is visible from Church Avenue. Impact on views varies when compared to the existing situation and compared to the permitted scheme. View no. 14 from the junction of Church Avenue and Tritonville Road, looking east is adjacent to the boundary of the church and the view at this point will change from a low rise (two storey development) to a mid-rise (six storey development). View 16 is from further back on Irishtown Road with the church to the left of frame and the difference between the permitted and proposed schemes is relatively minor.

The relationship with existing adjoining developments is considered in depth. The building is set back from the north and south site boundaries, which are the nearest points to existing residential development and setbacks are provided on the upper levels to provide for a more sculpted form than that of the permitted development on this site. The footprint is similar to that of the permitted development and the elevational drawings indicate that an additional storey is to be provided, though much of this is set back from the 'primary building facades'. The proposed materials have had regard to similar material finishes found in the adjacent area.

The proposed development will replace an existing petrol filling station and a vacant motor sales premises, uses/ buildings which could be considered to detract from the visual amenity of the area due to the design, uses and presence of corporate signage. The proposed development will provide for a high-quality residential development, public open space, and an appropriate interface/ integration with the existing public realm.

The Architectural Design Statement describes the design evolution in a graphic form. The development provides for a strong frontage on Beach Road, a wing is added to the rear and open space is provided to the rear of the building. The upper levels are sculpted to reduce the height when viewed from nearby residential units. The setbacks are not accessible and therefore these spaces do not give rise to issues of overlooking. The ground floor is slightly elevated in response to the Strategic Flood Risk Assessment.

The scheme was considered in the context of the Urban Development and Building Heights Guidelines (2018), which have regard to Project Ireland 2040 and the National Planning Framework. The following is stated: 'The Height Guidelines state that it is appropriate to support heights of at least six storeys at street level with scope for greater height subject to design parameters. This is contrary to the 16 m height limitation set by the Development Plan'. The report goes on to consider the fact that 'Development Plans have set out overly restrictive maximum height limits, which leads to development being displaced to less suitable locations resulting in a lost opportunity for key urban areas'. The subject site is considered to be such a site demonstrating 'a serious underutilisation of zoned and services land within a 'Central and/ or Accessible Location'.

The Height Guidelines include criteria against which proposed developments for taller buildings can be assessed in terms of their suitability. The applicant has prepared a detailed table assessing the proposed development against the guideline criteria and which is summarised as follows:

Scale	Criteria	Response
City/ Town	Access to Public Transport	Site is served by Dublin Bus routes 1, 47 and 84N – Routes 1 and 47 bus stops are within 220 m of the site. Route 1 operates every ten minutes in the peak. Lansdowne Road DART station is within 900 m of the site.
	Appropriate Visual Integration	Photomontages prepared by 3DDB, demonstrate the integration of the development with its surrounding area.
	Contribution to place-making	Significant improvement through the replacement of a petrol station and vacant car showroom with a high-quality development. Further details are provided in the Architectural Design Statement.
District/ Neighbourhood/ Street	Contribution to Streetscape	Will provide for active ground floor elevations.
	Avoidance of long monolithic walls	Design of elevation includes for careful articulation such that the massing is suitably broken up by fenestration and architectural detail. Issue of monolithic walls does not arise.
	Contributes to the improvement of legibility	Development provides for a continuous building line and active street elevation. It will contribute to a better definition of the local streetscape.

	Contributes to the mix of uses and/or dwellings in the neighbourhood	Development provides for a mix of one and two bedroom units and will complement the existing form of development which is mostly family sized housing.
Site/ Building	Maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light	<p>The development has been designed to ensure access to natural daylight, ventilation and views for future occupants of the development. Further details are provided below.</p> <p>It is noted that despite the design constraints presented by a brownfield site in an existing urban area and its northeast orientation; the overall standard of residential accommodation will be of a high standard and will contribute to a long term/ sustainable solution to the housing shortage. This is in addition to meeting national/ regional objectives to deliver compact urban grown and higher densities in such locations as this. The submitted Housing Quality Assessment prepared by JFA demonstrates that the development complies with the Apartment Guidelines in full.</p> <p>A Daylight Assessment Report has been prepared by BPG3 and has full regard to BRE guidelines. 88% of the units will meet the minimum required standards and the those that do not will be provided with a high quality of accommodation. Open plan kitchen/ living/ diners can be restricted by the dept of the rooms – alternatives may</p>

		<p>provide for a lower standard of accommodation such as the provision of internal kitchens without any windows. Balconies may reduce daylight levels to below windows. Balconies provide for private amenity space in accordance with guideline requirements/ local policy.</p> <p>50% of units will be dual aspect which exceeds the policy requirement of 33%.</p> <p>The proposed development will provide for a development with an additional floor to that previously permitted on this site. The additional development is considered to be modest, and the submitted Daylight Assessment Report reflects this.</p> <p>In relation to daylight, the report concludes that neighbouring windows would comply with relevant BRE Guidelines in the majority of cases. Where this cannot be provided, secondary testing is undertaken to demonstrate that affected rooms would be capable of receiving acceptable levels of internal skylight. In terms of Sunlight, full compliance with the BRE Guidelines is achieved in all cases. Overshadowing has also been considered and again, full compliance with the guidelines is achieved in all cases.</p>
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Specific Assessments	Assessment of micro-climatic effects	Due to the scale and height of the development, it is not considered that micro-climatic impacts will arise.
	Assessment of impacts for development locations proximate to bird and/ or bat areas	<p>The application is supported with an Ecological Impact Assessment (ECiA) and a Natura Impact Statement (NIS). These fully consider the potential impact on birds and bats. No bat roosts or foraging sites were found on site. No bird nests were found on site.</p> <p>In relation to impacts on the South Dublin Bay and River Tolka SPA – ‘impacts on flight lines or qualifying interests of the SPA would not be expected’ and ‘Noise generated from the works will require mitigation to remain at baseline levels at sensitive ecological receptor sites i.e. within the SPA and the nearest foraging site for wintering birds’ (from the ECiA). The ECiA concludes – ‘Based on the successful implementation of onsite construction phase controls, no significant impact is foreseen on species and habitats of conservation importance or conservation sites of National or international importance’.</p>
	Assessment that the proposal allows for retention of telecommunication channels	Due to the height at six storeys, no impacts are foreseen.

	As assessment that the proposal maintains safe air navigation	Due to the scale, nature and location of the development, it will not impact on aviation navigation.
	An Urban Design Statement	JFA have prepared an Architectural Design Statement and is submitted with the application.
	Relevant environmental assessment requirements, including SEA, EIA, AA and ECiA as appropriate.	Due to the nature and scale of the development, an EIA and SEA are not required. An AA Screening, NIS and ECiA have been submitted with the application.

The Guidelines State that where the above criteria can be demonstrated to be met, Strategic Planning Policy Requirement (SPPR 3) will be applied:

'It is a specific planning policy requirement that where;

(A)

1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise'.

The proposed development is located on a underused, brownfield site and which is suitable for residential development.

The boundary treatments and interface with the public realm have been carefully considered having regard to the site's location. The development has been designed to have regard to the impact on Beach Road and Church Avenue. Open space is provided and is accessed from the Church Avenue side of the site. This is designed to also allow for access to an electricity substation – the provision of hardstanding allows authorised vehicles to access the site but is also designed to discourage other vehicles from entering. A landscaping and open space plan has been prepared by Ait Urbanism + Landscape. Details of the northern and southern courtyards are provided. The interface between the proposed development and the public realm has been carefully considered and suitable landscaping has been provided on site.

Issue 2 – Materials and Finishes

The Design Statement by JFA and the Building Life Cycle Report by Aramark in addition to the Verified Views (photomontages) prepared by 3D Design Bureau are referred to. Material and finishes are of a suitably high quality for this development/ its location. Materials include brick, frame surrounds of stone/ precast reconstituted stone and powder coated dark grey aluminium framed window system. The materials are durable, low maintenance and have a long life-cycle. The finishes are similar to those used in the permitted scheme on this site. The building is designed to avoid blank facades and dead frontages.

Issue 3 – Daylight and Sunlight

An Assessment of Daylight Levels report has been prepared by BPG3 in response to Issue no. 3. A number of studies were undertaken to assess the impact of the development on adjacent lands and to assess the levels of daylight/ sunlight that the proposed units would receive.

1. Study A – Assessment of Skylight Levels with respect to Vertical Sky Component (VSC). Table 1 of this report indicates that 59 out of 67 windows assessed in the study would retain skylight access in accordance with advisory minimums recommended by the BRE. Windows 29, 30, 33 to 35 and 40 to 42 were assessed in terms of Average Daylight Factor (ADF) and all impacts would fall within tolerable bounds in all cases (Table 2). The results for three rooms which are classrooms in

the adjacent St Mathews National School indicate that the level of internal skylight amenity would be the same as that which would be provided if the permitted scheme were developed.

It is important to recognise a number of compensating factors:

- The proposed development will provide for residential units which will help to address housing shortages in the immediate area.
- The proposed development will provide for additional public amenity space to serve the local area.

2. Study B – Assessment of Sunlight Levels to Neighbouring Units. Sunlight levels to adjoining residential units was considered in the context of ‘before’ and ‘after’ development and both annual & winter sunlight levels were also considered. Full compliance with the BRE Standards in all cases would be achieved. Sunlight levels would be similar to that expected if the permitted scheme were constructed.

3. Study C – Assessment of Sunlight Levels to Neighbouring Outdoor Recreational Areas. Full compliance with the BRE Standards in all cases would be achieved. Sunlight levels would be similar to that expected if the permitted scheme were constructed.

4. Study D – Assessment of Skylight Levels to Proposed Accommodation. A total of 280 rooms were analysed. 247 rooms/ 88% either meet or exceed the advisory minimums recommended in BS 8206. While the Average Daylight Factor (ADF) fall short of the advisory minimums in 33 rooms, adequate levels of skylight amenity would be achieved. Support for this is provided as follows:

- A strict interpretation of BS8206 has been adopted in the assessment and the higher ADF of 2% is used in the case of open plan living/ kitchen areas when the lower figure of 1.5% would be reached.
- Of the 32 open plan kitchen/ living/ dining rooms that fall short of the 2% ADF, 27 of these would benefit from daylight levels which are commensurate with living room standards of 1.5% or greater.
- The remaining six rooms may rely on artificial light, however adequate levels of natural light are reached in various parts of these rooms such as adjacent to windows.

A number of compensating factors are recognised as follows:

- An appropriate artificial lighting strategy can be employed to balance out light levels within rooms.
- Supplementary task lighting can be provided above the sink, cooker and counter areas.
- Views over Dublin Bay have been maximised at upper levels.
- Out of 112 units, all units exceed minimum floor areas, and 102 units/ 91% exceed the minimum floor area by over 10%.
- The development has been designed to a high level and high-quality landscaping is proposed.
- Residents will be provided with access to internal amenity areas including a gym, lounge, workspace, bookable room, office and parcel store.
- The site is located in an area with good service including public transport and is in close proximity to Dublin City Centre.

5. Study E – Sunlight Levels to Proposed Accommodation.

41% of living room spaces exceed minimum standards of annual sunlight levels (Table 8) and winter sunlight levels (Table 10). Sunlight levels are of secondary importance to skylight access and rooms which do not achieve sunlight levels may meet daylight levels. Sunlight levels may be achieved in rooms other than living room spaces and this should be appropriately considered. 58% of rooms meet the minimum 25% Average Probable Sunlight Hours (APSH) and during winter months, 61% of units receive at least 5% APSH. Some rooms fail to meet the level of sunlight access due to shading from a balcony over. The layout of the development provides for a strong street frontage but with a north east elevation. Some important compensatory factors include:

- Balconies are provided which receive good levels of sunlight.
- Occupants have access to good levels of sunlight amenity in the landscaped areas at ground floor.
- The need for sunlight to provide passive solar heating is offset by the low u-values proposed for the building fabric.

- Views over Dublin Bay have been maximised at upper levels.
- Of the 112 units, 102 units/ 91% exceed the minimum floor area by over 10%.
- The development has been designed to a high level and high-quality landscaping is proposed.
- Residents will be provided with access to internal amenity areas including a gym, lounge, workspace, bookable room, office and parcel store.
- The site is located in an area with good service including public transport and is in close proximity to Dublin City Centre.

6. Study F – Sunlight Levels to Proposed Outdoor Recreational Areas. Full compliance with the BRE guidelines are met and further details are provided in Table 12, Figure 27 and supplementary month by month analysis is provided within Appendix G – Month by Month Solar Access Analysis.

Conclusion – The Assessment of the Daylight Level Report concludes: The development will achieve substantial conformity with daylight guidelines. Some departures from advisory targets will occur in attempting to make best use of this site and provision is made for this within current planning policy.

Issue 4: Housing Quality Assessment

JFA have prepared a Housing Quality Assessment in the form of a table, and which compares the proposed development to the standards set out in the Guidelines on Design Standards for New Apartments, 2020. The development is compliant with the minimum standards.

Tom Phillips + Associates seeks to demonstrate that the apartments are compliant with the Specific Planning Policy Requirements (SPPR) in the form of a Statement of Consistency:

SPPR	Response	Compliant/ Non-Compliant
1 – Max of 50% one bedroom/ studio units	50% one bedroom and 50% two bedroom.	Compliant

2 – For schemes of 50 + units, SPPR 1 will apply	112 units proposed – SPPR applies.	Compliant
3 – Minimum floor areas	All rooms/ units exceed the minimums	Compliant
4 – 33% of units to be dual aspect in urban areas	Located in an urban area – 50% of units are dual aspect.	Compliant
5 – Ground floor units to provide for a floor to ceiling height of 2.7 m	Ground floor has a floor to ceiling height of 2.8 m	Compliant
6 – Maximum of 12 units per core	Maximum of 11 units per core	Compliant
7 – Stated to be a Build To Rent Development	States that this is not relevant	* Compliant but incorrect assessment provided in the report.
8 – BTR Scheme – Allows for reduced standards	States that this is not relevant	* Compliant but incorrect assessment provided in the report.
9 – Shared Accommodation Schemes	States that this is not relevant	Compliant

* The response made in the TPA report is that ‘This SPPR refers to Build-to-Rent schemes and is not applicable to the proposed development’. This is incorrect as the development is clearly stated to be a Build-To-Rent scheme. It is assumed that this is a typing error and does not affect the overall proposed development.

Issue 5: Landscape Plan

Áit Urbanism + Landscape have provided a Landscape Report, Landscape Plan and supporting documents. A total of 392 sq m of public open space and 700 sq m of communal is provided for on site.

Issue 6: Justification for the Lack of a Childcare Facility

TPA have prepared a Childcare Demand Audit, and which provides details on the demographics of the area and an audit of existing childcare facilities in the area. A

total of 12 facilities were found within 15 minutes' walk of the subject site and some of which had spare capacity. 50% of the units are one-bedroom apartments and they will not generate much need for childcare spaces. It is estimated that only 6 – 10 children will require off-site childcare and these can be accommodated in available facilities in the area.

Issue 7: Surface Water Management

Punch Engineering have prepared an Engineering Planning Report and a Site-Specific Flood Risk Assessment. Drainage and flood risk measures are similar to those proposed in the permitted scheme.

Issue 8: Additional Justification in relation to Roads, Access and Circulation

Punch Engineering have prepared a number of documents in support of the development in relation to traffic etc. The development will generate less traffic than the current petrol filling station does and car parking provision of 79 spaces is less than that permitted under the approved scheme. A total of 234 bicycle parking spaces is proposed. The basement ramp and waste collection points are similar to those approved under the permitted scheme.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.

- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.

- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy 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’.

- National Policy 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’.

- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing

buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2. 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.

- ‘Urban Development and Building Heights - Guidelines for Planning Authorities’ – (DoHPLG, 2018)
- ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ (DoHPLG, 2020)
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (DoEHLG, 2009)
- ‘Quality Housing for Sustainable Communities’ (DoEHLG, 2007).
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’ (DEHLG/ OPW, 2009).

Other Relevant Policy Documents include

- ‘Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020’.
- ‘Transport Strategy for the Greater Dublin Area 2016 – 2035’.
- ‘Design Manual for Urban Roads and Streets’ (2013)

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031

The Eastern & Midland Regional Assembly ‘Regional Spatial & Economic Strategy 2019-2031’ provides for the development of nine counties including Dublin City and supports the implementation of the National Development Plan (NDP).

6.3. Local/ County Policy

Dublin City Development Plan 2016 - 2022

6.3.1. The Dublin City Development Plan 2016 - 2022 is the current statutory plan for Dublin City, including the subject site.

