



An
Bord
Pleanála

Inspector's Report

ABP-311476-21

Development	Demolition of buildings, construction of a 2-4 storey apartment block comprising 32 apartments and all ancillary works.
Location	Graymount, Dungriffin Road, Howth, Co. Dublin, D13 FW20
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F21A/0386
Applicant(s)	Trafalgar Capital Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	(1) Betty and Declan Clancy (2) Christina Dwyer & Karl Dillon (3) John Bergin (4) Trafalgar Capital Ltd (5) Una & Dr. Deaglan MagFhloinnn (6) Dr John McKeown

- (7) Thomas P. Broughan
- (8) Aoife Grimes
- (9) Graymount House Action Group

Observer(s)

- (1) Christian Morris
- (2) David Andrews
- (3) Dr Anna O'Donovan

Date of Site Inspection

27th June 2022

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.48 hectares, is located south of Howth Village and on the southern side of Dungriffin Road. The appeal site is occupied by a two-storey dwelling (Graymont) with vehicular access off Dungriffin Road. The site has mature trees and along the boundaries of the site. Adjoining development include a number of dwellings off Greys Lane to the south west that back onto the south western boundary of the appeal site. To the east of the site is a two-storey dwelling off Dungriffin Road. On the opposite side of Dungriffiin road is the housing development Thormanby Lawns consisting of two-storey dwellings with the nearest dwellings to the appeal site backing onto Dungriffin Road.

2.0 Proposed Development

2.1. Permission is sought for demolition of an existing dwelling and associated outbuildings on site, construction of a 2-4 storey apartment block, including setback at third storey (fourth floor) over partial under croft basement comprising 32 no. apartments (totalling 4,591sqm gross floor space, including basement floor space): consisting of

5 no. 1-bed units

21 no. 2 bed units

6 no. 3 bed units

The apartment block includes terraces and balconies to the apartments. The development includes 41 no. car parking spaces (16 no. at surface and 25 no. at under croft basement) and 81 no. bicycle parking spaces, including visitor spaces. The development will also include for all associated and ancillary site development works, including drainage, services and hard & soft landscaping (including boundary treatments and tree/hedge removal and planting), outdoor open space & play area, bin storage, and all other ancillary works.

The approved development removed the third floor and reduced the level of units from 32 to 28 apartment units.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 24 conditions. Of note is the following conditions...

Condition no. 2: Omission of fourth floor.

Condition no. 3: Permission authorises 28 no. apartments.

Condition no. 4: (a) Changes to elevation finishes to be agreed, (b) omission of the provision of railings serving balcony areas and replacement with glazed balustrades.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (07/09/21): The proposal was considered acceptable subject to amendments (omission of fourth floor) in the context of visual amenity, adjoining amenity and traffic impact. A grant of permission was recommended based on the conditions outlined above.

3.2.2. Other Technical Reports

Parks & Green Infrastructure (30/07/21): Conditions to be implemented including trees protection measures, landscaping scheme and a financial contribution in lieu of open space shortfall.

Irish Water (31/07/21): No. objection.

EHO (18/08/21): Further information required including methodology for excavation the basement car park and an acoustic assessment.

Conservation Officer (27/08/21): Reference to Objection CH33 of the Development plan and re-use of historic buildings, it is encouraged that the existing dwelling could be retained and extended.

Transportation Planning (no date): Further information required including addressing the deficient in car parking proposed, demonstration of sightlines at the vehicular entrance and a revised cross section of ramp proposed.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Several submission were received. The issues raised can be summarised as follows...

- Inappropriate type and scale of development, visual amenity, adjoining amenity, loss of structure of architectural heritage value, traffic impact, loss of trees, contrary development plan policy, lack of capacity in local infrastructure, ecological impact, flooding.

4.0 Planning History

No planning history on appeal site.

On adjoining sites...

ABP-307919-20 (F19A/0603): Permission granted for demolition of outbuildings and construction of a three bedroom dormer bungalow on lands to the rear of the existing dwelling 'Matakana' the relocation of the existing vehicular entrance gate and the construction of a shared driveway and all associated works.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Fingal County development Plan 2017-2023. The appeal site is zoned 'RS' with a stated objective to 'provide for residential development and protect and improve residential amenity'.

Objective PM52

Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective CH33

Promote the sympathetic maintenance, adaptation and re-use of the historic building stock and encourage the retention of the original fabric such as windows, doors, wall renders, roof coverings, shopfronts, pub fronts and other significant features of historic buildings, whether protected or not.

Objective CH37

Seek the retention, appreciation and appropriate revitalisation of the historic building stock and vernacular heritage of Fingal in both the towns and rural areas of the County by deterring the replacement of good quality older buildings with modern structures and by protecting (through the use of Architectural Conservation Areas and the Record of Public Structures and in the normal course of Development Management) these buildings where they contribute to the character of an area or town and/or where they are rare examples of a structure type.

Policy H7: It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policy H15: It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Policy IE2: It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Policy IE7: It is the policy of the Council to have regard to European Union, National and Regional policy relating to air quality, light pollution and noise pollution and to seek to take appropriate steps to reduce the effects of air, noise and light pollution on environmental quality and residential amenity.

GREEN INFRASTRUCTURE (G) Policy 3 Watercourses Network

It is the policy of the Council to promote the natural, historical and amenity value of the County's watercourses; to address the long term management and protection of these corridors and to strengthen links at a regional level.

Policy HCL12: It is the policy of the Council to support the conservation and improvement of Natura 2000 Sites and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.

Policy HCL13: It is the policy of the Council to protect the ecological, visual, recreational, environmental and amenity value of the County's proposed Natural Heritage Areas and associated habitats.

Policy HCL15: It is the policy of the Council to protect and promote the conservation of biodiversity outside of designated areas and to ensure that species and habitats that are protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992 are adequately protected.

Objective DMS28: A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum separation distances shall be increased in instances where overlooking or overshadowing occurs.

Settlement Strategy

Howth is defined as being Consolidation Areas within the Gateway

The objectives for this area are...

Objective SS15 Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.

Objective SS16 Examine the possibility of achieving higher densities in urban areas adjoining Dublin City where such an approach would be in keeping with the character and form of existing residential communities, or would otherwise be appropriate in the context of the site.

Howth Development Plan Objectives

Objective HOWTH 1 Ensure that development respects the special historic and architectural character of the area.

Objective HOWTH 2 Prepare a Public Realm Strategy to address issues such as pedestrian and cycle permeability, signage, car parking, traffic management and enhancements to the village core including Main Street.

