



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-312216-21**

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#### **Strategic Housing Development**

Alteration to previously approved ABP-303978-19 for 24 no. additional houses, 42 no. additional apartments, the total number of units remain the same, removal of retail/coffee dock, provision of 1 no. additional substation and increase in car and bicycle parking.

#### **Location**

Glenamuck Road South, Kiltarnan, Dublin 18.

#### **Planning Authority**

Dun Laoghaire Rathdown County Council

#### **Applicant**

Dwyer Nolan Developments Limited

#### **Prescribed Bodies**

None on file

**Observer(s)**

None on file

**Date of Site Inspection**

31<sup>st</sup> August 2022

**Inspector**

Sarah Moran

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## 1.0 Introduction

- 1.1. An Bord Pleanála received a request for alterations to a previously permitted development (reference ABP-303978-19) on 14<sup>th</sup> December 2021, from Armstrong Fenton Associates on behalf of Dwyer Nolan Developments Limited to alter the permission granted for 30 no. houses and 173 no. apartments with all associated site works on lands at Glenamuck Road South, Kiltiernan, Dublin 18. The request for alterations is made under Section 146B of the Planning and Development Act, 2000, as amended.
- 1.2. In accordance with Section 146B (2)(a) of the Planning and Development Act 2000 (as amended) and following a review of the submitted details, it was concluded that the alterations to which this request relates, amounted to a significant alteration to the overall development, and it could not be reasonably concluded that the Board would not have considered the relevant planning issues differently to a material extent, and that other planning issues for consideration might also arise. As a result, the alteration was considered to constitute the making of a material alteration of the terms of the development concerned.
- 1.3. Pursuant to subsection (3)(b)(i) notice was subsequently served on the requestor to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal, and additional drawings to be submitted.
- 1.4. Following the receipt of this information and display period up to 24<sup>th</sup> June 2021, a determination is now required under subsection (3)(b)(ii) of the Act whether to —
  - (I) make the alteration,
  - (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or
  - (III) refuse to make the alteration

## 2.0 Site Location and Description

- 2.1. The subject site is located on the Glenamuck Road, east of the Golden Ball cross roads. The site is approximately 500m to the east of the built up area of Kiltiernan and north of the Glenamuck Road. There is a dwelling known as 'Westgate' to the northwest of the site and a dwelling known as 'Dun Oir' to the west, fronting Glenamuck Road. The newly developed Wayside Football Club and associated playing fields are located on the opposite side of the Glenamuck Road.
- 2.2. The site has a stated area of 4.28 ha and is traversed by a 220 kV power line running in a north/south direction. There is a fall of 5m across the site from south to north, away from the Glenamuck Road. The site is the eastern portion of a larger landholding of c. 19 ha that wraps around the existing Shaldon Wood scheme at the Golden Ball cross roads. The indicative route for the Glenamuck Link Distributor road (GLDR) passes nearby to the east of the site.
- 2.3. The Carrickmines stream runs along the northern site boundary. This is a tributary of the Shanganagh River which ultimately discharges to Killiney Bay. There is a protected structure, Shaldon Grange, accessed from the Enniskerry Road c. 100m to the northwest of the site. There is also another protected structure, Rockville House, within a housing development that is currently under construction on the opposite side of the Glenamuck Road.
- 2.4. The site is located c. 1km to the south west of the Carrickmines Retail Park, c., 1.4km southwest of Ballyogan Wood Luas stop and c. 1.9km west of Carrickmines stop. The general character of the area in the vicinity was previously rural comprising of large detached houses on individual plots but is undergoing a transition to a more suburban area with several large housing developments permitted and / or under construction.
- 2.5. The site was originally in agricultural use with a hedgerow along the road frontage. The development permitted under ABP-303978-19 is currently under construction and the original hedgerow has been partially removed to facilitate the permitted development and a permitted Part VIII road scheme.

### 3.0 Legislation

3.1. Section 146B – 146B(1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2) (a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

3.2. Alteration a material alteration –

Section 146B(3)(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall—

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to—

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change

to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(4) Before making a determination under *subsection (3)(b)(ii)*, the Board shall determine whether the extent and character of—

(a) the alteration requested under *subsection (1)*, and

(b) any alternative alteration it is considering under *subsection (3)(b)(ii)(II)*

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

(5) If the Board determines that the making of either kind of alteration referred to in *subsection (3)(b)(ii)*—

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under *subsection (3)(b)(ii)*, or

(b) is likely to have such effects, the provisions of *section 146C* shall apply.

(8) (a) Before making a determination under *subsection (3)(b)(ii)* or (4), the Board shall—

(i) make, or require the person who made the request concerned under *subsection (1)* to make, such information relating to that request available for inspection for such period,

(ii) notify, or require that person to notify, such person, such class of person or the public (as the Board considers appropriate) that the information is so available, and

(iii) invite, or require that person to invite, submissions or observations (from any foregoing person or, as appropriate, members of the public) to be made to it in relation to that request within such period,

as the Board determines and, in the case of a requirement under any of the preceding subparagraphs, specifies in the requirement; such a requirement may specify the means by which the thing to which it relates is to be done.

Section 146(C)

146C.— (1) This section applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in F477[section 146B(3)(b)(ii)] is likely to have significant effects on the environment.

