



An
Bord
Pleanála

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

Inspector's Report ABP-311287-21

Strategic Housing Development

115 no. apartments, creche and associated site works.

Location

Frankfort Castle, Old Frankfort,
Dundrum, Dublin 14.
(www.frankfortcastleshd.com)

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Pembroke Partnership Limited

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
An Taisce

Observer(s)

Aidan and Geraldine Fogarty

Aimee Louise Carton
Alan and Lorna Bateson
Alanna Carton
Anne Fitzpatrick
C. Twomey
Caoimhe Proud Murphy
Carmel and Clive Niven and others
(BPS Planning).
Catherine Lalanne
Catriona Collum and Colm O'Connor
Ciara McManus and John O'Carroll
Cilian O Tuama
Dave and Mary Egan
Deirdre Hurley and Jurgen Osing
Donla Twomey
Edith Andrees and Ian McFadden
Edward Meade
Emer O'Brien
Eoin Judge
Frankfort Court Management
Company (Marston Planning
Consultancy)
Frankfort Park Residents Association
Graham Bell
Group of Highfield Park Residents
(John Bird)
Heather Strong
Highfield Park and Westbrook Road
Residents Association (Kieran
O'Grady)

Holly Carton
Jing Burgi Tian and Constantin Burgi
and family
John Freehan
John Lindsay and Fiona O'Sullivan
Kevin Conmy
Lina Gautam
Margaret Griffin
Maria and Andrew Morrison
Maurice and Valerie Burris
Menno Axt
Michael Morris
Morgan Costello
Niamh Gaffney
Paschal and Brona Kennedy
Patrick Hickson
Paul and Sandra Walsh
Pauline Twomey
Rachel Cosgrove
Rachel Duke
Robert Duignam
Ruth Shanu
Sally Hewetson
Seamus Fogarty
Sean Darragh O' Tuama
Senan O' Tuama
Shana Small
Sheena Townley
Suzanne Hanlon

Sylvia Roddie
Victor Bradley
William and Diane Grimley
Woodlawn Park Residents Action
Group (Fiona O'Sullivan c/o O'Neill
Town Planning)

Date of Site Inspection

17th November 2021

Inspector

Elaine Power

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located c. 100m west of Dundrum Road, to the rear of existing commercial and residential properties, c. 750m north of Dundrum Village and c. 1km north of Dundrum Town Centre. Although the site is located in close proximity to a variety of services and facilities, the immediate vicinity of the site has a low density suburban character.
- 2.2. The site has a stated area of 0.9ha and gently slopes in an east west direction. The majority of the site is secluded and screened and has a sylvan character, this is due to the numerous trees and vegetation along the sites boundaries and within the site. However, this character is limited to the subject site. The site is bound to the north by single and 2-storey dwellings at Highfield Park, to the south by 2-storey terrace dwellings at Frankfort Court, to the east by Old Frankfort and a number 2-storey of detached residential properties and to the west by the Luas Line.
- 2.3. The site currently accommodates 3 no. residential properties and a derelict building known as Frankfort Lodge. Two of the existing residential properties are provided in Frankfort Castle, which was constructed in the 1850's and subsequently extended and subdivided. These properties are generally located in the centre of the site and have large gardens which are heavily landscaped and planted. The derelict Frankfort Lodge is located immediately south of Frankfort Castle. The site also includes no 97A Highfield Park, which is a relatively modern 2-storey detached dwelling located to the north west of Frankfort Castle.
- 2.4. Access to the site is from Dundrum Road via Old Frankford, which includes a 5.8m wide bridge over the River Slang. Old Frankfort provides access to 20 no. residential dwellings in this regard 6 no. large, detached properties, a small housing estate 'Frankfort Court' which comprises 14 no. terrace dwellings and a 3-storey apartment

development 'Frankfort Hall', which fronts onto Dundrum Road. There are currently 4 no. vehicular access points to the subject site, in this regard there are 2 no. access points on Old Frankfort which provide access to each of the dwellings within Frankfort Castle, 1 no. access from Frankfort Court. During a site visit on the 17th November 2021 this access was blocked up and appeared to be disused and associated with the Frankfort Lodge site. There is an additional access from Highfield Park. This access serves 2 no. dwellings no. 97A which forms part of the current application and no. 97B.

- 2.5. The red line boundary also includes a section of Old Frankfort (public road) and incorporates an existing bridge over the River Slang at the site's eastern boundary.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the demolition of No. 97A Highfield Park, Frankfort Lodge and extensions to Frankfort Castle and the construction of a residential scheme comprising 115 no. units (45 no. one bedroom apartments and 70 no. two bedroom apartments) arranged in 4 no. blocks (Block A, B, C and D). Block A is a 4 storeys in height over 2 no. basement levels and accommodates 35 no. apartments and an 80sqm crèche at ground floor level, Block B is part 4 and part 5 stores in height and accommodates 54 no. units and Block C is a 3 storey block accommodating 22 no. units. Block D comprises the refurbishment of the exiting 2-storey Frankfort Castle building and would accommodate 4 no. apartments and a 103.6sqm residential amenity area at the ground floor level.

- 3.2. The main vehicular access is proposed via a new access on Old Frankfort with emergency access only proposed via Frankfort Court. 67 no. car parking spaces are provided at basement level, which includes 2 no. car sharing spaces and an additional 10 no. spaces are provided at surface level.

- 3.3. The scheme also includes cycle parking, attenuation storage system, waste storage facilities, 2 no. substations, ancillary service and plant areas, hard and soft landscaping, boundary treatments, upgrades to road and pedestrian infrastructure along Old Frankfort and all other site development and drainage works above and below ground.

- 3.4. The application included the following:

- Design Statement Report
- Response to An Bord Pleanála Opinion
- Statement of Response
- Statement of Consistency
- Design Rationale – landscape Architecture
- Material Contravention Statement
- Daylight, Sunlight and Shadow Assessment
- Technical Report Document
- Engineering Services Report
- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Conservation Report and Heritage Impact Assessment
- Archaeological Assessment
- Childcare Capacity Audit
- Screening for Appropriate Assessment
- EIA Screening Report
- Ecological Impact Assessment Report
- A Bat Assessment
- Arboricultural Assessment
- Energy Statement
- Outline Management and Building Life Cycle Report
- Operational Waste Management Plan
- Outline Method Statement for Demolition of Existing Buildings
- Outline Construction and Environmental Management Plan
- Construction and Demolition Waste Management Plan
- Photomontages

4.0 Planning History

Subject Site

D11A/0166: Permission was granted in 2011 to demolish existing house (Frankfort Lodge) and construct a new two storey detached house over part basement (previously refused permission Reg. Ref. D10A/0183), together with blocking up

existing vehicular entrance and the provision of new vehicular entrance and all associated landscaping and site works.

VV06D.303493: In 2019 the Board considered that in accordance with section 9(3) of the Urban Regeneration and Housing Act 2015 the Frankford Lodge site was a vacant site within the meaning of that Act.

Surrounding Sites

Strategic Housing Development Application: ABP 310138-21 Permission was granted in 2021 for the demolition of existing buildings and structures on site and the construction of 231 no. apartments and a childcare facility in 5 no. blocks with a maximum height of 10 no. storeys at Mount Saint Mary's and Joseph's Dundrum Road, c. 1km north of the subject site.

Strategic Housing Development Application ABP 309430-21: Permission was granted in June 2021 for 698 no. student bedspace accommodation in 8 no. blocks with a maximum height of 7 storeys at Our Lady's Grove c. 800m east of the subject site.

Strategic Housing Development Application ABP-308353-20: Permission was granted in 2021 for the demolition of an existing building and hard surface parking area and the construction of 239 no. student bedspaces with amenity spaces, bicycle and car parking spaces and all associated site works on a site (Vector Motors) located c. 1km east of the subject site.

Strategic Housing Development Application ABP-309553-21: Permission was refused in 2021 of the demolition of some structures on site and the construction of 299 no. apartments and a childcare facility at The Goat Bar and Grill, Lower Kilmacud Road, c. 1.3km south east of the subject site. The reason for refusal considered that the proposed development failed to meet the criteria set out in Section 3.2 of the Building Height Guidelines.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application virtual consultation took place on the 6th February 2020 in respect of a development of the demolition of an existing structure and the construction of 119 no. apartments. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Residential Standards (floor areas/dual aspect/internal daylighting etc)
- Neighbouring Residential Amenity
- Transport including parking provision/infrastructure improvements
- Trees/Ecology
- Childcare Facilities
- Site services

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 14th February 2020 (ABP-306159-20) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development with regard to the following: -

Nature of the Application

Clarification as to the nature and type of residential accommodation proposed in Block D. While it appears from the documentation submitted that the development is not a 'build to rent' proposal, the 'Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities' (March 2018) clearly indicates that 'shared accommodation' is primarily for rental accommodation. If the proposal is intended as a 'shared accommodation' model, then the provisions of sections 5.13 to 5.24 of the above mentioned guidelines apply. If the proposal is not intended as rental accommodation, then the provisions of, inter alia, Appendix 1 of the above mentioned guidelines apply (e.g. studio/bedrooms should have a minimum floor area of 37 sqm). Further consideration of this issue may require an amendment to the documents and/or design proposals submitted

5.3. The opinion also stated that the following specific information should be submitted with any application for permission.

1. Planning rationale/justification as it relates to the level of car parking provision proposed, specifically noting the site's location close to public transport and that it is national policy to minimise reliance on the private car.
2. Notwithstanding the need to justify the levels of car parking proposed on the site, as noted above, additional details in relation to Transport, having regard to the report of the Transportation Planning Department (dated 14th January 2020), and having regards to discussions at the tripartite meeting, in particular (i) the provision of a pedestrian footpath to the south of the site, along Frankfort, to the eastern extent of the site. If this is not being provided, detailed justification will be required; (ii) details of pedestrian priority crossings, as detailed in the report (iii) details of electric vehicle infrastructure (iv) additional cycle parking provision (v) details of the proposed pedestrian access to the north-west, if this is being provided; (vi) Mobility Management Plan; and (vii) Quality Audit.
3. A report (or reports) that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overshadowing and potential overlooking. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development
4. Rationale/ justification as to the provision of Childcare Facilities, or otherwise. Justification is required for the non-provision of childcare facilities, having regard to the criteria as set out in Childcare Facilities – Guidelines for Planning Authorities (2001).
5. Rationale/ justification for the removal of 78% of the existing trees on the site, having regard in particular to the report of the Parks and Landscape Section of the Planning Authority (dated 17th January), and having regards to discussions at the tripartite meeting. The impacts of the proposed development on the trees proposed to be retained and the proposed replacement planting, should be further explored, and detailed drawings provided in relation to same.
6. A plan of the proposed open space clearly delineating public, semi-private and private spaces should also be provided, as well as a detailed breakdown of the

total area of same. These plans should clearly highlight how the proposals provide for an appropriate variety and suitable location(s) of children's play spaces.

7. A report that specifically addresses the proposed materials and finishes of buildings, landscaped areas and any screening/boundary treatment. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinct character for the development.
8. Addition detail in relation to surface water proposals, having regard to the report of the Drainage Division of the Planning Authority (dated 16th January 2020), and having regards to discussions at the tripartite meeting, namely the need to provide more detail in relation to the surface water infrastructure to be provided on site, the feasibility or otherwise of the proposed planting over the attenuation tanks as well as details of green roofs. In addition, a Stormwater Audit will be required at application stage.
9. Additional detail in relation to Flood Risk, having regard to the report of the Drainage Division of the Planning Authority (dated 16th January 2020), namely the need to provide a surcharge analysis of the surface water drainage system and details of safe overland flow routes.
10. Additional details in relation to waste management, having regard to the report of the Waste Management Division of the Planning Authority (dated 15th January 2020) namely a Construction and Demolition Waste Management Plan, an Environmental Management Construction Plan and a Waste Management Operational Plan.
11. A detailed Housing Quality Assessment.
12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
13. Appropriate Assessment Screening Report.

A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

1. Inland Fisheries Ireland
2. Irish Water

3. National Transport Authority
4. Transport Infrastructure Ireland
5. Dun Laoghaire Rathdown County Council Childcare Committee

5.4. ***Applicant's Statement***

- 5.4.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed the specific information to be submitted, however, the response does not appear to address the item regarding the nature of the use of Block D that required consideration. Notwithstanding this the drawings submitted with the application indicate that the internal layout of Block D / Frankfort Castle provides for internal residential amenity space and 4 no. residential units, in accordance with the provisions of the Apartment Guidelines 2020.
- 5.4.2. The applicant addressed items 1-13 of the specific information to be submitted with the application. Items of note are outlined below: -

Item 1: The provision of 0.67 no. spaces per unit at this location is considered appropriate having regard to the site's proximity to the urban centre of Dundrum where a wide range of employment opportunities, services and facilities are located. In addition, the site is well served by public transport infrastructure links such as the LUAS Green Line (Windy Arbour and Dundrum Stations) are located within a c.11 minute walk of the subject site. The applicant also includes a Traffic and Transport Assessment and Material Contravention Statement which also justify the proposed level of car parking.

Item 2 (i): It is noted that the lands to the south of the subject site are within third party ownership and, therefore, it is not possible to provide a pedestrian footpath at this location. Details of the proposed pedestrian network are provided in the Traffic and Transportation Assessment and the Proposed Road Layout drawing.

Item 2 (ii): Details of pedestrian priority crossings are provided in the Traffic and Transportation Assessment. Pedestrian crossings are proposed along Old Frankfort and are shown on the Proposed Road Layout drawing.

Item 2 (iii) 12 no. car parking spaces would be served by electrical charging points and ducting would be installed to ensure charging points can be provided at a future date.

Item 2 (iv) 176 no. cycle parking spaces are proposed, 136 no. in dedicated cycle stores at ground floor level of Blocks A, B and C. An additional 40 no. visitor spaces are provided at surface level.

Item 2 (v) The applicant does not have control of the lands extending to the Highfield Park Road, therefore, it is not possible to provide a pedestrian access at the north western portion of the site. However, provision has been made for an access point in this location to be delivered at a future date should agreement with the third party owner of the relevant lands be forthcoming.

Item 2 (vi) Section 8 of the Traffic and Transport Assessment includes a Residential Travel Plan (RTP). This Plan includes details of mobility management measures to be implemented upon the occupation of the scheme. It is further confirmed that a Travel Plan Coordinator will be appointed prior to occupation of the scheme.

Item 2 (vii) An independent Quality Audit has been submitted.

Item 3: A 'Daylight, Sunlight and Shadow Assessment' was submitted which indicates that the proposed development would not result in undue loss of light received by existing neighbouring properties.

Potential overlooking is addressed in Section 5.0 of the Architectural Design Statement.

Item 4: A Childcare Capacity Audit was submitted. It identifies 20 no. operational facilities in the vicinity of the site which have c.13% capacity equating to approximately 113 no. childcare available places. It is noted that the proposed development contains only 70 units which can reasonably accommodate families. The proposal, therefore, falls below the threshold for childcare provision established in the national childcare guidance. Notwithstanding this, a new purpose-built childcare facility (c. 80 sqm) is proposed to be provided with the subject development. This proposed facility will have capacity for 20 no. childcare spaces and ensures that development population will be

adequately provided for in terms of childcare without placing additional pressure on the existing childcare network.

Item 5: An Arboricultural Assessment (Tree Survey) is submitted. Approx. 73% of the existing trees on site are proposed to be removed – a reduction in the number previously proposed (78%). The majority of these trees are young, early mature or over mature. In addition, a number of the existing trees on site are diseased. Section 5.1 of the Statement of Response indicates the extent of trees which are to be removed from the site. The proposed landscaping design associated with the scheme includes for the planting of 74 new trees. In addition, prominent mature trees associated with the Victorian era landscaping of the site are retained. The Landscape Plan drawing highlights the proposed landscaping design including where trees are proposed and retained.

It is considered that the impact of the proposed development on existing trees is appropriate given that the subject lands are located in a strategic location and zoned for residential development. The proposal delivers an appropriately scaled development, ensures that trees are retained where possible and also proposes an attractive landscaping plan which will provide for a significant quantum of additional trees thereby retaining the natural character of the existing site.

Item 6: The Landscape Design Rationale and associated landscape drawings, outline the open space proposals for the scheme. A large area of open space, (c.1,000 sqm) is proposed to the front of Frankfort Castle. This space will also accommodate a children's play space consisting of informal play features such as stepping blocks, balancing rope, rotating beam and jumping disc, as noted on the Landscape Plan drawing. Communal space (c. 1,025sqm) is proposed at the northern portions of the site. The boundaries between these areas will be clearly delineated through the use of soft landscaping measures such as hedging as detailed in the Landscape Design Rationale report.

Item 7: The materials and finishes proposed within the subject development are outlined in detail in the Landscape Design Rationale report and in Section 3.0 of the Architectural Design Statement. In summary, materials have been carefully chosen to

ensure that the existing site context is respected. All materials are of a high quality, easily maintained and with good durability.