Objective HOWTH 3 Encourage the retention and development of ground floor commercial/retail uses within the core of the village. Such uses should be of a

convenience and comparison retail mix with emphasis on the latter. Office provision should also be encouraged to ensure a vibrant village core.

Objective HOWTH 4 Protect and manage the Special Amenity Area, having regard to the associated management plan and objectives for the buffer zone.

Objective HOWTH 5 Continue to encourage the development of the harbour area for fishing and marine related industry and tourism.

Objective HOWTH 6 Encourage and facilitate the development of a Community Centre in Howth Village.

5.2. **National Policy**

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 and other national policy documents are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets • Childcare Facilities Guidelines for Planning Authorities
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities 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.

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

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

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

Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),

'Housing for All - a New Housing Plan for Ireland' (September 2021).

5.3. Natural Heritage Designations

Site Name & Code	Approx. distance from site
Howth Head SAC (000202)	330m
Rockabil to Dalkey Island SAC (003000)	1.3km
Baldoylye Bay SAC	1.4km
Irelands Eye SAC	2.2km
North Dublin Bay SAC	2.4km
Malahide Estuary SAC	7.2km
South Dublin Bay SAC	8.2km
Lambay Island SAC	11.6km
Rogerstown Estuary SAC	12.8km
Howth Head Coast SPA	780m
Irelands Eye SPA	1.7km
North Bull Island SPA	2.3km
Baldoylye Bay SPA	3.3km
South Dublin Bay and River Tolka SPA	7.2km
Malahide Estuary SPA	7.8km
Dalkey Island SPA	11.1km
Lambay Island SPA	11.3km
Rogerstown Estuary	12.3km

5.4. EIA Screening

The proposal for 32 no. residential units on a site of 0.48 ha is below the mandatory threshold for EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA. I would note that the uses proposed are similar to predominant land uses in the area and that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Orla Clancy on behalf of Betty and Declan Clancy, Inis Eagla, Greys Lane, Howth. Co. Dublin. The grounds of appeal are as follows...

- Proximity of the development to existing dwelling, subsequent impact in terms of privacy, disturbance, overshadowing/overlooking.
- Adverse impact on wildlife/ecological impact.
- Existing house on site is an attractive structure with no justification for its demolition.

6.1.2 A third party appeal has been lodged by Christina Dwyer & Karl Dillon, Matakana, Greys Lane, Howth, Co. Dublin. The grounds for appeal are as follows...

- Intervisibility of windows in apartment no. 19 and impact in relation to a permitted dwelling on the appellants' site.
- Adverse impact on existing residential amenity due to overlooking.
- There is an extant permission on the adjoining site/appellant property under ref no. F19A/0603 and such was not taken into account in assessing the proposal.

- Adverse impact on wildlife/ecological impact.
- Existing house on site is an attractive structure with no justification for its demolition.

6.1.3 A third party appeal has been lodged by John Bergin, Calistoga, Greys Lane, Howth, Co. Dublin. The grounds of appeal are as follows...

- The proposal is out of character with the surrounding area.
- Concerns regarding trees that were removed on site and potential impact on existing trees that provide a natural boundary between the site and the appellants property.
- The proximity of the development is noted with separation distance considered to be inadequate.
- Impact of overlooking.
- The first party appeal is noted with the fourth floor making the proposal even more intrusive and out of character.

6.1.4 A first party appeal has been lodged by the applicants, Trafalgar Capital Ltd. The grounds of appeal are as follows...

- The appeal is against the application of conditions no. 2,3 and 4(a) and (b).
- The conditions attached are unjustified with the design and scale having regard to the sylvan character of the area with provision a setback top level, retention of trees and photomontages submitted illustrate a satisfactory visual impact.
- The provision of higher density development is consistent with National policy objectives (NPF and Building Heights Guidelines).
- The top level is designed to have a lesser visual impact due to its setback and highly glazed design.

- A Daylight and Sunlight assessment was submitted and such demonstrates a satisfactory impact on adjoining properties with the criteria of the BRE guidelines satisfied.
- It is requested that Condition no. 2 and 3 be removed.
- The external finishes proposed are considered to be satisfactory in the context of overall design and quality and acceptable in terms of visual impact. The provision of railings to serve the balcony areas is also noted as being satisfactory in the context of overall design and visual impact. The appellant requests that Condition no. 4 be removed.

6.1.5 A third party appeal has been lodged by Una & Dr. Deaglan MagFhloinnn, 5 Thormanby Lawns, Howth, Co. Dublin. The grounds of appeal are as follows...

- The Appropriate Assessment screening report fails to identify the site has connectivity with European Sites due to being in close proximity to a stream draining northwards into the harbour. Further investigation is required into impacts upon groundwater or surface water and the integrity of European Sites. A full Appropriate Assessment is required.
- An ecological impact assessment has not been submitted with bats known to exist within the immediate vicinity of the site. There is a requirement for bat surveys prior to granting of permission.
- The design, scale and type of development would be out of character at this location.
- There is a requirement for screening for EIA given the sensitivity of the area in terms of biodiversity.

6.1.6 A third party appeal has been lodged by Dr John McKeown, Cranagh, Dungriffin Road, Howth, Co. Dublin. The grounds of appeal are as follows...

- The demolition of the existing dwelling on site is inappropriate with the Conservation Officer recommending its preservation. Inadequate consideration has been given of the architectural heritage significance of the

existing structure and no detailed assessment of the existing structure was submitted.

- The proposal would be contrary to Objective CH37 and 38 of the Development Plan.

6.1.7 A third party appeal has been lodged by Thomas P Broughan, 18 Thornbury Lawns, Howth, Co. Dublin. The grounds of appeal are as follows...

- Overdevelopment of the site with inappropriate height, massing and density.
- Out of character at this location and adverse visual impact in the surrounding area.
- Contrary to the objectives of the County Development Plan in terms of height proposed, loss of trees and hedgerows. Concerns regarding loss of existing trees and potential for conditions imposed to ensure protection of trees earmarked for preservation and on previous tree loss on site.
- Failure to address overlooking and overshadowing in the grant of permission with a significant impact in terms of loss of light and privacy to adjoining dwellings.
- Set an undesirable precedent for similar development and inappropriate development close to a special amenity area including an SAC and SPA.
- Lack of adequate ecological impact assessment.
- Inadequate consideration of hydrological impact due to proximity to an existing stream draining to the harbour.
- Traffic issues including an overspill of vehicles into the surrounding area and adverse impact on the adjoining road network.
- Construction impact will be disruptive.

6.1.8 A third party appeal has been lodged by Aoife Grimes, Ballymillish, Dungriffin Road, Howth, Co. Dublin. The grounds of appeal are as follows...