## 4.0 **Policy Context**

### 4.1. **Section 28 Ministerial Guidelines**

4.1.1. Having considered the nature and extent of the proposal, the receiving environment, and the documentation on file, I consider that the directly relevant section 28 Ministerial Guidelines 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 (as updated 2020)
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities including the associated Technical Appendices.
- Urban Development and Building Heights Guidelines for Planning Authorities
- Architectural Heritage Guidelines for Planning Authorities
- Childcare Facilities Guidelines for Planning Authorities

### 4.2. **Dún Laoghaire-Rathdown County Development Plan 2016-2022**

4.2.1. The previous County Development Plan was in place when the subject decision was issued on 26<sup>th</sup> June 2019. Under that plan, the site was zoned 'Objective A' in the development plan, 'to protect and/or improve residential amenity'. Residential development was 'permitted in principle' under this zoning objective while childcare



service was 'open for consideration'. There was a proposed quality bus / bus priority route running along the Glenamuck Road and the Enniskerry Road, as well as six year road upgrade proposals on the Enniskerry and Glenamuck Roads. The site was subject to Specific Local Objective (SLO) 40 'To implement and develop the lands at Kiltiernan / Glenamuck in accordance with the Kiltiernan / Glenamuck Local Area Plan'. There was a protected structure, Shaldon Lodge, nearby to the west of the site.

4.2.2. The following development plan policies and objectives are noted in particular:

Policy RES3: Residential Density

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

- Sustainable Residential Development in Urban Areas
- Urban Design Manual – A Best Practice Guide
- Quality Housing for Sustainable Communities
- Irish Design Manual for Urban Roads and Streets
- National Climate Change Adaptation Framework – Building Resilience to Climate Change

Policy RES4: Existing Housing Stock and Densification

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

Policy RES7 Overall Housing Mix

It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes

and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

#### Policy RES14 Planning for Communities

It is Council policy to plan for communities in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide'. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

#### Policy UD1: Urban Design Principles

It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

#### Policy UD6: Building Height Strategy

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County. The principles are set out in Appendix 9 of the County Development Plan.

#### Policy SIC11: Childcare Facilities

It is Council policy to encourage the provision of affordable and appropriate childcare facilities as an integral part of proposals for new residential developments and to improve /expand existing childcare facilities across the County. In general at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. The Council will encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage...

Where a new residential development is proposed – with 75+ dwellings (or as otherwise required by the Planning Authority) – one childcare facility shall be provided on site in accordance with Sections 2.4, 3.3.1 and Appendix 2 of the ‘Childcare Facilities Guidelines for Planning Authorities’ (2001). The provision of childcare facilities within new, and indeed existing, residential areas shall have regard to the geographical distribution and capacity of established childcare facilities in the locale and the emerging demographic profile of the area.

#### **4.3. Kiltiernan Glenamuck LAP 2013 – 2023**

4.3.1. The Kiltiernan Glenamuck LAP was adopted in 2013 and extended until 2023. The overall strategy for the LAP lands reflects that of the County Development Plan, based on the roads improvement objectives for the Glenamuck District Distributor Road (GDDR) and Glenamuck Local Distributor Road (GLDR) to bypass Kiltiernan village, facilitating the development of the village centre and a new civic node. There is a Section 49 Supplementary Development Contribution Scheme for the GDDR, which also includes as a separate infrastructure project of Regional Surface Water Attenuation Ponds that are required to affect the SUDS drainage scheme for the new roads and the development lands within the LAP area. The LAP also provides for some upgrading of the existing Glenamuck Road to provide pedestrian and cycle facilities and the upgrading of the Enniskerry Road to a traffic calmed street to function as part of the neighbourhood centre. Section 2.2 of the plan sets out a broad framework and principles of development including objectives RE01-RE09 relating to residential development and which includes RE03 which seeks to facilitate the provision of appropriate densities and a mixture of dwelling types and tenures taking into account proximity to public transport corridors, site topography, sites of archaeological interest/protected structures and natural features.

4.3.2. Section 10 of the LAP sets out the phasing requirements and details that up to 700 dwelling units can be accommodated on an existing upgraded road network, in advance of the GDDR scheme, as Phase 1. LAP section 10.6 sets out 13 criteria to be considered in the case of developments in advance of that scheme, with the following locations to be considered as part of Phase 1:

Phase 1(a) to comprise c. 350 dwelling units:

- A. Glenamuck Road Upper / North Portion (c. 200 dwelling units). This area encompasses the lands designated as 'medium / higher density residential' at the northern section of Glenamuck Road.
- B. Node at junction of Enniskerry and Glenamuck Roads (c. 150 dwelling units). This area includes the lands designated as 'medium density residential' to the east of Enniskerry Road. Any proposed developments must include the improvement of the Glenamuck Road.

In relation to surface water attenuation the following is noted:

*In advance of the construction of the Regional Surface Water Attenuation Ponds it will be necessary to incorporate stringent Sustainable Drainage Systems (SUDS) measures on each development site. In particular for all sites whose site plan area is greater than 0.5 hectares (ha) or where the number of residential units proposed exceeds twenty (20) or whose proposed commercial area exceeds 500 square metres it is proposed to require the preparation of Stormwater Impact Assessments and Stormwater Audits.*

Phase 1(b) to comprise c. 350 dwelling units:

- C. Concentrated at village core / along Enniskerry Road. Including lands zoned as 'neighbourhood centre' and 'residential' along the Enniskerry Road. Development is dependent on delivery of a traffic calming scheme and must include the improvement of the Enniskerry Road through the 'village core'.