Item 8: Surface water is addressed in Section 6.0 of the Engineering Services Report. Additional detail is contained within the relevant engineering drawings.

Item 9: A Site Specific Flood Risk Assessment was submitted. This SFRA has been informed by the comments of the Planning Authority's Drainage Division.

Item 10: An Operational Waste Management Plan and a Construction & Demolition Waste Management Plan were submitted. These documents confirm that wastes arising on the subject site will be appropriately disposed of and minimised where possible.

Item 11: A Housing Quality Assessment was submitted.

Item 12: Section 10 of the Statement of Response notes that the proposed development and its associated external areas will be managed and maintained by a Management Company and, therefore, no part of the proposed development is to be Taken in Charge. The areas located within the red line boundary that are currently within the ownership of Dun Laoghaire Rathdown County Council will remain in the ownership of the council following the delivery of the relevant works.

Item 13: An Appropriate Assessment Screening Report was submitted.

6.0 Relevant Planning Policy

6.1. ***Dun Laoghaire Rathdown County Development Plan 2016-2022***

The development site is zoned 'A' with the associated land use objective to protect and or improve residential amenity.

Chapter 2 of the Plan notes that the Council is required to deliver 30,800 units over the period 2014-2022. Figure 1.3 of the Plan indicates that there are approx. 410 ha of serviced land available which could yield 18,000 residential units.

Section 1.2.5 of the Plan states '*in addition to the major parcels of zoned development land above, the ongoing incremental infill and densification of the existing urban area*

will generate, overtime and on a cumulative basis, relatively significant house numbers’.

The following are considered of particular relevance: -

Policy RES3: Residential Density: *It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development...*

Policy UD6: Building Height Strategy: - *It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.*

Policy RES7: Overall Housing Mix: *‘It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy’*

Policy AR5: Buildings of Heritage Interest *‘It is Council policy to retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment...’*

Chapter 2: Sustainable Communities, Chapter 8: Principles of Development and Appendix 9: Building Height Strategy, RES7: Overall Housing Mix, Policy RES8: Social Housing, Policy SIC11: Childcare Facilities, Policy UD1: Urban Design Principles, Policy UD2: Design Statements, Policy UD3: Public Realm Design, and Section 8.2.3: Residential Development are also considered relevant.

6.2. *Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.*

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle

of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located within the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The following RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. ***National Planning Framework***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated

outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: 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: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.4. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

6.5. **Applicants Statement of Consistency**

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the relevant Development Plan.

6.6. **Material Contravention Statement**

- 6.6.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022 in relation to Car Parking and Unit Mix. The statement is summarised below: -

Car Parking

Based on the total proposed number of units, 70 no. two bed units and 45 no. one-bed units, the standard number of car parking spaces that would be required for the scheme is 115 no. spaces as per development plan standards. The development proposes 77 no. car parking spaces which is below the standard car parking provision indicated in Section 8.2.4.5 of the development plan.

While the proposed car parking provision is below the standards set out in Section 8.2.4.5 of the Plan, it is considered that the subject site and proposed development meet the factors highlighted in Section 8.2.4.5 of the development plan which permit reduced parking standards.

It is considered that there are conflicting objectives in the development plan. In this regard Section 8.2.4.5 highlights that the planning authority can reduce car parking provision where it is considered that the surrounding road network is not sufficient to cater for the volume of traffic likely to be generated by the proposed development and Policy ST3 aims to for a modal split away from private car. Therefore, it appears that a rigid application of Table 8.2.3 does not take into account the circumstances of the site and the circumstances where reduced car parking may be appropriate.

In accordance with the Apartment Guidelines, the site is classified as an intermediate urban location as it is c.1km from the UCD campus and c. 1 km from Dundrum Town Shopping Centre, which are both large employers in the area. The site is c. 800m from Dundrum and Windy Arbour Luas stops and is also proximate to a number of Dublin Bus routes which provide connections across the city. In addition, some 176 no. bicycle parking spaces are provided which further encourages sustainable transport modes for future residents of the scheme. Therefore, the proposed development may benefit from a reduced provision of car parking spaces.

The NPF also advise that general restrictions on universal standards for car parking may not be applicable in all circumstances in urban areas and should be replaced by performance based criteria appropriate to the general location. This is supported by NPO 13, 27 and 64.

A precedent also exists for reduced car parking at the 'Walled Garden' site in close proximity to the subject site. The 'Walled Garden' site is similarly classified as an 'intermediate urban location'. An SHD development was permitted (ABP-304590-19) in September 2019 which comprised a car parking ratio of 0.31 spaces per residential unit). A subsequent amendment application for development on the 'Walled Garden' site was approved in October 2020 (ABP Ref. 307545) which reduced the car parking ratio of 0.18. The proposed car parking ratio of 0.67 no. spaces per unit proposed represents an increased car parking provision when compared against the 2 no. above referenced permissions at the 'Walled Garden' site. The subject proposal will also however clearly contribute to supporting a modal shift to more sustainable modes of transport in accordance with both the Dun Laoghaire Rathdown Development Plan 2016-2022 and with wider strategic planning policy.

Unit Mix

The proposed development contains a mixture of one-bed and two-bed units only. Policy RES7 of the Dun Laoghaire Rathdown Development Plan requires that a wide variety of housing types and tenures are provided across the county. The applicant acknowledges that whilst the subject scheme contributes to a greater variety of units in the wider area, it does not in and of itself consist of a wide variety of units.

It is considered that the proposed development by providing a mixture of one and two bed apartments in an area predominately characterised by larger family size houses would indeed contribute to the variety of accommodation types and sizes in the county. The 2016 census results demonstrate that the housing stock in the Dublin area is dominated by larger units greater in size than one and two bedrooms. Of the 530,753 permanent households recorded in the census, just 55,091 or c.10% are comprised of one and two bedroom units. Given that changing demographics are resulting in smaller household size and more single person households, demand for these smaller units is high at present and very likely to increase further in the future. The proposed development thus contributes to the diversity of housing types and sizes and satisfies a critical area of demand where there are significant shortfalls at present

Section 2.1.3.7 of the Development Plan encourages a "good mix of house types creates neighbourhoods for people of different ages and lifestyles" and notes that

encouraging good housing mix also “allows people the choice and opportunity to remain in a given area while availing of accommodation that caters to their changing needs at particular stages of their life”. The plan further notes that future housing demand will be primarily for one and two person households given wider demographic shifts. The proposed development will contribute to the mix of household types and sizes in the county and thus adhere to the broad objective of the Development Plan to create neighbourhoods with a good housing mix capable of accommodating a range of demands and persons throughout different life periods.

The Apartment Guidelines acknowledge the need for different forms of housing to be supported and highlights “the need to facilitate a mix of apartment types that better reflects household formation and housing demand”. The demand for smaller housing types referenced above is reflected in SPPR 1 of the Guidelines which states that Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. The breakdown of units in the proposed development equates to 38% one-bedroom units and 62% two bedroom units. The proposed unit mix is thus fully in compliance with the standards of the Apartment Guidelines. The proposed breakdown of units ensures that the mix of units in the area is enhanced and also ensures that current and future housing demand will be satisfied appropriately.

Conclusion

In consideration of the fact that the proposed development will deliver a high density residential scheme on appropriately zoned lands which are well serviced and connected, it is submitted that there is ample justification for to permit a material contravention of the Development Plan having regard to Section 37(2)(b)(ii) and Section 37(2)(b)(iii) of the Planning and Development Act, 2000 (as amended).

7.0 Third Party Submissions

57 no. third party submissions were received. The submissions generally support the redevelopment of the site for residential development. The concerns raised are summarised below: -

Residential Amenity

- The proximity of the blocks to existing dwelling would result in overlooking
- The proposed development would result in a loss of light for existing properties. There are errors in the Daylight and Sunlight Assessment.
- Noise generated by the proposed development would have a negative impact on existing residential amenities. The noise and proximity of the proposed pump house would negatively impact on the existing amenities of no. 14 Frankfort Court.
- The proximity of the blocks to existing properties would have a negative impact on existing views of trees.
- Pedestrian access from the laneway at 97A Highfield Park would result in a loss of privacy and security issues for existing residents.
- The existing and proposed landscaping would not provide adequate screening from the proposed development.
- The proposed development at this location would create a visually discordant feature in this low-rise area.

Design Approach

- The design is monolithic and bulky and would depreciate the value of existing properties.
- The proposed scheme would engulf Frankfort Castle, which is to be maintained, and materially diminish its historic setting.
- The proposed development is out of character with the area and would have a negative visual impact on the existing distinctive sylvan character of the site.
- The mass and scale are excessive and would result in overdevelopment of the site. The separation distances proposed are not in accordance with the provisions of the development plan.
- The proposed density is not in keeping with the existing properties and is excessive for the site. The true density is 144 units per ha when lands in the ownership of the council are excluded.
- The proposed height is out of character and would have an overbearing impact for existing residents. The scheme should have a maximum of 3-storeys.

- The housing mix is inappropriate with particular regard to the proposed number of 1-bed apartments. The unit mix is not in accordance with the provisions of Policy RES 37the development plan and would be a material contravention. The scheme should include more 3-bed family homes. Semi-detached, detached and terraced housing is more appropriate at this site.
- The scheme should include an equal mix of social, affordable and private units.
- The proposed materials are dark and dull. The design should reflect the existing architectural styles of the adjacent houses which include red brick and wood cladding.
- There is a lack of permeability through the site, which does not allow for integration with the existing properties.
- The submitted photomontages are misleading and limited. The impact from Woodlawn Park is unclear as photomontages from this street have not been provided.
- Concerns regarding the viability of an 80sqm creche.

Open Space

- Insufficient amenity space is provided within the development. There is a lack of public open space in the area, therefore, this development should incorporate public open space.
- Footpaths and ancillary spaces cannot be included in the calculation for open space provision.
- Majority of communal open space is not usable, and a significant portion does not achieve sufficient daylight resulting in unattractive amenity spaces for future residents.

Transportation

- That proposed access arrangements are insufficient for a development of this scale. The access road and bridge are very narrow and allow for a single vehicle to pass. They are unfit for heavy traffic volumes.
- There is no capacity on the surrounding road network to accommodate the trips generated by the proposed development. Haphazard car parking from the proposed development would impact on access for emergency vehicles.

- There are a number of residential developments proposed for the surrounding area. The cumulative impact of these developments would result in an unacceptable level of congestion.
- The traffic counts were carried out during lockdown (Covid-19 restrictions) and, therefore, the findings are not representative of the traffic volumes experienced during peak periods.
- The traffic surveys carried out in 2018 are no longer relevant as they are significantly out of date.
- The TIA does not assess the junction of Highfield Park / Dundrum Road, which is already at capacity.
- There is no capacity on Frankfort Court to accommodate the number of trips that would be generated by the creche drop off / collection. The proposed arrangements would cause congestion.
- Existing parking congestion on the surrounding road network. The proposed development would exacerbate this situation.
- The proposed level of car parking is insufficient for the scale of the development and is a material contravention of the development plan.
- The additional vehicular trips would pose a safety risk to children traveling to school on bicycles from Frankford, Westbrook and Highfield.
- Construction would require road closures which would negatively impact existing residents.
- The proposed scheme should incorporate car sharing spaces.
- The green luas line and bus serving the area is already at capacity and cannot accommodate the provided development.
- Construction traffic via Highfield Park would cause traffic congestion.
- There is no cycling infrastructure in the area.

Ecology

- The proposed development would result in a loss of wildlife, including bats, badgers, foxes and birds. The documentation submitted does not mention the presence of badgers in the area.
- Unacceptable loss of trees with no justification. There are inconsistencies in the Arborists report relating to the quantum of trees to be removed.

- The basement conflicts with the tree root protection plan.
- The use of birch trees is not in accordance with best practice as it carried high levels of pollen which can cause allergies.
- An EIA should be submitted with the application addressing the cumulative impact of the proposed developments in the vicinity of the site.
- The green roofs do not compensate for the loss of biodiversity on the site.

Water Services

- The existing foul sewer is at capacity and requires access over third party lands.
- Concerns regarding the capacity of the water mains in the area.
- The proposed attenuation of surface water is grossly insufficient to address the ever increasing run off to the River Slang. This problem will be exacerbated by the removal of trees on the subject site and other sites in the area.
- The bridge over the River Slang at the entrance to Frankfort is subject to flooding during heavy rainfall.
- Concerns regarding the proposed flood routes, which is in proximity to a third-party property.

Social Infrastructure

- There is no capacity in the existing schools to accommodate the demand generated by the development.

Material Contravention

- The submitted material contravention statement is inadequate. The proposed scheme material contravenes the building height standards, quantitative apartment standards (dual aspect ratio, unit size, storage, private amenity space, separation between block) and open space provision.
- The scheme is not of exceptionally high standard of design and does not integrate into the receiving environment to allow consideration of material contravention.

Legal Issues

- The development includes works on land within the control and ownership of Frankfort Court Management Company. No letter of consent has been

provided. The submission from Frankfort Court Management Company states that no such letter would be forthcoming.

- Concerns also raised around the site's boundary and potential infringement onto third party lands.
- The screening for EIA is not in accordance with recent legal judgements.
- The applicant does not have a right of way of the laneway at 97B Highfield Park and, therefore, cannot provide a pedestrian access onto it.

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 2016, was received by An Bord Pleanála on the 29th October 2021. The report includes a summary of the proposed development, third-party submissions and prescribed bodies, planning history, site location and description and policy context. The views of the elected members of the Dundrum Area Committee, at a meeting held on the 27th September 2021 are summarised as follows; in general infill development is welcomed, however, the design and layout would result in a development that is overbearing and would overshadowing adjacent properties, the density is excessive, housing mix contravenes the development plan and is inappropriate, internal road network is excessive, concern regarding open space calculation, under provision of car parking, concerns regarding the capacity of the surrounding road network, poor quality pedestrian and cycle infrastructure in the surrounding area, no capacity on luas, pump house should be relocated to the basement level, ecological concerns, including loss of trees and habitat, drop off for childcare facility, legal issues regarding third party consent and concerns are raised regarding the SHD process. Reports from the Drainage Planning Section, Housing Department, Transportation Planning Section, Parks and Landscape Services and Environmental Section have also been provided. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development: The subject site is zoned 'A with the associated land use objective to protect and or improve residential amenity. Residential uses are permitted in principle under this objective and childcare facilities are open for consideration.

Mix of Uses: The applicant acknowledges that the proposed scheme is a material contravention of the plan. The material contravention statement considers that the proposed development by providing a mixture of one and two bed apartments in an area predominately characterised by larger family size houses would contribute to the variety of accommodation types and sizes in the county. This justification is considered reasonable and is accepted by the planning authority.

Density: The scheme has a stated density of 128 units per ha, however, this includes a portion of the public road, which is in third party ownership and maintained by the council. Excluding this area, the density of the site would be 135 units per ha.

The proposed density is considered acceptable, however, there concerns how the density is expressed and manifested within the scheme itself and it is considered that a lower density may be more appropriate for this particular site.

Site Layout: There are serious concerns regarding the site layout which is considered poor and could be significantly improved with regard to access, landscaping, residential amenity and visual amenity.

Building Height: While there is no objection in principle to the height the proposed scheme represents overdevelopment and as a result the building heights as expressed with the proposed layout are problematic. It is considered that the proposed height is not in accordance with the provisions of the development plan in terms of height.

With regard to SPPR3 of the Building Height Guidelines it is considered that at the blocks do not appropriately respond to the surrounding built environment or integrate in a cohesive manner with the wider urban area within which the site is situated. The scheme performs poorly against two of the development management criteria set out in Section 3.2 of the Guidelines, namely at the scale of the district / neighbourhood / street and at the scale of the site / building.

Standard of Accommodation: The scheme is broadly considered to be of high quality, with good layouts generous proportions and well considered finishes and would afford a good quality residential amenity to future residents. Having regard to the orientation of the blocks on site and the building heights and setbacks it is

considered that the units meet minimum daylight and sunlight standards. However, it is considered that increasing the setbacks from boundaries would assist in increasing the daylight / sunlight for some ground floor units.

Residential Amenity:

Privacy and Overlooking: Considering the orientation and location of the site and height of adjacent properties the overall separation distances are not considered acceptable in this instance. The loss of mature vegetation would also further exacerbate the overlooking and loss of privacy. Therefore, the development would not be in accordance with Section 8.2.3.3 (iv) separation between blocks of the development plan.

Overshadowing: There are concerns regarding the accuracy and detail of the submitted Daylight and Sunlight Assessment. It is also noted that the assessment does not include existing rear extensions to some properties and no. 111 and 113 Highfield Park are notable omissions. The submitted analysis indicates that the overall size and stepped design of Block B is insufficient and should be further reduced.