6.3.2. The subject site is indicated on Map F of the development plan and has a single zoning objective, 'Z1 – Sustainable Residential Neighbourhoods', with a stated objective 'To protect, provide and improve residential amenities.' The following description of the Z1 zoning is provided:

'The vision for residential development in the city is one where a wide range of accommodation is available within sustainable communities where residents are within easy reach of services, open space and facilities such as shops, education, leisure, community facilities and amenities, on foot and by public transport and where adequate public transport provides good access to employment, the city centre and the key district centres.

6.3.3. The policy chapters, especially Chapters 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development (see Chapter 16, Section 16.10 – Standards for Residential Accommodation).

6.3.4. In both new and established residential areas, there will be a range of uses that have the potential to foster the development of new residential communities. These are uses that benefit from a close relationship with the immediate community and have high standards of amenity, such as convenience shopping, crèches, schools, nursing homes, open space, recreation and amenity uses'.

6.3.5. Permissible uses on Z1 lands include 'Buildings for the health, safety and welfare of the public, childcare facility, community facility, cultural/ recreational building and uses, education, embassy residential, enterprise centre, halting site, home-based economic activity, medical and related consultants, open space, park-and-ride facility, place of public worship, public service installation, residential, shop (local), training centre'.

6.3.6. It is indicated on Map F that the northern part of the site is included within 'Zones of Archaeological Interest'. This encompasses a 'Conservation Area' bounded by Irishtown Road, Bath Avenue and Church Avenue and which contains a

number of protected structures including St Matthew's Church and the former Irishtown Garda Station.

6.3.7. Policy SC13 of the development plan promotes sustainable densities, in particular along public transport corridors with due consideration for surrounding residential amenities.

6.3.8. Policy SC14 seeks to 'To promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces'.

6.3.9. Policy SC15 seeks 'To recognise that Dublin City is fundamentally a low-rise city and that the intrinsic quality associated with this feature is protected whilst also recognising the potential and need for taller buildings in a limited number of locations subject to the provisions of a relevant LAP, SDZ or within the designated strategic development regeneration area (SDRA)'.

6.3.10. The following policies are also considered relevant:

- Policy QH3 – 10% of the land zoned for residential uses should provide for social housing;
- Policy QH5 – Address the housing shortfall through active land management;
- Policy QH6 – Provide for sustainable neighbourhoods with a variety of housing types;
- Policy QH7 – Promote sustainable urban densities;
- Policy QH8 – Promote the development of vacant and under-utilised sites;
- Policy QH10 – Promote the development of permeable schemes and discourage the provision of gated residential schemes;
- Policy QH11 – Promotion of safety and security in new developments;
- Policy QH12 – Promote the development of energy efficient schemes;
- Policy QH13 – New build housing should be adaptable and flexible;
- Policy QH18 – Support the provision of high-quality apartments;
- Policy QH19 – Promote the optimum quality and supply of apartments.

6.3.11. Section 16.7.2 of the City Development Plan refers to 'Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development'. Height is measured in terms of metres and '16 m equates to 5 storeys residential or 4 commercial generally'. The subject site is located within a designated 'Outer City Area' and a height of 16 m applies here; this is considered to be Low-rise.

6.3.12. The following sections of the City Development Plan are also relevant to this development:

Section 4.5.3 - Making a More Compact Sustainable City;

Section 4.5.9 – Urban Form & Architecture;

Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);

Section 11.1.5.13 - Preservation of Zones of Archaeological Interest and Industrial Heritage. The development is located within such an area.

Section 16.2 – Design, Principles & Standards.

Section 16.10 - Standards for Residential Accommodation.

Section 16.38 – Car Parking Standards. The site lies within a Zone 2 area and requires a maximum of 1 space per residential unit.

7.0 Third Party Submissions

7.1. A total of 28 submissions were received. Irish Water (IW) as a prescribed body submitted comments; see Section 9.0 Prescribed Bodies of this report for their specific comments. In addition, Inland Fisheries Ireland (IFI) also submitted comments, and these are also included in Section 9.0 of this report.

- A submission, prepared by Conor Sheehan, was received from the Board of Management of St. Matthew's National School and other submissions were from individual members of the public. Declan Brassil + Company was engaged by Jim McBride & Colm McBride, Jacinta Tighe and Pauline Keenan to prepare a submission on this proposed development.

7.2. The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

7.2.1. **Traffic:**

- Construction traffic will impact on school traffic in the area.
- Need for traffic to be outside of school opening/ closing times.
- Dublin City Council have failed to provide a cycle track along Strand Road which is required.
- The development will give rise to increased traffic during the construction/ operational phases.
- The access point to the ramp is in a heavily trafficked location.
- Request that a 'No right turn' be put in place for vehicles exiting the site onto Cranfield Place.
- Concern about the quality/ contents of the 'Traffic and Transport Assessment'.
- Most traffic generated at present is due to 'opportunistic' visits to the petrol filling station.
- Query the TTA assessment that the development will result in a net planning gain through the reduction in traffic as most traffic will be there anyway and only use such petrol stations which they pass. The proposed development will generate its own traffic.

7.2.2. **Construction Impacts:**

- The development will give rise to noise and dust, which will impact on neighbouring properties.
- Noise, dust and vibrations will impact on the adjoining school.

7.2.3. **Design and Height:**

- The height and scale of the development will negatively impact on the adjoining school.
- The height will give rise to overlooking of adjoining properties, leading to a loss of privacy.

- The proposed development is too high, at six storeys, for this site/ location. The area is characterised by low-rise development, generally three storeys in height. The proposed development would be overbearing and dominant in this location.
- The height will materially contravene the Dublin City Development Plan and insufficient justification for this has been provided. Maximum permitted height is 16 m and the proposed development indicates a height of 20 m. The Dublin City Development Plan recognises that Dublin is a low-rise capital city.
- The density is not appropriate for this 'Z1' zoned site. The proposed Poolbeg SDZ provides for a density of 238 units per hectare and the proposed development provides for a density of 291 units per hectare.
- The plot ratio is 2.5 which is contrary to the Dublin City Development Plan which specifies a plot ratio in the range of 0.5 – 2.0, which can be exceeded in certain circumstances.
- Insufficient details demonstrating what the impact will be on the properties to the rear/ side of the development.
- The development has seen a change from a mix of one (25%), two (59%) and three (16%) bedroom units as previously permitted to a mix of one- and two-bedroom units, 50% of each. This will provide for less family homes in the area.
- Reference is made to concern regarding the impact of a 14 storey development on the adjoining school – It is assumed that this is an error.

7.2.4. Impact on St. Matthew's National School:

A number of the observations referred directly to impact on the school from the development. In addition, a submission prepared by Conor Sheehan, was received from the Board of Management of St. Matthew's National School. Inevitably a number of the issues are similar to those raised in relation to the impact on adjoining sites.

- Loss of daylight due to shadow from the proposed development.

- Potential overlooking of the school/ play area, and impact on the pupils. Reference is made to the type of development and the transient community of residents.
- Potential impact from noise and vibration during the demolition phase of the development. This may have a potential impact on the health of children/ staff during these works.
- The construction phase will result in noise and dust, which is a problem when windows are to be left open due to Covid requirements.
- Access to the school is already restricted and the construction phase of development may further impact on the access arrangements.
- Concern about safety especially when heavy machinery is operating in the area.
- Question about if there is a proposal for a new wall between the site and the school. May be a suggestion of providing a high wall between the two sites.

Additional comments made on behalf of the Board of Management.

- A number of children and staff suffer from a range of health issues, which the development may negatively impact on.
- The Construction Noise Impact Assessment by RSK references potential noise issues.
- Concern about what the proposed mitigation measures; insufficient details are given in relation to these.
- The development may give rise to dust, noise and vibration impacts.
- Concern about flooding in the area and the potential flooding that may occur due to the building of a basement car park.
- The difference in ground levels may impact on flooding in the area.

- The development materially contravenes the Dublin City Development Plan in terms of car parking provision, sunlight/ daylight, unit mix and in terms of infill development.
- The proposed height is considered to be excessive for this location. No landscape and visual assessment have been included with the application.
- Concern about the description of the development as being on a brownfield or infill site.
- The proposed scheme will give rise to overdevelopment of the site and would be out of character with the area/ will have a negative visual impact.
- The development is not considered to be strategic in accordance with Section 37(2)(b) of the Planning and Development Act 2000 as amended.
- Recommended conditions if permission is granted include, the omission of the top floor, increased setback with the boundary with the school, provision of a detailed demolition & construction statement, no cranes to oversail the site boundary, provision of a method statement to ensure the protection of the boundary wall and details to be provided as to where cars associated with contractors/ workers will park.
- Appendix 1 of this observation refers to a Note by Elaine Dromey, Technical Director – Ecology, SLR Consulting Ireland. The NIS is noted, however insufficient consideration has been given as to the impact of the increase in population and associated increase in recreational use of South Dublin Bay and River Tolka SPA (site code: 004024). This is an issue of concern and indicates a deficiency in the provided information. Note: This issue is addressed in Section 11.14 Other Issues.

7.2.5. Impact on the Character of the Area:

- Negative impact on the views of St Matthew’s church, which is an important local landmark.

- Negative impact on the surrounding area with reference to Church Avenue, Tritonville Road and Cranfield Place. Reference is made to Policy QH8 and QH9 of the Dublin City Development Plan (note the quoted sections refers to QH7 and QH8).
- The site adjoins an Architectural Conservation Area and would give rise to an abrupt transition between areas – contrary to Section 14.7 of the Dublin City Development Plan.
- Insufficient information provided to demonstrate what the impact will be on the properties to the rear/ side of the site.
- The development will result in the loss of a local shop and fuel filling station.
- The development does not improve the existing or add to the local services in the community.

7.2.6. Impact on Residential Amenity:

- The height of the building will result in overshadowing of existing houses and a loss of sunlight/ daylight. This will be most pronounced from late Autumn to early Spring.
- Only 88% of the units meet the required minimum daylight standards and the development should be refused due to poor residential amenity.
- There is a lack of public/ communal amenity space to serve the future residents of this scheme.

7.2.7. Car Parking:

- The proposed development does not provide for adequate car parking to serve the development. Car parking has been reduced to 79 spaces and the number of units has increased to 112 units. This is contrary to the Dublin City Development Plan requirements.
- The development does not take into account the impact on existing traffic and local parking which is already in short supply. If the parking is not included in the

purchase price of an apartment, residents may park on street in the area, which has already occurred.

- Insufficient provision is made for visitor parking.

7.2.8. Environment and Natural Heritage:

- Concern about the impact of the development on flooding in the area.
- Concern about the existing foul drainage system in the area.

7.2.9. Other Comments:

- It is accepted that there is a need for housing in the area, but it should not be to the detriment of the area.
- Permission has already been granted for the redevelopment of this site and it is unacceptable that a new application be submitted for a larger development.
- The site is too small for the scale/ density/ height of development proposed.
- Concern regarding where the height of the development is measured from.
- Concern about the fact that the development is entirely Build To Rent (BTR), should be apartments available for purchase.
- Specific concerns regarding the impact on 36 Cranfield Place include the location of the waste storage is a concern as it is less than 1 metre from an existing residential unit. Alternative locations would be to the north of the site or within the basement area.
- Concern about the impact from demolition on the structure of houses on Cranfield Place.
- Concern about the impact from the development on drains in the area.
- Planning permission has already been granted on this site and the use of the SHD process is not speeding up the provision of much needed housing.
- The development does not have regard to the Sandymount Village Design Statement.
- The location of the electricity substation is a concern through its proximity to existing houses and which may pose a noise nuisance.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 15th of July 2021. The report states the nature of the proposed development, the site location and description, submissions received, details the relevant Development Plan policies and objectives and provides a planning assessment of the development.

8.2. The CE report also includes a summary of the views of the elected members of the South East Area Committee Meeting held on the 14th of June 2021, and these are outlined as follows:

- Welcome was given for the development of the site for housing.
- Concern about shadowing, overlooking and the height of the proposed development.
- Permission was granted in November 2018 for 83 apartments in a five-storey block. The proposal is for a six-storey building with 112 apartments.
- Comment made that development could commence as permission has been granted for 84 apartments, prefer that the extra height was not granted. The proposed development is motivated by greed.
- The development is relatively modest in comparison to other permitted schemes in the area such as Eglinton Road.
- The site is suitable for such a development as the area is well served with facilities.
- Potential negative visual impact on the nearby St Mathew's Church.
- Potential for negative impact on St Mathew's National School.
- Comment was made that the density at 290 units per hectare was extraordinarily high for the city and more than any other capital city in Europe.
- Concern about the absence of any three-bedroom units as there is a need for more family orientated homes in the area. Suggested that the density could be increased to provide for more three-bedroom units in the scheme.

- The provision of one- and two-bedroom units may free up the use of existing houses for family use.
- Query if the units were smaller than those already permitted on this site.
- The affordability of these units was raised as an issue of concern.
- Concern that the Part V units are all 'located in one block and not pepper-plotted throughout'.
- There was a view that 10% of the units be for affordable purchase in addition to the Part V requirement for social housing.
- Concern about the provision of open space and community facilities.
- The proximity of the development within 20 yards of the old sea wall may have implications for the construction of the basement area.
- Recommended that additional storage be provided in the basement area, and this could be done by replacing car parking with suitable storage areas.
- Overprovision of car parking in an area so close to the city centre and which is located in close proximity to a new Luas Line (Poolbeg).
- Potential for overshadowing especially on the existing properties to the west of the site.
- Concerns of local residents are noted especially during the construction phase, however there is a need to address the housing shortage in the city.
- Query about how the development will integrate into the area/ what facilities are provided to improve the quality of life for local residents. Reference made in particular to the provision of open space.
- It is noted that a number of former petrol filling stations have been redeveloped for residential use. This may result in a need to drive out of the city to get fuel, which in turn uses up more fuel.
- There is a need for proper decontamination of this site having regard to its current/ former uses.

8.3. City Development Plan 2016 – 2022

- The site is zoned Z1 and is therefore suitable for residential development.

8.4. The CE reports details the site description and the planning history of the site. The report then outlines a long list of relevant objectives and policies in the Dublin City Development Plan 2016 – 2022.

8.5. A summary of the submissions made by third parties is provided and a full list of who made these submissions. Submissions were grouped under the following headings:

- Impact on St. Matthew’s National School (raised in a large proportion of the submissions)
- Housing Mix/ Tenure
- Scale/ Height/ Density
- Design
- Residential Amenity
- Impact on Adjoining Residents
- Traffic/ Parking
- Other/ General

8.6. Pre-application meetings were held between the applicant and the Planning Authority on the 1st of April 2020 and the 2nd of July 2020. A pre-application meeting was held with An Bord Pleanála on the 16th of December 2020.

8.7. Presentation to the South-East Area Committee Meeting

- Presentation was held on the 14th of June 2021.
- A summary of the comments made is included in an Appendix to the CE report – Summarised under Section 8.2 of this report.

8.8. External Consultees and Submission/ Observations

- A list of consultees is provided, and a summary of the issues raised is included in the report.

8.9. Appropriate Assessment Screening

- A Stage 1 Screening Report for Appropriate Assessment (AA) and a Natura Impact Statement (Stage 2) have been submitted. The AA Screening refers to the submitted Strategic Flood Risk Assessment and the Construction Environmental Management Plan and the potential for contamination of the site has also been considered.
- Natura 2000 sites at South Dublin Bay SAC, South Dublin Bay and River Tolka SAC, North Dublin Bay SAC and North Bull Island SPA have all been identified as the closest to the subject site. No watercourses in the vicinity of the site and none of the identified Natura 2000 sites have a direct hydrological or biodiversity connection to the site. There are no direct pathways to any Natura 2000 sites, but there is an indirect pathway to the South Dublin Bay SAC, South Dublin Bay and River Tolka SAC, North Dublin Bay SAC and North Bull Island SPA via combined surface and foul water networks to the Ringsend Wastewater Treatment Plant (WWTP). The site is situated in an urban environment surrounded by made ground.
- No significant effects to conservation objectives and qualifying interests of sites are likely. The South Dublin Bay SAC is the closest designated site to the development and the conservation objectives relate to mudflats, sandflats and shifting dunes along the shoreline, as there is no direct pathway between the site and the SAC, no potential impact is foreseen.
- Particular regard is had to the impact on the South Dublin Bay and River Tolka SPA; here the conservation objectives relate to the overall maintenance of species including the Light Bellied Brent Geese and their habitats. A total of 32 Light Bellied Brent Geese were observed on a playing pitch circa 200 m from the site. Noise modelling predicted that construction noise would be below baseline levels in the SPA but would be above this level in the area where the Light Bellied Brent Geese were observed to forage. In-built noise mitigation measures were carried out in the noise modelling, however without these noise mitigation measures, there could be an impact on the qualifying interests of the site. A Natura Impact Statement would therefore be required. No plans or projects in the vicinity of the proposed development would have a significant in-combination effect on the designated Natura 2000 sites.