The site is within Phase 1(a) B as per the LAP phasing map.

4.3.3. The 13 planning criteria to be used in the assessment of planning applications up to 700 dwellings are as follows:

- Conformity with the Kiltiernan Glenamuck Local Area Plan, 2013-2019, and which promote and facilitate the achievement of its vision and objectives.
- Demonstration of a high level of architectural quality and urban design and are sympathetic to the special character of Kiltiernan Glenamuck.
- Achievement of local road / footpath improvement and traffic management measures.

- Consolidation of the existing development node at Glenamuck Road (northern section), including 'The Park' development at Carrickmines.
- Consolidation of Kiltiernan village.
- Planned within the context of an overall outline Master Plan for individual and affiliated land holdings (in order to prevent piecemeal development).
- Compatibility with later phases of development.
- Facilitation of the orderly development of adjoining property/land holdings.
- Proximity to the Luas Line B1 and within the catchment area for the Section 49 Supplementary Development Contribution Scheme for Luas Line B1.
- Availability of environmental services. Specifically, the Council will monitor and have regard to capacity at the Shanganagh Wastewater Treatment Works to ensure that wastewater from any proposed development in the LAP area can be accommodated in accordance with the Wastewater Discharge License for the Works.
- Incorporation of acceptable Sustainable Drainage System (SUDS) measures on each development site.
- Likelihood of early construction.
- Provision of an appropriate level of active and passive open space and community facilities. Specifically, the Council, in conjunction with the Department of Education and Skills, will have regard to the capacity of local schools to accommodate development, in accordance with the "Code of Practice on the Provision of Schools and the Planning System"

4.3.4. As per the Inspector's Report of ABP-303978-19, DLRCC Transportation Department (on foot of the conclusions of the Part VIII Council Enniskerry Road/ Glenamuck Road Junction Upgrade Part 8 Environmental Report Volume 1 (May 2017) have stated that the number of units that can be accommodated within Phase 1 has been increased from 700 units up to 1,050 units.

4.3.5. As per LAP Map 1, the development site is primarily within LAP land parcel 6 b with a small portion of the eastern side of the site within land parcel 5 b. The following objectives for land parcels 6 a and b are noted:

- Medium density residential. Detached houses, terraces, duplexes, courtyard type housing. Apartments may be appropriate adjacent to the GDDR and to provide a buffer to the proposed medium density residential to the south. Density of 40-45 units/ha.
- Height of 2-4 storeys at 6b. Any four storey element to be concentrated along the proposed main road and link / distributor roads and / or at key entrances to sites. Heights of up to five storeys at 6a fronting to the distributor road.
- Site is constrained by the 220 kv overhead power lines.
- Access to be provided off existing Glenamuck Road and Enniskerry Road.
- Requirement for a local access loop road within the site. Provisions to prevent 'rat running' through the site between the Glenamuck Road and the Enniskerry Road.
- Presence of Shaldon Grange protected structure and curtilage to be acknowledged.

4.3.6. The LAP also provides for a 'greenway' route west of the landholding and outside the development site, connecting the Glenamuck Road with the Enniskerry Road west of the Golden Ball.

4.3.7. LAP objective RE03 provides:

*To facilitate the provision of appropriate residential densities and a mixture of dwelling units, types and tenures taking into account proximity to public transport corridors, site topography, sites of archaeological interest / protected structures and natural features.*

LAP Table 4.1 provides for a total of 2,600 – 3,000 new residential units. Land Parcel 6b is identified as a 'constrained site', to be developed at a density of 40-45 units/ha or 550-630 units. LAP section 4.8 sets out design guidance for residential development. The LAP Building Heights Map indicates 2-4 stories for the entire development site. The LAP envisages three bands of residential density, i.e. a band of higher density proximate to the Luas catchment (45-55 units/ha), a medium density band further from the Luas catchment but close to the village core (40-45 units/ha) and the lowest density band west of Enniskerry Road and south of Ballychorus Road (35-40 units/ha). LAP objective 4.3 requires 20% of all dwelling units in new developments to be provided as social / affordable units.

4.3.8. LAP chapter 5 includes the following movement and transportation objectives in addition to those mentioned above:

- The existing Enniskerry Road and Glenamuck Road are to be the main public transport routes for the area with a new bus gate where the Enniskerry Road joins with the extended GLDR. Only public transport vehicles, cyclists and pedestrians are to be allowed access to and from Kiltiernan Village from the Enniskerry Road at the bus gate. All other vehicles will not be allowed to make this movement. There is another bus gate at the junction of the Glenamuck Road and the GLDR, to the east of the development site.
- Traffic improvements proposed for the portion of (traffic calmed) Enniskerry Road aligned through the Kiltiernan Village Core, from The Church of Ireland Parish site to the north to the Enniskerry / Ballybetagh Road junction to include provisions for cyclists and pedestrians. Upgrading of the section of Enniskerry Road that traverses the Kiltiernan civic node with traffic calming measures.

#### 4.4. **Kiltiernan Neighbourhood Framework Plan**

4.4.1. This is incorporated as an appendix of the current LAP. The framework plan sets out masterplan provisions with regard to block structure, use mix, architectural style and materials but does not include any specific provisions for the development site.