Visual Impact: The extensive removal of vegetation would significantly open up surrounding views which would be harmful to the streetscape character and visual amenities of the area. This would be most notable from Woodlawn Park and Highfield Park.

The submitted photomontages do not fully describe the proposed development with no views from Woodlawn Park. The long range view from Highfield Park also indicates that the majority of the development would be obscured. A closer view is considered more appropriate.

Design and Finishes: The development has a contemporary expression which employs high quality materials and includes subtle details that give a vertical emphasis. The use of zinc for the top floor levels of Blocks A and B are considered to be appropriate to reduce the bulk of the upper floors, particularly with a stepped back design. However, in an effort to reduce overlooking a number of elevations present as stark. The north elevations of Blocks B and C are particularly unadorned and provide large sections of brickwork or render without a clear break up of material or staggered

/ stepped design to reduce the visual prominence. These elevations, therefore, significantly contribute to the visual bulk and overbearing which is considered a poor design outcome.

Landscaping, Open Space and Public Realm

Vegetation Removal: The extent of vegetation removal remains extremely high at 78%. Given the rating of many of the trees, and the screening and amenity they provide to adjacent and surrounding properties, their removal is a substantial loss to the site and would significantly detract from its sylvan character and setting. The vegetation removal would also likely impact on biodiversity. The loss of vegetation has not been justified and therefore does not accord with the provisions of Policy OSR7 of the development plan. It is also noted that the Parks Department have raised concerns regarding the loss of trees and hedgerows.

Open Space: The quantity of public and communal open space falls below the higher development plan standard of 15sq. – 20sqm per person it exceeds the default minimum of 10% of the site area. It is noted that the communal open space between Blocks B and C and to the north of Block C would not achieve the BRE standard of 2 hours of sunlight. However, due to the orientation of these spaces and the location of the apartment blocks this would be expected.

The landscape plan provides no clear identified areas within the private / public open space for children's play.

Public Realm: The public realm would does not demonstrate a high-quality design and would not appropriately accord with Policy UD3 of the development plan.

The report of the Parks Department notes that the scheme would benefit from the omission of 6 no. car parking spaces from the open space. The conservation officer noted that incorporating the public realm with the Frankfort Castel building would have been beneficial to its setting and would have helped to soften and blend the period building within its new proposed context. The Transportation Planning Section have also raised concerns regarding the layout.

Access, Car and Bicycle Parking

Access and Layout: Clarity is required regarding the intended use of the pedestrian access to the north west of the subject site. The proposed access, layout and parking provision is considered substandard and does not adequately priorities pedestrian and cyclist movements in accordance with DMURS.

Car Parking: The car parking standards in the Apartment Guidelines are noted, however, the proposed reduction in car parking has not been justified. The provision of car parking is considered unacceptable. The potential for overspill car parking is a matter of particular concern. No staff parking for the creche has been identified, however, the applicants TIA states that 1 no. space would be provided. Additional EV charging points should be provided.

Cycle Parking: The overall proportion and reliance on stacked cycle parking is excessive. It is considered that the quality of proposed cycle parking arrangements is substandard.

Surface Water Drainage and Flood Risk: The Drainage Section have raised concerns that the method to calculate attenuation may underestimate the actual requirements. This may result in an undersized attenuation system being provided on the site which could result in on site flooding. It is considered this could be addressed by way of condition.

Part V / Social Housing: The Affordable Housing Act requires 20% Part V provision for site acquired prior to September 2019. It is unclear from the information available as to whether an increased obligation applies. It is considered this could be addressed by way of condition.

Childcare / Creche: Having regard to existing childcare capacity in the area and the mix of apartments proposed the planning authority are satisfied that the proposed facility would cater for childcare needs of the proposed development. There are concerns regarding the functionality of the car parking spaces and drop off facility for the creche, as well as limited car parking for staff.

Frankfort Castle Conservation Significance: Frankfort Castle is recognised to be of architectural interest, contributing to the historical narrative and character of the local area. More green space around the building would have been beneficial to its setting, to aid its integration into the new proposed context more successfully. The retention and reuse of Frankfort Castle is welcomed, and the approach is considered in accordance with Policy AR5 ‘ Buildings of Heritage Interest’ of the development plan.

Biodiversity: The findings, recommendations and mitigation measures of the applicants Ecological Impact Assessment and Bat Impact Assessment are noted.

Recommendation: It is recommended that permission be refused for 3 no. reasons outlined below: -

1. Having regard to the height, massing, proximity to boundaries and separation distances between all apartment blocks and existing residential properties, the proposed development would appear visually obtrusive and overbearing when viewed from properties in Highfield Park, and Frankfort Court and negatively impact upon residential amenity by way of overlooking, overshadowing, and the presenting of overbearing elevations in close proximity to the gardens of residential properties. These issues and concerns are exasperated by the high level of vegetation removal across the site, particularly along the property boundaries, which would significantly detract from its sylvan character and setting. In the absence of suitable alternative proposals to compensate for the design deficiencies in the scheme, the Planning Authority considers that the proposed development would significantly detract from and depreciate the value of property in the vicinity, materially contravening the stated zoning objective, which is ‘to protect an or improve residential amenity’ as set out in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and to the proper planning and sustainable development of the area. Furthermore, the proposed development by virtue of the issues raised above, would be contrary to both the Building Height Strategy of the County Development Plan and also the Urban Development and Building Height Guidelines.

2. Having regard to the building heights, orientation, reduced separation distances and window alignment of the proposed apartment blocks (B, C and D), the proposed development would result in a substandard residential amenity for the future occupants by way of direct overlooking via living room / bedroom windows and proposed balconies. The proposed development would therefore materially contravene the stated zoning objective, which is 'to protect and or improve residential amenity' as set out in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and to the proper planning and sustainable development of the area.
3. Due to the substandard provision of cycle parking and proposed site layout, which fails to priorities pedestrian and cyclist movements in accordance with DMURS, the proposed development would result in conflicts between pedestrian, cyclists and vehicle users resulting in the creation of a traffic hazard. The proposed development is also deficient in the level of provision of on-site car parking which is considered to be of particular concern given the potential for overspill car parking on the surrounding road network, which is quite constricted.

If permission is being contemplated the planning authority have provided 42 no. recommended conditions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Inland Fisheries Ireland
- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- Dun Laoghaire Rathdown County Council Childcare Committee

Section 6(7) opinion. The letters were sent on the 14th April 2021. A summary of the comments received are summarised below:

Irish Water

In respect of wastewater the network will have to be extended for c. 20m in Frankfort Court. The applicant will be required to fund this network upgrade as part of a connection agreement which will be carried out in the public domain by Irish Water

In respect of water a connection to the existing network is feasible without upgrade.

The applicant is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the development redline boundary which is necessary to facilitate connection from the site boundary to the network.

An Taisce

Frankfort Castle: The character of Frankfort Castle would be compromised. Any development on the lands should respect the historic Frankfort Castle and avoid being overly dominant and out of context with this dwelling. The development now proposed clearly fails to achieve this. The demolition of northern extension and the change of use of southern wing are not justified. The castle would be reduced to four individual apartments, further compromising the character of the building. The character would be best conserved by retaining the northern extension and residential use of southern wing so that the Castle could continue as two family homes in the same way as for the last 90 years out of its 160 year history.

Trees: The loss of 73.4% of the existing tree population on the site, including trees in good condition in Grades 'A' and 'B', has not been justified.

Design Approach: The scale of the proposed buildings, including apartment blocks at up to 5 storeys, is too great for this restricted site.

Density: The proposed development would represent over-development of the site.

Access: The site would be accessed along the narrow stretch of Old Frankfort crossing the River Slang at a restricted bridge. The junction with the busy Dundrum Road has limited visibility. The traffic situation during the construction phase and with 77 no. car parking spaces during the operational phase would be unsustainable.

Transport: Having regard to the number of large scale developments either granted or pending a decision in the vicinity of this site, the capacity of the LUAS Green line needs to be considered.

Transport Infrastructure Ireland: No observation

No comments were received from Inland Fisheries Ireland, National Transport Authority or Dun Laoghaire Rathdown County Council Childcare Committee

10.0 **Oral Hearing Request**

10.1. The submissions from both Menno Axt and Aimee-Louise Carton included the fee for an oral hearing request. It is noted that neither submission stated that an oral hearing was requested. However, as the fee was paid and correspondence was issued on the 27th October 2021 to both Menno Axt and Aimee-Louise Carton in this regard, it is considered that a request for an oral hearing was received.

10.2. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

(i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and

(ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.3. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing in this instance.

11.0 **Assessment**

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. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the

statutory development plan and local plan and has full regard to the chief executive's report, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Quantum of Development
- Design Approach
- Height
- Residential Amenity
- Housing Mix and Tenure
- Landscaping / Open Space
- Built Heritage
- Transportation
- Water Services
- Ecology
- Material Contravention
- Chief Executives Recommendation

11.1. **Principle of Development**

11.1.1. The site is zoned 'Objective A' with the associated land use objective 'to protect and/or improve residential amenity'. Residential uses are listed as a 'permissible use' and Childcare Services are 'open for consideration'. The principle of residential development and a childcare facility on this site are, therefore, considered in accordance with the zoning objective. It is noted that the planning authority and third parties raised no objection to the principle of the development.

11.2. ***Quantum of Development***

11.2.1. The proposed development comprises the demolition of Frankfort Lodge, which is in a state of disrepair, No. 97A Highfield Park, which is a relatively modern 2-storey house, and extensions associated with Frankfort Castle and the construction of a 115 no. units arranged in 4 no. blocks, referred to by the applicant as Block A, B, C and D.

- 11.2.2. The scheme has a stated density of 128 units per ha, however, this includes a portion of the public road. Excluding this area, the density of the site would be 135 units per ha. Concerns are raised by third parties and An Taisce that the density is excessive for this site and would result in overdevelopment. Policy RES3 of the development plan states that it is policy to promote higher residential densities, provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas with the need to provide for sustainable residential development.
- 11.2.3. Plot ratio and site coverage are also relevant considerations to help control the bulk and mass of buildings and prevent the adverse effects of overdevelopment. The scheme has a plot ratio of 1.12 and a site coverage of 32%. The development plan does not set out standards for plot ratio or site coverage, however, in my opinion having regard to the urban nature of the site this is considered acceptable. While it is acknowledged that the proposed scheme has a significantly higher density than the adjoining residential estates at Frankfort Court and Highfield Park and the detached dwellings at Old Frankfort it is my view that the proposed scheme should be viewed in the context of the surrounding area which has experienced a transition from a low density, single and two storey suburban area to a more urban area, with a mix of different types of dwellings, including apartment blocks of varying heights and significantly increased densities.
- 11.2.4. These developments include the recently approved ABP 310138-21 for the demolition of existing buildings and structures on site and the construction of 231 no. apartments and a childcare facility in 5 no. blocks with a maximum height of 10 no. storeys at Mount Saint Mary's and Joseph's Dundrum Road, c. 1km north of the subject site, ABP 309430-21 for 698 no. student bedspace accommodation in 8 no. blocks with a maximum height of 7 storeys at Our Lady's Grove c. 800m east of the subject site and ABP-308353-20 for the demolition of an existing building and hard surface parking area and the construction of 239 no. student bedspaces with amenity spaces, bicycle and car parking spaces and all associated site works on a site (Vector Motors) located c. 1km east of the subject site. It is also noted that Frankfort Hall, a 3-storey apartment development is located c. 80m east of the subject site, with direct frontage onto Dundrum Road. Having regard to these developments and permissions in the wider area, it is my view that the area surrounding the site (Dundrum / Churchtown /

Kilmacud / Goatstown) is in transition and undergoing a major change in its profile of development and that the proposed development would reinforce that changing profile and introduce a new housing type to the vicinity.

11.2.5. Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the site's location, c. 500m from Windy Arbour Luas Stop and c. 600m from Dundrum Luas stop and its proximity to urban centres, employment locations and urban amenities it is my opinion that the proposed increased scale of the proposed development complies with national guidance and, therefore, is suitable for higher density.

11.2.6. In conclusion, it is my view that the proposed density is appropriate in this instance having regard to national policy, the relatively recent permissions in the vicinity of the site, the area's changing context, and proximity to public transport and would not result in overdevelopment of the site. It is also noted that the planning authority raised no objection in principle to the proposed density, however, there are concerns how the density is expressed and manifested within the scheme itself and it is considered that a lower density may be more appropriate for this particular site. These concerns are addressed below in Section 10.3 Design Approach.

11.3. ***Design Approach***

- 11.3.1. As noted above the proposed development comprises the construction of 3 no. new residential blocks (A, B and C) and the refurbishment and reuse of Frankfort Castle (Block D).
- 11.3.2. **Frankfort Castle / Block D** is not a protected structure. However, it is a building of historic and architectural merit and forms the central focus of the scheme. It is proposed to modify the internal layout to provide 4 no. apartments and 103sqm of residential amenity space. Public open space is proposed to the front of this block, which it is stated is a reference to a formal front lawn. In my opinion the retention and reuse of this building is welcome and is generally in accordance with the provision of Policy AR5 of the development plan to encourage the rehabilitation and suitable reuse of existing older buildings.
- 11.3.3. **Block A** is located to the front (south east) of Frankfort Castle at the site's boundary with Frankfort Court and Old Frankfort. This block is rectangular in shape and would accommodate 35 no. apartments and an 80sqm creche. It is 4 storey's (14m) in height over a double basement. There is a minimum separation distance of 11m from the side elevation of Block A and the front building line of the single storey annexed building of Block D (Frankfort Castle). The top level of Block A is set back and finished in a zinc cladding. The lower levels are finished in brick. The photomontages submitted indicate that this block would be finished in a grey brick.
- 11.3.4. **Block B** is located to the rear (west) of Frankfort Castle at the site's western boundary with the Luas line. This block would accommodate 54 no. units. It has a staggered building line with the southern portion of the block siting directly behind Frankfort Castle. It ranges in height from 3 – 5 storeys (9.5m – 16.1m) with the highest element located in the centre of the block, behind Frankfort Castle. The tallest elements of Block B are c. 5m higher than Frankfort Castle. The southern portion of Block B is located c. 10m from the rear elevation of Block D. The blocks are separated by an internal access road. The photomontages indicated that the 4th floor set back level of Block B would be finished in zinc cladding with the lower levels finished in brick. This conflicts with the Design Statement which indicates that all levels of Block B would be finished in brick. There are also discrepancies in the documentation regarding the brick colour for Block B, with some indicating a red brick and others indicating a grey brick. In addition, the CGI images of the blocks indicate balconies on the southern elevation

of Block B, which are not shown on the architectural drawings. The CGI's also indicate a metal feature surrounding some of the balconies.

- 11.3.5. **Block C** is located to the north (side) of Frankfort Castle at the site's northern boundary with the rear garden of properties on Highfield Park. It is rectangular in shape would accommodate 22 no. units. It is 3 storeys in height (9.9m). The western portion of Block C is located c. 8m from the side (northern) elevation of Frankfort Castle. There is also a maximum 12m, separation distance between the eastern elevation of Block B and the western elevation of Block C. Block C would be finished in brick.
- 11.3.6. Concerns are raised by third parties that the proposed materials are dark and dull, and the design should reflect the existing architectural styles of the adjacent houses which include red brick and wood cladding. It is noted that the planning authority considered use of zinc for the top floor levels of Blocks A and B to be appropriate to reduce the bulk of the upper floors, particularly with a stepped back design. It is my opinion that the use of a grey / buff tone brick is appropriate at all levels in this instance and is reflective of a modern contemporary architectural design approach which would provide a sufficient contrast to the historic Frankfort Castle, which is finished in render. In the interest of clarity, it is also my opinion that the metal design feature indicated around the balconies on Block B are not appropriate in this instance and should be omitted. The discrepancies in the documentation regarding the proposed finishes is noted, however, it does not have a material bearing on my assessment and can be addressed by way of condition to ensure an appropriate high quality finish is achieved.
- 11.3.7. A Schedule of Accommodate was submitted with the application. The proposed units reach and exceed the minimum standards for room sizes as set out in the 2020 Apartments Guidelines with 56% of the units exceeding the minimum floor areas by at least 10%. The proposed number of dual aspect (52%) units is significantly above the 33% standard set out in SPPR4 of the Apartment Guide. It is noted that there are no single aspect north facing units. The planning authority also consider the scheme to be of high quality, with good layouts generous proportions and well considered finishes and would afford a good quality residential amenity to future residents.
- 11.3.8. Notwithstanding this the planning authority raised serious concerns regarding the site layout which it considered poor and recommended that permission be refused on the

basis of existing and future residential amenity. An Taisce considered the scale of the proposed buildings, including apartment blocks at up to 5 storeys, is too great for this restricted site. Third parties also raised concerns regarding the design of the scheme, which it is considered is monolithic and bulky and would depreciate the value of existing properties. I have no objection in principle to the redevelopment of this site and consider the blocks to be well proportioned and appropriate in the context of the site and as noted above I also welcome the retention of Frankfort Castle. However, I agree with some of the concerns raised by the planning authority and third parties regarding the overall layout of the scheme which are outlined below.