8.10. Natura Impact Statement

- A Natura Impact Statement is required as standard noise mitigation measures would be required to limit the impact of the development on the qualifying interests of the South Dublin Bay and River Tolka SPA. A range of mitigation measures are outlined and include a selection of suitable plant, provision of enclosures and screens around noise sources, limits on the hours of work and ongoing monitoring.
- Subject to the implementation of standard construction and operational noise mitigation measures, no significant impacts are anticipated. No Natura 2000 site or its conservation objectives/ qualifying interests would be compromised and no adverse impacts on the designed sites are likely following the implementation of the outlined measures. The implementation of suitable noise mitigation measures during the construction and operational phases of the development will be sufficient to prevent any adverse impacts on the integrity of designated Natura 2000 sites.

8.11. Environmental Impact Assessment

- A Screening for EIAR has been submitted with the application and the Planning Authority has screened and concluded that a sub-threshold EIAR is not required for the proposed development for the reasons set out in the EIAR screening report.

8.12. Planning Assessment

This is summarised as follows under the headings of the Chief Executive Report.

Proposal:

- The nature of the development is provided – 112 apartment units in a six-storey block and all associated works/ development on the site of a former car showrooms and on the site of an existing petrol filling station. There is an existing permission on this site for a five-storey apartment block providing for 83 units on this site.
- The comments made in the third-party submissions are noted in relation to the proposed SHD and the limited number of additional units proposed and the increase in height of the building. The Planning Authority consider this to be a

new development, not an amendment to the existing permitted development and for which permission may be granted or refused. The permitted scheme established the principle of residential development on this site.

- The site is zoned Z1 and is suitable for residential development. The indicative plot ratio for this site is between 0.5 and 2.0, with an indicative site coverage of 45 – 60%. A higher plot ratio may be acceptable in certain listed circumstances. Section 16.10.4 of the Dublin City Development Plan refers to sustainable neighbourhoods and developments should integrate into the existing character of the area whilst having regard to available guidance.
- All developments of over 15 units or 1,500 sq m shall demonstrate how they constitute a positive urban design response to the local context and how they contribute to place-making and the identity of the area. Developments in excess of 50 units shall make a contribution to the local area in terms of community facilities and social infrastructure, where shortfalls are identified. An audit of existing facilities in the area will be provided and include an assessment of the local school's capacity to accommodate additional pupils. A phasing plan for developments in excess of 50 units may be required. Design standards are set out in Section 16.2.1 of the Dublin City Development Plan. Contemporary architectural design is encouraged and full regard to the existing area is to be had in any design.

Residential Standards:

- Residential development in the form of apartments shall comply with the standards set out in the 'Sustainable Urban Housing: Design Standards for New Apartments (2018). Reference is made to room sizes, private amenity areas, dual aspect units, number of units per lift core and unit mix.

Height Policy – Development Plan Policy:

- Section 16.7.2 of the Dublin City Development Plan refers to building heights and regard is had to the 'Urban Development and Building Heights – Guidelines for Planning Authorities (2018). In addition, a range of other guidelines are to be considered with these building height guidelines. An objective of the National

Planning Framework is that 50% of future urban development will be within existing built-up areas. Increased building heights will be promoted. The appropriateness of large scale/ taller buildings in historic environments is to be considered.

- The submitted application includes a Material Contravention Statement and a response to the issues raised in the An Bord Pleanála Opinion. It is noted that the development has not changed significantly from that submitted at opinion stage, nor has there been any significant changes to the policy context.

Evaluation:

- The development is acceptable in terms of the Z1 zoning and replaces a motor sales showroom, which is a non-conforming use. The petrol filling station is open for consideration and the ancillary shop is permissible in the form of a local shop. The principle of development has been established and areas of communal/ public open space is to be provided in addition to residents' facilities for those living here.
- The proposed development provides for a site coverage of 44% and a plot ratio of 3.18. Density at 291 units per hectare is acceptable, having regard to the location and proximity to public transport, subject to good architectural design, good residential amenity and ensure the protection of existing residential amenity.
- The issue of height is considered in depth having regard to national guidance and the requirements of the Dublin City Development Plan. The applicant considers that the site is suitable for increased density/ height and third parties consider that the permitted development provides for a suitable density. The area is generally low rise but is within easy reach of the city centre by use of public transport and bicycle. The development is assessed against the criteria provided in the guidelines as follows:
 - At the scale of the relevant city or town: Site is well served by public transport, there is some impact on the views of St Matthew's Church though this is not a protected view, the development will be prominent

when viewed from Church Avenue, Londonbridge Road, Bath Street and Cranfield Place. It is considered that the development would be a significant visual impact on the existing site development.

- At the scale of the district/ neighbourhood and street: The development will provide for an active street frontage on Beach Road and the development is of a suitable design in this location. One- and two-bedroom units are to be provided and planning gain is in the form of the replacement of vacant units with active uses on site in the sole form of residential development.
- At the scale of the site and building: The development will provide for a good quality of residential amenity including maximising available views, although the frontage has a north eastern elevation. A daylight assessment was undertaken in accordance with the BRE Guidelines. The development is generally acceptable and does not reduce daylight to neighbouring windows to below the minimum required. 50% of the units are dual aspect. The increase in height from the permitted five storey to a six-storey development will have very little material impact on the area. In relation to sunlight, full compliance with the BRE Guidelines is achieved and full compliance is also achieved in relation to neighbouring gardens and open spaces.
- Specific Assessment: No impacts to microclimate or telecommunication channels are likely to arise due to the relative low-rise nature of the development. An Ecological Impact Assessment (EclA) has been submitted and gives no rise for concern. Mitigation measures will be required due to construction noise. SEA and EIA are not required, and a NIS has been submitted.

An Bord Pleanála Opinion:

- The Chief Executive report reviews each of the response to the An Bord Pleanála opinion/ issues to be addressed.

- Impact on surrounding area – CGIs and reports: 17 photomontages/ CGIs have been submitted in response. The development impact would be similar to that of the permitted development.
- Details of material finishes: A design statement and Building Lifecycle Report have been submitted in support. The submitted details are considered to be acceptable and final details can be agreed by way of condition.
- Daylight/ Sunlight Analysis: Full details are provided in accordance with the BRE Guidelines. In general, the submitted details are acceptable. As part the compensation for the impact of the development, public open space is provided. The Parks and Landscape Services will not accept the open space for taking in charge and a levy is also sought.
- Housing Quality Assessment: All units meet the required standards, and the housing mix is considered to be acceptable.
- Landscape Plan: A suitable plan has been submitted and includes 392 sq m of public open space. Private open space is provided in the form of balconies and all necessary standards are met.
- Justification for the lack of a childcare facility: A Childcare Demand Audit has been provided in support of the development. Demand for childcare will be met by existing provision in the area and existing capacity has been identified.
- Surface Water Management Details: Provision will be similar to that proposed in the permitted development. No objection to this.
- Roads and Access details: Full details have been provided and no objections have been raised. The Transportation Planning Division require an updated construction traffic management plan, and which should address third party concerns.
- **Other Issues:** Consideration has been given to the impact of the development on existing residential amenity and impact on the adjoining school through overlooking. ‘.it is considered that the separation distances achieved from the

closest neighbouring dwellings and windows are acceptable'. No other concerns in this regard are raised and refuse storage is considered to be acceptable.

- **Conclusion:** The proposed development is considered to be acceptable having regard to the location of the development and the already permitted scheme on this site. Third Party concerns can be addressed by way of condition. The development is considered to be in accordance with development plan policy and policies set down in national guidance. A list of recommended conditions has been included in the event that permission is to be granted.

8.13. In addition to the CE report, additional Dublin City Council internal reports have been provided and are included in Appendix A of the CE report.

- **Transportation Planning Division:** A number of points are noted including that the car parking provision is acceptable and traffic impact is not a concern. The provision of a two-way cycle track on Strand Road on a trial basis is referenced and no particular issues of concern were raised. There is no objection to the development subject to conditions, I note that condition 5 refers to the need for a Construction Management Plan (5a) and a Construction Traffic Management Plan (5b).
- **Drainage Report:** There is no objection to the development, subject to the development complying with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0. There are existing foul and surface water drainage systems on site and necessary requirements are provided by DCC. The submitted Flood Risk Report is noted and it is recommended that it shall be implemented as part of this development.
- **Environmental Health Officer:** Conditions are recommended including the need for a Construction Management Plan, limit on the hours of demolition/ construction on site, noise limits are provided and a general condition regarding air quality control.

- Part V – Housing & Community Services: Engagement has been had between the developer and the Housing & Community Services in relation to meeting Part V requirements, the developer is suitably aware of their obligations.
- Parks & Landscape Services: The proposed open space area is too small to be taken in charge and there is also sufficient open space in the area, however, a financial contribution in accordance with 16.10.3 of the Dublin City Development Plan should be provided. The open space does provide some benefits for existing residents in the area. Play equipment should be provided in the communal open space area, and whilst the provision of a green roof is welcomed, additional measures could be provided in the form of balcony planters and vertical greening of the building. Overall, there is no objection to the development.
- Waste Regulation and Enforcement Unit: A list of conditions to be applied are provided.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- The Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation – Now, Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- Transport Infrastructure Ireland
- National Transport Authority
- An Taisce
- The Heritage Council
- Fáilte Ireland
- An Comhairle Ealaíon
- Dublin City Childcare Committee

- Irish Water and Inland Fisheries Ireland (IFI) made a submission.

9.2. The following is a brief summary of the issues raised.

9.2.1. **Irish Water:**

Irish Water has issued a Confirmation of Feasibility for the development of 112 no. apartment units to connect to the public water and wastewater networks. The applicant has engaged with Irish Water and has submitted design proposals and Irish Water has issued a Statement of Design Acceptance.

Irish Water has requested that in the event that permission is granted that conditions be included as follows:

- ‘The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network’.
- ‘Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to any commencement of works’.
- ‘All development is to be carried out in compliance with Irish Water Standards codes and practices’.

9.2.2. **Inland Fisheries Ireland (IFI):**

The development is located in the catchment of the River Liffey which supports a regionally significant population of Atlantic Salmon, a species listed under Annex II and V of the EU Habitats Directive. In addition, the River Liffey supports Brown Trout, Lamprey, Eel, and other sensitive species. The Liffey is tidal in the area of the subject site and forms part of the Liffey estuary. Estuaries provide a natural habitat through their linkage between freshwater and ocean environments. Fisheries ecology is therefore an important consideration in any development in this area.

If permission is granted, all works should be in line with the Construction Management Plan, which ensures that good construction practices are adopted. Direct pumping of contaminated water from the development to a watercourse shall not take place at any time. Any dewatering should be to an attenuation area and discharged off site; this may require a discharge licence from Dublin City Council.

Any topsoil or demolition material which is to be stored on site must include mitigation measures that prevent materials entering the river. Drainage from the topsoil storage area may need to be directed to a settlement area for appropriate treatment. Careful control of concrete/ cement is required as these are highly toxic to aquatic life.

A quarantine area should be put in place to control identified contaminated material during the demolition phase and when decommissioning onsite fuel tanks. Appropriate mitigation measures to be put in place. Suitable measures to be put in place, to ensure that during the connection or stripping of old pipework, to ensure that solids do not enter the surface water system.

The surface water drainage system shall be visually checked twice a day during the earthworks stage and records maintained of such inspections.

Silt traps and oil interceptors shall be regularly maintained during the construction and operational phase. An annual contract for such maintenance should be put in place. It is noted that Ringsend Wastewater Treatment Plant is operating at/ near capacity and its upgrade won't be complete until 2023. It is essential that the local infrastructure has the capacity to cope with increased surface and foul drainage generated by this development. All discharges must be in compliance with European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

10.0 Oral Hearing Request

None requested.

11.0 Assessment

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

11.2. In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

The assessment of the submitted development is therefore arranged as follows:

- Principle of Development
- Development Height
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Impact on St Matthews National School
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Comment on Submission/ Observations of South East Area Committee
- Other Matters
- Material Contravention
- Appropriate Assessment Screening – Natura Impact Statement
- Natura Impact Statement
- Environmental Impact Assessment Screening

11.3. Principle of Development

11.3.1. Having regard to the nature and scale of proposed development which is in the form of 112 residential units consisting wholly of apartments on lands zoned for Sustainable Residential Neighbourhoods under the Z1 zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.3.2. The subject site is zoned 'Z1 - Sustainable Residential Neighbourhoods' in the Dublin City Development Plan 2016 – 2022 with the objective 'To protect, provide and improve residential amenities'. This zoning objective permits a range of residential related uses including childcare facility, cultural/ recreational building and uses, open space and most relevant to this proposal is residential. I am satisfied that the development is in accordance with the Z1 zoning objective.

11.3.3. It is national and local policy to maximise the use of available lands and in particular brownfield sites/ infill sites. Part of this site can be considered a brownfield site, as the previous car showroom uses have ceased on the northern section of the site, and the land is now proposed for an alternative form of development. There are/ have been, a number of similar sites in the Dublin City area, where car sales/ maintenance facilities have moved out to the suburbs, usually adjacent to main routes into the city such as the likes of Liffey Valley. The former premises cease to function as car sales and the value of the land sees a higher intensity use provided such as office development, retail and residential uses. This site on Beach Road is a good example of such changes to the motor trade and the former occupier of this unit moved to Harold's Cross.

11.3.4. The remainder of the site is occupied by a petrol station, a use which is listed as Open for Consideration in terms of the Z1 zoning. This is likely to be a very busy station as it is located on Beach Road and faces onto the junction with Sean Moore Road, the main link road to the East Link Bridge from the southside of the River Liffey. The ancillary shop is also likely to be an important facility serving the local area and this was referenced in the received observations.

11.3.5. None of the buildings on site are of such an architectural quality as to merit their retention/ incorporation into any redevelopment of this site. This will be detailed further in this report, but it is considered that the existing operator of the petrol station, Maxol, have clearly identified their presence in this location through the level/ nature of branding and signage on site.

11.3.6. The proposal of 112 apartment units provides for a density of 291 units per hectare, which is a relatively high residential density. The site is located in an established urban area, where public transport is available and where community/ social/ recreational infrastructure is within walking distance. Whilst the principle of development is accepted to be in accordance with the Z1 zoning objective, and is in accordance with local/ national policy, the impact on the adjoining area is considered further in this report.

11.3.7. It is important to restate that the principle of redevelopment of this site has already been established under P.A. Ref. 2001/18/ ABP Ref. 302082-18, for the development of 83 units in a five-storey block. The subject development increases the number of units from 83 to 112 in a six-storey block, though now either in the form of one- or two-bedroom units, previously the mix included one-, two- and three-bedroom units. The general layout and form of development is similar to that previously approved here.

11.3.8. **Conclusion on Section 11.3:** The site is suitably zoned for residential development and the proposal would see the provision of an apartment block consisting of 112 units in place of a vacant motor sales showroom and an active petrol filling station. Considering the zoning of the site and nature of the proposed development, there is no reason to recommend a refusal to the Board.

11.4. Development Height

11.4.1. The issue of height was one of the main issues of concern raised in the third-party observations and by the elected members of the South-East Area Committee. From the site visit, it was apparent that the surrounding area is characterised by two-storey/ low rise buildings. Taller developments in the form of 'Capital Dock' to the north west and the Aviva Stadium to the south west do project above the prevailing building heights in the area. The most prominent building in the

immediate area is St Matthew’s Church on Irishtown Road and which has a local landmark status. It is noted that there are no protected views of this church and its prominence from Beach Road is very dependent on the location of the viewer.

11.4.2. The site is located within a ‘Low Rise’, ‘Outer City’ location and the maximum height specified in the Dublin City Development Plan 2016 – 2022 is 16 m. The proposed development is in the form of a single block unit with a maximum height of 19.9 m, 19 m to the top of the parapet and an additional 900 m to the top of the lift overrun. The height of this block exceeds the maximum standards set out in the Dublin City Development Plan 2016 – 2022.

11.4.3. Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018, sets out a number of considerations for developments with increased heights.

In the interest of convenience, I have set these out in the following table:

At the scale of the relevant city/ town	
Criteria	Response
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	Public transport is available in the form of Dublin Bus Routes 1 and 47, with bus stops less than 200 m from the site. Route 1 operates on an off-peak frequency of every 10 to 12 minutes and route 47 operates on an hourly/ every 75 minutes frequency. The DART station at Lansdowne Road is within 900 m walking distance from the site.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the	<ul style="list-style-type: none"> No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection.