#### 4.5. **Enniskerry Road / Glenamuck Road Part VIII Scheme**

4.5.1. The Part VIII scheme relates to the Enniskerry Road / Glenamuck Road (Golden Ball) junction. The scheme involves the following:

- Widening of both sides of the Glenamuck Road to allow for the provision of left and right turning lanes, cycle lanes and footpath approaching the Golden Ball junction. Also removal of a 'pinch point' at Cromlech Close.
- General upgrading of the Golden Ball junction to provide improved pedestrian and cycle facilities. Cycle lane/tracks on Glenamuck Road.
- Provision of a new right turning lane on the Enniskerry Road at the southern approach to the Golden Ball junction with a new frontage to the Kiltiernan Country Market at the eastern side of the road.

- Improved pedestrian crossings incorporated within signalised junctions including new crossings on the northern and western sides of Enniskerry Road.
- Upgraded public lighting.
- Attenuation pond to the east of Glenamuck Road.

Part VIII approval was granted at a meeting of Dun Laoghaire Rathdown County Council on 11<sup>th</sup> September 2017.

## 5.0 Planning History

### 5.1. Parent Permission ABP-303978-19

5.1.1. The development proposed under ABP-303978-19 comprised:

- 30 no. houses comprising 20 no. three bed units and ten no. four bed units, up to three storeys.
- 173 no. apartments comprising 31 no. one bed units, 124 no. two bed units and 18 no. three bed units within 12 blocks up to six storeys in height. The apartments incorporate duplex units.
- Non-residential development including crèche (480 sq.m.); retail unit (c. 83.5 sq.m.); social/amenity facility (c. 299.4 sq.m.) and two no. electricity substations (c. 45sq.m.).
- 6,115 sq.m. public open space (14.38% of site area) and 1,219 sq.m. communal open space for the apartments.
- 268 no. car parking spaces, 312 no. bicycle spaces and 24 no. motor bike spaces to be provided at surface and basement level.
- New access from the Glenamuck Road and the provision of access connection points (vehicular, cycle and pedestrian) to future adjacent development lands to the west and north west. Internal roads, cycle paths, footpaths, landscaped open space and play areas.
- Surface water attenuation and ancillary site development works, boundary treatments, lighting and site services.

5.1.2. The Board granted permission on 26<sup>th</sup> June 2019 subject to 29 no. conditions. Condition no. 6 specified:



*Prior to the commencement of development, the applicant shall submit revised plans for the written agreement of the Planning Authority. The revisions will relate to the pedestrian linkage referred to as proposed connection point two in section 5.2 of the Masterplan, Connections and Open Space Hierarchy Report and shall comprise a redesign of the proposed connection to ensure that it is universally accessible.*

*Reason: In the interests of inclusion and pedestrian permeability.*

The remaining conditions imposed did not involve any substantial changes to the development.

## **5.2. Adjoining Site ABP-306160-19**

- 5.2.1. Relating to an adjoining site to the immediate west of the development site, also on Glenamuck Road South. Permission granted for the demolition of Greenmount and Dun Oir, construction of 197 no. residential units (62 no. houses, 135 apartments) and associated site works.

## **5.3. Adjacent Site ABP-300731-18**

- 5.3.1. Relating to a site immediately opposite the development site, on the other side of Glenamuck Road South. Permission sought for 141 no. residential units (98 no. houses and 43 no. apartments/duplexes), provision of a creche, construction of link access road between Enniskerry Road and Glenamuck Road, and all associated site works. The Board refused permission on 26<sup>th</sup> April 2018 for the following stated reasons:

1. Kiltiernan has been designated as a 'Future Development Area' in the Core Strategy set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Furthermore, the County Development Plan includes a specific objective for a proposed quality bus/bus priority route running along the Glenamuck Road to the east of the site. In addition, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) indicate that residential densities within existing or planned public transport corridors should be a minimum of 50 units per hectare, but with a provision that minimum net densities can be specified in Local Area Plans. In this regard, the Kiltiernan Glenamuck Local Area Plan 2013 specifies that minimum net densities of 40 – 45 units per hectare should apply to the subject site and adjoining lands. The site of

the proposed development is on serviceable lands, within the development boundary of Kiltiernan, in an area earmarked for residential development with access to existing and planned public transport. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Dublin City and to the established social and community services in the immediate vicinity, and would not conform to the minimum densities required in the Local Area Plan and the Guidelines. Furthermore, it is considered that the proposed development does not provide for an appropriate mix of dwelling types, being predominantly semi-detached housing, to comply with the overall provisions set out in the County Development Plan. The proposed development would, therefore, be contrary to the provisions of the County Development Plan, Local Area Plan and to these Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied, on the basis of the documentation submitted with the application, both in the drawings and accompanying report, that the information received is appropriately referenced, sufficiently detailed and supported by site specific investigations, in order to facilitate a comprehensive examination of the storm water proposals for the proposed development. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed layout would result in a substandard level of pedestrian/cycle connection, particularly to the lands to the east / north-east of the application site. This lack of connectivity would be contrary to the principles espoused by the Design Manual for Road and Streets (2013) and the Urban Design Manual, a companion document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) which includes 'Connections' as one of the 12 criteria for the design of residential development. The proposed development would fail to provide for the necessary integration and permeability between different sections of the overall development area as set out in the Local Area Plan, and would be contrary to national policy guidance, and would,

therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the location and height of the proposed houses, crèche/duplex block and apartments in close proximity to the adjoining residential property to the north (Shaldon Lodge), it is considered that the proposed development would seriously injure the residential amenities of this residential dwelling, by reason of its overbearing impact and by reason of overlooking, particularly from the terraces and balconies in the proposed development's most proximate duplex unit and apartments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