11.3.9. It is my view that the proposed layout is road dominated. The internal access road comprises 2 elements, in this regard a 2-way road, c. 65m in length by 5.7m in width with 1.8m wide footpath, which provides access to the basement level car park and surface level car parking via Old Frankfort. The second element of the internal route comprises a one way, c.4.2m, carriageway around Block D, in the centre of the site. The report notes that this route would allow for drop off and collection in close proximity to building entrances and also provides access to the 4 no. disabled car parking spaces proposed at the site's southern boundary. I agree with the concerns raised by the planning authority and third parties that the proposed road layout dominates the scheme and as a result has a negative impact on the visual and residential amenities and the public realm and the setting of Frankfort Castle and would not appropriately accord with Policy UD3 of the development plan which requires that all new development should contribute positively to an enhanced public realm and should demonstrate that the highest quality design is achieved.

11.3.10. A DMURS Statement has been submitted as Appendix E of the TTA which concludes that given the shape of the site, topography and scale / type of residential development proposed that the proposed layout is well suited to this location. The subject site is c. 0.9ha, is located in an existing suburban area and is relatively flat, in this regard it is considered that there are no constraints on the site with regard to topography. It is my opinion that no clear rationale for the provision of this vehicular route has been provided and I consider that it would result in a layout which is road dominated and would negatively impact on visual amenities of the scheme, in particular the setting of Frankfort Castle, and fails to deliver a layout that satisfactorily responds to the

fundamental principles of DMURS to promote a high quality street layouts that prioritises people movement rather than vehicular movement.

- 11.3.11. However, it is my view that this concern could be addressed by way of condition. If the Board are contemplating granting permission it is recommended that a condition be attached that the proposed vehicular route be retained as proposed for c. 40m from the junction with Old Frankfort, this would allow for access to the basement level car park beneath Block A and to the surface car parking spaces at the southern boundary of the area of public open space. It is my view that the proposed 4 no. disabled car parking spaces proposed at the sites southern boundary should also be omitted and disabled spaces could be provided in lieu of the standard spaces at the southern boundary of the area of public open space, with potential for an additional 2 no. surface level car parking spaces at the western boundary of the revised 2-way internal road. The remaining area currently proposed as carriageway and car parking should be omitted and replaced with open space including footpaths and cycle routes, where required. The area could be constructed to allow for emergency vehicles access only through the site and should be paved and landscaped with high quality materials. It is my opinion that this would significantly improve the visual and residential amenities and public realm within the scheme and the setting of Frankfort Castle.
- 11.3.12. It is noted that there is a level difference of c. 2m between the entrance to the site at Old Frankfort and the western boundary of Block A. If permission is being granted it is recommended that a condition be attached to ensure the geometry of the surface car parking spaces allows for efficient and safe access and egress to the spaces. In addition, it is noted that due to the level differences and the requirement for a ramped access to Block A there is there is a conflict between the footpath immediately adjacent to Block A and the ramped access to the block. It is my view that this conflict could be addressed by way of condition.
- 11.3.13. I also have concerns regarding the location of the creche unit to the rear of Block A and in my view does not integrate appropriately with the scheme or Frankfort Court. In addition, having regard to its location immediately adjacent to an apartment I have concerns that its location could result in undue noise and nuisance for future occupants. It is my view that the creche unit should be relocated to north eastern corner of the ground floor of Block A, in lieu of the proposed 2-bed (84.1sqm)

apartment (BA.007) and that the proposed creche unit could be redesigned to provide additional cycle parking, as outlined below in Section 10.9. The area of open space to the east of Block A, which has not been included in the calculation for open space, should be incorporated into the creche unit as an outdoor play space. It is my opinion that the dual aspect nature of this unit and the proximity to the entrance to the scheme would provide an appropriate frontage to Old Frankfort and would improve the amenity of the creche facility. It is considered that this could be addressed by way of condition.

11.3.14. I also agree with some of the concerns raised by the planning authority and third parties and consider that the detail of the scheme could be improved to enhance the amenities of future residents, in particular my concerns relate to undue overlooking due to the limited separation distances between the blocks and the site boundaries which is addressed in Section 10.5, the quality of the communal open space which is addressed in Section 10.7.

11.4. **Height**

11.4.1. The proposed blocks range in height from 3 – 5 storeys (9.5m – 16m) while Frankfort Castle has a maximum height of 9.9m. Policy UD6: Building Height Strategy requires that developments ‘adhere to the recommendations and guidance set out within the Building Height Strategy for the County’. The Building Height Strategy is set out in appendix 9 of the Development Plan. Section 4.8 of Appendix 9 of the Development Plan sets out guidance in relation to height for ‘Residual Suburban Area not included within Cumulative Areas of Control’. It states that a maximum of 3-4 storeys may be permitted for apartment developments in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effect on the existing character and residential amenity. The development plan states that there will be situations where a minor modification up or down in height by up to two floors could be considered. Upward Modifiers apply where the development would (a) create urban design benefits, (b) provide major planning gain, (c) have civic, social or cultural importance, (d) the built environment or topography would permit higher development, without damaging the appearance or character of the area, (e) contribute to the promotion of higher densities in area with exceptional public transport accessibility and (f) the site is of a site of 0.5ha or more and could set its own context. Overall, the positive benefits of a development

proposal would need to be of such a significance as to clearly demonstrate that additional height is justified. Having regard to the site's size (0.9ha), its location in the urban area, its potential to consolidate the urban environment it is my view that upward modifiers could be applied to an appropriately designed scheme on this site. Therefore, a maximum of 6 no. storeys would be permissible on the site without materially contravening the Building Height Strategy of the development plan.

11.4.2. This is an urban area in transition and the development of this brownfield site would contribute to the consolidation of the urban environment. The planning authority raised concerns that the expression of the blocks on the site and their relationship with surrounding properties is problematic. The planning authority further state that with regard to SPPR3 of the Building Height Guidelines the blocks do not appropriately respond to the surrounding built environment or integrate in a cohesive manner with the wider urban area within which the site is situated.

11.4.3. SPPR 4 of the Building Height Guidelines states that there is a requirement for a greater mix of building heights and typologies in planning for the future development of suburban locations and Section 3.4 notes that newer housing developments in suburban areas includes apartment developments of 4 storeys upwards. The proposed building heights, which range from 3 – 5 storeys, are not excessive for this urban site, and in my view respond appropriately to the surrounding context. It is acknowledged that Block B would be visible from the front elevation of Block D. However, as noted above Block D is not a protected structure and having regard to the relatively limited height of Block B and its contemporary design approach which contrasts with the historic building, it is my view that it would not have an overbearing impact on Frankfort Castle. Having regard to the relatively limited height of the blocks, with a maximum of 5-storeys, which would not be visible from medium or long distance views, as indicated in the submitted photomontages, and the fact that Frankfort Castle is not a protected structure, the proposed height strategy for the site is considered acceptable in this instance and would be in accordance with the criteria set out in the development plan and the Building Height Guidelines.

11.4.4. The planning authority and third parties have also raised concerns that due to the height of the scheme, in combination with the proximity of the buildings to the site boundaries and the loss of extensive vegetation that proposed development would be

harmful to the streetscape character and visual amenities of the area. This would be most notable from Woodlawn Park and Highfield Park. A booklet of photomontages is included with the application which provides a comparison of the existing site and the proposed development from 9 no. viewpoints. While it is noted that the photomontages include significant amounts of trees and vegetation, having regard to the landscape proposals it is my view that the submitted photomontages provide a reasonable representation of how proposed development would appear. The application does not include a Landscape and Visual Impact Assessment. However, it is my view that the proposed height would not be excessive and while the proposed buildings may be visible from the immediately adjacent properties, they should be considered in the changing character of the area and a transition towards higher density residential development. It is also considered that the proposed development would consolidate the urban setting of the area and due to the limited height of the scheme, the urban location and the landscaping proposals it would not have a significant impact on the visual amenity of the area or of the existing adjacent dwellings and I am satisfied that the proposed height represents a reasonable response to its context.

11.5. ***Residential Amenity***

Overlooking and Overbearing Impact

- 11.5.1. As noted above the proposed development comprises the construction of 3 no. new residential blocks (A, B and C) and the refurbishment and reuse of Frankfort Castle (Block D). Concerns are raised by third parties and the planning authority regarding the impact of the proposed development on the existing and proposed residential amenities with regard to overshadowing, overlooking and overbearing impact. The planning authority's first and second recommended reasons for refusal related to concerns regarding the limited separations distances between all apartment blocks and existing residential properties and considered that it would negatively impact upon residential amenity by way of overlooking, overshadowing, and the presenting of overbearing elevations in close proximity to the gardens of residential properties.
- 11.5.2. The planning authority also considered that the proposed separation distances do not comply with Section 8.2.3.3 (iv) of the development plan which states that all proposals for residential development, particularly apartment developments and those

over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. The minimum clearance distance of circa 22m between opposing windows will normally apply in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. While it is noted that this is not a policy and the provision of 22m separation distances should be balanced with high quality urban design and placemaking considerations, it is my view that in some instance the separation distances proposed are not sufficient to ensure high quality residential amenity for future occupants. These concerns are outlined below.

11.5.3. **Block B** is located to the rear (west) of Frankfort Castle at the site's western boundary with the Luas line. The southern portion of Block B is located c. 10m from the rear elevation of Block D. At ground floor level there are directly opposing windows / balconies between the K/L/D room in unit BB.003 in Block B and the study in unit BD.001 of Block D at ground floor level and between the K/L/D room in unit BB.002 in Block B and a bedroom in unit BD.002 in Block D. At first floor level there is a directly opposing window in unit BB.014 in Block B and a bedroom in unit BD.003. Unit BB.014 at first floor level is dual aspect and the window on the eastern elevation is a secondary window, therefore, it is my view that the issue of potential undue overlooking at first floor level could be addressed by way of condition. In this regard the window on the eastern elevation should be high level only or obscured glazing to prevent undue overlooking of the bedroom in unit BD.003 in Block D. Therefore, the potential for undue overlooking between Blocks B and D relates to 4 no. ground floor level units only. The limited separation distance, c. 10m, is acknowledged, however, it is my opinion that this is due to the retention of Frankfort Castle, which is supported and welcomed. The proposed separation distances are considered acceptable in this instance having regard to the retention of this historic building which enhances the visual amenity of the scheme.

11.5.4. Block B is also located c. 7.5m from the site's northern boundary and c. 23m from the rear elevation of dwellings on Highfield Park. Living room windows are provided on the

first, second and third floor level of the northern elevation. While it is acknowledged that there is an adequate separation distance between the proposed apartments and the existing houses it is my view that this is mainly achieved due to the depth of the existing rear gardens and not from the siting of the proposed blocks at appropriate distance from the site boundary. Due to the limited separation distances and the positioning of window it is my view that there is potential for undue overlooking of the rear gardens of these properties. As first and second floor units of Block B are dual aspect and the windows on the northern elevation are secondary windows, it is considered that this concern could be addressed by way of condition. In this regard it is recommended that a condition be attached to any grant of permission that high level windows or obscure glazing be provided to habitable rooms with north facing windows at first, second and third floor level in Block B units to prevent undue overlooking of existing dwellings. It is also recommended that appropriate screening / louvres be provided to the northern (side) elevation of the balconies of units BB.017, BB018, BB.029 and BB030, as indicated on the architectural drawings submitted, to prevent overlooking of existing dwellings. The fourth floor level of Block B is set back from the floors below and is a minimum of c. 17.5m from the site's northern boundary. Due to the separation distance at 4th floor level, it is my view that it would not result in undue overlooking of the existing residential dwellings. Having regard to the separation distances and limited height of the block it is my opinion that it would not have an overbearing impact on existing properties at Highfield Park.

- 11.5.5. The southern elevation of Block B is located c. 7m from the southern site boundary and c. 16m from the rear elevation of existing dwellings on Frankfort Court. Due to the limited separation distances and the positioning of window it is my view that there is potential for undue overlooking of the rear gardens of these properties from the first and second floor levels. The first and second floor units at the southern elevation of Block B are dual aspect and the windows on the southern elevation are secondary windows. Therefore, if permission is being contemplated, it is recommended that a condition be attached to any grant of permission that high level windows or obscure glazing be provided to habitable windows on the southern elevation of Block B to prevent undue overlooking of properties in Frankfort Court. In this regard units BB.012, and BB.023 at first floor level. The units that sit directly above BB.012 and BB.023

are not numbered, however, having regard to the sequencing of the units it is my view that these are units BB.024 and BB.035.

- 11.5.6. The third floor level of Block B is set back from the floors below and proposed windows on the southern elevation are a minimum of c. 10m from the site's southern boundary. Due to the separation distance at third floor level, it is my view that it would not result in undue overlooking of the existing residential dwellings or associated rear private open space. Having regard to the separation distances and limited height of the block it is my opinion that it would not have an overbearing impact on existing properties at Frankfort Court.
- 11.5.7. The western elevation of Block B is located between c. 3m and c. 13m from the site's western boundary with the Luas line. Block B is located c. 20m from the rear garden boundary of properties on Woodlawn Park and c. 40m from the rear elevations of these dwellings. It is acknowledged that Block B would be visible from the rear gardens of these properties. However, due to the separation distances, the relatively limited heights proposed and the provision of the Luas line between the subject site and the rear boundary walls of dwellings on Woodlawn Park it is my view that the proposed development would not result in any undue overlooking or have an overbearing impact on these properties on Woodlawn Park.
- 11.5.8. **Block C** is located c. 8m from the side (northern) elevation of Frankfort Castle. The K/L/D room window of unit BC.002 in Block C directly opposes the bedroom window of unit BD.001 in Block D. While the limited separation distance is acknowledged, it is my view that this is limited to 2 no. units at ground floor level only and as noted above, the separation distances are mainly due to the retention of Frankfort Castle which is supported and welcomed. Therefore, due to the limited number of units impacted, the limited separation distance between Blocks C and D is acceptable in this instance.
- 11.5.9. The northern elevation of Block C is located a minimum of c. 3m from the site's northern boundary and a minimum of 24m from the rear elevation of existing dwellings on Highfield Park. It is noted that third parties have stated that the drawings submitted do not accurately indicate existing rear extensions which significantly reduces the separation distances in some instances. No windows are proposed on the northern elevation of Block C at first and second floor level. While it is acknowledged that rear

extensions have not been included on the architectural drawings, it is my view that having regard to the limited height of Block C, the proposed separation distances and as there are no windows on the northern elevation at first and second floor level it would not have an overbearing impact or overlooking of existing dwellings at Highfield Park.

- 11.5.10. As there are no windows on the northern elevation of the first and second floor levels of Block C, the building line is indented / U-shaped, to allow for the provision of windows on the eastern and western elevations. This design feature results in a c. 4.6m separation distance between bedroom window of different apartment units. Therefore, if permission is being contemplated it is recommended that a condition be attached that the 2 no. bedrooms of unit BC.007 at the first floor of Block C be amalgamated and the window serving this bedroom be provided on the western elevation of the room as this would prevent undue overlooking of BC.014. At second floor level, the window on the eastern elevation of the 13.8sqm bedroom in unit BC.015 should be relocated to the western elevation of the room as this would prevent undue overlooking of unit BC.022.
- 11.5.11. The ground and first floor levels of the eastern elevation of Block C are located c. 7.5m from the site's eastern boundary with an existing 2-storey detached residential dwelling, which sits at the site boundary. The third floor level is set back c. 10m from the site boundary. It is noted that there are no windows on the side (gable) elevation of this existing dwelling. While the limited separation distances are acknowledged it is my view that due to the relatively limited (3-storey) height of Block C that it would not result in undue overlooking or result in an overbearing impact of this existing dwelling.
- 11.5.12. The western elevation of Block C is located c. 12m from the eastern elevation of Block B. Having regard to the urban nature of the scheme, I have no objection to the proposed separation distance and consider it acceptable in this instance.
- 11.5.13. **Block A** is located to the front (south east) of Frankfort Castle at the site's boundary with Frankfort Court and Old Frankfort. It is 4 storeys in height over a double basement with a maximum height of 14m. There is a minimum separation distance of 11m from the side elevation of Block A and the front building line of the single storey annexed building of Block D. The annexed building would accommodate the residential amenity

space. I have no objection to the separation distances between Block A and D. However, it is recommended that the balcony of unit BA.003 be relocated c. 2m south towards the boundary with the communication room, to prevent undue overlooking from the internal residential amenity space.