- The appeal highlights the deficiencies of the existing road network with existing issues concerning on-street parking in the area, inadequate width in terms of carriageways and footpaths. Concerns are expressed regarding the traffic impact of the additional turning movements in the area and the impact of the development on on-street car parking in the area due to inadequate levels of off-street car parking.

6.1.9 A third party appeal has been lodged by Graymount House Action Group c/o Darragh Richardson, 3 Thornbury Lawns, Howth Co. Dublin. The grounds of appeal are as follows...

- The appeal site is not of strategic importance or appropriate for higher density due to its location relative to public transport.
- The appeal outlines a number of procedural issues concerning the site location map and the extent of the site.
- The appeal site is not located in an area that would be suitable for taller building heights and would not meet the criteria under the Urban Development Building Height Guidelines.
- The proposal is contrary Development Plan policy in terms of density and height with no justification based on national guidance.
- The proposal is overdevelopment of the site and reduced scale of development would be appropriate and provide for additional housing in the area.
- The appellant notes the provisions of Section 37(2)(b) of the Planning Act and that that proposal does not meet the criteria set out. The proposal is overdevelopment of the site, excessive in density and scale and would be contrary the objectives of the County Development Plan.

6.2. Applicant Response

6.2.1 Response by the applicant Trafalgar Capital Limited.

- The applicant response submitted response to the third party appeals.

- Appropriate construction management will be implemented to reduce impact on existing residential amenity.
- The design has adequate regard to adjoining amenities in terms of separation distance, impact on daylight/sunlight, overlooking and intervisibility of units.
- The existing dwelling on site is not a protected structure or on the NIAH. The existing structure does not lend itself to conversion to provide for units of the required quality.
- The proposal would provide for an appropriate level and scale of development at this location and is consistent with national policy regarding housing.
- The proposal entails significant landscaping proposals on site. The proposal includes a tree survey with the condition of a number of trees meriting their removal.
- The density of the proposal is appropriate at this location and is in accordance with development policy.
- The proposal includes an Appropriate Assessment screening report with it determined that a Stage 2 Appropriate Assessment is not required. The proposal is significantly below the threshold that EIA would be required,
- A Food Risk Assessment was submitted that demonstrated the proposal is satisfactory in terms of Flood Risk.
- The traffic information submitted provides an accurate description of the traffic impact of the proposal, which will be satisfactory.
- The visual impact of the proposal would be acceptable and such has been demonstrated in the photomontages submitted.

6.3. Planning Authority Response

6.3.1 Response by Fingal County Council.

- The PA remain convinced that the omission of fourth floor (third floor) is appropriate. The PA state that they have no further comment to make

regarding the third party appeals and request that the decision to grant is upheld and be subject to a number of conditions applied in granting permission.

6.4. Observations

6.4.1 Observation from Christian Morris, 9 Claremont Road, Howth, Dublin 13.

- The observer refers to the 8 third party appeals submitted and states that the grounds of appeal outlined in each are well-founded, sustainable and should be upheld.

6.4.2 Observation from David Andrews, Ballymillish, Dungriffin Road, Howth.

- The demolition of the existing period dwelling is inappropriate and contrary Development Plan policy. The impact of the proposal in terms visual impact in the area and the status of Howth as an Area of Outstanding Beauty.

6.4.3 Observation from Dr Anna O'Donovan, Crangh, Dungriffin Road, Howth.

- The observation notes that there is an existing issue regarding a dangerous junction outside of the proposed development and is subject to an existing Fingal Case Number CRM 74319/21.

6.5. Further Responses

6.5.1 Response by Graymount House Action Group.

- This response is in relation to the first party appeal submission. The response reiterates that concerns raised in the third party appeal submission summarised above and refutes the arguments raised in response to the third party appeals.

6.5.2 Response by Orla Clancy on behalf of Betty and Declan Clancy, Inis Eagla, Greys Lane, Howth. Co. Dublin.

- This response is in relation to the first party appeal submission. The response takes issue with the applicants' response to the third party appeal submitted by Orla Clancy with the response identifying inaccurate statements regarding the relationship between the proposed development and the third party appellant property in terms of separation distance, setback and scale. The response relates to concerns regard the impact of the proposal on residential amenities.

6.5.3 Response by Dr John McKeown, Cranagh, Dungriffin Road, Howth.

- The response notes that there is an existing issue regarding a dangerous junction outside of the proposed development ad is subject to an existing Fingal Case Number CRM 74319/21.

7.0 **Assessment**

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

Principle of the proposed development

Density

Layout & Design/Development Control Standards

Building height

Visual Impact

Residential Amenity/Adjoining Amenity

Traffic Impact

Tree

Architectural Heritage/existing structure

Flood Risk

First Party Appeal

Appropriate Assessment

7.2. Principle of the proposed development:

7.2.1 The proposal is for demolition of an existing dwelling on site and construction of a four-storey apartment block consisting of 32 no. apartment units. In granting permission the “fourth floor” was omitted under condition number 2. The condition appears to be referring to the third floor as the building is a four-storey structure meaning a grant of permission for a three-storey structure consisting of 28 no. apartments. There are seven third party appeal submissions against the decision to grant permission and a first party appeal against condition no.s 2, 3, 4(b) and 4(c) (no 4(c)).

7.2.2 The appeal site is zoned ‘RS’ with a stated objective to ‘provide for residential development and protect and improve residential amenity’ under the Fingal County Development Plan. New residential development is a permitted use within this zoning objective and is consistent with established use on site and adjoining sites. The principle of the proposed development is satisfactory subject to an appropriate scale, design and quality of development, which are aspects that are to be explored in the following sections of this report.

7.3 Density:

7.3.1 The appeal site has an area of 0.48 hectares and the proposed development consists of 32 no. residential units yielding a density of 67 units per hectare with the approved development (28 units) yielding a density of 58 units per hectares. National policy on density is contained under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’). Chapter 5 relates to Cities and Larger Towns. The application site does not fit readily with the different site contexts identified under Chapter 5. The site can be classified as being on the on the periphery of a large town (defined as population of 5,000 or more) which is classified as Outer Suburban/Greenfield Site “defined as open lands on the periphery of cities or larger

towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities”. The guidelines identify that “the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally”.

7.3.2 I would be of the view that this classification does not fully apply with the site in an established residential area a short distance from the village centre and accessible to public transport infrastructure. Under Chapter 5 in relation to public transport corridors the guidelines state that “walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities”. In terms of density I would be of the view that the site is appropriate for higher densities including the density levels both proposed and approved. The appeal site is 1.5km distance from the Howth Dart Station (estimated as a 22 min walk) as well as being walking distance of the village centre of Howth (1km). I would be of the view that the densities proposed are acceptable contingent on other factors including visual and adjoining amenities, traffic impact and other factors that are to be assessed in the following sections of this report.