<p>character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • Verified Views and photomontages have been prepared by 3D Design Bureau in support of the application. • A Landscape Report has been prepared by Áit Urbanism + Landscape.
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<ul style="list-style-type: none"> • The proposed development will remove the existing vacant car showroom and the existing petrol filling station, which are out of character with the predominant form of development in the area, which is of a residential nature, and will provide for a high-quality residential development on this site. This will provide for good street frontages and will utilise a high quality of material finish. • An Architectural Design Statement by John Fleming Architects has been submitted in support of the development.
<p>At the scale of district/ neighbourhood/ street</p>	
<p>Criteria</p>	<p>Response</p>
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the</p>	<ul style="list-style-type: none"> • The development will provide for strong frontages and replace existing commercial uses on site.

<p>urban neighbourhood and streetscape.</p>	
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> • The design includes careful articulation of fenestration and detailing that ensure that the massing of this single block is suitably broken up to ensure that it is not monolithic.
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> • The design provides for a suitable residential development in this area of predominately two-storey houses. Open space is provided on site and which is proposed to be accessible to public use. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment has been prepared by Punch Consulting Engineers.
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<ul style="list-style-type: none"> • Improved legibility is provided in the form of a strong active frontage and building line in place of buildings that do not form a strong building line.
<p>The proposal positively contributes to the mix of uses and/ or building/</p>	<ul style="list-style-type: none"> • The proposed development will provide for a mix of one and two-bedroom apartment units. The area is

dwelling typologies available in the neighbourhood.	characterised by houses that are generally family sized units and therefore the development will increase the mix of housing types in the area.
At the scale of the site/ building	
Criteria	Response
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	<ul style="list-style-type: none"> • The front elevation of this building faces in a north east direction, however views are maximised and the quality of residential accommodation will be of a very high standard, suitable to its urban context. • As outlined in the Assessment – Section 11.7.10, the development demonstrates that compliance with BRE 209 and BS2008 is generally achieved, and the amenity of existing residents and future residents is satisfactorily addressed and maintained.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for	<ul style="list-style-type: none"> • As above and Section 11.7.10 for full assessment.

Buildings – Part 2: Code of Practice for Daylighting’.	
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<ul style="list-style-type: none"> • As above and Section 11.7.10 for full assessment.
Specific Assessment	
Criteria	Response
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such</p>	<ul style="list-style-type: none"> • The proposed development is not considered to be a ‘taller building’ such that micro-climate issues arise. Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable.

<p>assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) and a Natura Impact Statement (NIS) have been submitted in support of the application and which fully consider the impact of the development on bird and bats. • In summary, no bat roosts or foraging was found on site during the surveys. • No bird nests were found on site and impacts to flight lines would not be expected. • Due to the need for noise mitigation measures, the applicant submitted a Natura Impact Statement with the application. In conclusion, 'no significant impact is foreseen on species and habitats of conservation importance or conservation sites of National or international importance'.
<p>An assessment that the proposal allows for the retention of important</p>	<ul style="list-style-type: none"> • N/A Due to six storey nature of the development.

telecommunication channels, such as microwave links.	
An assessment that the proposal maintains safe air navigation.	<ul style="list-style-type: none"> • N/A Due to six storey nature of the development.
An urban design statement including, as appropriate, impact on the historic built environment.	<ul style="list-style-type: none"> • Included with the application is An Architectural Design Statement, prepared by John Fleming Architects and which demonstrates how the development will integrate into its surroundings.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. • EcIA, AA screening report and NIS are submitted with the application.

11.4.4. The above table demonstrates that the development complies with Section 3.2 of the 'Urban Development and Building Height' guidelines and that the criteria are suitably incorporated into the development proposal. Many of the issues identified in the table are assessed in greater depth in the following sections of my report. As the development does not comply with the maximum heights as outlined in the Dublin City Development Plan, it is therefore considered that SPPR 3 applies as follows:

'It is a specific planning policy requirement that where;

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

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise’.

11.4.5. National and local policy is to provide for increased heights and density on sites that can be demonstrated to be suitable for such development. The above table includes appropriate considerations for such development. A number of the third-party submissions state that this development results in the introduction of a six-storey development into an area defined by two/ three storey houses. Whilst this is true, the development of a more dense and higher development on this site has already been established. The increase in height from what is already approved is marginal and the potential impact on neighbouring sites is further considered in this report. The proposed development will provide for a mix of apartment types in an area where there is a requirement for such housing types/ mix of residential unit types.

11.4.6. The issue of Material Contravention is considered further in this report under Section 11.15.

11.4.7. **Conclusion on Section 11.4:** The proposed development contravenes the Dublin City Development Plan in terms of exceeding the maximum permitted height for a development in an area designated as ‘Low Rise’, ‘Outer City’ location. I am satisfied that proposed development demonstrates that it complies with the criteria set out in Section 3.2 of the ‘Urban Development and Building Height’ guidelines and recommend that the Board grant permission for the development having regard to SPR 3, in addition to NPO13 and 35 – which seek to improve urban areas through suitable regeneration and increased densities/ height. The issue of Material Contravention is considered later under Section 11.15 of this report.

11.5. Design and Layout

11.5.1. As already reported, the site is located on lands that are zoned Z1 and are suitable for residential development. The focus is therefore to integrate such a development into the existing established urban area, in this case Beach Road, Sandymount.

11.5.2. The development of this site will require the demolition of the existing motor sales showroom, a single block, two storey building, a petrol filling station shop and canopy, and some associated storage units. In addition, the existing hardstanding and boundaries are to be removed. None of the units to be removed area of any architectural importance and their removal/ replacement with a high quality, architecturally designed building will provide for a visual improvement in this area. An 'Outline Construction and Demolition Waste Management Plan' has been prepared and submitted with the application. This is a generic document but does outline best practice associated with this stage of development.

11.5.3. The existing buildings are stepped back from the footpath edge and combined with the extensive areas of hardstanding, mostly in the form of car parking/ storage, the site does not contribute positively to the street or urban character of the area. This section of Beach Road is heavily trafficked; however, the petrol filling station increases the volume of traffic in the area and the constraints of the site layout further increase the sense of openness required to allow for sale vehicle access and exit to/ from the site.

11.5.4. The site is constrained by the primary frontage onto Beach Road being north east orientated, and the site shape is a also a significant constraint. The footprint of the building and layout have been established through the permitted development under P.A. Ref. 2001/18/ ABP Ref. 302082-18. The submitted plans, including the site and floor plans, clearly indicate the extent of the development in relation to that already permitted. The revisions to the footprint are minor in nature.

11.5.5. Vehicular access to the site is from Beach Road to the south eastern side of the site. This access is to a basement car parking area and no other on-site parking is provided. A total of 79 car parking spaces are provided and bicycle parking is also located within the basement area. Waste storage areas are also located within this basement car park. Pedestrian access to the development will be from Beach Road and Church Avenue.

11.5.6. A single block of six storeys is proposed over the basement level. The upper level is set back from the other five floors. As already stated, the design is similar to that of the development already permitted on this site.

11.5.7. The primary elevational treatment consists of red brick which is relieved by the extensive areas of glazing and associated balcony areas. Some stone/ precast panels are also used to relieve the extent of brick proposed. The upper floor/ sixth storey is to be finished with glazed spandrel panelling, standing seam metal cladding and similar roofing. The grey/ metal cladding on the upper floor will help lighten the bulk/ height of the building. The proposed material finishes are considered to be appropriate in this location. Brick is used throughout the Irishtown and Sandymount areas and therefore is correctly proposed for this established urban location.

11.5.8. The development will make a positive contribution to the streetscape, providing for a defined building line, where currently it is broken by the existing form of development. This positive contribution to the streetscape is reinforced by the use of a low brick wall with stainless steel railings over, replacing a low wall consisting of a mix of design types.

11.5.9. **CE Report comments:** The Planning Authority raised no particular concerns in respect of the layout/ design of the development. The development is very similar to that previously approved under P.A. Ref. 2001/18/ ABP Ref. 302082-18 other than for the increase in height and unit numbers.

11.5.10. **Conclusion on Section 11.5:** The proposed design is considered to be acceptable for this location. Permission was already granted for a similar development under P.A. Ref. 2001/18/ ABP Ref. 302082-18 and in addition to a revision in the internal layout, an additional floor has been proposed, therefore providing for a six storey over basement residential development. The scheme maximises the available site, proposing a high quality of residential amenity. There is no reason to recommend a refusal of permission to the Board in terms of the proposed design and layout.

11.6. Visual Impact

11.6.1. In addition to the layout and material finishes, there are other aspects of the development which impact on the visual amenity of the area.

11.6.2. As already reported, the issue of height was raised as a matter of concern and also the visual impact of the development on the character of the area.

Particular reference was made to the impact on St Matthew's Church on Irishtown Road. It is accepted that the area is generally low rise. This is due to the settled nature of the existing residential development where opportunities for significant redevelopment do not arise on a regular basis. In addition, the front of the site on Beach Road is dominated by the road layout and the somewhat complicated junction with Sean Moore Road. Large tracts of land which are under grass primarily function as part of the road layout and do not serve any other function, other than as a visual amenity. As already stated in this report, the proposed development will strengthen the existing urban form of this area.

11.6.3. The applicant has submitted an Architectural Design Statement and Presentation and Verified Views in support of the application. The views are taken from 17 different points and indicate the existing, proposed and the permitted development views. It has to be said that whilst there are great benefits in having such an assessment, it can be restricted by where the viewpoints are taken from and the presence or not of trees on site. In this case I am satisfied that the images provide for a good representation of what is proposed on this site.

11.6.4. The comments raised by third parties regarding the impact on St Matthew's Church are noted. It is my opinion, there is no impact from the development on this church and the key views from Irishtown Road are not affected in any way from this development and similarly the view from Bath Street is not impacted. The only views that are affected are along Beach Road when heading north west. The view of the church will be got when closer to it, than is the case at present. I am satisfied that the character of the church will not be adversely affected by the proposed development, and I note again that there are no protected views of this church listed in the Dublin City Development Plan.

11.6.5. **CE Report comments:** The Planning Authority were generally satisfied that the proposed heights were acceptable in this location and the overall design is considered to be acceptable. I note the comments regarding the issue of height and material contravention of the city development plan, and this issue will be addressed later in this report in Section 11.15.

11.6.6. **Conclusion on Section 11.6:** The proposed building design is considered to be acceptable for this location and will strengthen the urban form

through the provision of a strong streetscape and a more efficient use of land. There is no reason to recommend a refusal of permission to the Board in terms of the visual impact on the area.

11.7. Residential Amenity – Future Occupants

11.7.1. **Unit Mix:** A total of 56 one-bedroom units and 56 two-bedroom units are proposed. This unit mix is compliant with Specific Planning Policy Requirement 1 (SPPR 1) of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

11.7.2. **Quality of Units – Floor Area:** A ‘Housing Quality Assessment’ submitted with the application provides a detailed breakdown of each of the proposed apartment units. All units exceed the minimum required floor areas, with 102 units (91%) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

11.7.3. The majority of the one-bedroom units are provided with a single storage area though some of the one-bedroom units have the storage areas spread throughout the apartment. The two-bedroom units have a number of different storage areas within the floor plan, which is appropriate having to support the needs of multiple occupants. All units are provided with storage in excess of the minimum required, however I note that part of the storage areas may function as access to another room such as between the bedroom and the bathroom, thereby reducing the useable storage area. SPPR 8 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’ is noted in this regard and there is flexibility allowed in the provision of storage space. Considering the floor areas provided, storage can be provided throughout the units.

11.7.4. The submitted ‘Housing Quality Assessment’ and Section 3.9 – Dual Aspect Diagrams, of the JFA Architectural Design Statement, indicates that a number of the units have a partial or full North East aspect, which is to be expected as the layout of the site and the street frontage onto Beach Road dictates such an orientation. This orientation allows for good views from the individual units (which is

likely to be used in the promotion of this development). 50% of the units are dual aspect, this meets the requirements of SPPR 4 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. A number of the single-aspect apartments are provided with projecting bays which increases the amount of daylight and amenity value to these units, this feature does not define them as dual aspect units.

11.7.5. Floor to ceiling heights within the apartments are stated to be 2.8 m at ground floor level and 2.5 m for the upper floor levels. This is in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'

11.7.6. The proposed development is within a single block but is served by two separate stair/ lift cores. These cores provide access from the basement, ground floor and to all upper-level floors. A maximum of 11 units per core is proposed and this is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.7.7. **Conclusion on Sections 11.7.1 and 11.7.2 – 11.7.6:** The proposed development provides for an adequate mix of unit types. The area consists predominately of family sized homes and the development provides for a mix of one- and two-bedroom units, thereby improving the mix of housing types in the area. The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

11.7.8. **Quality of Units – Amenity Space:** All units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is generally from the living room area and the design of the building is such that the Beach Road elevation includes the balconies in an inset form. The majority of units are provided with private amenity areas in excess of the minimum required and there are some units that will have significantly more than the minimum. Details are provided on page 27 of the JFA Architectural Design Statement as to how privacy of the ground floor units will be protected. A combination of different levels, planters, box hedging and the location of a ramp for accessibility reasons, all provide for a suitable separation

between the amenity space/ apartments and the public street. Further details are provided in the Landscape Report prepared by Áit Urbanism + Landscape. The submitted details are considered to be acceptable/ appropriate in this location.

11.7.9. An area of 392 sq m of public open space is provided to the western side of the apartment block. This will be accessible to the public from Church Avenue. The Dublin City Council Parks and Landscape Services consider this area to be too small to be taken in charge and recommend that a suitable contribution be made to the provision of public open space in the area. I note that public open space is available in the nearby Irishtown Park and in the form of Sandymount Strand.

11.7.10. Section 16.10.3 of the Dublin City Development Plan 2016 – 2022 states 'In new residential developments, 10% of the site area shall be reserved as public open space'. Public open space will normally be located on-site, however in some instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it not feasible, due to site constraints or other factors, to locate the open space on site, or where it is considered that, having regard to existing provision in the vicinity, the needs of the population would be better served by the provision of a new park in the area (e.g., a neighbourhood park or pocket park) or the upgrading of an existing park. In these cases, financial contributions may be proposed towards the provision and enhancement of open space and landscape in the locality, as set out in the Dublin City Council Parks programme, in fulfilment of this objective.

11.7.11. I am satisfied that the developer has proposed an adequate area of open space on site that would function as an amenity area for the local community. Although limited in size and useability, it will function as a passive park where people may sit for a rest or to meet up. This provides for a different function to that available in Irishtown Park and is perhaps more accessible as there is no need to cross the busy roads in the area to access this piece of open space. The submitted landscaping plans prepared by Áit indicate a very high quality of open space. This will be appropriately overlooked ensuring passive surveillance and the space also functions as a buffer between the proposed apartments and the existing houses to the north on Church Avenue.

11.7.12. The Board may choose to exclude this area of space and apply a contribution in lieu, but I recommend that the area be designated as a piece of public space that serves the local community and that that no levy be applied.

11.7.13. A total of 700 sq m of the site area is to be provided as communal open space serving the future residents of this scheme. This is adequate to serve the proposed development and in addition the public open space is available for use by the residents of the development.

11.7.14. **Conclusion on Sections 11.7.8 – 11.7.12:** The proposed development provides for adequate private, communal, and public open space areas. The Planning Authority have recommended that a contribution in lieu of the open space be applied as the area of public open space is too small. The Board may choose to apply a contribution in lieu of open space by way of condition, but I recommend that the open space be accepted as public open space. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

11.7.15. **Daylight and Sunlight:** The submitted 'Assessment of Daylight Levels' prepared by BPG3, considers the potential daylight/ sunlight provision within the scheme and the potential for overshadowing. This assessment is undertaken based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

The submitted assessment undertook six different tests as follows:

- 'Study A: Assessment of skylight access levels available to neighbouring accommodation: An assessment of the extent to which the proposed development could impact on the skylight access levels available to the accommodation located in neighbouring properties.
- Study B: Assessment of sunlight access levels available to neighbouring accommodation: An assessment of the extent to which the proposed development could impact on the levels of sunlight access available to accommodation in neighbouring residences.

- Study C: Assessment of sunlight levels available to neighbouring recreation areas: An assessment of the extent to which the proposed development would impact on the levels of sunlight access available to neighbouring outdoor recreation areas.

Three additional studies have been commissioned to assess the adequacy of the daylight levels which would be provided within the accommodation which is being proposed as part of this development.

- Study D: Assessment of skylight amenity available within proposed accommodation: An assessment of the skylight amenity which would be provided within the accommodation which is being proposed as part of this development.
- Study E: Assessment of sunlight amenity available to proposed accommodation: An assessment of the sunlight amenity which would be available to the accommodation which is being proposed as part of this development.
- Study F: Assessment of sunlight amenity available within proposed outdoor recreation areas: An assessment of the degree to which the potential for good sunlighting exists within the main outdoor recreation space which is being proposed as part of this development’.