- 11.5.14. The eastern (side) elevation of Block A is located c. 6m from the site boundary with Old Frankfort. This block does not directly oppose any existing dwellings on Old Frankfort. The southern elevation of Block A is located a minimum 2m from the boundary with Frankfort Court. The southwestern portion of the block is located c. 15m from the gable (side) wall of an existing dwelling on Frankfort Court. It is my view that due to the limited height (14m) and the proposed separation distances that Block A would not result in any undue overlooking or have an overbearing impact on existing properties on Old Frankfort or Frankfort Court.
- 11.5.15. In conclusion, while it is acknowledged that the proposed separation distances have the potential to result in undue overlooking of 5 no. ground floor units, in this regard 2 no. units in Block B, 2 no. units in Block D and 1 no. unit in Block C it is my opinion that subject to the conditions outlined above, the design and layout proposed achieves a balance between protecting residential amenities of future residents from undue overlooking and overbearing impact and achieving a high quality design, with attractive and well connected spaces that also incorporates the retention of the historic Frankfort Castle building. It is considered that the design and layout of the scheme results in a high quality development that is visually interesting and at a scale and height that is appropriate and reflective of this suburban site and would support the consolidation of the urban environment.

Daylight, Sunlight and Overshadowing

- 11.5.16. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of

Practice for Daylighting’. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

11.5.17. The applicant’s assessment of daylight, sunlight and overshadowing relies on the standards in the following documents:

- BRE Report “Site Layout Planning for Daylight and Sunlight”; and
- British Standard BS 8206-2:2008 Lighting for Buildings – Part 2 Code of Practice for Daylighting;

11.5.18. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines.

11.5.19. Third parties and the planning authority have raised concerns regarding the accuracy and detail of the submitted Daylight and Sunlight Assessment. It is acknowledged that the sequencing of the report is out of order and may cause confusion, however, I am satisfied that this does not have a material bearing on my assessment, and potential daylight and sunlight impacts upon existing residents and future occupants, in accordance with the criteria described in the BRE guidelines, can be determined.

Internal Daylight and Sunlight

- 11.5.20. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied.
- 11.5.21. The proposed apartment layouts include a combined kitchen/living/dining room. As these rooms serve more than one function the 2% ADF value was applied to the kitchen / living /dining rooms. The information submitted indicates that of the 309 no rooms 305 no. or 98.7% of rooms within the scheme achieve the minimum recommended ADF target of 1% for bedrooms and 2% for LKD. It is noted that the 4 no. rooms which do not achieve the BRE standard are LKD rooms located at first and second floor level of Block B. These rooms all achieve an ADF of 1.5% or above. Full details of the ADF for each room are provided in Appendix B of the applicants Daylight, Sunlight and Shadow Assessment.
- 11.5.22. The BRE Guidelines recommend that the centre of at least one window to a main living room can achieve 25% of An Annual Probable Sunlight Hours (APSH), including at least 5% in the winter months. Section 11 of the applicants report states that the results demonstrate that dwellings of the proposed development achieve good APSH on the applicable main living room windows. Those that have not fully achieved the recommended standard were only marginally short of the threshold. Generally, where the targets were not achieved it is at the lower levels where typically there is a lower expectation of sunlight. In addition, the provision of balconies provides a level of shade to the windows below. The executive summary of the report also notes that the majority

of the units that did not achieve the target are north / north east facing where there is a low expectation for sunlight. Section 11 (pages 49 and 50) of the report includes a visual representation of which windows do not achieve the ASPH standard, however, no figures are given in this regard, and it is unclear what targets have been achieved. It is noted that concerns are raised by third parties and the planning authority regarding the lack of details and discrepancies in the report. While it is noted the detail of the ASPH has not been included in the report I am satisfied that this does not have a material bearing on my assessment, and potential sunlight impacts upon existing residents in accordance with the criteria described in the BRE guidelines can be determined as reasonable for the location of the site.

11.5.23. Having regard to the information submitted I am satisfied that all of the rooms within the scheme would receive adequate daylight and sunlight and that the shortfalls are not significant in number or magnitude. I would also note, that in urban schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design / streetscape.

11.5.24. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Page 58 of the applicant's assessment states that 78% of amenity space would receive 2 hours of sunlight on the 21st March. It is noted that this assessment does not differentiate between public open space and communal open space. The diagrams submitted (on page 58) indicate that the areas of public open space provided in the centre of the scheme would receive good quality access to daylight and sunlight. I have some concerns regarding access to daylight / sunlight to the area of communal open space located to the north of Block C and between Blocks B and C and considered that due to the limited separation distances between these blocks and the site boundaries that they may experience significant overshadowing. I, therefore, have some concerns regarding the quality of the communal open space which is addressed below in Section 10.7.

External Daylight, Sunlight and Overshadowing

- 11.5.25. Third parties and the planning authority have raised concerns that the proposed development would result in a loss of light for existing properties. The Daylight, Sunlight and Shadow Assessment assessed the potential impact of the development at neighbouring residential properties, in this regard 29 no. dwellings adjacent to the subject site. The location of each dwelling is indicated on page 20 of the applicant's report.
- 11.5.26. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The analysis indicates that windows on 25 of the 29 houses assessed would be compliant with the BRE guidelines for VSC. Highfield Park is located to the north of the subject site. As noted by the planning authority, no. 111 and 113 Highfield Park have not been included in the assessment (page 28). However, having regard to the VSC achieved for the adjacent dwellings at no. 99 – 109 Highfield Park it is my view that the proposed development would be in accordance with the recommended VSC.
- 11.5.27. The analysis also indicates that the ground floor rear windows for 4 no. dwellings in Frankfort Court (identified as numbers 26, 27, 28 and 29) do not achieve the 27% VSC recommendation, with VSC for these windows ranging from 23% to 26.2%. It is noted that the assessment has not included the VSC for these windows without the development / as existing, therefore, it is unclear if the windows would receive less than 0.8 times its former value.
- 11.5.28. To justify the VSC for these dwellings an assessment of ADF for these 4 no. properties was provided. An assessment of ADF is usually used to determine whether the daylight levels in a proposed development will be acceptable. The BRE guidelines state that use of the ADF for loss of light to existing buildings is not generally recommended (appendix F, F7) as the use of ADF tends to penalise well-daylit existing buildings, because they can take a much bigger and closer obstruction and still remain

above the minimum ADFs recommended. The BRE guidelines describe that a good daylight level requires an ADF of 5%, and that levels below this are likely to require the use of substitute lighting. The ADF testing of properties on Frankfort Court demonstrates that all minimum target levels of 2% are achieved, however I note that these range from 2% - 2.7% which is significantly below an ADF of 5%. The ADF test is also a much less onerous daylight standard than the VSC test, and, therefore, I question the appropriateness of relying upon it for testing purposes in this development.

- 11.5.29. The applicant has also carried out an ASPH for the adjacent properties, however, this assessment did not include windows for properties in Frankfort Court (identified as numbers 26, 27, 28 and 29), which oppose the development as these windows are north facing and good sunlight availability is unachievable for these orientations. This is considered reasonable and in accordance with the BRE Guidelines. All 32 no. windows assessed for ASPH achieved the BRE standard of 25% and 31 no. windows achieved the BRE standard of 5% for winter ASPH. It is noted that no. 97A Highfield Park, located to the north of the subject site would achieve a winter ASPH of 3.47%.
- 11.5.30. The planning authority consider that the submitted analysis indicates that the overall size and stepped design of Block B is insufficient and should be further reduced to protect the residential amenity of these dwellings on Frankfort Court. While it is acknowledged that the proposed scheme would have a negative impact on VSC for 4 no. dwellings to the south of the subject site, it is my view that the impact is minor and should be seen in the wider context of the redevelopment of the subject site. It is also noted that the Building Height Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions the Board should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Therefore, having regard to the wider benefits such as the delivery of housing and the redevelopment of an underutilised site in the existing urban area, it is my view that the impact is considered acceptable in this instance.
- 11.5.31. The report also assessed the impact of the development on the amenity spaces of the adjacent properties. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. If as a result of a new

development an existing garden or amenity area does not meet this standard and the area which can receive 2 hours of sun is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

- 11.5.32. The applicant's analysis indicates that of the 29 no. amenity spaces assessed 27 no. would receive at least 2 hours of sunlight on the 21st March. The 2 no. rear gardens that do not achieve this standard are located to the north of the subject site, in this regard no. 14 and 15 Highfield Park. It is noted that no. 14 achieves 74% its former value and no. 15 achieves 78% its former value. The concerns raised by third parties and the planning authority regarding a loss of sunlight to existing properties is noted, however, in my view this impact is minor and should be seen in the wider context of the redevelopment of the subject site.

Noise

- 11.5.33. Concerns are raised by third parties that the proximity of the substation building to existing properties would have a negative impact on existing residential amenities. It is proposed to locate the single storey plant c. 0.6m from the site's southern boundary with Frankfort Court. It is my view that these buildings form a standard part of developments and would not result in a significant negative impact on existing residential amenities in terms of noise or disturbance. However, if permission is being contemplated it is recommended that a standard noise condition be attached to safeguard the existing amenities of the area.

11.6. *Housing Mix and Tenure*

- 11.6.1. The proposed scheme comprises 45 no. one bedroom apartments and 70 no. two bedroom apartments. There are a variety of unit types ranging in size from 47.4sqm to 102.7sqm. Concerns are raised by third parties that the housing mix is inappropriate with particular regard to the proposed number of 1-bed apartments and that the unit mix is not in accordance with the provisions of Policy RES7 the development plan and would be a material contravention. Policy RES7 aims to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

- 11.6.2. The applicant addressed the issue of housing mix in the Material Contravention Statement and considered that while the development does not consist of a wide variety of units the proposed mix is justified as it contributes to a greater variety of units in the wider area. It is noted that the planning authority also consider the proposed development to be a material contravention with regard to housing mix. However, no objection was raised in principle to the mix and considered it would contribute to the variety of accommodation types and sizes in the area which are predominately characterised by larger family size houses.
- 11.6.3. The applicants Material Contravention Statement states that the 2016 census demonstrated that the housing stock in the Dublin area is dominated by larger units, of the 530,753 permanent households recorded in the census, just 55,091 or c.10% are comprised of one and two bedroom units. The applicant has justified the proposed mix stating that changing demographics are resulting in smaller household size and more single person households, demand for these smaller units is high at present and very likely to increase further in the future. The proposed development thus contributes to the diversity of housing types and sizes and satisfies a critical area of demand where there are significant shortfalls at present.
- 11.6.4. I have no objection to the proposed housing mix and agree with the applicant and the planning authority that the provision of 1 and 2-bed units would ensure a greater variety of housing and apartment types, sizes in the area. It is also my view that due to the flexible wording of the policy, which states that it is policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy. It is my view that the proposed development is not a material contravention and is in accordance with the provisions of this policy as it would ensure that a wide variety of housing types are available. The issue of material contravention in Section 11.12 below.
- 11.6.5. It is noted that Policy RES7 also encourages a mix of housing tenures. Objective HS1 requiring that 10% of all lands zoned for residential use, or for a mixture of residential or other uses, shall be reserved for the purposes of Section 94(4)(a)(i) of the Planning and Development Act 2000 – 2012 with the exception of the exemptions. The issue of tenure is not addressed in the applicants Material Contravention Statement.

Concerns are raised by third parties that the scheme should include an equal mix of social, affordable, and private units. However, no issue is raised by third parties or the planning authority with regard to housing tenure.

- 11.6.6. It is proposed to provide 11 no. Part V units, representing 10% of the overall units in the scheme, in accordance with Objective HS1. The planning authority note the 20% Part V requirement introduced in the Affordable Housing Act. The Affordable Housing Act, 2021 requires that land purchased on or after the 1st of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both. I agree with the planning authority that it is unclear if this increased provision applies in this instance, however, it is my view that the details of the Part V provision could be addressed by way of condition. It is my view that the proposed development is not a material contravention of Policy RES 7 and is in accordance with Objective HS1.

11.7. ***Landscaping / Open Space***

Trees

- 11.7.1. The subject site has a sylvan character, due to the numerous trees and vegetation along the sites boundaries and within the site. However, this character is limited to the subject site and is generally surrounded by traditional low density suburban dwellings and associated road infrastructure. It is also noted that there is no tree preservation order or objective within the site.
- 11.7.2. The summary table on page 22 of the Arboricultural Assessment states that there are 69 no. existing trees on the site. It is noted that the Design Rationale – Landscape Architecture report states that there are 73 no. existing trees on site. It is my opinion that the discrepancy between the documents is minor and does not impact on the overall assessment of the development. It is proposed to remove 54 no. existing trees which equates to c. 78% of the 69no. existing trees on site. Of the trees to be removed 2 are categorised as ‘A’ best quality, 22 are categorised as ‘B’ moderate quality and 29 are categorised as ‘C’ low quality. Section 8.2.8.6 of the development plan states that where it proves necessary to remove trees to facilitate development, the council will require commensurate planting or replacement trees and other plan material.

While it is acknowledged that the proposed development would result in the loss of a significant number (54 no.) of trees it is noted that it is proposed to compensate for this loss by providing an additional 73no. replacement trees (19 no. net gain).

11.7.3. Concerns are raised by third parties and the planning authority that the proposed development is out of character with the area and the loss of a significant number of trees would have a negative visual impact on the existing distinctive sylvan character of the site. The sylvan nature of the site is noted, however, as the sites is located in an urban area on zoned and serviced lands and having regard to the high quality contemporary nature of scheme it is my view that while the development may be visible from the immediate vicinity of the site it would not have a negative impact on the visual amenities of the immediate vicinity of the site. I have no objection in principle to the loss of 54 no. trees and consider that their loss would be adequately compensated by the planting of an additional trees and consider the proposed development would not be out of character with the surrounding area.

11.7.4. The planning authority also consider that the proposed development does not comply with Policy OSR7 Trees and Woodland. This policy aims to implement the Tree Strategy for the County. While the valuable contribution of trees to the landscape is noted and the preservation of trees and woodlands is supported, it is my view that the subject site does not comprise a significant feature in the landscape and as noted above the trees within the subject site are not subject to a tree preservation order. Therefore, it is my view that the provisions of Policy OSR7 do not apply in this instance and that the proposed development is in accordance with the provisions of Section 8.2.8.6 – Trees and Hedgerows which requires commensurate planting or a financial contribution in lieu of the loss of trees to facilitate development.

Open Space

11.7.5. The development plan standards do not differentiate between public, communal, or private open space requirements. Section 8.2.8.2(i) of the development plan sets out a standard of 15sqm – 20 sqm of open space per person for residential developments with a minimum of 10% of the total site area reserved for public and/or communal open space. The scheme provides 45 no. 1-bed (2-person) apartments and 90 no. (4 person) apartments. Therefore, if the higher standard was applied the proposed

scheme would generate a requirement of between 6,750sqm and 9,000sqm of open space. The scheme includes the provision of 1,000sqm of public open space and 1,025sqm of communal open space. As noted by the planning authority the quantity of public and communal open space falls below the higher development plan standard, however, it exceeds the default minimum of 10% of the site area. Therefore, it is considered that the quantity of open space is in accordance with the provisions of the development plan.

- 11.7.6. The public open space is a central focus of the scheme, with Blocks A, C and D directly overlooking this area. The public open space provision is located to the front of Frankfort Castle and represents a formal lawn for this historic building. The area of public open space would incorporate existing trees on site and an informal play area. Concerns are raised by third parties that insufficient public open space has been provided within the scheme. It is also noted that the planning authority's Parks Department considered that the scheme would benefit from the omission of 6 no. car parking spaces from the open space. Having regard to the quantity and quality of the public open space, which incorporates existing trees, I have no concerns in this regard.
- 11.7.7. Third parties have also raised concerns regarding the quality of the communal open space. Appendix 1 of the Apartment Guidelines requires a minimum of 5sqm of communal open space per 1-bed apartment and 7sqm per 2-bed (4 person) apartment. Therefore, there is a requirement for 855sqm of communal open space. The scheme includes a total of 1,025sqm of communal open space and is, therefore, in accordance with the provision of the Apartment Guidelines. Communal Open Space is indicated in 2 no. locations. Area 1 is c. 690sqm and is U-shaped. It is located at the northern portion of the site between Blocks B and C and along the sites northern and western boundaries. The second area of communal open space is c.335 located to the north and east of Block C. These areas are separated by a linear strip of open space that planted with mature trees at the site's northern boundary with the rear gardens of Highfield Park. The communal open space areas vary in width from c. 6m in width to c. 12m. Due to the limited width and orientation of the blocks it is noted that a significant portion of the communal open space would not achieve the BRE standard of 2 hours of sunlight and in my opinion is incidental to the scheme. It is noted that the scheme includes an internal residential amenity space at the ground floor of Block D.