7.4 Layout & Design/Development Control Standards:

7.4.1 The proposed development provides for 22 no. apartment units consisting of 5 no. two-bed units, 21 no. two bed units and 6 no. three bed units. In granting permission the third floor was omitted reducing the scheme to 28 no. apartments. The 4 no.

apartments omitted include 3 no. three bed units and 1 no. two bed unit. The existing area is characterised by large detached dwellings. The provision of apartment units in the area will add to the variety of housing typologies in the area. I note SPPR 4 of the Building Height Guidelines, 7.4. which requires that planning authorities must secure a greater mix of building heights and typologies in planning the future development of greenfield or edge of city/town locations and avoid mono-type building typologies. As discussed above, the density would be acceptable in the context of the Sustainable Residential Development Guidelines and is therefore also consistent with SPPR 4 in this regard. The development also meets the requirements of SPPR 1 of the Apartment Guidelines. The proposed housing mix is considered acceptable on this basis.

7.4.2 Minimum floor area for apartments under Section 3.4 of the Apartment Guidelines is 45sqm, 63sqm (two bed 3 person units) 73sqm (two bed 4 person units) and 90sqm for one, two and three bed units respectively. All apartments meet these standards. In addition there is a requirement under Section 3.8 for “the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)”. In this case this standard is also met.

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

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

This standard is also met in the proposed (71.88%) and approved development.

All apartment units are provided with balcony areas or garden areas. The requirement under the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) being for 5, 6, 7 and 9sqm for one bed, two (3 person), two bed (4 person) and three bed units respectively. The proposal meets all

standards in relation to private amenity space. There is a Schedule of accommodation and Apartment Quality Assessment submitted with the application.

7.4.4 The requirements for car parking under Development Plan policy is under Table 12.8 of the County Development Plan. The proposed development has a parking requirement of 55 spaces (approved development 43). The provision is 41 (16 surface and 25 basement) spaces with the applicants stating that such is sufficient based on the location of the site relative to public transport and facilities in the surrounding area. The requirement for cycle parking is under Table 12.9 and is 36 with 81 no. bicycle spaces provided.

7.4.5 The requirement for public open space under Objective PM52 is provision of 2.5 hectares per 1000 population. Objective DMS57A require a minimum 10% of a proposed development site area be designated for use as public open space. The provision of public open space on site is 32% of the site area, which is an acceptable level. A landscaping proposal is included with hard and soft landscaping and the spaces accessible to the development it serves. The quantity of public/communal open space meets development plan requirements.

7.4.6 In considering daylight and sunlight impacts, the Apartment Guidelines (2020) state that PA's should have regard to quantitative performance approaches outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' (Section 6.6 refers). I have had regard to both documents. A Daylight and Sunlight Assessment report has been submitted with the application, which I have considered. I note that internal spaces have been examined. The potential impact in terms of neighbouring properties has also been addressed, which I discuss separately in section 7.5 hereunder. With regard to the internal spaces, the apartment units at ground and first floor have been analysed in the submitted report to determine the Average Daylight Factor for each unit. BRE209 uses the recommendations of BS8206-2 Code of practice for daylighting for ADF of 5% for well day lit space, and also the specific minimum standards for different residential

room types as follows: Kitchens min. 2.0%, Living Rooms min 1.5%, Bedrooms min 1.0%. I note the updated BS EN 17037:2019 has replaced BS8206-2, however, I note BS 2008 remains the applicable standard, as provided for in the s.28 Guidelines and Development Plan, and notwithstanding this the BS and BRE guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. The British Standards BS 8206-2:2008 are where these values in the BRE guidelines are derived from. The BS guidance states that “where one room serves more than one purpose, the minimum average should be for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%). The assessment of the ground and first floor indicate that all bedrooms meet the minimum 1% standard. The units feature shared Living/Kitchen/Dining (LKD) spaces. In the case of such spaces 6 out of 9 units at ground floor exceed 2%. The 3 no. units below 2% have values of 1.65%, 1.64% and 1.48%. In the case of the first floor 7 out of 10 units exceed 2% with the units below 2% having values of 1.98%, 1.81% and 1.87%. All units apart from one unit exceeds the 1.5% figure for living spaces. The study points out that the unit (no. 2) with the LKD less than 1.5% (1.48%) is marginally below and is below such due to existing trees to be retained along the northern boundary.

7.4.7 The results for ADF show that all rooms including bedrooms, living/dining space, kitchens and shared LKD spaces meet the target values in most cases and where they are deficient the levels are still of an acceptable standard in terms of the residential amenities of future residents.

7.4.8 The BRE guidelines state that in terms of sunlight access, for an external garden or amenity space to appear adequately lit throughout the year, it should be capable of receiving at least two hours of sunshine on 21st March on 50% of the space. The report includes an assessment of amenity space for public/communal amenity space within the proposed development. The assessment relates to five spaces identified on site on all side of the proposed block. The level of sunlight ranges from values of 67% up to 100% with all communal space compliant with BRE standards.

7.5 Building height:

7.5.1 The proposal is for a four-storey building with the approved development omitting the third floor level to reduce the building height to three-storeys. The first party appeal concerns application of the reducing the height, whereas the third party appeal and observations raise concern about the building height and the lack of justification for such based on the Building height Guidelines criteria under section 3.2. In relation to the issue of building height, there is no specific restriction on building height at this location. Under development plan policy there are a number of local area with specific objectives restricting height to three-storeys as well specific locations identified on the various maps for the area where height is restricted to three-storeys. Howth does not include such a specific objective and site is not identified for such a restriction. The provision of a building height above three-storeys at this location would not be contrary development plan policy. I would be of the view that the building height proposed should be assessed in the context of the overall visual impact of the development and its impact on adjoining properties, which are aspects dealt with in other sections of this report.

7.6 Visual Impact:

7.6.1 The original proposal is for a four-storey apartment block with the approved development reduced to a three-storey block with omission of the third floor. The indication from the planning assessment of the proposal is that the omission of the third floor is due to visual amenity issues and the context of the site at a location characterised by two-storey properties. The third party appeals and submission during the applications raise concerns about the design and scale of the development in the context of visual amenities given the location of the site in an area with a sylvan character and the classification Howth as an Area of Outstanding Beauty. The application was accompanied by an Architectural Design Statement and photomontages illustrating the visual impact in the surrounding area. The appeal submission included additional verified views from higher ground to the south west.