## **6.0 Requested Alterations**

### **6.1. Summary of Requested Alterations**

6.1.1. The requested alterations are listed as follows:

- Omission of creche from ground and first floors of Block H1 and provision of six no. additional apartments in Block H1 in lieu.
- Omission of retail/ café from ground floor of Block G1 and provision of one no. additional apartment in Block G1 in lieu.
- Social amenity facility reduced from 299 sq.m. to 270 sq.m.
- Additional floor to Block G2 with five no. additional apartments to this block.
- Additional floor to Block H2 with seven no. additional apartments to this block.
- New apartment Block H3, with a ground floor creche, 27 no. apartments and associated site works to include access road and parking, located at the western side of the development.
- Omission of permitted apartment Blocks C, C1, C2, J1 and J2 at the western side of the development. Omission of permitted duplex units and open space at the northern end of the development and their replacement with four bed houses and associated private gardens with provision of new public open space which

provides pedestrian access to the Sheldon Grange Development at the adjacent site to the west.

- Revised roads layout. Amendments to the permitted basement access ramp and associated surface and basement parking.
- Increased overall car parking provision from 268 no. spaces to 302 no. spaces. Increased overall cycle parking provision from 312 no. spaces to 328 no. spaces. Reduction in motorcycle parking provision from 24 no. spaces to 18 no. spaces.
- One new additional ESB substation.

6.1.2. The key parameters of the permitted development and the requested alterations may be compared as follows:

	<b>ABP-303978-19</b>	<b>Requested Alterations</b>
<b>Site Area</b>	4.28 ha	4.28 ha
<b>Total Residential Units</b>	203	203
<b>Housing Mix</b>	30 no. houses and 173 no. apartments comprising: 20 no. 3 bed houses 10 no. 4 bed houses 31 no. 1 bed apartments 124 no. 2 bed apartments 18 no. 3 bed apartments	55 no. houses and 148 no. apartments comprising: 24 no. 3 bed houses 31 no. 4 bed houses 42 no. 1 bed apartments 106 no. 2 bed apartments 0 no. 3 bed apartments
<b>Residential Density</b>	47.4 units/ha	47.4 units/ha
<b>Building Height</b>	2-6 storeys	2-6 storeys
<b>Dual Aspect</b>	77%	57%
<b>Public and Communal Open Space</b>	6,155 sq.m. public open space 8,964 sq.m. residual open space including area beneath the power line	5,656 sq.m. public open space 10,454 sq.m. residual open space including area beneath the power line
<b>Ancillary Development / Other Land Uses</b>	2 no. ESB substations Retail unit / café in Block G1	3 no. ESB substations Retail unit / café omitted

<b>Childcare</b>	Creche in Block H1 480 sq.m. accommodating 56 no. children and 12 no. adults	Relocated creche in Block H3 480 sq.m. accommodating 56 no. children and 12 no. adults
<b>Roads / Vehicular / Pedestrian Access</b>	New access to Glenamuck Road. Development frontage to Glenamuck Road to incorporate permitted Part VIII Scheme.	Site access, frontage to Glenamuck Road and internal roads layout are generally unchanged.  New pedestrian connection to adjoining green route at western site boundary.
<b>Parking</b>	268 no. car parking spaces 312 no. cycle parking spaces 24 no. motorcycle parking spaces	302 no. car parking spaces 328 no. cycle parking spaces 18 no. motorcycle parking spaces
<b>Part V</b>	Total of 20 no. units comprising: 6 no. one bed apartments 6 no. two bed apartments 6 no. three bed houses 2 no. four bed houses	Total of 20 units comprising: 6 no. one bed apartments 6 no. two bed apartments 6 no. three bed houses 2 no. four bed houses

## 6.2. Requestor Rationale

6.2.1. The requestor's submitted rationale for the alterations may be summarised as follows:

- The requested alterations will improve the housing mix and amenity of the development while maintaining the permitted density. This will be achieved by replacing smaller house types with larger family homes.
- It is proposed to move the creche to a more accessible location to the west of the pylon corridor. This revised arrangement would also provide for a more defined and secure play area by utilising the natural topography of the site at this location.
- The increased height of Blocks G2 and H2 will have no visual impact at Glenamuck Road as the view of these buildings is obscured from the road by intervening apartment blocks.

- This increased height of Blocks G2 and H2, combined with the relocation of the creche, would concentrate the density of the apartments over the permitted basement. This measure will make the construction of the basement viable.
- The requested alterations will result in a negligible increase in foul drainage runoff, with no impact or changes to the permitted design, arrangements, layouts or details of the foul drainage system. They will result in a negligible decrease in the water supply demand due to the loss of 83.5 sq.m. of retail space from block G1. This decrease is minor and results in no impact or changes to the current design, arrangements, layouts or details of the water supply system.
- The proposed reconfiguration of the site layout has no impact on the permitted surface water design arrangements, layouts or details. Having revised the surface water catchment characteristics based on the reconfigured site layout, the effective catchment runoff coefficient remains unchanged at 0.74.
- The requested alterations will not result in any increased flood risk.
- The requested alterations are predicted to have negligible impact with regards to vehicle trip generation and consequently will have no measurable impact on the surrounding transport network.