I agree with the concerns raised by third parties regarding limited quality of the communal open spaces and consider that the proposed layout would not allow for active and passive recreation for future residents. As noted above in Section 10.3, it is my view that the layout is road dominated and that a significant portion of the hardstanding / internal road and disabled car parking spaces be omitted by way of condition and be replaced with open space. To address the poor quality communal open space provision it is recommended that a condition be attached that an area of communal open space incorporating an active play area be provided to the south of Block D. This area would be directly overlooked by the residential amenity space in the ground floor element of Block D (Frankfort Castle) and having regard to the proximity of this area to the sites southern boundary it is also considered that it would achieve sunlight in accordance with the BRE guidelines.

- 11.7.8. Appendix 1 of the Apartment Guidelines sets out minimum standards for private open space of 5sqm for a 1-bed apartment and 7sqm for a 2-bed apartment. It is noted that each apartment has been provided with a balcony which reaches or exceeds the minimum requirement with the exception of 2 no. units at the first floor of Block D, (Frankfort Castle).

11.8. ***Built Heritage***

- 11.8.1. The applicants Conservation Report and Heritage Impact Assessment notes that Frankfort Castle was constructed between 1858 – 59 on the site of what had been Frankfort Lodge. The house formed part of a much larger landholding, which was subsequently developed for residential use and is no longer within the ownership of the applicant. Frankfort Castle is described as a large suburban house, with ordinary but good internal features. Externally the house was wrapped in simple Victorian Tudor details. The house underwent some modifications and changes and around 1930 when the main house was split into 2 no. houses and a third house was created by an extensive reconstruction of a portion of the stables and attached to the southern end of the main house. This structure was subsequently referred to as Frankfort Lodge. In 2000, a large extension was provided to the northern elevation of no. 1 Frankfort Castle. This extension closely copied the external details of the Tudor inspired original house.

- 11.8.2. It is noted that there are no protected structures on the site. Policy AR5: Buildings of Heritage Interest states that *it is Council policy to retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment...* Section 6.1.3.5 of the development plan further states that the retention and reuse of these buildings adds to the streetscape and sense of place and has a role in the sustainable development of the County. The planning authority consider that Frankfort Castle contributes to the historical narrative and character of the local area. The retention and reuse of Frankfort Castle is welcomed, and the approach is considered in accordance with Policy AR5 'Buildings of Heritage Interest' of the development plan. It is also my view that the retention of Frankfort Castle is in accordance with the provisions of the development plan, and I consider that the incorporation of this building into the development adds to the visual interest of the scheme.
- 11.8.3. Concerns are raised by An Taisce regarding the demolition of the annexed structures and the subdivision of Frankfort Castle to provide 4 no. apartments and residential amenity space and it is considered that this historic building remain in 2 no. dwellings. The Architectural Heritage Protection guidelines acknowledge that the best method of conserving a historic building is to keep it in active use and that a degree of compromise is required to accommodate modern living. Frankfort Castle is not a protected structure and has undergone subdivision and modifications / extensions since its original construction. It is my view that the proposed modifications would not negatively impact on the architectural merit of the building. Therefore, I have no objection to the demolition of the extensions and the subdivision of the building, which includes minor internal modifications.
- 11.8.4. The works also include the demolition of Frankfort Lodge. The applicants Conservation Report and Heritage Impact Assessment notes that Frankfort Lodge is a derelict house that mostly likely represents a mid-20th Century reconstruction of a mid-19th century stable yard structure. It is noted that this structure is of no architectural merit and no objections have been raised by third parties or the planning authority regarding its demolition. Having regard to the current derelict nature of this building I have no objection to its demolition.

11.8.5. Concerns are raised by third parties, the planning authority and An Taisce that the proposed development would have a negative impact on the setting of Frankfort Castle. As outlined above in section 10.4. It is my view that due to the limited height of the scheme, which is a maximum of 5-storeys and to the high quality contemporary design of the blocks that the scheme would not have an overbearing impact on Frankfort Castle and in my view respond appropriately in scale and massing to this historic building.

11.8.6. The planning authority's conservation officer raise no objection in principle to the proposed development however it was considered that incorporating the public realm / landscaping proposals with the Frankfort Castel building would be beneficial to its setting and would have helped to soften and blend the period building within its new proposed context. I agree with the assessment of the planning authority that the excessive road network, which wraps around Frankfort Castle, negatively impacts on its setting and the visual and residential amenities of the scheme, however, as outlined above it is my view that this issue could be addressed by way of condition to omit a significant portion of the internal road network and the provision of additional open space.

11.9. ***Transportation***

11.9.1. The subject site is located c. 750km north of Dundrum Village, 1km north of Dundrum Town Centre and c. 5km south of Dublin city centre. There is a high quality footpath network on both sides of Dundrum Road. The site is well served by public transport in the form of both bus and Luas with bus stops on both sides of Dundrum Road within 120m of the site. in addition, the site is located c. 500m from Windy Arbour Luas Stop and c. 600m from Dundrum Luas stop. While it is acknowledged that there are no dedicated cycle routes on Dundrum Road it is my view that this is a highly accessible urban site within close proximity to a variety of services and amenities.

11.9.2. It is my view that the scheme is dominated by the road layout which would have a negative impact on the visual and residential amenities of the scheme and the setting of Frankfort Castle. The applicant has stated that the one-way system around Frankfort Castle is to allow for drop off / collections in close proximity to all block entrances. Having regard to the relatively limited size of the scheme (0.9ha) it is my

view that there is no requirement for additional drop off areas and all units are within a reasonable walking distance, c. 50m, of the basement and surface car parking areas. Therefore, as noted above, it is recommended that if permission is being contemplated that a condition be attached that the internal access road be a maximum of c. 40m in length to allow for access to the basement level car parking and surface car parking spaces to the south of the area of open space. The resulting area should be provided as open space with associated landscaping and planting. It is also considered that 2 no. additional surface level car parking spaces should be provided along the western boundary of the revised 2-way internal road, immediately adjacent to Block A.

- 11.9.3. Concerns are raised by third parties and An Taisce that there is insufficient capacity on the surrounding road network to accommodate the number of vehicular trips generated by the proposed development
- 11.9.4. Traffic Counts were undertaken on Tuesday 1st May over a 12-hour period between 07.00-19.00 at 3 no. junctions in this regard (1) Dundrum Road / Sumerville / Frankfort Centre / Old Frankfort, (2) Dundrum Road / Rosemount / Frankfort Park and (3) Dundrum Road / Taney Road / Dundrum By-Pass / Churchtown Upper. Full details of the traffic counts are provided in Appendix A of the applicants Traffic and Transport Assessment (TTA). These baseline figures were used to estimate the baseline year (2021) using standard TII growth factors. To validate the figures a supplementary survey was carried out at the 3 no. junctions on the 22nd June 2021. It is acknowledged that June is not considered an ideal month for traffic counts due to a change in travel patterns associated with school holidays. The June 2021 traffic counts indicate lower traffic flows than the 2018 count and the assumed baseline for 2021 (based on TII growth factors). The applicant has stated that due to the impact of covid and associated travel restrictions the assessment is based on the 2018 figures. Having regard to the impact of Covid it is my view that the 2018 figures provide an accurate representation of traffic movements at the junctions. The survey indicates that the Am and PM peak periods at the junctions are 08.00 – 09.00 and 18.00 – 19.00.
- 11.9.5. The TRICS database has also been used to estimate the number of trips potentially generated by the proposed development during both mid-week and at the weekend. Due to the limited size of the creche facility it is assumed that the number of trips generated by this use would be negligible as it would primarily serve the residential

units within the proposed scheme. TRICS estimated that a development of 115 no. residential units would generate 45 no. trips (3 no. arriving and 42 no. departing) in the AM peak and 48 no. trips (36 no. arriving and 12 no. departing) in the PM peak during the week. At the weekends it TRICS estimated that a development of 115 no. residential units would generate 9 no. trips (2 no. arriving and 7no. departing) during the 12.00 – 13.00 peak period on a Saturday and 6 no. trips (4 no. arriving and 2 no. departing) during the 13.00 – 14.00 peak during on a Sunday.

- 11.9.6. The Traffic and Transport Assessment analysed 3 no. junctions. To access the wider road network all vehicles must access the junction of Old Frankfort and Dundrum Road. The TTA has assumed that all traffic generated by the development would be distributed in accordance with the directional splits observed during the traffic counts. Details of the existing traffic splits for the peak periods are provided in Tables 10, 11 and 12.
- 11.9.7. The 3 no. junctions were assessed using TRANSYT, which can model a mix of signalised and non-signalised junctions. Full details of the modelling are provided in Appendix D. The modelling was carried out for the AM and PM peak in 2021 (baseline year), 2023 planned year of opening, 2028 and 2038 (design year). To ensure the assessment is robust the trip rate incorporates committed developments in the area. Full details of these developments are provided in Table 15. However, the planning authority's Transport Planning Report and third parties raised concerns that not all committed developments in surrounding area have been included in the assessment. While these potential developments are noted it is considered that the TTA would have been completed prior to the final decision dates on the planning permissions. It should also be noted that the application for the redevelopment of the Central Mental Hospital is still at pre-application stage and no units have been permitted on site, to date. It is my opinion that the TTA includes a reasonable assumption of future potential units in the surrounding area.
- 11.9.8. The TTA notes that a junction is operating within capacity with a 90% degree of saturation, while this may be true for signalised junctions it is widely considered that as a junction approaches values of 85% - 90% this typically indicates traffic congestion, with queues beginning to form. The lower figure (85%) is generally assigned to unsignalised junctions which rely on human behaviour.

- 1. Dundrum Road / Sumerville / Frankfort Centre / Old Frankfort:** The modelling indicates that all arms of this junction are currently working within capacity. All arms of the junction are shown to continue to operate within capacity for all years modelled, with vehicle queues and delays on all junctions remaining at similar levels to those currently experienced.
- 2. Dundrum Road / Rosemount / Frankfort Park:** The modelling indicates that all arms of this junction are currently working within capacity. However, the junction reaches capacity with or without the development by 2023. In particular it is noted that the worst-case scenario occurs on Arm B – Rosemont with a 125% degree of saturation and a queue length of 45 pcu in the AM peak in 2038. It is noted that without the development this junction has a 122% degree of saturation and a queue length of 41 pcu in the AM peak in 2036. The output from the model indicated that all other arms of the junctions assessed would operate within capacity, in this regard under 85% for an unsignalised junction. While it is noted that this junction reaches capacity by 2023 the proposed development is considered to have a negligible impact on the operation of the junction.
- 3. Dundrum Road / Taney Road / Dundrum By-Pass / Churchtown Upper.** The modelling indicates that all 4 arms of this junction are currently working within capacity. The output from the model indicated that all arms of the junctions assessed would operate within capacity until 2028, in this regard a degree of saturation of under 90% for a signalised junction. However, by 2038 the junction reaches capacity with or without the development with 3 arms (A, B and C) of the junction at capacity, with a degree of saturation of between 90% and 93% in the PM peak and queue lengths of between 16 – 20 pcu. It is noted that without the development 2 no. arms (A and C) of the junction are also at capacity with a third arm (B) with an 86% degree of saturation by 2038. While it is noted that this junction reaches capacity by 2038 the proposed development is considered to have a negligible impact on the operation of the junction.

11.9.9. The concerns raised regarding the capacity of the surrounding road network are noted however, having regard to the information submitted, which is evidence based and

robust, it is my opinion that the proposed development would have a negligible impact on the capacity of the surrounding road network. It is also noted that TII raised no objections to the proposed development.

- 11.9.10. Concerns were also raised by third parties, the planning authority's Transport Section and An Taisce regarding the increased vehicular movements on Old Frankfort and the suitability of this access road to serve a new development. It is noted that the narrowest section of Old Frankfort / Frankfort Court is at the bridge over the River Slang which has a maximum width of 5.8m. In this regard the carriageway is 3.6m in width with a 0.8m wide on the northern side and 1m wide footpath on the southern side. The limited width results in an informal one-way traffic system. The proposed development includes upgrading works to Old Frankfort including the removal of the footpath on the northern side of the bridge and the increasing the width of the footpath on the southern side of the bridge to 1.8m. The new layout would reduce the carriageway width to 3.3m in width over the bridge. A buildout, road markings and signage are also proposed to provide a formal a one-way alternating system. The works to Old Frankfort also include a new uncontrolled pedestrian crossing point to the west of the bridge, to ensure pedestrian safety. The one-way system is located c. 40m from the junction of Old Frankfort with Dundrum Road.
- 11.9.11. It is my view that having regard to the information outlined above that there is capacity on Old Frankfort to accommodate the likely number of trips generated by the proposed development and it would not result in undue queuing or congestion on Old Frankfort. In addition, it is noted that the proposed 3.5m wide one-way system over the Slang River is located c. 40m from the junction with Dundrum Road. Therefore, there is sufficient space for c. 7 no. cars to wait to pass and, therefore, would not result in any queuing on Dundrum Road.
- 11.9.12. Concerns were also raised by third parties regarding safety concerns for pedestrian on Old Frankfort due to increased vehicular movements. The revised layout provides a dedicated 1.8m wide raised footpath, which would improve pedestrian safety and priority at this location. It is noted that a Quality Audit has been included as Appendix H of the TTA, which raised no safety concerns regarding the access arrangements.

11.9.13. The planning authority's Transport Section also raised concerns that the applicant has not addressed the condition and structural stability of the existing bridge. It is noted that this section of Old Frankfort is a public road, and the bridge is maintained by the local authority, a letter of consent to its inclusion in the application has been submitted. It is my view that the relatively limited number of trips generated by the proposed development would not impact on the structural stability of the existing bridge. Notwithstanding this, having regard to the concerns raised it is considered that if permission is being contemplated that a structural survey could be requested by way of condition.

Construction Traffic

11.9.14. Concerns were raised by third parties that adequate consideration has not been given to the potential negative impacts arising during the construction phase. The TTA includes estimated vehicular trips generated in the peak periods during the construction period. It is stated that in a worst case scenario up to 4 no. HGV's (1 no. HGV arrival and 1 no HGV departure every 15 minutes) and 10 no. trips by staff may be generated during the peak period. It is also stated that Light Goods Vehicles (LGV's) would likely occur outside of the peak period, however, to estimate the worst case scenario it is assumed the construction phase could generated 10 no. trips during the peak period. This indicates a very low level of trips generated by the construction phase of the development which would be insignificant on the surrounding road network.

Car Parking

11.9.15. The scheme includes the provision of 77 no. car parking spaces, in this regard 67 no. spaces over 2 no. basement levels and 10 no. surface level spaces. Concerns are raised by third parties that the proposed level of car parking within the site is insufficient and would result in overspill and haphazard car parking on the surrounding road network. As outlined above it is my view that 4 no. surface level car parking spaces should be omitted in lieu of public open space, however, it is also conditioned that 2 no. additional surface spaces should be provided adjacent to Block A. This would result in a total of 75 no. spaces or 0.65 no. spaces per unit.

- 11.9.16. Table 8.2.3 of the development plan sets out car parking standards for apartments of 1 no. space per 1 bed unit and 1.5 no. spaces per 2-bed units. Therefore, there is a requirement for 138 no. spaces. It is noted that the applicant has stated that there is a requirement for 115 no. spaces based on the 1 no. space per residential dwelling and that the proposed car parking provision would be a material contravention of the development plan and submitted a material contravention statement in this regard. Section 8.2.4.5 of the plan states that the principal objective of the application of car parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site. reduced car parking standard for any development may be acceptable subject to a number of criteria including the location of the site and its proximity to a town centre and high density commercial / business district; the proximity to public transport; nature and characteristics of the development, availability of on-street car parking; implementation of a travel plan and other special circumstances. The subject site is located c. 750m from Dundrum Village and c. 1km from Dundrum Town Centre, it is well served by public transport with bus stops within 120m of the site and 2 no. Luas stations with 600m of the site. A Travel Plan coordinator would be appointed for the scheme, and it is also noted that the development incorporates car sharing to reduce the need for car ownership. It is my view that the proposed scheme is in accordance with the provisions of Section 8.2.4.5 of the plan and that a reduction of car parking is permissible in this instance.
- 11.9.17. The Apartments Guidelines (2020) also state that in intermediate urban locations, close to public transport or close to town centres or employment centres a reduction of overall car parking standards must be considered, and an appropriate standard applied. The planning authority noted standards set out in the Apartment Guidelines, however, it is considered that the proposed reduction in car parking has not been justified.
- 11.9.18. While the concerns of the third parties and the planning authority are noted it is my view that having regard to the site's urban location and its proximity a range of services and amenities at Dundrum Village and Town Centre and the sites proximity to public transport I am satisfied that sufficient car parking has been provided in this instance

and complies with the provisions of the development plan and the Apartments Guidelines and would not result in overspill onto the surrounding road network

11.9.19. The development plan also sets out a car parking standard of 1 no. space per staff member, including set down for a creche facility. It is intended that the proposed creche would accommodate 26 no. children and 5 no. staff. Therefore, there is a requirement for 5 no. spaces and associated drop off / collection area. The TTA states that a drop off area would be available at the southern portion of the site adjacent to the disabled spaces. It is noted that the planning authority raised concerns that this could potentially lead to an obstruction to users of the disabled spaces. It would appear that no spaces would be assigned to staff of the creche. While the concerns of the third parties and the planning authority regarding the lack of car parking provision for the childcare facility are noted it is my view that having regard to the limited size of the facility it would mostly likely serve the proposed development and dwellings within the immediate vicinity of the site and, therefore, would not generate a significant number of vehicular trips. In addition, having regard to the urban location which is well served by public transport I have no objection to no car parking provision for staff park.