7.6.2 In terms of overall scale and bulk the proposed structure represents an increased scale of development in an area characterised by suburban type development

consisting of mainly medium to larger style detached two-storey dwellings. The appeal site is large relative to existing residential plots in the vicinity occupied by a larger detached dwelling. The site and the area is characterised by a high level of mature planting (trees and hedgerow). The site itself is characterised by a significant level of trees and planting along its boundaries with the proposal to retain the majority of existing trees and provide for additional planting of trees on site. The impact on trees and submitted documentation in relation to such is examined in a later section of this report.

7.6.3 In terms of overall visual impact the level of visibility and prominence in the area is offset by the high degree of existing trees and vegetation on site. In addition to such the appeal site is larger than average plot for this location and is capable of catering for a larger structure. In addition the more contemporary nature of the design and its flat roof profile mean the proposed structure is not an excessive height relative to existing structure in the area, which are mainly two-storey with pitched roofs. I would be of the view that the overall visual impact of the proposed structure is sufficiently softened by the level of existing trees to be retained on site and the visual impact of the proposed development in the immediate vicinity will not be significant, excessive or negative in the surrounding area. In terms of the wider visual impact views of the proposed development will be partial views and are neutralised/softened by the level of existing trees and vegetation on site and in the surrounding area. The structure will be visible in the surrounding area, however such is not excessively prominent or dominant in my view. I would consider that the visual impact of the proposed development can adequately be absorbed at this location without having a significant or adverse visual impact.

7.6.4. In granting permission the third floor level was omitted and such is subject to a first party appeal. As noted earlier the omission of this level is based on visual impact concerns for the Planning Authority. I would be of the view that the omission of the third floor level is not merited based on visual amenity issues. As noted above the site is well screened in terms of existing vegetation, much of which is to be retained and augmented with additional planting. The third floor level is also setback relative

to the lower levels and does not have a significant physical scale relative to the footprint of the lower levels. I would be of the view that its omission based on visual amenity is unjustified and the design as proposed would be acceptable in the context of the visual amenities of the area. Notwithstanding this view of the development, I do consider that there is a planning justification for omission of the third floor level and such is based on other issues that will be elaborated upon in the following sections of the report.

7.7 Residential Amenity/Adjoining Amenity:

7.7.1 The appeal site is located in an established residential area is adjoined by existing dwellings that back onto the south western boundary (off Grays Lane) as well as an existing dwellings adjoining the eastern boundary. A number of appeal submission have submitted raised concerns regarding the impact of the proposal on adjoining amenities through an overbearing physical impact, overshadowing, loss of light and overlooking/reduced privacy. The proposed block is an L shaped block its main facade running parallel to Dungriffin Road. Parts of the block are set back between 6.838m and 7.32m from the south western boundary at it closest points and 11.572m from the eastern boundary.

7.7.2 A Daylight and Sunlight Assessment report was submitted. The submitted Sunlight and Daylight assessment focused on a number of dwellings to the north, east and south of the site, which are the nearest to the appeal site and the assessment is based on the publication, Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE).

There is an assessment of daylight impact, which is based on an assessment of Vertical Sky Component (VSC). The required calculation for VSC...

VSC 27% or >: Enough Skylight.

VSC <27% BUT > 0.8 times its former value: With Acceptable parameters.

VSC BOTH <27% and <0.8 times its former value: A noticeable reduction (where room layouts are known, a further test of the no skyline can be carried out).

The assessment relates to daylight access on windows at a number of properties surrounding the site. The properties assessed for VSC include Ballymillish, No. 1 and No. 2 Brook Cottage, Calistoga and Inis Eagla to the west and south west off Greys Lane, No. 32 Woodcliff Heights to the south east, Lamorna and Bryonia to the east (all off Woodcliff heights) and No. 1-7 Thormanby Lawns to the north and north west.

7.7.3 In the case of the properties to the west and south west, Ballymillish all windows assessed but one have over 27% VSC values and will remain above this value. The window below the 27% value will be reduced less than 0.8 times its form value. All windows but one assessed on no. 1 Brook Cottage are above the 27% VSC value and will remain above this value. The window below the 27% value will be reduced less than 0.8 times its former value (marginally below 27% VSC value). 2 out of the 5 windows assessed for No. 2 Brook Cottage have over 27% VSC values and will remain above this value. The 3 windows below 27% will be reduced less than 0.8 times its former value. All windows assessed in relation to Calistoga (5) have over 27% VSC values and will remain above this value. All windows assessed in relation to Inis Eagla (5) have over 27% VSC values and will remain above this value.

7.7.4 In the case of properties to the east and south east, No. 32 Woodcliff Heights all windows assessed (5) have over 27% VSC values and will remain above this value. In the case of Lamorna all windows assessed (3) have over 27% VSC values and will remain above this value. In the case Bryonia all windows assessed but three have over 27% VSC values and will remain above this value. In the case of the windows below will not be reduced in value but increase.

7.7.5 In the case of no.s 1-7 Thormanby Lawns to the north and north west, the windows assessed in no.s 4 and 7 all have over 27% VSC values and will remain above this value. No.s 1, 2 and 6 all windows assessed apart from one in each property have over 27% VSC values and will remain above this value. In the case of the windows below the 27% value the level of reduction is less than 0.8 times their former value.

In the case of no.s 3 and 5, all windows but 2 assessed in these properties have over 27% VSC values and will remain above this value. In the case of the windows below the 27% value the level of reduction is less than 0.8 times their former value.

7.7.6 There is an assessment of sunlight impact, which is based on an assessment of Annual Probable Sunlight Hours (APSH). Sunlight may be adversely affected if... APSH <25% or APSH <5% between 21 September and 21 March; AND Receives <0.8 times its former APSH: And Reduction over the whole year > 4% of APSH. The assessment relates to sunlight access on windows on windows at a number of properties surrounding the site. The properties assessed for APSH include Ballymillish, Calistoga to the west and south west off Greys Lane, No. 32 Woodcliff Heights to the south east, Lamorna and Bryonia to the east (all off Woodcliff Heights) and No. 1-7 Thormanby Lawns to the north and north west. In the case of all windows assessed on the properties listed the existing values of windows are above both the annual and winter values and will remain above these values post development. There is one window on Bryonia to the east that has values below the annual and winter values recommended. The proposal would cause no reduction in these values further with an estimated increase in the annual value.

7.7.7 The report includes an assessment sunlight access to existing gardens. The recommended standard under the BRE guidelines is at least 50% of the area should receive at least 2 hours of sunlight on the 21st of March.

If an existing area does not meet this, then the area which can receive 2 hours on the 21st of March should be not less than 0.8 times its former value.