### 6.3. Particulars Submitted

6.3.1. The request includes, *inter alia*, the following particulars:

- Architectural drawings and cross sections of the requested alterations
- Architectural rationale and Schedule of Accommodation
- Video of requested alterations
- Permitted and requested roads layout
- Infrastructure Report
- Landscape Masterplan
- Daylight, Sunlight and Overshadowing Assessment
- Landscape and Visual Impact Assessment
- Appropriate Assessment Screening Report

- Statement in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001, as amended.
- EIA Screening Report

## **7.0 Planning Authority Submission / Third Party Submissions / Prescribed Bodies**

7.1. No submissions on file.

## **8.0 Assessment**

8.1. The following are considered to be the principal matters for consideration with regard to the requested alterations:

- Quantum of Development and Residential Density
- Housing Mix
- Design and Layout
- Impacts on Visual and Residential Amenities
- Building Height
- Part V
- Childcare Provision
- Movement and Transport
- Drainage and Site Services

These matters may be considered separately as follows.

### **8.2. Quantum of Development and Residential Density**

8.2.1. The development permitted at the subject site under ABP-303978-19 had an overall gross density of 47.4 units/ha, excluding a sterilised area under the power line traversing the site. The requested alterations do not involve any change to the permitted total of 203 no. residential units and therefore the density of the development will also remain unchanged. As per the Inspector's report of ABP-303978-19, the permitted quantum of development and residential density were considered acceptable having regard to relevant provisions of the Kiltiernan

Glenamuck LAP including the 13 criteria to be met by any development availing of the interim phasing arrangements pending completion of the Glenamuck District Road Schemes; the planning history of adjacent sites; the evolving context of the area; the need to maximise investment in costly infrastructure including the Glenamuck District Distributor Road (GDDR) and Glenamuck Local Distributor Road (GLDR) as well as public transport improvements including the proposed bus priority corridor; and also the design and layout of that development which provided extensive landscaped open space including the residual lands underneath the power lines traversing the site. Development plan Policy RES3 and development plan section 8.2.3.2 (ii) refer to residential density in the context of the Sustainable Residential Development Guidelines, which recommends densities higher than 50 units/ha within 1 km of public transport corridors, subject to consistency with other national planning policies. Whilst the permitted density was marginally below 50 units/ha, this was considered appropriate having regard to the transitional character of the area. Given that the overall total number of residential units and the residential density are unchanged, I see no reason to revisit these issues.

- 8.2.2. The requested alterations include the omission of the permitted retail unit / café on the ground floor of Block G1. I have no objection to this in the context of the relocation of the creche to the ground floor of Block H3.

### 8.3. Housing Mix

- 8.3.1. The permitted and requested house types and housing mix may be compared as follows:

Unit Type	ABP-303978-19		ABP-312216-21	
	No. of Units	% of Total	No. of Units	% of Total
<b>Houses</b>				
3 bed house	20	10%	24	12%
4 bed house	10	5%	31	15%
<b>Total Houses</b>	<b>30</b>	<b>15%</b>	<b>55</b>	<b>27%</b>
<b>Apartments</b>				
1 bed apartment	31	15%	42	21%
2 bed apartment	124	61%	106	52%



3 bed apartment	18	9%	0	0
<b>Total apartments</b>	<b>173</b>	<b>85%</b>	<b>148</b>	<b>73%</b>
<b>Total units</b>	<b>203</b>		<b>203</b>	

The requested alterations therefore effectively result in an increased number of three and four bed houses and one bed apartments, with a reduced number of two bed apartments and no three bed apartments. The requested revised housing mix is in accordance with SPPR 1 of the Apartment Guidelines, which states that housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s). I note that DLRCC did not undertake any Housing Need and Demand Assessment for this area of the county under the 2016-2022 County Development Plan. I am satisfied that the revised overall housing mix is generally acceptable and will enhance the range of housing typologies in the area in accordance with national planning policy. Development plan policy RES7 and LAP Objective REO3 are also noted in this regard. The requested revised housing mix is considered acceptable on this basis.

#### 8.4. Design and Layout

##### 8.4.1. Proposed Design and Layout

The permitted and requested revised designs and layouts may be compared as follows:

- The overall roads layout is generally unchanged with the same access and frontage to Glenamuck Road, to allow for the permitted Part VIII layout at this location, and with the same internal roads layout. The access to the basement car park beneath Blocks G1, G2, H1 and H2 and the internal basement car and cycle parking layout are revised. There is a new pedestrian connection to the green route along the western site boundary.

- The permitted development ranges in height from two to five storeys with a six storey pop up element to Block G1, located on a sloping part of the site. The heights of Blocks G1 and H1 at the eastern side of the site frontage to Glenamuck Road are unchanged in the requested alterations. However, the internal layouts of the blocks are altered such that the creche and associated outdoor area at the ground floor of Block H1 are omitted and six no. additional apartments are provided in lieu and a retail unit / café at the ground floor of Block G1 is omitted and one additional apartment is included in lieu. The requested alterations also include an additional storey to Blocks G2 and H2 to the rear of Blocks G1 and H1 such that they are now 5-6 storeys, with five no. additional apartments in Block G2 and seven no. additional apartments in Block H2.
- The permitted three storey duplex blocks at the eastern and northern ends of the development are omitted, to be replaced by the new five storey Block H3 and a row of three storey four bed House Types C, C1, C2, C3, C4 and C5 with private gardens to the rear.
- The creche and associated open space are relocated to the ground floor of Block H3.
- The permitted three storey Blocks C, C1 and C2 at the northern end of the development are omitted and replaced by two and three storey House Types A1, A2, A3, B, D1, D2, D3, E1, E2 and E3, as per the revised housing mix set out above. These house types are primarily three storey with two storey houses at the north eastern corner of the site.
- The overall layout of public open space is generally unchanged, with large areas of open space at the south western corner of the site, adjacent to the access to the green route, and at the centre of the site under the power line.
- There is an additional ESB substation at the eastern side of the site, to the rear of Block H2.