Only Study D, E and F are considered in this part of the assessment – impact on the amenity of the future occupants of this development.

11.7.16. From the information provided in the ‘Sunlight, Daylight and Shadowing Assessment’, I am satisfied that the target Average Daylight Factor’s (ADF) are appropriate and are generally compliant, and that the requirements of sunlight for open space areas is within the required standards. Compliance with these targets/ standards will ensure that all units are provided with suitable residential amenity.

11.7.17. Table 2 of BS8208 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/ living and dining areas are effectively the one room and I accept that the higher figure may not be achieved for the kitchen area in all cases.

11.7.18. Table 7 of the 'Assessment of Daylight Levels' report, provides details of the Average Daylight Factors (ADFs) and a breakdown of the achieved results. Out of 280 rooms that were assessed, 247 or 88% demonstrated compliance with the advisory minimums. Of the 33 rooms that fall short of the advisory minimums, the majority of these would achieve adequate levels of skylight amenity. 32 open plan kitchen/ dining/ living rooms fall short of the recommended 2.0% ADF but 27 of these meet/ exceed the advisory 1.5% ADF. Of the remaining six rooms, all would achieve locally available daylight and artificial light can be used to improve the standard of light within these rooms.

11.7.19. Those units that are below 2% for Kitchen/ Living/ Dining and below 1.0 for Bedroom, include the following:

Floor	Unit	Kitchen/ Living/ Dining	Bedroom 1	Bedroom 2
Ground	0.3 (2 Bed)	1.6 (-0.4)	1.2	2.0
Ground	0.4 (2 Bed)	1.3 (-0.7)	1.0	1.7
Ground	0.5 (2 Bed)	1.5 (-0.5)	3.0	2.3
Ground	0.9 (2 Bed)	1.6 (-0.4)	3.1	2.3
Ground	0.14 (2 Bed)	1.8 (-0.2)	2.3	6.1
Ground	0.15 (1 Bed)	1.9 (-0.1)	2.0	
Ground	0.16 (1 Bed)	1.9 (-0.1)	2.0	
First	1.3 (2 Bed)	1.6 (-0.4)	2.0	1.0
First	1.6 (2 Bed)	1.8 (-0.2)	3.5	6.1
First	1.7 (1 Bed)	1.9 (-0.1)	2.0	

First	1.8 (2 Bed)	1.5 (-0.5)	1.6	0.8 (-0.2)
First	1.9 (2 Bed)	1.3 (-0.7)	3.0	2.2
First	1.13 (2 Bed)	1.4 (-0.6)	3.0	2.1
First	1.19 (2 Bed)	1.7 (-0.3)	2.2	5.6
First	1.20 (1 Bed)	1.9 (-0.1)	1.9	
Second	2.3 (2 Bed)	1.6 (-0.4)	1.3	2.1
Second	2.7 (1 Bed)	1.9 (-0.1)	2.2	
Second	2.8 (2 Bed)	1.2 (-0.8)	1.0	1.9
Second	2.9 (2 Bed)	1.4 (-0.6)	3.3	2.2
Second	2.13 (2 Bed)	1.6 (-0.4)	2.9	2.1
Second	2.19 (2 Bed)	1.8 (-0.2)	2.2	5.3
Second	2.20 (1 Bed)	1.9 (-0.1)	1.9	
Third	3.3 (2 Bed)	1.9 (-0.1)	2.4	1.2
Third	3.9 (2 Bed)	1.5 (-0.5)	2.9	2.1
Third	3.13 (2 Bed)	1.6 (-0.4)	3.0	2.2
Third	3.19 (2 Bed)	1.9 (-0.1)	2.1	5.8
Third	3.20 (1 Bed)	1.8 (-0.2)	1.9	
Fourth	4.7 (2 Bed)	1.7 (-0.3)	3.0	2.2
Fourth	4.12 (2 Bed)	1.8 (-0.2)	2.8	2.2
Fourth	4.18 (1 Bed)	1.7 (-0.3)	2.2	
Fifth	5.1 (2 Bed)	1.8 (-0.2)	11.8	3.4

Fifth	5.8 (1 Bed)	1.8 (-0.2)	2.8	
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11.7.20. The majority of these units are close to 2% and five units do not meet the 1.5% requirement for a living room.

11.7.21. The applicant has undertaken an additional assessment in the form of Study E to assess the direct sunlight access to the proposed accommodation, this is assessed in terms of Annual Probable Sunlight Hours (APSH). According to the BRE guidance, a residential unit will be reasonably sunlit provided:

- At least one main window wall faces within 90 degrees of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months (taken to fall between the 21st of September and the 21st of March).

11.7.22. The assessment included all windows serving habitable accommodation within the development, a total of 694 windows. 41% of living spaces were found to receive annual sunlight levels in excess of advisory minimums and higher levels were found for winter sunlight. It is found that 58% of units either meet or exceed the annual APSH target of 25% and 61% of units would receive at least 5% of the APSH in the winter months.

11.7.23. The availability of sunlight is affected by a range of factors including the fact that a balcony directly above a window would give rise to shading and a reduction in sunlight. The primary elevation facing north east also impacts on the availability of sunlight. There is in effect a trade-off between meeting the standards in all cases and providing for a high-quality development that integrates into the character of the area. As already commented on, the principle of development has been established by the five-storey development permitted on site and this proposal is not a significant departure to what is allowed here. The applicant has outlined a number of compensating factors including the provision of balconies which are provided with good sunlight amenity, good landscaped areas, views of Dublin Bay are maximised, good internal floor space, the provision of additional space/ facilities

for residents and the location of the site provides for a range of good services/ amenities.

11.7.24. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The proposed development can be considered as a brownfield/ infill scheme and is restricted by its orientation and site size/ layout. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this accessible and serviced site within the Dublin City area with a positive and active urban edge, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units. The development can be considered as a brownfield/ infill development and is restricted by its orientation and site size/ layout.

11.7.25. I have taken account of compensatory measures provided as part of the development such as the provision of balconies which are provided with good sunlight amenity, good landscaped areas, available views of Dublin Bay are maximised, good internal floor space, the provision of additional space/ facilities for residents and the location of the site provides for a good range of services/ amenities. These compensatory measures are sufficient in this instance.

11.7.26. The submitted analysis includes an assessment of the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis demonstrates that the BRE requirement is met and exceeded at greater than 82% for the area to the west/ north west and 90% for the area to the south west. The public and communal amenity spaces will be of a high quality, suitable for residential use. As already reported, future residents will have access to the public open space area.

11.7.27. The proposed areas of open space will be provided with adequate daylight and sunlight in accordance with the BRE requirements.

11.7.28. **Additional Residential Amenity:** The proposed development provides for a number of ancillary rooms at ground floor level for the use of the residents of this scheme. Included are:

- Lounge Area of 95 sq m.
- Gym of 56 sq m.
- Bookable Room of 36.6 sq m.
- Work Space of 22.7 sq m.
- Other areas include a parcel store (11.2 sq m), Main Office/ Reception (12.4 sq m), Manager's Office (6.7 sq m) and a wheelchair accessible toilet (5.9 sqm).

A corridor from this communal area provides a direct link to the northern section of the apartment units and the southern section can access these spaces through the communal open space/ amenity area. These rooms/ facilities are welcomed and will support the provision of a high-quality residential development on this site. The mix of rooms/ facilities is also good.

11.7.29. **CE Report comment on residential amenity:** The CE report assesses the quality of residential amenity and overall, the development will comply with the relevant Specific Planning Policy Requirements of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.7.30. **Conclusion on Residential Amenity:** Overall the proposed development will provide for a high quality of residential amenity in this established urban area. Room sizes, amenity spaces and supporting facilities are of a good standard. The site is restricted by its urban location, layout and restricted site, but the proposed scheme will provide for a suitable regeneration of this urban site and provide for a strong street frontage which will be of benefit to the area. The development complies with the requirements of National and Local policies.

11.8. Residential Amenity – Existing/ Adjacent Residents

11.8.1. **Existing Site:** The redevelopment of a brownfield/ infill site within an established urban setting will give rise to a level of nuisance and disturbance to residents, especially during the construction phase. I note all of the comments made in the observations in this regard, however I am satisfied that any development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site.

11.8.2. Part of the current site is vacant, and the remaining section is in use as a petrol filling station. The vacant section of the site is not secured from access and there is also a significant amount of pedestrian/ vehicular traffic to/ within the petrol filling station part of the site. The provision of a residential scheme as proposed is more appropriate to the established character of the area, than the former car dealership and the petrol filling station.

11.8.3. The existing buildings on site are not substantial units and should be easily removed within a relatively short period of time. I do not foresee that the demolition period will extend to a lengthy period of time. The removal of soil/ earth/ hardstanding, by use of HGVs, from the site will take time but considering the existing and former uses on site, the use of HGVs on this site is not unusual. Once complete, the number of heavy vehicle movements such as fuel tankers and delivery trucks will cease to access this site.

11.8.4. **Potential Overshadowing:** As already referred to, the submitted 'Assessment of Daylight Levels' prepared by BPG3, considers the impacts on daylight/ sunlight provision and the potential for overshadowing of adjoining properties and details are provided in Appendix F of the submitted report.

11.8.5. Shadow Diagrams have been prepared/ included in the analysis. These are prepared for the 21st of March, June and December and provide a comparison between the current and proposed situations. These indicate the current and post situations at 8.00, 10.00, 12.00, 14.00 and 16.00 hours. In addition, details are provided for 18.00 hours in March and June and 20.00 hours only in June.

11.8.6. The submitted details give no rise for concern. There will be increased overshadowing, but this will only occur in the early morning and is to be

expected due to the orientation of the development. The morning sun from 10 am on is not impacted by the development and therefore I have no concern regarding overshadowing from the proposed development.

11.8.7. **Sunlight to adjoining recreational area:** In designing a new development, it is important to safeguard the availability of sunlight to adjoining sites/buildings. The submitted report considers this under Study C: Assessment of sunlight levels available to neighbouring recreation areas. The BRE recommends that a garden or amenity area will appear adequately sunlit throughout the year if at least 50% of it can receive at least two hours of sunlight on the 21st of March. The amenity space around the school and the gardens of nos. 7 – 9 Church Avenue were assessed. Full compliance was demonstrated.

11.8.8. **Direct sunlight to windows of adjoining properties:** Vertical Sky Component (VSC) is a measure of how much direct sunlight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. The assessment in this case included nos. 18 – 36 Cranfield Place, St Matthew’s National School, 1-5, 7,8 Church Avenue and 8 Tritonville Road. A total of 67 windows were assessed under VSC, full details are provided in Figures 1 -4 and Table 1 of the submitted report.

11.8.9. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

11.8.10. The analysis of the above listed units found that the following demonstrated a reduction below 27% and below 80% of the current figure.

Address	Window	Existing VSC	VSC Post Development	Reduction in VSC %.
St Matthew’s NS	29	35	26	74%
St Matthew’s NS	30	26	15	58%
St Matthew’s NS	33	33	22	66%
St Matthew’s NS	34	34	22	66%

St Matthew's NS	35	34	22	66%
9 Church Avenue	40	37	24	65%
9 Church Avenue	41	30	23	77%
9 Church Avenue	42	37	26	70

A number of units were below 27% VSC but exceeded the 80% and these are indicated in Table 1 of the 'Assessment of Daylight Levels' report prepared by BPG3.

11.8.11. Further analysis is undertaken of those windows that fall below the 80%. Windows 40 and 42 serve a bedroom with an existing ADF of 1.6 (recommended is 1) and the scheme if permitted would reduce this to 1.2 which is in excess of the minimum. Window 41 serves a Living Room with an ADF of 2.6 (recommended is 1.5) and which would reduce to 1.9 which is in excess of the minimum. The other windows serve classrooms in the school with a recommended ADF of 3.5, however the reduction in levels (between 1.1 and 2.5) is within 10% of that allowed under the permitted development and is therefore considered to be acceptable in the submitted report.

11.8.12. **Sunlight levels to adjoining living rooms:** The applicant has undertaken an assessment of the impact of the development on adjoining living rooms – details are provided in Table 3 of the submitted report. Only south facing windows are considered in this assessment, in accordance with BRE guidance. According to the BRE guidance a dwelling/ or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- At least one main window wall faces within 90° of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).

Further to this the BRE advise that the sunlighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

All windows demonstrate compliance with the BRE minimum advisory requirements.

11.8.13. The submitted details are noted. From the available information, all residential units will continue to receive good daylight and the proposed development will not result in a reduction of residential amenity to an unacceptable level. Overall, the assessment indicates that good compliance with BRE guidance is achieved. I note the results in relation to the school. I agree with the submitted report that the impact is unlikely to be any greater than that from the permitted development. The age and established nature of this school have resulted in its constrained positioning on site with very little separation to the boundary with the subject site.

11.8.14. **Conclusion on sunlight/ daylight impacts to neighbouring properties:** It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines and within the Dublin City Development Plan 2016 - 2022 to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin city area, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents from such development is not significantly negative and is mitigated in so far as is reasonable and practical. Existing units and their private amenity spaces will receive adequate sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Board that permission be refused.

11.8.15. **Potential overlooking:** Once again, I refer to the fact that a five-storey apartment block has been permitted on this site and the proposed development will increase the number of floors by one to provide for a six-storey development. Considering the built-up urban nature of the area, there are relatively few properties

that adjoin the subject site – the existing two-storey units to the north west on Church Avenue, the rear garden of no. 10 Tritonville Road, St. Matthew's National School to the south west and no. 36 Cranfield Place to the south.

11.8.16. A separation of 13.8 m is provided between the proposed development and the existing houses on Church Avenue. The southern block of units is built onto the site boundary and therefore does not provide for any separation with the boundary of the subject site. There are no windows in the side elevation of this southern block and therefore direct overlooking does not occur. The design of the proposed development ensures that the modest area of open space serving the existing units on Church Avenue is not adversely overlooked.

11.8.17. No. 10 Tritonville Road will not be directly overlooked as the separation distance will be in excess of 36 m. Part of the rear garden will be overlooked, however the majority of the extensive open space serving no. 10 will not be unduly impacted upon. Due to the angle of the southern section of the proposed apartment block and the orientation of nos. 34 and 36 Cranfield Place, direct overlooking of first floor windows will not occur and the private amenity space of this house will not be negatively impacted from overlooking from the proposed development. Due to the layout of the petrol filling station, it is currently possible to view the first-floor windows of these two houses from Beach Road. The proposed development will provide for a greater level of privacy for the occupants of these houses. The first, second and third floors provide for bedrooms with windows and suitable measures to prevent overlooking are used for this elevation on the fourth and fifth floors.

11.8.18. Concern was expressed about overlooking of the adjoining school. The design of the apartment block has been carefully considered to ensure that overlooking is restricted. Good separation distances are provided between the block and the boundary other than the projecting wing to the south west off the block. Windows on the south west elevation on the first to fourth floors are restricted to tall/narrow openings and which will have a limited view from them. The fifth floor is set back from the building edge. Similarly, balconies on the upper floors are positioned such that overlooking is restricted. Extensive areas of flat roofs are provided, and which could be used as open space but are clearly indicated on the submitted plans as not to be accessible by residents. The provision of these inaccessible roof areas reduces further the potential for overlooking.

11.8.19. **CE Report comment on residential amenity:** I note again the comments in the CE report. The assessments carried out in terms of the BRE guidelines demonstrate results similar to that of the permitted five storey development on this site. It is noted that there is an incremental loss of daylight to no. 7 Church Avenue, and this can be addressed by requiring a 2 m setback in the northern elevation, which reduces the floor area of apartment 4.1 by circa 12 m. I note this comment, however it is not clear if this revision is warranted and if there would be any benefit to residential amenity from it.

11.8.20. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. Permission is in place for a similar sized five storey apartment block and the applicant has adequately demonstrated that a similar development with an additional floor can be provided here. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the residential amenity of the area.

11.9. Impact on St Matthew's National School

11.9.1. A number of observations/ concerns were received in relation to potential impact on St Matthew's National School and are noted in full. I have already commented on potential impacts arising from overlooking/ loss of privacy and in general the layout of the development has regard to the adjoining school. The location of the communal open space and inaccessible roofing areas ensures that overlooking is restricted. A full assessment of potential overshadowing and loss of light has also been undertaken and it is considered that the potential impacts are to be an acceptable level. It should be noted that the windows in the school building adjacent to the subject site are serving north and east elevations, which receive restricted/ limited sunlight in any case.