If neither of the above are satisfied, then loss of sunlight is likely to be noticed.

The report assess the garden areas associated with Ballymillish to the west, Calistoga to the south west, the front and rear gardens of Lamorna, which run along the eastern boundary of the site, no. 1-7 Thormanby Lawns. In the case of all properties the garden areas serving such have values in excess of the recommended standards and will retain such post development with no reduction in sunlight access.

7.7.8 The submitted report includes a shadow study showing the pre and post development scenario for various times (7.00 am, 8.00am, 9.00am, 10.00am, 10.30am, 12,00am, 3.00pm, 3.30pm, 5.00pm and 7.00pm, on March 21st, June 21st and December 21st. The existing dwellings are located to the north east and by virtue of their location would not be impacted severely by overshadowing from the proposed development and the shadow study illustrates this fact. I am also satisfied that the submitted report demonstrates that the proposed development would be satisfactory in the context of impact on daylight, sunlight and overshadowing of amenity areas concerning the nearest dwellings at St. Brigid's Cottage and that the recommended standards under the BRE guidelines can be achieved post development. I am satisfied that other dwellings in the area are sufficiently removed from the site in that they would not require assessment based on the BRE guidelines.

7.7.9 The site is triangular in shape with existing dwellings immediately adjoining the south western boundary (dwelling along Greys Lane backing onto the site) and to the east is a two-storey dwelling (fronting Dungriffin Road, with its side boundary adjoining the site). The block is an L shaped block with its long elevations orientated to the north and east, with shorter elevations facing west and south. The original proposal has the third floor set back from the lower floors and the provision of large terrace areas serving the rid floor along the north, eastern, western and southern elevations. To the north of the site is Dungriffin Road with the housing development of Thormanby Lawns on the opposite side of Dungriffin Road. The proposal (both the original and approved) would have no adverse impact on the dwellings to the north with the development block setback from the Dungriffin Road and the road itself providing an adequate degree of separation. In addition existing and proposed planting provides screening of the proposal along its roadside boundary.

7.7.10 The existing dwelling (Lamorna) along the eastern boundary is orientated north south and has its side boundary along the eastern site boundary. The Block is set back between 1m to just over 8m from the boundary with existing dwelling. Existing

boundary treatment along the eastern site boundary consists of mature planting that provide a significant buffer between the proposed development and the existing dwelling. In relation to shadow impact and light levels, it has been demonstrated that the proposal would have no significant or negative impact on this property. In addition existing boundary treatment characterised by mature trees and hedgerow along the eastern site boundary provide a significant buffer between the appeal site/proposed development and the existing dwelling.

7.7.11 There are a number of existing dwellings located along the south western boundary of the site. The design where it adjoins the southern boundary is such that there is a variation in separation distances from the rear boundaries of adjoining properties and a variation in the orientation of facades. There are a number of corner elements that are at their closest points to the boundary and varying between 7.23m and 6.8.38m. The level of separation between the proposed block and the rear of existing dwellings to the south west vary with the majority of existing dwellings over 27m from the block. The nearest dwelling is Calsitoga, which is a single-storey dwelling and is 17.56m at their nearest points. I am satisfied based on the information provided in the sunlight and daylight assessment and shadow analysis the proposal is satisfactory in terms of impact on light levels and in relation overshadowing on these adjoining properties. In relation to overlooking the facades of the proposed development are such that where they are their closest to the boundary they are angled and not directly orientated towards the rear of the adjoining properties. Where they are angled towards the rear of existing properties the level of separation is reasonable amount and all balconies are recessed rather than projecting from the façade of the proposed block. I would consider that this fact in conjunction with existing boundary treatment and proposal to retain the majority of trees and hedgerow on site with augmented planting provide screening. I do consider that there is a some concerns regarding overlooking and such relates to the third floor and the provisions of a significant level of open terraces that are highly useable amenity spaces that due to their height relative to adjoining properties and open aspects do have the potential to lead to overlooking of adjoining properties and that such is not sufficiently offset by existing/proposed planting as it is at lower levels of the proposed block. For this reason I would recommend that the third floor be

omitted by way of condition and that a condition should also be applied preventing the roof being used as open space (there may be a possibility to provide communal open space at roof level, but only set back from all facades apart from the northern faced facing the public road).

7.7.12 One of the appellants' are the owners of a semi-detached two-storey dwelling off Greys lane called 'Matakana'. This dwelling and the attached dwelling have deep rear gardens, which provide a good buffer between the area to rear of the dwellings and the appeal site. The appeal raises concerns regarding the impact of the proposal on a dwelling permitted in the rear gardens of the two semi-detached dwellings. As noted above permission was granted for a dormer style dwelling to the rear of the existing semi-detached dwellings under ABP-307919-20. The appeal in particular raises concern regard overlooking from Apartment no. 19 at first floor level due to its proximity to the boundary with the appellants property and the permitted dwelling. I would note that the daylight and sunlight assessment does not include of the permitted dwelling and given its location due south an assessment is not required. The design of this dwelling is such that there are limited windows on north eastern elevation facing the site and such windows serve an ensuite, utility room and bathroom. All windows serving living spaces and bedrooms are on the main elevation which is south west in orientation or on the north western or south eastern elevation. I am of the view that the proposal would have no adverse impact on the permitted dwelling if constructed or the existing dwellings within whose curtilage it is located, which currently have a deep back gardens and are with a good degree of separation from the site. I would consider that the proposal subject to the amendments outlined above would be satisfactory in the context of the residential amenities of adjoining properties.

7.8 Traffic Impact:

7.8.1 The proposal entails access off the Dungriffin Road with reconfiguration of the existing access point serving the dwelling on site. The appeal submissions and observation raise concern about the traffic impact in relation to its proximity to what is stated as being a dangerous junction, concerns about existing congestion at this

location and inadequate level of parking on site and potential overspill onto the surrounding road network.