#### 8.4.2. Design and Layout General Issues

As the requested alterations do not involve any increase in the total number of residential units or any significant alterations to the overall layout of the development, I do not consider that any new issues arise in terms of open space

provision, consistency with DMURS, or indeed the overall quality of the design and layout, noting the updated landscaping details submitted. I also note from the Daylight and Sunlight Assessment Report that all the proposed external amenity spaces achieve well in excess of the BRE.209 criterion of achieving at least two hours potential sunlight on March 21<sup>st</sup> to the majority of its area. I consider that the interaction with the permitted green route at the western site boundary is acceptable overall. While the House Type C units in the requested revised layout will present rear gardens rather than active facades to the green route at the western site boundary, the overall level of surveillance of the green route is unchanged from that of the permitted layout, which included duplex blocks with associated open spaces at this part of the site. In addition, the proposed new Block H3 will provide an increased level of surveillance to the green route and the revised layout also includes a new pedestrian connection to the green route. The requestor submits that the revised location of the creche will facilitate an improved drop off / collection area adjacent to the access to the development from Glenamuck Road South, also that the revised layout in this part of the site will provide for a more secure play area for the creche by utilising the natural topography of the site at this location. These points are considered reasonable and I also note that the crèche at the ground floor of Block H3 would be more accessible to the wider area, given its proximity to the green route. I am satisfied overall that the requested alterations will result in a high standard of public realm and amenity within the development, which will also make a contribution to place making in this emerging, transitional area, noting also the constraints present at the site including site topography, the overhead power lines and the frontage to the Glenamuck Road Part VIII Scheme.

#### 8.4.3. Quality of Residential Accommodation Including Daylight Standards Within Apartments

The proposed new apartment types and layouts replicate those within the permitted development and, having regard to the submitted Schedule of Accommodation and to the plans, sections and elevations, I am generally satisfied that they meet the quantitative standards and SPPRs of the Apartment Guidelines. The requested alterations will result in a reduction in the overall proportion of dual aspect apartment units from 77% to 57%, which is commensurate with the omission of duplex blocks and their replacement with a single apartment block. This reduced figure is

consistent with the Apartment Guidelines stated objective of a minimum 50% dual aspect units on greenfield sites. I note also that the orientation of the new Block H3 is northwest / southeast such that there are no new single aspect north facing units. I therefore consider that the requested alterations will result in a development that is consistent with national planning policy on residential development and a satisfactory quality of accommodation for future residents of the scheme.

In terms of ancillary facilities /amenities, the requested alterations involve the omission of a permitted retail unit / coffee dock in Block G1, as well as a reduction in the area of the social amenity facility from 299 sq.m. to 270 sq.m. The requested revised layout also includes an additional ESB substation to the east of Block H2. I do not consider that these alterations will result in any significant reduction in the overall residential amenity of the development.

The submitted Daylight and Sunlight Assessment Report, dated May 2022, considers daylight in the habitable rooms of the revised Blocks G1, G2, H1, H2 and H3 and a sample of the proposed new house types. The following assessment is based on the submitted Daylight and Sunlight Assessment Report, noting that no such assessment was submitted with ABP-303978-19.

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

also state that planning authorities should have regard to these BRE or BS standards.

The submitted Daylight and Sunlight Assessment relies on the standards in the BRE Report "Site Layout Planning for Daylight and Sunlight". I also note the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK), however this updated guidance does not have a material bearing on the outcome of this assessment and the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines, i.e. BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I have considered the requestor's Daylight and Sunlight Assessment and I have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of Practice for Daylighting).

Section 6 of the Daylight and Sunlight Assessment examines daylight within the proposed additional apartments in Blocks G1, G2, H1, H2 and H3 as well as a sample of the proposed new house types on the basis of Average Daylight Factor (ADF) of habitable rooms. In general, ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values of ADF that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen /living/dining (LKD) layout. It does however, state that where a room serves a dual purpose the higher ADF value should be applied. Almost all of the proposed apartments have combined LKDs, and the applicant's Analysis applies ADF target values of 2% to the combined LKDs, which is satisfactory based on the higher ADF values being applied to rooms with a combined function, as discussed above. Where the proposed units have separate kitchen and living areas, all such rooms exceed the recommended targets. The results of the analysis of the proposed new apartment units may be summarised as follows:

Block / Floor	No. of LKDs	LKDs > 2% ADF	No. of Bedrooms	Bedrooms > 1% ADF
Block G1 GF	1	1	2	2
Block G2 4 <sup>th</sup> Fl	5	5	9	9
Block H1 GF	3	3	3	3
Block H1 1 <sup>st</sup> Fl	3	3	4	4
Block H2 4 <sup>th</sup> Fl	6	4	12	12
Block H3 1 <sup>st</sup> Fl	7	7	11	11
Block H3 2 <sup>nd</sup> Fl	7	7	11	11
Block H3 3 <sup>rd</sup> Fl	7	7	11	11
Block H3 4 <sup>th</sup> Fl	7	7	11	11