11.9.2. The provision of a suitable construction management plan should address concerns around the demolition phase of development. RSK were engaged by the applicant to carry out a 'Construction Noise Impact Assessment' of the proposed development. The executive summary included the following comments: 'Baseline noise measurements were conducted at locations representative of nearby receptors. Measurements were taken on 26th May 2020 between 08:00 and 17:45hrs. Baseline monitoring has found pre-existing noise levels are typical of an

urban location in the vicinity of a well trafficked road network. Local and distant traffic were the primary contributor to the noise environment at all locations.

An assessment of the potential construction phase noise impacts has been conducted, following the procedures as outlined in BS 5228-1:2009+A1:2014.

At the majority of locations, and for the majority of phases, calculated noise levels are within construction noise significance thresholds.

At the locations NSR2-1 and NSR2-2 (i.e. St. Matthew's National School), potential significant noise effects are predicted for the Site Clearance/Preparation, Piling/Basement Formation and General Construction phases. The adoption and implementation of the noise control measures outlined in the relevant sections of this document is expected to reduce impacts to an acceptable level.

11.9.3. As referred to numerous times in this report, permission has been granted for a similar development and the same issues of noise, vibrations, dust etc. would occur anyway. The additional floor/ increase in unit numbers does not impact on the school in any significant way that would give rise for concern.

11.9.4. **Conclusion:** The applicant is well aware of the presence of the adjacent school, and it is accepted that there will be disruption during the different construction phases of this development, impacts of which will be of a limited duration. I note this but also note that permission has already been granted for a similar development on this site and suitable measures can be taken to prevent issues of noise, dust and vibration impacting on the school/ pupils/ teachers and other staff.

11.10. Transportation, Traffic and Parking

11.10.1. The 'Traffic and Transport Assessment – prepared by Punch Consulting Engineers is submitted in support of the application. A traffic survey was undertaken in November 2017. Table 5.1 gives the estimated peak hour traffic generated by the development (using TRICS), Table 5.2 gives the estimated 2017 traffic generated by the existing development and Table 5.3 gives a comparison of the existing/ estimated generated traffic. This table clearly indicates the development will generate a significantly reduced volume of traffic compared to what the existing use of the site generates.

11.10.2. Construction generated traffic will not be significant in the context of the existing traffic levels in the area. It is proposed that wheel washing facilities will be provided on site during the construction phase of development. A construction traffic management plan will be prepared by the contractor.

11.10.3. It is not foreseen that the proposed development will negatively impact on the existing road network/ junction capacity in the vicinity of the site. The reduction in traffic generated from the proposed development will be a beneficial impact to the local road network. Details regarding public transport are somewhat outdated as proposed improvements to the bus network have been superseded by the proposed revisions under Bus Connects. Dublin City Council Transportation Planning Division note the submitted Traffic and Transport Assessment and its date of November 2017 but consider this to be acceptable in this instance.

11.10.4. Dublin City Council Transportation Planning Division raised no objection to the development in their report; conditions are provided in the event that permission is to be granted. I note the comments made in the Transportation Planning Division report and a couple of the specific points need some further comment. I note the comments regarding the Strand Road Cycle Track Trial and I do not foresee that the proposed development would impact negatively on the future development of this cycle track, should it proceed in the future.

11.10.5. Car parking provision was raised as an issue by the Dublin City Council Traffic Planning Division and also by a number of the observers; it was noted that the car parking provision is less than that previously proposed. However, they consider that the overall provision and parking strategy is acceptable. Considering the proximity of the site to good public transport and to the city centre, this site is suitable for a reduced parking provision. Also as the development is a Bent To Rent scheme, there is a greater level of control over the provision/ allocation of car parking SPPR 8 of the apartment guidelines (2020) states 'The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures'.

11.10.6. Bicycle parking is proposed in the basement area with a total of 224 spaces to be provided. 176 of these are for residents and the remainder for visitor/ short term use. An additional 10 visitor parking spaces are proposed at ground level.

The provision exceeds the requirements of the Dublin City Development Plan and the apartment guidelines. Dublin City Council request that at least one cargo bicycle space be provided at surface level. Dublin City Council note that no details on staff cycle parking is provided, and a suitable condition should be applied. I am unsure as to what staff this refers to. There is no commercial element to this development and the provision of parking in excess of requirements, should easily accommodate any staff on site.

11.10.7. It is proposed that a Plan Coordinator be appointed to oversee and implement measures outlined in the Mobility Management Plan (MMP). Dublin City Council have recommended a condition a Residential Travel Plan and Mobility Management Plan for the entire development be provided prior to the completion of the development. An updated Construction Management Plan and Construction Traffic Management Plan are also requested by way of condition.

11.10.8. The CE report does not raise any concerns and notes the comments of the Dublin City Council Transportation Planning Division.

11.10.9. **Conclusion on Transportation, Traffic and Parking:** The development is located in an area with good public transport provision, within walking distance of the site. Car and bicycle parking provision is appropriate to the scale and nature of development proposed. I do not foresee that the proposed development will negatively impact on any road/ infrastructure improvements in the area such as the Strand Road Cycle Track scheme. I have no reason to recommend a refusal of permission to the Board.

11.11. Infrastructure and Flood Risk

11.11.1. Irish Water and Dublin City Council Drainage Division have reported no objection to this development in relation to the connection to public foul drainage and water supply systems. The applicant has engaged with Irish Water and has submitted design proposals. Irish Water has issued a Statement of Design Acceptance and conditions are recommended in the event that permission is granted.

11.11.2. Similarly, Dublin City Council Drainage Division have provided conditions. No capacity constraints have been identified by either body. I do note the comments of Inland Fisheries Ireland (IFI) in relation to the capacity constraints at

the Ringsend Wastewater Treatment Plant. The Ringsend WWTP is licenced by the EPA and measures are underway to upgrade and improve the capacity of this facility.

11.11.3. Inland Fisheries Ireland commented that 'The river is tidal at the proposed development location and forms part of the Liffey Estuary'. Just to confirm that the site is circa 650 m to the south of the Liffey and is separated by significant urban development. The site is also circa 550 m from the coast and is separated by Sean Moore Park which is public open space. There is no direct hydrological link between the site and the Liffey or the coast. Indirect links are through the public wastewater system.

11.11.4. A 'Site-Specific Flood Risk Assessment' – prepared by Punch Consulting Engineers has been included with the application. The site is approximately 350 m to the east of the River Dodder and runoff in the area is drained to the Dodder and which includes flood defences on its riverbanks. Whilst there is a history of flooding in the greater area, there is no record of flooding on site which indicates that coastal and river flood measures have worked as designed. The site is within the fluvial floodplain of the River Dodder and is within the coastal flood zone also. Pluvial flooding is not found in the area.

11.11.5. The site is located in Flood Zone B (outside of 1 in 10, 1 in 100 events, but within 1 in 1000 event area), although it lies within a defended area. It is proposed that a freeboard of 400 mm be added to the Q1000 flood level to provide for a suitable finished floor level. Under normal circumstances, there will be no increase in flood risk as a result of the proposed apartment development.

11.11.6. Overall, the development is not susceptible to flooding unless existing flood defences fail (both river and coastal protection is provided in the area). The site is within the defended area of a 1 in 1000-year flood and appropriate measures have been taken to address any concerns. I am satisfied that the development as proposed will not be impacted by flooding and will not increase flooding in the area.

11.11.7. The CE report notes the submitted Engineering Planning Report and the Site-Specific Flood Risk Assessment and the details are similar to those submitted in relation to the permitted five storey apartment development. It is also

noted that the Dublin City Council Drainage Division have reported no objection to the development subject to conditions.

11.11.8. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. Wastewater will be treated at the Ringsend WWTP and having regard to the submitted information, there is no concern in relation to this facility been able to treat the foul water from this relatively modest development. The applicant has identified potential flood risks and how these issues can be addressed on site without impacting on the development and adjoining lands.

11.12. **Childcare, Social Infrastructure and Part V Social Housing Provision**

11.12.1. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' states 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' was for one facility for every 75 units. The proposed development is for 112 units, consisting of an even split of one- and two-bedroom units. Therefore, omitting the one-bedroom units of which there are 56, brings the number of qualifying units down to 56 and is below the threshold. No childcare facility is therefore required.

11.12.2. The applicant has submitted a 'Childcare Demand Audit' and this provides information on the likely demand for childcare and usefully it also outlines where existing childcare is available and an estimate of the available capacity. In summary, the development will accommodate an estimated 23 pre-school children of which 6 – 10 will require out of home childcare. A survey of the area (1 km radius) found a total of 12 suitable childcare facilities (Table 5.3 of the Audit) and a potential capacity for 181 new enrolments. It is noted in the report that these figures may be a couple of years out of date. Considering the likely demand at 6 – 10 children and potential capacity in excess of 150 spaces, there does not appear to be any shortfall in available places in the immediate area. I am satisfied that the development does not require a stand-alone childcare facility and the development will not put undue pressure on existing childcare providers in the area.

11.12.3. A 'Social Infrastructure Audit' was also submitted with the application. This outlines available childcare facilities, schools, community/ cultural facilities, healthcare facilities, sport/ recreation and retail in the area. Generally, a radius of 1 km from the site is drawn and the number of facilities within this area is identified. Population levels within the Pembroke B Electoral District showed a fall of 5% over the census period of 2011 – 2016 and the overall Pembroke Electoral Areas and South Dock (seven areas in total) showed a modest rise in population of 2%.

11.12.4. Overall, the area appears to be well served by social, education, community and retail facilities. The development site will benefit from the development of the Poolbeg SDZ site. Considering the proximity/ accessibility to the city centre, the site is very well served by all services at a local and national level.

11.12.5. A letter has been submitted by Dublin City Council Housing & Community Services, indicating that the applicant is aware of their requirements in relation to the provision of Part V housing.

11.12.6. The CE report notes that adequate childcare is available in the area and that the area is well served by community and social infrastructure. I concur with this assessment. The applicant has provided a number of documents in support of the application, and they demonstrate that the site is located within an area that will provide for a range of services for the future residents of this apartment scheme.

11.12.7. **Conclusion:** I am satisfied that there is no need for a specific childcare facility to serve this development. The requirement for such a facility is reduced in this case as half of the 112 units are one-bedroom apartments. Adequate childcare provision is available in the area for those who require such a service. Schools, community and other social infrastructure is also available in the area.

11.13. **Comment on Submission/ Observations of South East Area Committee**

11.13.1. The views of the elected members were submitted alongside and included in the CE report. They are generally similar to those raised by third parties and dealt with under the relevant headings above. However, having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below. I have also noted and considered all of the issues raised in the observations, most of these varied issues have been addressed already in this report.

11.13.2. There is no doubt that the development will change the character of the area, and I would suggest for the better. The established character is of residential development with clearly defined building lines. The proposed development will provide for suitable residential development and strengthens the existing building lines in the area. Concern was expressed about the fact that permission is already in place on this site and development of much needed housing could take place now. The submitted development is more than a modification of the permitted scheme and although there are similarities, there are some significant differences in terms of an additional storey and increase in unit numbers.

11.13.3. The issue of height has been addressed in this report. The principle of a taller building on this site has already been established under the permitted development and it can be demonstrated that the impact on adjoining properties will not be significant. The site is well served by social infrastructure including schools, public open space etc. and public transport such that an increased density can be accommodated on this site.

11.13.4. The proposed development provides for one- and two-bedroom units only. I note the concern regarding the lack of three-bedroom units, however, the area is characterised by family type housing and the proposed scheme will provide for a mix of housing types in the area. The development will allow for existing residents in the area to downsize to a more suitable one- or two-bedroom unit within their community. The proposed Part V housing is acceptable to the Dublin City Council Housing & Community Services. The individual cost of a unit is dependent on the market at the time of sale/ rent. The public notices indicate that this is a Build to Rent scheme.

11.13.5. Concern was raised about impact on the area and St Matthew's National School during the demolition/ construction phase of development. I am satisfied that adequate measures can be taken to address these concerns.

11.13.6. This is not a particularly large development and there is no requirement for the developer to provide for additional facilities to serve the local area. The development will include its own facilities/ space for the use of the residents. An area of open space is located to the rear of the building and is available for public access as detailed in the application/ supporting documentation.

11.13.7. The need for decontamination of the site is noted and this will be required in any case if the site is to be redeveloped. See 11.14.3 for more details.

11.13.8. I also note the comments regarding car parking and the loss of the petrol filling station. The site is zoned for residential use and the development of an apartment block providing for 112 units is a more appropriate use of this site than the current use as a petrol filling station and a vacant motor sales showroom, which provides for a limited benefit to the local area.

11.14. Other Issues

11.14.1. **Archaeology:** The submitted archaeological assessment by IAC does not give rise to any concern but does note that the site is located within the zone of notification for the recorded monument – DU018-054, a Settlement Cluster.

Previous archaeological investigations in the area found nothing of significance and it is likely that any remains have been heavily disturbed during extensive groundworks over the years. 'No negative impacts are predicted upon the archaeological resource as a result of the development going ahead'. The Planning Authority and the IAC reports did not recommend any specific conditions in relation to archaeology. I am satisfied that the development will not impact on any archaeology.

11.14.2. **Tree Survey:** There is no requirement for a tree survey as there are no significant trees located on site.

11.14.3. **Decontamination of the site/ Basement Construction:** An 'Outline Basement Construction Method Statement' has been prepared by Punch Consulting Engineers and provides full details on how the basement is to be constructed. Section 3 of this report refers to Ground Conditions and testing of the site has found that 8 out of the 9 test samples complied in full, within inert landfill limits.

11.14.4. One location found hydrocarbon contamination in the first 0.5 m of earth, this is probably due to a spill or leakage at ground level. Full details are provided as to how the basement can be constructed in Section 10 – Basement Construction Sequence of the Punch report.

11.14.5. Considering the information on existing soil conditions, basement construction etc. contained within this report, I am satisfied with the information

provided. I do not foresee any issue in relation to the removal of underground tanks etc. There is an active petrol filling station in operation here and it is expected that all fuel oils can be removed from site before demolition/ construction commences.

11.15. Material Contravention

11.15.1. The applicant has submitted a 'Material Contravention Statement' of the Dublin City Development Plan 2016 - 2022 with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There is one issue raised in the applicant's Material Contravention statement, it relates to building height.

11.15.2. The site is located within a 'Low Rise', 'Outer City' location and the maximum height specified in the Dublin City Development Plan 2016 – 2022 is 16 m for commercial and residential developments. The proposed apartment block has a maximum parapet height of 19 m/ maximum overall height of 19.90 m when measured to the top of lift overruns, providing for a six storey over basement building. This height exceeds the maximum standard set out in the Dublin City Development Plan 2016 – 2022.

11.15.3. I have considered the issue raised in the applicant's submitted Material Contravention Statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).

11.15.4. I consider that the subject site is appropriate for increased height in light of guidance in the 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (DoHPLG, 2018)'. Having fully considered the Development Management Criteria in section 3.2 of these guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the public street, compliance with flood risk management guidelines, daylight and sunlight considerations, alongside performance against BRE criteria. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations and a Visual Impact Assessment.

11.15.5. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant planning permission even if the proposed development contravenes materially the development plan. Section

37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).

11.15.6. Under section 37(2)(b)(i) I consider the proposed development to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) I also consider that permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines, national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).

11.15.7. I am satisfied that a grant of permission, is justified in this instance. Regard being had to the foregoing, I am of the opinion, that provisions set out in Section 37 (2)(b) (i) and (iii) could be relied upon in this instance.

12.0 Appropriate Assessment – Natura Impact Statement

Stage 1 – Appropriate Assessment Screening

12.1. The applicant has engaged the services of Altemar, Marine & Environmental Consultancy, to carry out an appropriate assessment screening; the report is dated May 2021. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site

12.3. Compliance with Article 6(3) of the EU Habitats Directive

12.3.1. 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.

12.3.2. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

12.4. Screening the need for Appropriate Assessment

12.4.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered stage 1 of the appropriate assessment process, i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of available objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment shall be carried out. The applicant has submitted a screening report for Appropriate Assessment and a Natura Impact Statement as part of the planning application.

12.4.2. The applicant's Stage 1- AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The submitted screening is supported by associated reports, including:

- Flood Risk Assessment – PUNCH Consulting Engineers
- Outline Construction and Demolition Waste Management Plan – prepared by Punch Consulting Engineers.

- Engineering Planning Report – prepared by Punch Consulting Engineers.
- Outline Construction Management Plan – prepared by Punch Consulting Engineers.
- Outline Construction & Demolition Waste Management Plan – prepared by Punch Consulting Engineers
- Outline Basement Construction Method Statement – prepared by Punch Consulting Engineers.
- Construction Noise Impact Assessment – prepared by RSK.
- Dublin City Development Plan 2016-2022 and associated environmental reports.