- 7.8.2 The proposal seeks reconfigure the existing access, which is located at the north western corner of the site. Dungriffin Road at this location is a 6.5m wide carriage way with footpaths along each side. The site is located within the urban speed limit of 50kph. There is a junction on the north side of the road to the north east of the entrance that serves the housing development of Thormanby Lawns. The Design manual for Urban Streets and Roads recommend visibility standards of 45m in each direction with a 2.4m setback from the public road for roads with design speed of 50kph. The Transportation Section deemed that this standard could be achieved with alteration to the entrance within the confines of the site.
- 7.8.3 In relation to car parking the standards provided and requirement is outlined in an earlier section of this report. 41 spaces are provided to serve the original proposal of 32 units and the approved development of 28 units with the Development Plan requirement being 55 spaces for the original proposal and 43 for the permitted development.
- 7.8.4 The application documents include a number of drawings relating to traffic issues. A drawing is submitted illustrating sightlines at the entrance of 45m in each direction setback 2.5m from the edge of the public road as well as drawing providing swept path analysis for a fire tender, refuse vehicle and a larger car (basement parking).
- 7.8.5 In terms of traffic impact, the appeal site is located in an established residential area within the 50kph urban speed limit. The level of sightline provision is consistent with the required standards for forward visibility and visibility splays set down under the Design Manual for Urban Streets and Roads. In terms of traffic generation the nature of the traffic likely to be generated is in keeping with existing traffic in the area being residential in nature. I would consider that the existing road network, site layout and vehicular entrance layout are acceptable in configuration and layout to facilitate the

type and level of traffic likely to be generated. In addition the location of the site is such that the development is not solely dependent on vehicular traffic with the site in walking and cycling distance of Howth village centre and a major public transport corridor. In relation to car parking I would be of the view that the appeal site is an accessible site and that the level of parking proposed on site is of a sufficient level to cater for both the level of units originally proposed and the level of development approved.

7.9 Trees

7.9.1 The site is site defied by a significant amount of existing trees and planting on site with the area having a sylvain character. The application was accompanied by an Arboricultural Assessment. The assessment include a tree survey and classification of trees based on type/condition/value. The survey identifies 86 tress on site, 7 hedges and 2 shrub borders. 8 trees and 1 hedge are classified as U (existing value would be lost in 10 years), 0 trees are classified as A (high quality/value. Minimum 40 years life), 27 trees are classified as category B (moderate quality/value, minimum 20 years life) and the remaining 51 tress, 6 hedges and 2 shrub borders are classified as low quality/value, minimum 10 years life).

7.9.2 The impact of the development amounts to the removal of 34 of the existing trees, 5 of the 7 hedges and the 2 shrub borders. This is broken down in to 8no. category U, 4 no. category B and 22 no. category C trees. The report submitted includes measures to be implemented during construction to ensure protection of existing trees to be retained. The aboricultural assessment is sufficient detailed to determine the impact of the proposal and gives detail regard the condition and value of existing trees on site. The proposal entails the retention of the majority of the trees on site as well as the planting of new trees, which are detailed in the landscape plans for the site. I would be of the view that the level of tree removal proposed is not excessive with the majority of existing trees being retained and the attractive character of the site and being retained.

7.9.3 A number of the appeal submission raise the issue of tree removal at a previous time prior to the application. The information on file none of the trees are subject to tree preservation orders. Notwithstanding such I can only assess the site based on its current condition and not on a retrospective basis that cannot be quantified. The documents submitted include sufficiently detailed information regard existing trees on site and the impact of the proposal on such. I satisfied that the level of intervention is reasonable and the proposal provides for the retention of the majority of existing trees on site.

7.10 Architectural Heritage/existing structure:

7.10.1 The proposal entails demolition of an existing dwelling on site. The dwelling is a 19th century house that is attractive in character and of considerable age. The third party appeal submission question the appropriateness of demolition of this structure on the grounds of architectural heritage and conservation. The appellant points to Development Plan policy under Objectives CH33 and CH37, which seek that historic stock be retain/re-used. The third party appeal submissions question why the existing dwelling cannot be incorporated into a proposed development with extension and converted to facilitate new development.

7.10.2 The existing dwelling on site is of considerable age and is attractive in architectural character. Notwithstanding such the existing dwelling is not a protected structure, is not within an Architectural Conservation Area and is not included in the National Inventory of Architectural Heritage. I would be of the demolition of the existing dwelling is not precluded by Development Plan policy and that the loss of the existing structure is acceptable subject to the provision of a development of adequate quality and with adequate regard to physical impact and adjoining amenity.

7.11 Flood risk:

7.11.1 The issue of flooding was raised on the submissions and third party appeals. The application was accompanied by a Flood Risk Assessment. The appeal site is at low risk of fluvial, pluvial, tidal and groundwater flooding, is land zoned for residential

development and for the purposes of flood risk classification is in Flood Zone C. There is no requirement for the carrying out of the sequential justification test.

7.12 First Party Appeal:

7.12.1 The first party appeal concerns the application of the following conditions...

Condition no. 2: Omission of fourth floor.

Condition no. 3: Permission authorises 28 no. apartments.

Condition no. 4: (a) Changes to elevation finishes to be agreed, (b) omission of the provision of railings serving balcony areas and replacement with glazed balustrades.

The proposal has been assessed above on a de novo basis. As noted above I would consider that the omission of the third floor (condition wrongly refers to fourth floor) is justified, however such is on the basis of protecting adjoining residential amenity and not based on visual amenity. In relation to condition no. 4, which relates to changes to elevations and use of glazed balustrades on the balconies instead of railings, I would consider that the overall design and elevational treatment proposed is of a satisfactory standard. I would recommend a standard condition requiring the specific external finishes to be agreed with the Planning Authority prior to the commencement of development.

7.13 Appropriate Assessment:

7.13.1 This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening submitted with the application. I have had regard to the submissions of prescribed bodies in relation to the potential impacts on Natura 2000 sites.

The Project and Its Characteristics

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

The European Sites Likely to be Affected (Stage I Screening)

7.13.3 The development site is not within or directly adjacent to any Natura 2000 site. The site is located within an existing residential area to the south of Howth Village. The characteristics of site are that it is occupied by an existing detached dwelling with gardens with existing trees and planting. The submitted AA screening report and Ecological Impact Statement describes the site characteristics of the site.

7.13.4 I have had regard to the submitted Appropriate Assessment screening, which identifies that while the site is not located within or directly adjacent to any Natura 2000 areas, there are a number Natura 2000 sites sufficiently proximate or linked to the site to require consideration of potential effects. The sites listed in the submitted screening report are listed below with approximate distance to the application site indicated:

Site Name & Code	Approx. distance from site
Howth Head SAC (000202)	330m
Rockabil to Dalkey Island SAC (003000)	1.3km
Baldoyle Bay SAC	1.4km
Irelands Eye SAC	2.2km
North Dublin Bay SAC	2.4km
Malahide Estuary SAC	7.2km
South Dublin Bay SAC	8.2km
Lambay Island SAC	11.6km
Rogerstown Estuary SAC	12.8km
Howth Head Coast SPA	780m

Irelands Eye SPA	1.7km
North Bull Island SPA	2.3km
Baldoyle Bay SPA	3.3km
South Dublin Bay and River Tolka SPA	7.2km
Malahide Estuary SPA	7.8km
Dalkey Island SPA	11.1km
Lambay Island SPA	11.3km
Rogerstown Estuary	12.3km

In my view the zone of influence of the project does not extend to the sites listed and based on the information on file and the characteristics of the designated sites listed, these sites are outside of the zone of influence of the project.