Cycle Parking

11.9.20. The proposed scheme includes 176 no. cycle parking spaces, with 136 no. provided in dedicated cycle stores at the ground floor levels of Blocks A, B and C and an additional 40 no. spaces at surface level for short stay use. No concerns are raised regarding the quantity of cycle parking spaces proposed, which is in excess of the development plan standards, however, concerns are raised by the planning authority regarding the reliance on stacked cycle parking. I agree with the concerns raised by the third parties. It is noted that all bicycle parking spaces within Blocks A, B and C are double stacked with c. 0.2m between these double spaces. There is also a minimum 1.5m wide circulation area between stacked spaces and walls / stacking systems. It is my view that insufficient space has been provided to allow for the efficient and effective use of the cycle parking storage areas. If permission is being contemplated it is recommended that a condition be attached that the cycle parking storage area be expanded into the adjacent unit, which is shown as a creche unit on the architectural drawing submitted. As noted above it is recommended that the creche unit be relocated to unit BA.007.

Permeability

- 11.9.21. The subject site provides a public pedestrian route from Frankfort Court to Old Frankfort via the centre of the site and the area of public open space. The increased permeability is welcomed. It is noted that the planning authority considered that a public footpath should be provided along the site's boundary with Frankfort Court. The applicant has stated that this area is outside of their ownership, and it is not possible to provide a footpath. It is noted that there is an existing footpath on the southern side of Frankfort Court, which serves the existing 14 no. terrace dwellings. While the provision of an additional footpath would be welcomed it is acknowledged that this area is not within the ownership of the applicant and that the provision of a pedestrian link through the site would increase permeability and pedestrian safety and would provide an alternative route in lieu of a footpath on Frankfort court.
- 11.9.22. Concerns are raised by third parties and the planning authority regarding the proposed pedestrian link from the site to Highfield Park, via the existing driveway that serves 97A Highfield Park. There are discrepancies in the documentation submitted with some documents indicating that a pedestrian link would be provided and others stating that it is a potential future link. From the information submitted, in particular the architectural drawings, it is my view that this is intended as a future potential link to Highfield Park as the entirety of the laneway is not included within the red line boundary. While increased permeability is welcomed it is noted that there is an existing pedestrian laneway that provides access between Highfield Park and Old Frankfort and, therefore, it is my view that there is adequate connectivity between these streets.

11.10. ***Water Services***

- 11.10.1. The applicants Engineering Services Report states that effluent from the upper floors of the development would be collected and flow by gravity to the proposed plant room on the ground floor level of the scheme. Effluent from the basement level would flow by gravity to the pump station at the basement level. The effluent would then be pumped outside of the site boundary before connecting by gravity to the existing foul sewer under Frankfort Court. Irish Water raised no objection in principle to the proposed connection, however, the submission noted that there is a requirement to extend the network for c. 20m under Frankfort Court. The applicant will be required to

fund this network upgrade as part of a connection agreement which will be carried out in the public domain by Irish Water

- 11.10.2. In respect of water availability, the submission from Irish Water notes water a connection to the existing network is feasible without upgrade.
- 11.10.3. Concerns are raised by third parties that there is no capacity in the water and wastewater networks to accommodate the development. Having regard to the information submitted and the submission from the Irish Water, I am satisfied that there is sufficient capacity within the public network to accommodate the proposed development and are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.
- 11.10.4. The submissions from third parties state that the connection to the public network is via third party lands (Frankfort Court) which is in private ownership and the applicant does not have any right of way over this area. Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. It should be noted that under section 10 subsection 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016 a person shall not be entitled solely by reason of a permission to carry out any development. Therefore, I consider that the disputes between the parties in relation to land ownership or rights of way are ultimately civil / legal issues that would be dealt with more appropriately outside of the planning process.
- 11.10.5. Concerns are raised by third parties that the proposed attenuation of surface water is insufficient to address the ever increasing run off to the River Slang. The applicants Engineering Services Report that the scheme incorporates SuDS. Storm water management would be managed by ensuring that run off would be reduced to pre-development discharge rates. SUDS measures are detailed in Section 4 of the report and include green roofs, water butts, low water usage, attenuation tanks, permeable paving and a bio-retention area. Attenuated surface water would be discharged to the existing public storm water sewer on Frankfort Court which flows to the River Slang at the site's eastern boundary. The planning authorities Drainage Section have also raised concerns that the method to calculate attenuation may underestimate the actual

requirements. This may result in an undersized attenuation system being provided on the site which could result in on site flooding. It is my opinion that this concern could be addressed by way of condition to ensure that the final details of the proposed attenuation system be agreed with the planning authority.

- 11.10.6. Third parties have also raised concerns regarding flooding of the River Slang during heavy rainfall and the impact of the proposed flood routes which are in close proximity to existing dwellings. The subject site is located within Flood Zone C. The OPW maps indicate that there is no record of historic flood on the site. A Site-Specific Flood Risk Assessment (FRA) was submitted which considered the potential sources of flooding and mitigation measures

Fluvial Flooding: The Slang River is located at the site's eastern boundary. Although the subject site is outside of a flood zone, areas of fluvial flood risk exist along the Slang River both upstream and downstream of the subject site. to mitigate against flood risk the minimum finished floor level of the proposed development shall at least 3m above the predicted floodwater levels for a 0.1% AEP fluvial flooding event. Therefore, the risk of fluvial flooding impacting upon the subject development is therefore negligible, even during a 1-in-1000-year flooding event, and no mitigation measures are required.

Pluvial Flooding: The historical and predicated flooding information does not indicate that the subject site is at risk from pluvial flood events. It is noted that development includes surface water management proposals and attenuation, and that surface water would run to the Slang River. The attenuation storage volume would ensure that stormwater would not exceed greenfield rates.

A surcharge analysis of surface water demonstrates that in the event of a potential network system blockage no adverse effect are anticipated to residential units with surface water flowing towards the Slang River and areas of open space. A drawing showing the overland storm overflow routes is attached in Appendix G.

Groundwater Flooding: the site is not considered to be at risk from groundwater flooding.

Tidal Flooding: the subject site is not affected by tidal water bodies and, therefore, the risk of tidal flooding is negligible.

11.10.7. Having regard to the sites location in Flood Zone C and to the information submitted, which is robust, and evidence based, I am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

11.11. **Ecology**

11.11.1. Concerns are raised by third parties that the development of subject site would result in the loss of a natural habitat for wildlife. The planning authority raised no objection in this regard and recommended that the mitigation measures outlined in the EclA be fully implemented.

11.11.2. **Habitat:** Site surveys were carried out in September 2019 and in March and June 2021. The applicants EclA notes that the subject site forms part of the urban environment and the vicinity of the site entirely comprises of buildings and artificial surfaces. In accordance with standard classifications the applicants survey found that the lands are composed of buildings and artificial surfaces (BL3) and scattered trees and parklands (WD5) which contains garden areas and trees. The garden areas are well maintained with predominately non-native shrubs. Parts of the site boundaries also include treelines (WL1). There is an area of unmanaged lands at the site's southern boundary, this area is associated with the derelict Frankfort Lodge site and is made up of scrub (WS1) with a hedgerow (WL1). The River Slang flows along the site's eastern boundary. The watercourse is narrow with steep banks. There are no other watercourses on the site other than a small garden pond. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. In addition, there are no species listed as invasive.

11.11.3. While a large proportion of trees would be removed from the site, the EclA notes that the impact to local wildlife from the loss of these habitats will be minor negative, as the trees are predominantly non-native and of limited value to biodiversity. The new landscape planting would ensure that long term habitat for common plants and animals

would be retained. Therefore, it is considered that the long term effect would be neutral.

- 11.11.4. **Mammals:** The EclA notes that there are no habitats on the site which are suitable for the majority of mammal species known to be present in Dublin city. The site was surveyed for badgers in March 2021 and no evidence of badger activity was noted and no setts were present on the site. Otter may be present along the River Dodder and its tributaries, which include the River Slang, however, there was no evidence to confirm their presence. Due to the characteristics of the site and the nature of the species it is my opinion that mammals are not likely to be at risk and no further assessment is required.
- 11.11.5. **Bats:** A bat detector survey was carried out on the site in August and November 2019 and May and June 2021. A total of 3 no. species were recorded at the site, in this regard common pipistrelle, Soprano pipistrelle, and Leisler's Bat. The Bat Assessment notes that there is a maternity roost of common pipistrelle within the attic of 97A Highfield Park. While there is roost potential, no bats were seen or heard from Frankfort Castle or the derelict Frankfort Lodge. It was also noted that none of the trees have high roost potential.
- 11.11.6. The proposed development includes the demolition of no. 97A Highfield Park and the removal of a number of trees and mature vegetation on site and would lead to increased light levels within the site. The report notes that a derogation licence has been acquired from the NPWS with mitigation measures including the survey of buildings prior to demolition, exclusion of bats by a bat specialist licensed to capture and handle bats, provision of alternative roost options and monitoring of alternative roost success. In addition, no. 97A Highfield Park must not be demolished between May and August unless the survey indicates the house is devoid of bats. Other mitigation measures outlined in the EclA include the provision of bat boxes, surveying of Frankfort Castle and trees with roost potential prior to any demolition works and all lighting shall be controlled to avoid light pollution.
- 11.11.7. While it is noted that there are no rare bat species within the site the proposed development would result in the loss of a bat roost. Therefore, if planning permission is being contemplated it is recommended that a condition be attached that the

mitigation measures outlined in the EclA been implemented in full. It is noted that the planning authority raised no objection in this regard.

11.11.8. **Birds:** In March 2021 a breeding survey was undertaken which aimed to identify all nesting birds within the site. In June 2021 a repeat survey was undertaken. The surveys found that all recorded species are common and widespread which are listed by Birdwatch Ireland as being of 'low conservation concern'. The EclA notes that the habitats on the site are not suitable for wetland / wintering birds. Due to the characteristics of the site and the nature of the species it is my opinion that birds are not likely to be at risk and no further assessment is required.

11.11.9. **Amphibians:** There is a small garden pond which provides potential habitat for breeding amphibians. No frogs or smooth newt were noted. There are no suitable habitat for fish. Due to the characteristics of the site and the nature of the species it is my opinion that amphibians are not likely to be at risk and no further assessment is required.

11.11.10. The concerns of the third parties are noted, however, having regard to the contents of the Ecological Impact Assessment, which is evidence based and robust, it is my view that sufficient information has been submitted to fully assess the impact of the development and it is considered that the proposed development would not have a significant negative impact on the biodiversity of the site.

11.12. **Material Contravention**

11.12.1. The applicant's Material Contravention Statement considered that the proposed development would materially contravene the Dun Laoghaire Rathdown Development Plan 2016 - 2022 with regard to the following: -

- Section 8.2.4.5 Car Parking Standards; and
- Policy RES7: Overall Housing Mix

The applicants Material Contravention Statement submitted with the application addresses and provided a justification for these material contraventions.

Car Parking

- 11.12.2. Table 8.2.3 of the development plan sets out car parking standards for apartments of 1 no. space per 1 bed unit and 1.5 no. spaces per 2-bed units. Therefore, there is a requirement for 138 no. spaces. It is noted that the applicant has stated that there is a requirement for 115 no. spaces based on the 1 no. space per residential dwelling and that the proposed car parking provision would be a material contravention of the development plan.
- 11.12.3. The applicant's material contravention statement did not address car parking requirements for the proposed childcare facility. In this regard the development plan also sets out a car parking standard of 1 no. space per staff member, including set down for a creche facility. It is intended that the proposed creche would accommodate 26 no. children and 5 no. staff. Therefore, there is a requirement for 5 no. spaces and associated drop off / collection area. The TTA notes that an informal drop off area would be available at the southern portion of the site adjacent to the disabled spaces, however, no car parking provision is identified for staff.
- 11.12.4. The scheme includes the provision of 77 no. car parking spaces, in this regard 67 no. spaces over 2 no. basement levels and 10 no. surface level spaces which is below the quantum of car parking standard set out in the development plan. It is also my recommendation that if permission is being contemplated that a condition be attached to omit 4 no. surface level car parking spaces and provide 2 no. additional spaces adjacent to Block A. This would result in a total of 75 no. car parking spaces to serve the development. While it is noted that the quantum of car parking is below the standard set out in the plan it is my opinion that this is not material, as it does not relate to a specific policy of the development plan and there is flexibility in the wording of the plan with regard to car parking standards.
- 11.12.5. Section 8.2.4.5 of states reduced car parking for any development may be acceptable subject to a number of criteria including the location of the site and its proximity to a town centre and high density commercial / business district; the proximity to public transport; nature and characteristics of the development, availability of on-street car parking; implementation of a travel plan and other special circumstances. The subject site is located c. 750m from Dundrum Village and c. 1km from Dundrum Town Centre,

it is well served by public transport with bus stops within 120m of the site and 2 no. Luas stations with 600m of the site. A Travel Plan coordinator would be appointed for the scheme, and it is also noted that the development incorporates car sharing to reduce the need for car ownership. It is my view that the proposed scheme is in accordance with the provisions of Section 8.2.4.5 of the plan and that a reduction of car parking is permissible in this instance.

11.12.6. Having regard to the above, it is my opinion that the proposed level of car parking (73 no. spaces) is appropriate at this location to serve the proposed development and is in accordance with the provision of the development plan and, therefore, would not be a material contravention of the car parking standards set out in the Dun Laoghaire Rathdown Development Plan 2016 – 2022.

Unit Mix

11.12.7. Policy RES7 aims to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures are provided within the County.

11.12.8. The applicant addressed the issue of unit mix in the Material Contravention Statement and considered that while the development does not consist of a wide variety of units the proposed mix is justified as it contributes to a greater variety of units in the wider area. However, the material contravention statement does not address the issue of variety of housing types, in this regard houses, duplexes or apartments or the proposed tenure of the units.

11.12.9. It is noted that the planning authority also consider the proposed development to be a material contravention with regard to unit mix. However, no objection was raised in principle to the mix, type or tenure and considered the scheme would contribute to the variety of accommodation types and sizes in the area which are predominately characterised by larger family size houses.

11.12.10. While it is noted that the scheme comprises of 1 and 2-bed apartments only it is my opinion that this is not material contravention, as there is flexibility in the wording of the plan, which states that it is policy to '*encourage*' wide variety of housing and apartment types, sizes and tenures within the county. It is my view that the provision

of 1 and 2 bed apartment units in an area that is generally characterised by low density, 3, 4 and 5 bedroom suburban housing would be in accordance with the provisions of RES 7 to encourage a variety of housing and apartment types and sizes in the county.

11.12.11. It is noted that Policy RES7 also encourages a mix of housing tenures. Objective HS1 requiring that 10% of all lands zoned for residential use. It is proposed to provide 11 no. Part V units are proposed representing 10% of the overall units in the scheme in accordance with the provision of Objective HS1. It is my view that the provision of 11 no social and affordable apartment units in an area would be in accordance with the provisions of RES 7 to encourage a variety of housing tenures in the county.

11.12.12. In addition, the Affordable Housing Act, 2021 requires that land purchased on or after the 1st of August 2021 or prior to September 2015 must have a 20% Part V requirement. In this regard at least half of the Part V provision must be used for social housing. The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both.

11.12.13. Having regard to the above, it is my opinion that the proposed unit type, size and tenure is appropriate at this location to serve the proposed development and is in accordance with the provision of the development plan and, therefore, would not be a material contravention of the Policy RES 7 set out in the Dun Laoghaire Rathdown Development Plan 2016 – 2022.

11.13. **Chief Executives Recommendation**

As noted above the planning authority recommended that permission be refused for 3 no. reasons. In the interest of clarity, the reasons for refusal are addressed below.

Existing Residential Amenity

The planning authority's first recommended reason for refusal considered that due to the height, massing, proximity to boundaries and separation distances between all apartment blocks and existing residential properties, the proposed development would appear visually obtrusive and overbearing when viewed from properties in Highfield Park, and Frankfort Court and negatively impact upon residential amenity by way of

overlooking, overshadowing, and the presenting of overbearing elevations in close proximity to the gardens of residential properties. It further considered that these issues and concerns are exasperated by the high level of vegetation removal across the site, particularly along the property boundaries, which would significantly detract from its sylvan character and setting.