12.4.3. The applicant's AA Screening Report concluded that:

'An initial screening of the proposed works, using the precautionary principle (without the use of mitigation measures) and the Source/Pathway/Receptor links between the proposed works and Natura 2000 sites with the potential to result in significant adverse effects on the conservation objectives and features of interest of the Natura 2000 sites was carried out in Table 3. Based on objective information and assessment, the possibility of significant adverse effects caused by the proposed project was excluded for the following Natura 2000 sites.

Special Protection Areas

- North Bull Island SPA [004006]
- Baldoyle Bay SPA [004016]
- Ireland's Eye SPA [004117]
- Howth Head Coast SPA [004113] • Dalkey Islands SPA [004172]
- Wicklow Mountains SPA [004040]

Special Areas of Conservation

- South Dublin Bay SAC
- North Dublin Bay SAC[IE0000206]
- Baldoyle Bay SAC [000199]
- Howth Head SAC [000202]

- Rockabill to Dalkey Island SAC [003000]
- Glenasmole Valley SAC [001209]
- Wicklow Mountains SAC [002122]
- Knocksink Wood SAC [000725]
- Ireland's Eye SAC [002193]
- Ballyman Glen SAC

The project is limited in scale and extent and the potential zone of influence is seen to be restricted to the immediate vicinity of the proposed development. All drainage from the site will enter a combined sewer and will be treated at Ringsend WWTP. It should also be noted that no effects are foreseen on Natura 2000 sites beyond 15km from the proposed development due to the limited scale and nature of the project. However, despite the fact that potential effects are deemed to be restricted to a very localised zone of influence, under the precautionary principle there may be potential for impact on the features of interest of the following Natura 2000 site in the absence of noise mitigation on site.:

- South Dublin Bay and River Tolka Estuary SPA;

Mitigation measures are proposed to reduce the impact from noise during the construction phase of development and to limit the subsequent impact on a Natura 2000 site which is proximal to the proposed development. A Stage 2 AA (NIS) of the proposed development is required as it cannot be excluded, on the basis of objective information (without the use of mitigation measures), that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site. The proposed mitigation measures are outlined in the NIS'.

12.4.4. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

12.5. Stage 1 Screening - Test of Likely Significant Effects

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

12.5.2. A description of the site is provided in this Appropriate Assessment Screening Report; I have already outlined the development description under Section 3.0 of this report. In summary it includes the demolition of a vacant motor sales showroom, the demolition of an active petrol filling station, the clearance of the site and the construction of a six storey over basement apartment block providing for a total of 112 apartment units in the form of 56 – one bedroom and 56 - two bedroom units. Water supply and foul drainage will use the existing public system.

12.5.3. The site consists of buildings and concrete hardstanding with no landscaping of the commercial areas. A small area of landscaping is located to the south of the site, but no species of importance are found here.

12.5.4. There are no watercourses within the site. The Dodder River is approximately 350 m to the east of the site and the River Liffey is approximately 650 m to the north. No Annex I habitats or Annex II plant species associated with any nearby European Sites were recorded within or adjacent to the proposed development site.

12.5.5. **Submissions and Observations:** Third Party submissions are summarised in Section 7.0 of this report, the Local Authority (Chief Executive report and internal departments) submissions are summarised in Section 8.0 and Prescribed Bodies are summarised in Section 9.0 of this report.

12.5.6. **Zone of Influence:** A summary of European sites that are located proximate to the proposed development, including their conservation objectives and Qualifying Interests has been examined by the applicant. A precautionary approach in the submitted Screening Report of including all SACs/SPAs within 15 km of the development site was taken to be the zone of influence of the development site, which are listed in the table below:

A list of Natura 2000 sites is provided in Table 1 and Table 2 of the Altamar Appropriate Assessment Screening report and includes the following:

Name	Site Code	Distance from Site
<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>Conservation Objectives:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	(004024)	0.53 km
<p>South Dublin Bay SAC</p> <p>Conservation Objectives:</p>	(000210)	0.48 km

<p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets:</p> <ul style="list-style-type: none"> • The permanent habitat area is stable or increasing, subject to natural processes. • Maintain the extent of the <i>Zostera</i> –dominated community, subject to natural processes. • Conserve the high quality of the <i>Zostera</i> – dominated community, subject to natural processes • Conserve the following community type in a natural condition: Fine sands with <i>Angulus tenuis</i> community complex. <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210] <i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>		
<p>North Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p>	(000206)	3.6 km

<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with white dunes (<i>Ammophila arenaria</i>) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort (<i>Petalophyllum ralfsii</i>) [1395]</p>		
<p>North Bull Island SPA</p> <p>Conservation Objective:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056] 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>	(004006)	3.6 km

<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>		
<p>Rockabill to Dalkey SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>1170 Reefs</p> <p>1351 Harbour porpoise (<i>Phocoena phocoena</i>)</p>	(003000)	8.5 km
<p>Baldoyle Bay SPA/ SAC</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <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 maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	(004016)	9.1 km

<p>The following habitats were recorded during the Coastal Monitoring Project (Ryle et al., 2009) but they are not listed in the qualifying interests for the site:</p> <p>Annual vegetation of drift lines (1210)</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>Howth Head SAC</p> <p>(000202)</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>(1230) Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>(4030) European dry heaths</p>	(000202)	9.1 km
<p>Dalkey Islands SPA</p> <p>(004172)</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</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] The favourable conservation status of a species is achieved when:</p> <ul style="list-style-type: none"> • population dynamics data on the species concerned indicate that it is maintaining itself on a 	(004172)	10.5 km

<p>long - term basis as a viable component of its natural habitats, and</p> <ul style="list-style-type: none"> • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and • there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long - term basis. <p>Qualifying Interests</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>		
<p>Howth Head Coast SPA</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests</p> <p>A188 Kittiwake (<i>Rissa tridactyla</i>)</p>	(004113)	11.4 km
<p>Wicklow Mountains SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The favourable conservation status of a species is achieved when:</p> <ul style="list-style-type: none"> • population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and 	(002122)	11.8 km

<p>• there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.</p> <p>Qualifying Interests</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [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 <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Otter (<i>Lutra lutra</i>) [1355]</p>		
<p>Wicklow Mountains SPA</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests</p>	(004040)	12.2 km

Falco colombarius (Merlin) [A098] Falco peregrinus (Peregrine) [A103]		
Irelands Eye SAC Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Qualifying Interests 1220 Perennial vegetation of stony banks 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts	(002193)	13.7 km
Irelands Eye SPA Conservation Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Qualifying Interests Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200]	(004117)	13.7 km
Glenasmole Valley SAC Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The favourable conservation status of a species is achieved when: • population dynamics data on the species concerned indicate that it is maintaining itself on a	(001209)	13.1 km

<p>long-term basis as a viable component of its natural habitats, and</p> <ul style="list-style-type: none"> • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and • there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis. <p>Qualifying Interests</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>		
<p>Malahide Estuary SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <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 (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p>	(000205)	13.1 km

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]		
<p>Malahide Estuary SPA</p> <p>Conservation Objectives:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</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>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>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	(004025)	13.1 km
<p>Knocksink Wood SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the</p>	(000725)	13.9 km

<p>Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>		
<p>Ballyman Glen SAC</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>	(000713)	14.8 km

12.5.7. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

12.5.8. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a result of the proposed development. The nearest European sites are those in Dublin Bay (see table above).

12.5.9. Drainage from the site, in terms of foul and surface water, would be an external output during both the construction and operation phases. There is no direct hydrological connection to any Natura 2000 sites. There is an indirect

connection available to the Dublin Bay Natura 2000 site through the public foul network and surface water drainage system via the Ringsend Wastewater Treatment Plant (WWTP).

12.5.10. Furthermore, I note that upgrade works have commenced on the Ringsend Wastewater Treatment works extension, permitted under ABP – PL.29N.YA0010, and the facility is subject to EPA licencing and associated Appropriate Assessment Screening.

12.5.11. While there are capacity issues associated with the Ringsend WWTP, the permitted major upgrade to the WWTP now underway will allow the Ringsend WWTP to treat the increasing volumes of wastewater arriving at the plant to the required standard, enabling future housing and commercial development in the Dublin area. The project will deliver, on a phased basis, the capacity to treat the wastewater for a population equivalent of 2.4 million while achieving the standards of the Urban Wastewater Treatment Directive. In February 2018, work commenced on the first element, the construction of a new 400,000 population equivalent extension at the plant. These works are at an advanced stage with testing and commissioning stages expected to be completed in 2021. Works on the first of four contracts to upgrade the secondary treatment tanks at the plant with Aerobic Granular Sludge (AGS) Technology were due to commence in November 2020. The addition of AGS technology will allow more wastewater to be treated to a higher standard within the existing tanks. The second contract is at procurement stage and is expected to commence in Q3 2021, following the completion of the capacity upgrade contract. These contracts are phased to ensure that Ringsend WWTP can continue to treat wastewater from the homes, businesses, schools and hospitals of the Greater Dublin Area at current treatment levels throughout the upgrade works. The details of these upgrade works are available at www.water.ie/projects-plans/ringsend

12.5.12. Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

12.5.13. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and 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 significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

12.5.14. I refer to the Note by Elaine Dromey, Technical Director – Ecology, SLR Consulting Ireland, attached as Appendix A to the objection to the development on behalf of the Board of Management of St Matthew’s N.S. Concern was raised that the AA/ NIS did not consider the impact of the increased population on designated European sites.

12.5.15. I note the raised issues. The relevant lands are zoned Z9 – for amenity and open space uses in the Dublin City Development Plan 2016 – 2022. This development plan was subject to SEA and AA. As the lands are zoned for open space/ recreational uses, it is to be expected that the public will access to them. I can find no restrictions in place in relation to the use of these lands.

12.5.16. Considering the nature and scale of development proposed, I do not foresee that the occupation of this building will result in an adverse impact on the zoned lands forming the designated sites through use by walkers, runners etc. and dog walkers. Dog ownership is likely to be low compared to a traditional housing development and the issue of concern will therefore be negligible.

12.5.17. I am satisfied that the issue of concern will not be of such significance as to give rise to concern regarding impact on designated European sites. The identified sites are already accessible to the public and the proposed development is unlikely to change the nature or character of these sites/ use of these lands.

12.5.18. In applying the ‘source-pathway-receptor’ model in respect of potential indirect effects, all sites outside of South Dublin Bay and River Tolka Estuary SPA are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs, and the lack of hydrological or other connections.

12.5.19. The proposed development consists of a six-storey building to be finishes in a mix of stone and brick materials in addition to glass; this structure will be clearly visible to bird species and impacts on their flight lines or qualifying interest of the SPA would not be expected. Considering the height of the building at 19.9 m (maximum height) natural features such as trees and buildings such as St Matthew's Church would be of a similar height to the proposed development.

12.5.20. RSK were engaged by the applicant to carry out a 'Construction Noise Impact Assessment' of the proposed development. The executive summary included the following comments:

'Baseline noise measurements were conducted at locations representative of nearby receptors. Measurements were taken on 26th May 2020 between 08:00 and 17:45hrs. Baseline monitoring has found pre-existing noise levels are typical of an urban location in the vicinity of a well trafficked road network. Local and distant traffic were the primary contributor to the noise environment at all locations.

An assessment of the potential construction phase noise impacts has been conducted, following the procedures as outlined in BS 5228-1:2009+A1:2014. At the majority of locations, and for the majority of phases, calculated noise levels are within construction noise significance thresholds'.

'In summary, once consideration is given to the range of mitigation measures outlined in this report, the expected noise and vibration impact of the proposed development on nearby sensitive receptors is not significant.

Baseline noise levels, along with calculated construction noise levels are also presented to a nearby football pitch and SPA to assist with an ecological review'.

Section 7 – 'Information for Ecological Review' of the report is noted. Figures 9 to 12 provide noise prediction contours for different phases of the development. The impact on the South Dublin Bay and River Tolka Estuary SPA would be acceptable as during the construction phase of development, noise levels would remain below the baseline figure of 47 to 54 dB. However, within the area of a football pitch that Brent Geese were observed to forage, construction level noise would exceed the baseline figure during one of the four phases. This exceedance is during the Phase

I: Site Clearance/ Preparation when the level of noise would be 54 dB, exceeding the baseline figure of 50 to 53 dB. During Phase II – Piling/ Basement Formation and Phase III Piling/ General Construction, the expected level of noise would be 53 dB which is within the baseline of 50 to 53 dB.

12.5.21. The submitted AA Screening provides information that regular noise in the range of 50 dB to 70 dB has been determined to have a ‘Moderate to Low’ impact on birds. The AA Screening (pg.23) reports the following:

‘Based on the scientific objective information, the noise levels seen at SPA’s in the vicinity of the works would not be at levels that would significantly impact upon the qualifying interests of these SPA’s. Standard noise mitigation measures in relation to noise are outlined in the RSK report and have been included within the calculations to produce the noise assessment results. Therefore, out of an abundance of caution due to the proximity of the South Dublin Bay and River Tolka Estuary SPA, a single observation of Brent Geese on the football pitch 200m east of the site and the use of standard noise mitigation measures, it is concluded that the use of these standard mitigation measures would be deemed necessary for protection of the qualifying interests of the South Dublin Bay and River Tolka SPA’.

12.5.22. Having examined the assessment submitted and further to my own examination, there is no requirement to further consider all the sites listed in the table above, other than those related to South Dublin Bay and River Tolka Estuary SPA (004024) where there is a possibility of disturbance through noise of SCI species utilising ex-situ feeding sites in proximity of the application site during the demolition and construction Phases of the proposed development. I consider effects on South Dublin Bay and River Tolka Estuary SPA (004024) cannot be ruled out without further analysis and assessment.

The following table provides details in summary:

European Site (code) & Distance from Development	Conservation Objectives (CO) & Qualifying Interests (QIs)/Special	Possible Effect	Screening Conclusion
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	Conservation Interest (SCIs)		
South Dublin Bay and River Tolka Estuary SPA (004024) – 0.53 km from the site.	<p>Conservation Objectives:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	<p>Given the presence of Light-bellied Brent Geese on the open space to the east of the subject site in the surveys carried out in between February and April 2020, it is possible that the Proposed Development will cause disturbance to these species due to disturbance from environmental nuisances of noise.</p>	<p>Effects cannot be ruled out without further analysis and assessment.</p>

	Bar-tailed Godwit (Limosa lapponica) [A157] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194] Wetland and Waterbirds [A999]		
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12.6. Screening Determination

12.6.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

12.6.2. I confirm that the South Dublin Bay and River Tolka Estuary SPA, which is screened in for appropriate assessment, is included in the NIS prepared by the project proponent.

12.6.3. The possibility of significant effects on other European sites has been excluded on the basis of the nature and scale of the works proposed, scale of intervening distances involved, lack of a direct hydrological link, dilution effect of Dublin Bay, capacity of Ringsend Wastewater Treatment Plant, and lack of

substantive ecological linkages between the proposed works and the sites in question.

12.6.4. In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

12.7. **Natura Impact Statement (NIS)**

12.7.1. I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on South Dublin Bay and River Tolka Estuary SPA (004024). As noted in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

12.7.2. The NIS identifies and assesses possible adverse effects of the proposed development on specific QIs and SCIs of South Dublin Bay and River Tolka Estuary SPA in section 5 of the report. Details of mitigation measures, how, and when they will be implemented, are also detailed in Section 5 of the NIS. Mitigation and monitoring will be managed by the appointed contractor and an appropriate form of noise monitoring will be in put place and incorporate measures detailed in the NIS.

12.7.3. The NIS Conclusions stated the following:

‘This report presents an Appropriate Assessment Screening and NIS for the proposed development. It outlines the information required for the competent authority to screen for appropriate assessment and to determine whether or not the proposed development, either alone or in combination with other plans or projects, in view of best scientific knowledge and in view of the sites conservation objectives, will adversely affect the integrity of the European site.

This NIS has involved the examination, analysis and evaluation of all relevant information including, a description of the proposed project, its construction methodology, the environment in which the project will be placed, water quality and

GI studies, Natura 2000 sites within 15km and has applied the precautionary principle in the preparation of the conclusion. It is the professional opinion of the author of this report that there will be no adverse effects on the integrity of any Natura 2000 sites. The proposed works are located proximal to (530m) the South Dublin Bay and River Tolka Estuary SPA. As outlined in RSK Ireland Limited (RSK) Construction Noise Impact Assessment “The adoption and implementation of the noise control measures outlined in the relevant sections of this document is expected to reduce impacts to an acceptable level. In summary, once consideration is given to the range of mitigation measures outlined in this report, the expected noise and vibration impact of the proposed development on nearby sensitive receptors is not significant.”