7.13.5 The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie), as well as by the information on file, including observations on the application made by prescribed bodies and I have also visited the site.

7.13.6 The applicants screening report concludes that the proposed development will have no direct effects due its remote location relative to the designated sites and no hydrological link to the designated sites listed. The screening conclusion is that there is no likelihood of significant effects on designated sites by the project either on its own or in-combination with any other plan or project.

7.13.7 The qualifying interests of all Natura 2000 Sites considered are listed below:

European Sites/Location and Qualifying Interests

Site (site code) and Conservation Objectives	Distance from site (approx.)*	Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)
Howth Head SAC (000202) To maintain the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	300m	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Rockabil to Dalkey Island SAC (003000) To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SPA has been selected.	1.3km	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]
Baldoyle Bay SAC (000199) To maintain the favourable conservation condition of the qualifying interests.	1.4km	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]
Ireland's Eye SAC (002193) To maintain the favourable conservation	2.2km	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]

condition of the qualifying interests.		
North Dublin Bay SAC (000206) To restore the favourable conservation condition of the qualifying interests.	2.4km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Malahide Estuary SAC (000205) To maintain or restore the favourable conservation condition of the qualifying interests.	7.2km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
South Dublin Bay SAC (000210) To maintain the favourable conservation condition of the qualifying interests.	8.2km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>

Lambay Island SAC (000204) To maintain the favourable conservation condition of the qualifying interests.	11.6km	Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Halichoerus grypus (Grey Seal) [1364] Phoca vitulina (Harbour Seal) [1365]
Rogerstown Estuary SAC (000208) To maintain the favourable conservation condition of the qualifying interests.	12.8km	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
Howth Head Coast SPA (004113) To maintain or restore the favourable conservation condition of the qualifying interests.	780m	Kittiwake (Rissa tridactyla) [A188]
Ireland's Eye SPA (004117) To maintain or restore the favourable conservation condition of the qualifying interests.	1.7km	Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200]
North Bull Island SPA (004006) To maintain the favourable conservation	2.3km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052]

<p>condition of the qualifying interests.</p>		<p>Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>
<p>Baldoyle Bay SPA (004016) To maintain the favourable conservation condition of the qualifying interests.</p>	<p>3.3km</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024) To maintain the favourable conservation condition of the qualifying interests.</p>	<p>7.2km</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p>

		<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Malahide Estuary SPA (004025) To maintain the favourable conservation condition of the qualifying interests.</p>	7.8km	<p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Dalkey Islands SPA (004172) To maintain or restore the favourable conservation condition of the qualifying interests.</p>	11.1km	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>
<p>Lambay Island SPA (004069) To maintain or restore the favourable</p>	11.3km	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p>

conservation condition of the qualifying interests.		Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]
Rogerstown Estuary SPA (004015) To maintain the favourable conservation condition of the qualifying interests.	12.3km	Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]

The Table above reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

Potential Effects on Designated Sites

7.13.8 The subject site itself does not support populations of any fauna species linked with the qualifying interests or species of conservation interest populations of any European sites. As a result, and due to the distance of the subject site to these SACs/SPAs, there is no significant risk to protected habitats and species of the Natura 2000 sites listed above as a result of habitat fragmentation or loss, disturbance or reduction in species density. There are no ex-situ impacts in the site is composed of a residential site which is not suitable for feeding or roosting wetland

birds. There is a watercourse a short distance west that drains northwards into the Harbour. The appeal site is sufficiently removed from this watercourse as there is no direct hydrological link between the appeal site and the designated sites. The potential for habitat loss or habitat/species fragmentation is ruled out due to no direct habitat loss or alteration. The possibility of a hydrological connection between the proposed development and habitats and species of European sites in Dublin Bay (South Dublin Bay SPA, North Dublin Bay SAC, South Dublin Bay and Tolka River Estuary SPA and North Bull Island SPA) is possible. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, all sites outside of Dublin Bay are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. In relation to the potential connection to sites in Dublin Bay (namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and Tolka River Estuary SPA and North Bull Island SPA) there is no hydrological link during the construction phase of the proposed development as the site is remote from the watercourse draining to the harbour.

7.13.9 Consideration of impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA during the operational phase:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase. Foul water drainage is to existing public infrastructure. Surface water drainage will be to an attenuation tank with outfall to the existing surface water drainage network in the area at a greenfield rate.
- According to the EPA, water quality of the and Dublin Bay coastal waterbody is classified as 'moderate' and 'good' respectively and Dublin bay coastal waterbody has a WFD risk score of 'not at risk'. The surface water pathway creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase standard pollution control measures are to be used to

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

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

environments and to implement the WFD objective of achieving good water quality status in Dublin Bay.

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

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

7.13.11 AA Screening Conclusion

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

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the following:

- (a) the provisions of the Fingal Development Plan 2017-2023, including the zoning objectives for the site',
- (b) the Housing for All-A New Housing Plan for Ireland (September 2021),
- (c) 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
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2020,
- (f) the nature, scale and design of the proposed development,
- (g) the availability in the area of a wide range of social, community and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the planning history within the area,
- (j) the report of the Inspector and the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity and would be acceptable in terms of public health and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.

2. The following amendment shall be implemented. Revised plans outlining the amendments shall be submitted to the Planning Authority and agreed in writing prior to the commencement of development.

(a) The third floor shall be omitted and the roof space shall not be used for open space or be accessible to future residents of the development.

Reason: In the interests of protecting the residential amenities of adjoining properties.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

7. 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.

8. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points. Ducting shall be provided for all remaining car parking spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. Such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transport.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making

available for occupation of any house. Reason: In the interests of amenity and public safety.

10. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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.

11. 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.

12. Site development and building works shall be carried out only between the hours of 0800 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.

13. 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, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

15.

(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

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

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoardings,
- (d) details of on-site car parking facilities for site workers during the course of construction,
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) provision of parking for existing properties during the construction period,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

17. All bathroom/ensuite windows shall be fitted and permanently maintained with obscure glass.

Reason: In the interests of residential amenity.

18. The landscaping scheme as submitted to the planning authority on the 15th day of July, 2021 shall be carried out within the first planting season following substantial completion of external construction works. All trees and hedgerow to be retained shall be fully protected during construction works

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

19.

(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are identified to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained

have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

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

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

21. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

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

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

Colin McBride
Senior Planning Inspector

15th August 2022