It is noted that there are limited separation distances between the proposed blocks and the site boundaries, however, it is my view that due to the limited height and high quality contemporary design of the blocks the proposed development would not detract from the visual amenities of the area or result in any undue overlooking, overshadowing or have an overbearing impact on any existing residential properties.

It is acknowledged that the subject site has a sylvan character. However, this is limited to the subject site and not the surrounding area, which is generally characterised by traditional low density suburban dwellings and associated road infrastructure. While the development may be visible from the immediate vicinity of the site it is my view that due to its limited height and high quality contemporary design it would not have a negative impact on the visual amenities and would not be out of character with the immediate vicinity of the site.

While the planning authority's recommended reason for refusal is noted it is my view that the design and layout of the scheme results in a high quality development that is visually interesting and at a scale and height that is appropriate and reflective of this suburban site. Therefore, it is my opinion that subject to the conditions outlined above, the proposed development would not negatively impact on the amenities of existing residents and would not be out of character with the surrounding area.

Future Residential Amenity

The planning authority's second recommended reason for refusal considered that the building heights, orientation, reduced separation distances and window alignment of the proposed apartment blocks (B, C and D) would result in a substandard residential amenity for the future occupants by way of direct overlooking via living room / bedroom windows and proposed balconies.

It is my view that scheme which includes limited separation distances of c. 10m and directly opposing windows / balconies has the potential to result in undue overlooking

of 5 no. ground floor units, in this regard 2 no. ground floor units in Block B, 2 no. ground floor units in Block D and 1 no. ground floor unit in Block C. Having regard to the relatively limited number of units that could potential be overlooked by adjacent residents it is my opinion that the scheme achieves a balance between protecting residential amenities and providing a high quality design, with attractive and well connected spaces that also incorporates the retention of the historic Frankfort Castle building.

While the planning authority's recommended reason for refusal is noted it is my view that the design and layout of the scheme results in a high quality development that is visually interesting and at a scale and height that is appropriate and reflective of this suburban site. Therefore, it is my opinion that subject to the conditions outlined above, the proposed development would not negatively impact on the amenities of existing or future residents and would support the consolidation of the urban environment.

Traffic

The planning authority's third recommended reason for refusal considered that due to the substandard provision of cycle parking and proposed site layout, which fails to priorities pedestrian and cyclist movements in accordance with DMURS, the proposed development would result in conflicts between pedestrian, cyclists and vehicle users resulting in the creation of a traffic hazard.

While I agree that the site layout priorities vehicular movements it is my view that the proposed scheme would not result in a traffic hazard as clearly delineated footpaths, cycle routes and designated crossing points have been provided throughout the scheme. In addition, it is my view that the proposed works along Old Frankfort would improve pedestrian and cycle safety by formalising the existing one-way system.

With regard to the substandard provision of cycle parking it is considered that this could be addressed by way of condition to relocate the creche unit and provide additional cycle parking storage in lieu of the proposed creche.

I agree that there that there is no clear rational for the provision of a one-way vehicular route around Frankfort Castle and through the centre of the site it is my opinion that

this concern could be addressed by way of condition to omit a significant portion of the internal access road / hardstanding and provide additional open space.

While the planning authority's recommended reason for refusal is noted it is my view that the concerns raised could be addressed by way of condition and that the proposed development would not result in a traffic hazard.

12.0 **Environmental Impact Assessment**

- 12.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an EIA Screening Assessment, and I have had regard to same in this screening assessment. This report contained information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening Assessment submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.
- 12.2. Class 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 Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- Construction of more than 500 dwelling units
 - 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.
- 12.3. 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.
- 12.4. It is proposed to construct a 115 no. residential units on a site with a stated area of 0.9ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. The works include the demolition of no. 97A Highfield Park and annexed structures associated with Frankfort Castle including Frankfort Lodge which are currently vacant residential units with a total gross floor area of 558sqm. There are limited excavation works with a double basement

proposed under Blocks A. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which noted that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites can be excluded and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

- 12.5. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. Section 3.4 of the EIA Screening Assessment directly addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the EIA Screening Report to determine whether the development would or would not be likely to have a significant effect on the environment.
- 12.6. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. 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 and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Design Statement Report
- Screening for Appropriate Assessment
- EIA Screening Report
- Ecological Impact Assessment Report
- Engineering Services Report
- Site Specific Flood Risk Assessment
- Energy Statement
- Outline Management and Building Life Cycle Report
- Operational Waste Management Plan
- Outline Method Statement for Demolition of Existing Buildings
- Outline Construction and Environmental Management Plan
- Construction and Demolition Waste Management Plan

12.7. 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. I would note that the following assessments / reports: -

- An Appropriate Assessment Screening Report and Ecological Impact Assessment which had regard to the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC) and to the Water Framework Directive (WFD) (Directive 2000/60/EC).
- The Site-Specific Flood Risk Assessment (FRA) which had regard to the Floods Directive (Directive 2007/60/EC) Risk Assessment and the Dun Laoghaire Rathdown County Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (FRA).
- A Construction and Demolition Waste Management Plan has been submitted which was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern - Midlands Region (EMR) Waste Management Plan 2015-2021.

- The Strategic Environmental Assessment (SEA) for the Dun Laoghaire County Development Plan 2016 – 2022
- The Natura Impact Report which provides information in support of an Appropriate Assessment of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

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

12.9. I have completed an EIA screening determination as set out in Appendix A of this report. It is noted that third parties considered that an EIA should be submitted with regard to the cumulative impact of residential development in the wider area. However, 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 information provided in the applicant's EIA Screening Report.

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

13.0 **Appropriate Assessment**

13.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

- 13.2. The applicants AA Screening report notes that the Slang River runs along the site's eastern boundary, beneath an existing vehicular bridge which provides access to Frankfort. This stream is a tributary of the River Dodder and provides a direct and natural hydrological connection to Dublin Bay. There is also an indirect pathway through the foul sewers to the Ringsend Wastewater Treatment Plant.
- 13.3. The following 17 no. European sites are located within the zone of influence of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
South Dublin Bay SAC	000210	3.5km
Wicklow Mountains SAC	002122	7.5km
North Dublin Bay SAC	000206	8km
Glenasamole Valley SAC	001209	10km
Knocksink Wood SAC	000725	10km
Ballyman Glen SAC	000713	12km
Howth Head SAC	000202	12.5km
Baldoyle Bay SAC	000199	14km
Rockabill to Dalkey Island SAC	004172	14.5km
Bray Head SAC	000714	15.5km
South Dublin Bay and River Tolka Estuary SPA	004024	3.5km
Wicklow Mountains SPA	004040	7.5km
North Bull Island SPA	004006	8km
Dalkey Islands SPA	004172	11km
Howth Head Coast SPA	004113	12.5km
Baldoyle Bay SPA	004016	14km
Poulaphouca Reservoir SPA	004063	21km

- 13.4. The qualifying interests and a brief description of each the designated sites outlined above are provided in Section 5 of the Applicants Appropriate Assessment Screening report. The conservation objectives for the designated sites is either to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA or 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

13.5. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP and the River Dodder, and could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

13.6. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of relevant qualifying interests in the vicinity of the works, the absence of ecological and hydrological pathways and to the conservation objectives of the designated sites.

13.7. **Screening Assessment**

The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are as follows:

South Dublin Bay SAC (000210) - c. 3.5km from the subject site.
Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

South Dublin Bay and River Tolka Estuary SPA (004024) - c.3.5 km from the subject site.

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

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

North Dublin Bay SAC (000206) – c. 8km from the subject site

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

North Bull Island SPA (004006) - c. 8km from the subject site.

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

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

13.8. **Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA**

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

Surface water from the proposed development would discharge to the public network. The habitats and species of Natura 2000 sites in Dublin Bay are between 3.5km and 8km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay via the River Slang and River Dodder. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to

Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment.

The foul discharge from the proposed development would drain, via the public combined sewer, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway.

It is noted that Ringsend WWTP is currently working at or beyond its design capacity and cannot accommodate the proposed development. The subject site is identified for development through the land use policies of the Dun Laoghaire Rathdown Development Plan 2016-2022. This statutory plan was adopted in 2016 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 115 no. units, on serviced lands in an urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and

thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

13.9. ***AA Screening Conclusion:***

It is reasonable to conclude that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

14.0 Recommendation

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 reasons and considerations and subject to the conditions set out below.

15.0 Reasons and Considerations

Having regard to

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments 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;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;

- n. Chief Executive's Report; and
- o. 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.

16.0 Recommended 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 3rd day of September 2021 by Tom Phillips and Associates, on behalf of Pembroke Partnership Limited.

Proposed Development: The proposed development comprises the demolition of No. 97A Highfield Park, the derelict Frankfort Lodge and extensions to Frankfort Castle including and the construction of a 115 no. residential units (45 no. one bedroom apartments and 70 no. two bedroom apartments) arranged in 4 no. blocks (Block A, B, C and D). Block D comprises the refurbishment of Frankfort Castle an existing 2-storey building. The development includes the provision of ancillary residential amenity areas within Block D and an 80sqm crèche at ground floor level of Block A including associated external play space.

Vehicular access is proposed via a new access at Old Frankfort with emergency access only proposed via Frankfort Court. 67 no. car parking spaces are provided at basement level, which includes 2 no. car sharing spaces. An additional 10 no. spaces are provided at surface level.

The scheme also includes cycle parking, attenuation storage system, waste storage facilities, substations, ancillary service and plant areas, hard and soft landscaping, boundary treatments, upgrades to road and pedestrian infrastructure along Old Frankfort and all other site development and drainage works above and below ground.

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:

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments 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;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report;
- o. Inspector's Report; and
- p. 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.

Appropriate Assessment:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects 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, and that a Stage 2 Appropriate Assessment is not, therefore, required

Environmental Impact Assessment

The Board completed a screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Statement submitted by the applicant, identifies, and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- nature and scale of the proposed development, which is below the threshold in respect Class 10(b)(i) and Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- the location of the site on lands zoned Objective A: to protect and / or improve residential amenity in the Dun Laoghaire Rathdown Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- 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 the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan, Outline Method Statement for Demolition of Existing Buildings, Outline Construction and Environmental Management Plan and Operational Waste Management Plan, Specific Flood Risk Assessment Appropriate Assessment Screening and Ecological Impact Assessment.

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development 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 the proposed development is compliant with the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that 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 **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 proposed development shall be amended as follows: -

- a. The 4.2m wide internal carriageway proposed around Block D and the centre of the site shall be permanently omitted. The proposed internal vehicular access route shall be approximately 40m in length from the junction with Old Frankfort, to allow vehicular access to the basement level car park beneath Block A and to the surface car parking spaces at the southern boundary of the area of public open space. Access beyond this point shall be for emergency vehicles only.
- b. The 4 no. disabled car parking spaces proposed at the sites southern boundary shall be permanently omitted. 2 no. additional surface level car parking spaces shall be provided at the revised western boundary of the internal road, adjacent to Block A. The final location and quantity of dedicated surface level disabled car parking spaces shall be agreed in writing with the planning authority.
- c. Open space and paved and landscaped areas shall be provided in lieu of the internal road to be omitted. Communal open space which incorporates an active play area shall be provided to the south of Block D, adjacent to the area of internal residential amenity space.
- d. The proposed access ramp to the entrance of Block A shall be revised to ensure it provides efficient access to Block A and does not cause an obstruction to the footpath provided immediately adjacent to Block A.
- e. The creche unit shall be relocated to apartment unit BA.007 at the north eastern corner of the ground floor of Block A. The area of open space to the east of Block A, shall be incorporated into the creche unit as an outdoor play space.
- f. Subject to condition 2(e), the cycle parking storage area at the ground floor of Block A shall be extended into the vacated creche unit.
- g. High level windows and / or obscure glazing shall be provided to habitable rooms with north facing windows at first, second and third floor levels in Block B, in this regard units BB.017, BB.018, BB.029, BB030, BB041 and BB.042 as indicated on the architectural drawings submitted, to prevent undue overlooking of rear amenity space of dwellings on Highfield Park.

- h. High level windows and / or obscure glazing shall be provided to habitable windows on the southern elevation of Block B, in this regard units BB.012, and BB.023 at first floor level and the units that sit directly above them at second floor level, to prevent undue overlooking of properties in Frankfort Court.
- i. The 2 no. bedrooms of unit BC.007 at the first floor of Block C shall be amalgamated to provide a 1-bedroomed unit. The window serving this single bedroom shall be located on the western elevation of the room, to prevent overlooking of unit BC.014.
- j. The window on the eastern elevation of the 13.8sqm bedroom in unit BC.015 at second floor level, shall be relocated to the western elevation of the room, to prevent undue overlooking of unit BC.022.

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

Reason: In the interest of residential and visual amenity

- 3. Prior to commencement of development a detailed structural survey of the existing bridge / Old Frankfort over the River Slang shall be submitted for the written agreement of the planning authority, unless otherwise agreed with the planning authority.

Reason: In the interest of public safety.

- 4. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

- 5. The external treatment of the development shall include a variety of high quality brick finishes, roofing materials, windows and doors and the internal access route shall be paved in a high quality material. A schedule of all materials shall be

submitted to and agreed in writing with the planning authority prior to commencement of development. The metal cladding at top floor levels of the Blocks and the metal design feature indicated on balconies in Block B shall be permanently omitted. 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 and to ensure an appropriate high standard of development.

6. The boundary planting and open spaces shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application and all incorporate formal and informal seating areas, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the units are made available for occupation. Access to roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

7. Bat and bird boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.

Reason: To promote biodiversity.

8. Prior to the occupation of the residential units, a 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. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

9. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have 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.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles

10. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, 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 residential unit.

Reason: In the interests of amenity and public safety.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- b. employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. 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.

13. Proposals for a naming 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 signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

14. 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.

15. The internal road network serving the proposed development, turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and

design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays 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

19. 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.

Reason: In the interest of sustainable waste management.

20. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

22. Prior to commencement of development, the developer 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.

23. 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

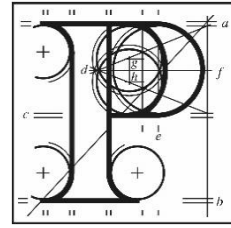
24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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

Elaine Power
Senior Planning Inspector

6th December 2021



An
Bord
Pleanála

Appendix 1:

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-311287-21
Development Summary		Demolition of No. 97A Highfield Park, Frankfort Lodge and extensions to Frankfort Castle and the construction of a residential scheme comprising 115 no. units, a creche and associated works.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>SEA undertaken in respect of the Dun Laoghaire Rathdown Development Plan 2016-2022 and the results of the Strategic Environmental Assessment of the plan.</p> <p>An Appropriate Assessment Screening Report and Ecological Impact Assessment which had regard to the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC) and to the Water Framework Directive (WFD) (Directive 2000/60/EC).</p> <p>The Site-Specific Flood Risk Assessment (FRA) which had regard to the Floods Directive (Directive 2007/60/EC) Risk Assessment and the Dun Laoghaire Rathdown County Development Plan 2016-2022 which undertook a Strategic Flood Risk Assessment (FRA).</p>

	A Construction and Demolition Waste Management Plan has been submitted which was undertaken in accordance with the Waste Management Act, 1996 and associated regulations, Litter Act 1997 and the Eastern - Midlands Region (EMR) Waste Management Plan 2015-2021.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units and a creche on lands zoned for residential development, on which a creche is open for consideration. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	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 within the urban area. It is intended to construct a 2 no. basement levels under Block A. It is considered that this issue is minor in nature.</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 urban development. Redevelopment of this brownfield site will not result in any significant loss of natural resources or local biodiversity.</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 and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p>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 Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan, significant operational impacts are not anticipated.</p>	<p>No</p>
<p>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. The operational development will connect to mains services. Surface water drainage will be separate to foul services. 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.</p> <p>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 Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</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.</p> <p>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 the site and surrounding pattern of land uses.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development, comprising renewal of a site and is not part of a wider large scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	<p>No</p>	<p>No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p> <p>This site does not host any species of conservation interest.</p>	<p>No</p>

<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>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>No such features arise in this urban location</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>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>The Slang River flows along the site's eastern boundary.</p> <p>The development will implement SUDS measures including attenuation of surface water, to control run-off.</p> <p>The site is not at risk of flooding.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local urban road network. There are sustainable transport options available to future residents in terms of bus and luas. 77 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>No. The development would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

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 considerations 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
Real likelihood of significant effects on the environment.	No		

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands zoned Objective A: to protect and / or improve residential amenity in the Dun Laoghaire Rathdown Development Plan 2016-2022. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.
- 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 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 criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan, Outline Method Statement for Demolition of Existing Buildings, Outline Construction and Environmental Management Plan and Operational Waste Management Plan Specific Flood Risk Assessment Appropriate Assessment Screening and Ecological Impact Assessment.

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: Elaine Power

Date: 6th December 2021