The implementation of construction and operational phase noise mitigation measures including the measures outlined to avoid disturbance of the features of interest of the South Dublin Bay and River Tolka Estuary SPA, will be sufficient to prevent adverse effects on the integrity of Natura 2000 sites’.

12.8. Appropriate Assessment of implications of the proposed development

12.8.1. The following is a summary of the assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field (as provided by the applicant). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

12.8.2. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

12.8.3. The following site is subject to appropriate assessment:

- South Dublin Bay and River Tolka Estuary SPA (004024)

A description of the site and its Conservation Objectives and Qualifying Interests are set out in the submitted NIS and has already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

12.8.4. **Aspects of the Development that could adversely affect the designated site:** The main aspect of the development that could impact the conservation objectives of the European site is noise generated during the demolition phase of the development may disturb Light-bellied Brent Geese which utilise ex-situ feeding site in the vicinity of the proposed development.

12.8.5. As noted in the screening report there is no direct hydrological pathway from the site to European Sites. The hydrological pathway to the nearest European Site is via an indirect surface water and foul drainage (as part of the public drainage network) pathway, which I have considered in the screening section above. There are no Annex I habitats or Annex II plant species on site. No other Annex II species or SCI bird species associated with any nearby European Sites were recorded during the site ecological surveys undertaken. The application site does not provide important habitat for any species listed on Annex II of the EU Habitats Directive or Annex I of the EU Birds Directive species or any other bird species that is among the SCIs of any nearby SPA. There is no potential for direct effects on any European Site.

12.8.6. **Potential for Construction Phase Impacts:** A potential for indirect effect on the QIs of Light-bellied Brent Geese associated with South Dublin Bay and River Tolka Estuary SPA, as a result of construction disturbance, related to noise has been identified. These were found to forage on the football pitches to the east of the site, these lands are outside of the SPA. This foraging site is located in an area with extensive human activity through walkers/ runners, dog walking and significant amounts of traffic. Activity was infrequent and a total of 32 geese were observed on a single occasion.

12.8.7. **Mitigation:** A range of mitigation measures are provided on page 53 of the AA/ NIS Report. A list of suitable noise control measures, in accordance with BS5228, includes:

- liaison with neighbours;
- noise monitoring;
- hours of work;
- selection of quiet plant;
- control of noise sources, and;
- screening.

‘Noise control measures that will be considered include the selection of suitable plant, enclosures and screens around noise sources, limiting the hours of work and ongoing monitoring’. In relation to screening it is stated that:

‘The use of screens can be effective in reducing noise to a receiver. The effectiveness of an acoustic screen will depend on the height and length of the screen and its position relative to both the source and receiver. To be effective, the height and length of any screen should be such that there is no direct line of sight between the source and the receiver.

BS5228 advises screens should be placed as close as possible to either the source or the receiver. The construction of the screen should be such that there are no gaps or openings at joints in the screen material. In most practical situations the effectiveness of the screen is limited by the sound transmission over the barrier rather than the transmission through the barrier itself. Screens constructed of materials with a surface mass greater than 10kg/m² typically offer adequate sound insulation performance’.

12.8.8. In relation to the Natura 2000 site, it is proposed that standard construction and operational noise measures be implemented. The report states: ‘No Natura 2000 site, its conservation objectives or qualifying interests will be compromised as a result of the proposed works based on the successful implementation of the mitigation measures outlined’. I agree with this assessment.

12.8.9. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan. The most significant impact is during the demolition phase, and this will be a relatively short phase of the overall development. The construction of the building and subsequent operational phases does not give rise to increased levels of noise.

12.8.10. **In-Combination Effects:** This is considered and the following is stated:

‘As outlined in the AA Screening “it is considered that in combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant and localised. It is concluded that no significant effects on Natura 2000 sites will be seen as a result of the proposed development alone or combination with other projects.” This assessment is agreed with in full.

12.8.11. **Appropriate Assessment Conclusion:**

12.8.12. The proposed residential development at Beach Road has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

12.8.13. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

12.8.14. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), in view of the sites Conservation Objectives.

12.8.15. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA).

12.8.16. I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the South Dublin Bay and River Tolka Estuary SPA or any other Natura 2000 site, in view of the sites Conservation Objectives.

13.0 Ecological Impact Assessment (EclA)

13.1.1. The applicant has engaged the services of Altemar, Marine & Environmental Consultancy, to prepare an Ecological Impact Assessment (EclA) for the subject site; the report is dated May 2021. I have had regard to the contents of same.

13.1.2. The site situation is considered and other than a small area of amenity lands (southern side of the site), the rest of the site is built on/ concrete surfaced. No rare plant species were found on site and in addition, no invasive species were found on site. No amphibians were found on site and although they were recorded in the surrounding area, the lack of water features on site would indicate that they are not present here. There are no watercourses through the site or direct hydrological connections to any designated European sites.

13.1.3. No terrestrial mammals were found, and no bats or roosts were recorded here. Birds found during the site visits by Altemar included Magpies, Jackdaws and Blackbirds, these are not of conservation concern.

13.1.4. Surveys carried out during winter months found on one occasion (11th March 2020) a total of 32 Light-Bellied Brent Geese on the playing pitches to the east of the site, approximately 260 m from the subject site. This is an area of public land used by dog walkers, joggers and people playing field sports. It was considered that the development may impact on this site and noise monitoring was located here. A Natura Impact Statement was prepared due to the need for noise mitigation measures.

13.1.5. The EclA report considers that the development will not have a significant impact on wintering birds. The subject site is of low biodiversity value and the surrounding established urban area is busy with human activity from traffic, pedestrian, and recreational activity. The increase in noise during the construction phase is not significantly greater than the baseline noise assessment levels. There are a number of trees between the site and the location of where the geese were feeding, this provides a form of visual screening of the subject site.

13.1.6. During the operational phase, it would be expected that over time the biodiversity value will improve as the landscaping matures and will present a stable ecological environment. It is not foreseen that the development, when complete, will have any impact on any designated Natura 2000 sites.

13.1.7. The cumulative impacts of the proposed development and others permitted in the area were considered. In conclusion it was found that the development is not likely to cause a cumulative impact on the area.

13.1.8. Included with the EclA is a Bat Survey in Appendix I of the report and no roosts or bats emerging from buildings on the site were observed.

13.1.9. I note the information and details provided in the EclA and I am satisfied that the submitted information indicates that the proposed development will not impact on any designated or protected ecological sites. The development does not directly impact on any bats, birds, terrestrial mammals, or plant species. Suitable noise mitigation measures will be provided to ensure that Brent Geese found on

lands to the east of the east are not negatively impacted upon during the construction phase of development.

14.0 Environmental Impact Assessment Screening

14.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

14.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by Tom Phillips + Associates Town Planning Consultants, dated May 2021) and I have had regard to same. The report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (112) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

14.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

14.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in

this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

14.5. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

14.6. The proposed development is for a residential scheme of 112 apartments, and which is not within a business district, on a stated site area of 0.385 hectares. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

14.7. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

14.8. The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

14.9. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to

the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- An Appropriate Assessment (AA) Screening and an Ecological Impact Assessment (EclA) were prepared by Altemar – Marine & Environmental Consultancy and submitted with the application.
- Assessment of Daylight Levels Associated with a Proposed Residential Development on Beach Road, Sandymount, D4. – Prepared by BPG3.
- Archaeological Assessment – prepared by Irish Archaeological Consultancy Ltd (IAC).
- Presentation and Verified Views – prepared by 3D Design Bureau.
- Outline Construction and Demolition Waste Management Plan – prepared by Punch Consulting Engineers.
- Engineering Planning Report – prepared by Punch Consulting Engineers.
- Traffic and Transport Assessment – prepared by Punch Consulting Engineers.
- Outline Construction Management Plan – prepared by Punch Consulting Engineers.
- Outline Construction & Demolition Waste Management Plan – prepared by Punch Consulting Engineers
- Site-Specific Flood Risk Assessment – prepared by Punch Consulting Engineers.
- Outline Basement Construction Method Statement – prepared by Punch Consulting Engineers.
- Outline Operational Waste Management – prepared by Punch Consulting Engineers.
- Car Parking Management Plan – prepared by Punch Consulting Engineers.
- Mobility Management Plan – prepared by Punch Consulting Engineers.
- Landscape Report – prepared by Áit Urbanism + Landscape.
- Residential Energy Statement – prepared by Ethos Engineering.
- Construction Noise Impact Assessment – prepared by RSK.
- Building Lifecycle Report – prepared by Aramark.

14.10. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. A 'Residential Energy Statement' has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings. A Site Specific Flood Risk Assessment that addresses the potential for flooding having regard to the OPW CFRAMS study which was undertaken in response to the EU Floods Directive. An AA Screening Report and NIS Report in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application, which also address requirements arising from the Water Framework Directive and the Urban Wastewater Treatment Directive. An Outline Construction and Demolition Waste Management Plan has been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011, European Union (Household Food Waste and Bio-waste) Regulation 2015, European Communities (Trans frontier Shipment of Waste) Regulations 1994 (SI 121 of 1994) and to European Union (Properties of Waste which Render it Hazardous) Regulations 2015.

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

14.12. I have completed an EIA screening assessment as set out in Appendix A of this report.

14.13. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in

Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

14.14. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

14.15. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

15.0 Recommendation

Section 9(4) of the Act provides that the Board may decide to:

- (a) grant permission for the proposed development.
 - (b) grant permission for the proposed development subject to such modifications to the proposed development as it specifies in its decision,
 - (c) grant permission, in part only, for the proposed development, with or without any other modifications as it may specify in its decision, or
 - (d) refuse to grant permission for the proposed development,
- and may attach to a permission under paragraph (a), (b) or (c) such conditions it considers appropriate.

- In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential development, is a serviced site, where public transport, social, educational and commercial services are available. The proposed development is of a suitably high quality and provides for a mix of one and two bedroom apartments which are served by high quality communal open space and facilities for residents in the form of meeting rooms, lounge, gym etc.
- I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and

public transport is available to serve the development. The development is generally in accordance with National Guidance and Local Policy (except for height) and is in accordance with the proper planning and sustainable development of the area.

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

16.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective for Residential development and the policy and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) the availability in the area of a wide range of social and transport infrastructure,
- (vii) to the pattern of existing and permitted development in the area, and
- (viii) Chief Executive's Report and supporting technical reports of Dublin City Council,
- (ix) the comments made at the South East Area Committee meeting,

(x) to the submissions and observations received, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Recommended Draft Order

- Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21st of May 2021 by Tom Phillips + Associates on behalf of Maxol Property Limited.
- Proposed Development:
- The provision of 112 no. apartment units comprising 56 no. 1-bed units and 56 no. 2-bed units within a single building block. A range of residential rooms are provided in the building including lounge area, work space, gym, bookable room, parcel store and reception/ staff facilities. 79 no. car parking spaces are available at basement level and parking for 234 bicycles is provided throughout the site.
- Vehicular access is available to the car park from Beach Road. Pedestrian access points are available from Beach Road and Church Avenue. Communal open space is provided on the southern side of the site, and to the western side. An area of public open space is provided to the west of the site.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016 - 2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant

standards including private open space, room sizes, storage and residential amenity areas.

- The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location, which is within a 'Low Rise' area. The proposed development has a height of 19 m to top of the parapet and 19.90 m to top of lift overrun area.
- The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.

- Decision:

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

- Matters Considered:

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

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

- (i) the site's location on lands with a zoning objective for Residential development and the policy and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of mixed-use development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) the availability in the area of a wide range of social and transport infrastructure,
- (vii) to the pattern of existing and permitted development in the area, and
- (viii) Chief Executive’s Report and supporting technical reports of Dublin City Council,
- (ix) the comments made at the Dublin City South East Area Committee meeting,
- (x) to the submissions and observations received,
- (xi) the Inspectors report

- **Appropriate Assessment (AA):**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector’s Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than South Dublin Bay and River Tolka Estuary SPA (004024), which are European Sites for which there is a likelihood of significant effects.

- **Appropriate Assessment Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on South Dublin Bay and River Tolka Estuary SPA (004024) in view of the above site's Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

- **Environmental Impact Assessment (EIA):**

17.1.1. The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001

(as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective Z1, ‘to protect, provide and improve residential amenities’, in the Dublin City Development Plan 2016-2022, and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- 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),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dublin City Council Development Plan 2016 - 2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the plan with respect to building height limits. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations:

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.

- With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, and is in compliance with the Urban Development and Building Height Guidelines, in particular SPPR3

18.0 Conditions

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

Reason: In the interest of clarity.

2. The number of residential units permitted by this grant of permission is 112 no. units in the form of 56 no. one bedroom units and 56 no. two bedroom units.

Reason: In the interests of clarity.

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

Reason: In the interest of visual amenity.

4. The noise mitigation measures outlined in the Natura Impact Statement (NIS) shall be fully implemented at demolition, construction and operational phases of the development.

Reason: To ensure that the development has no adverse impact on the qualifying interests of the South Dublin Bay and River Tolka Estuary SPA.

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

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

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

Reason: In the interest of urban legibility.

7. Prior to the commencement of development, the developer shall submit details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first residential unit within the scheme.

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

8. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit ownership details and management structures proposed for the

continued operation of the entire development as a Build to Rent scheme. Any proposed amendment or deviation from the Build to Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

11. a) The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to the service area and the basement car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
- b) The footpath width on Church Avenue shall be a minimum of 2 m in width, revised details shall be submitted for the written agreement of the Planning

Authority and shall include revised hard and soft landscaping and boundary details.

c) The substation shall be setback a minimum of 1 m from the back of the revised footpath on Church Avenue.

Reason: In the interest of amenity and of traffic and pedestrian safety.

12. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

(b) Two of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.

(c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

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

prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

14. A total of 234 no. bicycle parking spaces and room for four cargo bicycles shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

15. Prior to the opening/ occupation of the development, an updated Mobility Management Strategy shall be submitted to and agreed in writing with the Planning Authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. Full regard to be had to any changes in public transport provision in the area including the implementation of Bus Connects in the area. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the Planning Authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

16. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

17. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

18. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

19. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

20. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

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

Reason: In the interest of sustainable waste management.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

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

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

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

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

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

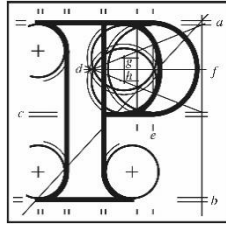
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul O'Brien
Planning Inspector
27th August 2021



An
Bord
Pleanála

EIA – Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-310299-21
Development Summary		Demolition of petrol filling station and vacant motor sales showroom and construction of 112 residential units in a six storey over basement block.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report and NIS was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Dublin City Development Plan 2016 - 2022 and the results of the Strategic Environmental Assessment of the plan. See also Section 14.10 of the Inspectors Report for details of other relevant assessments.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development comprises the construction of residential units on zoned lands. A single block of six storeys over basement is proposed in an area predominantly characterised by two/ three storey units.	No

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposed development is located on brownfield/ infill lands within Dublin City. The existing uses are non-conforming in terms of the Z1 zoning objective that applies here.</p>	<p>No.</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No.</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites.</p>	<p>No.</p>

		<p>Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a</p>	<p>No.</p>

		<p>Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan.</p> <p>Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction.</p> <p>The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p>No.</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No.</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction</p>	<p>No.</p>

		<p>Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No.</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of</p>	<p>No.</p>

		the site and surrounding pattern of land uses, primarily characterised by residential development.	
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	Permission was granted for a similar development on this site. The proposed development provides for one additional floor and an increase in unit numbers. The development changes have been considered in their entirety and will not give rise to any significant additional effects.	No.
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna	No	No European sites located on the site. An NIS accompanied the application which concluded the proposed development, individually or in	No.

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>	<p>combination with other plans or projects would not adversely affect the integrity of European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), in view of the sites Conservation Objectives.</p>		
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No.</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>The site is not within or adjacent to any such sites.</p>	<p>No.</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No.</p>	<p>There are no such features arise in this urban location.</p>	<p>No.</p>
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No.</p>	<p>There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off.</p>	<p>No.</p>

		The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No.	Site is located in a built-up urban location where such impacts are not foreseen.	No.
2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No.	The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	The site is adjacent to St. Matthew's National School. Short terms impacts from noise, dust and vibration may arise during the construction phase. Such construction impacts would be temporary and localised in nature	No.

	and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	
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3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	No trans-boundary effects arise.	No.
3.3 Are there any other relevant considerations?	No.	No.	No.-
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required.

<p>Real likelihood of significant effects on the environment.</p>	<p>Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)</p>	
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D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective Z1 ‘To protect, provide and improve residential amenities’ in the Dublin City Development Plan 2016 - 2022,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

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

j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction & Demolition Waste Management Plan (CDWMP) and Outline Construction Management Plan (CMP), It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector: _____

Date: _____