Section 7.2.2 of the Daylight and Sunlight Assessment presents the overall results of the assessment such that all of the bedrooms analysed meet the target ADF and 124 of the 126 no. LKDs (c. 98%). The two LKDs that did not meet the 2% target, apartments nos. 31 and 32 on the 4<sup>th</sup> floor of Block H2, had ADFs of 1.86% and 1.87% respectively. I note that these results would be well above the 1.5% ADF standard that is generally considered to be appropriate for LKDs in higher density urban schemes where there are challenges in meeting the 2% ADF in all instances, and to do so would unduly compromise the design/ streetscape. In addition, the units in question will overlook the landscaped communal amenity spaces to the rear of Block H2, which will provide a satisfactory outlook.

The above analysis indicates an overall compliance rate of c. 98% in the proposed new apartments. The proposed new house types analysed have a 100% compliance rate. I therefore consider that a satisfactory percentage of units within the overall revised development would exceed the BRE targets and that the overall level of residential amenity is acceptable, is considered to be in reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs, and which in any event LKDs are not specifically stipulated in the BRE guidance.

In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research

Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the requested alterations have been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this accessible and serviced site within Dun Laoghaire Rathdown, in accordance with national policy guidance, are in my opinion acceptable, are in compliance with the relevant BRE and BS standards and therefore the associated requirements under the development plan and section 28 guidelines are satisfied.

To conclude, having regard to all of the above, I consider that the proposed new apartments and house types will achieve a satisfactory standard of residential accommodation in accordance with national planning policy.

#### **8.5. Impacts on Visual and Residential Amenities**

- 8.5.1. There is an individual residential property known as Westgate to the immediate north west of the site, as well as individual residential properties in the wider vicinity of the site. A residential development has been permitted to the immediate west of the development under ABP-306160-19, which includes the 4-5 storey apartment Block A adjacent to the western side of the permitted development. ABP-306160-19 also involves the demolition of existing residential properties to the west of the development.
- 8.5.2. The documentation submitted includes photomontages, CGI's and a Landscape and Visual Impact Assessment (LVIA) of the altered development. The LVIA, carried out between April and June 2022, considers views of the altered development from 11 no. viewpoints in the vicinity, including views from the approximate alignment of the planned Glenamuck District Distributor Road (GDDR) and the Glenamuck Link Distributor Road (GLDR), two no. views from the Shaldon Grange protected structure and two no. views from the Westgate residential property to the northwest of the site. There are no protected views or prospects in the area likely to be affected by the development. Having regard to the site inspection and to my knowledge of the area, I am satisfied that the viewpoints chosen are representative of the wider area and include the most potentially sensitive viewpoints. The LVIA assesses overall

visual impacts of the completed development, including the requested alterations, as 'moderate positive' in the context of this changing, transitional area. It states that the requested alterations will involve a slight change in visual impacts from various locations from those of the permitted development, due to the revised location of the blocks and to the increased height, however the overall impacts are assessed as slight and not significant. In particular, the LVIA does not predict any new visual impacts to the GDDR, the GLDR or the Shaldon Grange protected structure. The requested alterations will not involve any change to visual impacts during the construction phase.

8.5.3. Having regard to the submitted photomontages, which included the permitted development and to the requested alterations, as well as the submitted layouts, drawings, cross sections and elevations of the permitted development and the requested alterations, I am generally satisfied overall that the requested alterations will not involve any substantial changes to the appearance, height, bulk, or scale of the permitted development such that there will be any significant increase in impacts on visual and residential amenities. In addition, having inspected the site and viewed it from a variety of locations in the area, I do not consider that the requested alterations will result in any significant change in visual impacts from those of the permitted development, particularly when considered in conjunction with the permitted Part VIII road works at Glenamuck Road. I note and accept in this regard the requestor's contention that the increased height of Blocks G2 and H2 will not be visible from Glenamuck Road. I also note that there are no third party submissions on file.

8.5.4. Section 2.2.4 of the BRE guidelines states in relation to daylight to existing buildings:

*Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases, the loss of light will be small..." (para. 2.2.4)*

The submitted Daylight and Sunlight Assessment of the requested alterations provides analysis of impacts on Block A within ABP-306160-19 to the immediate west of the development. Daylight or sunlight impacts are not analysed at any other adjacent residential properties with regard to the above guidance and to relative



orientation and intervening distances. Section 5 of the Assessment sets out a detailed analysis of Vertical Sky Component (VSC) values at windows in Block A facing the development including the requested alterations. In general, VSC is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. All of the windows analysed in Block A meet the BRE recommendations and the overall impact on Block A is assessed as imperceptible. I am therefore satisfied that the development will not have any significant adverse impact on residential amenities by way of overshadowing, noting also the submitted shadow analysis in this regard.

8.5.5. I note that there are two no. protected structures in the vicinity of the development site, namely (i) Shaldon Grange, accessed from the Enniskerry Road, which is situated c. 100m to the northwest of the site and (ii) Rockville House, which is located within a housing development that is currently under construction on the opposite side of the Glenamuck Road. I am satisfied that the requested alterations will not have any significant adverse impact on the settings of these protected structures, with regard to the submitted LVIA and to the changing context of the surrounding area, where lands are zoned for development and several new residential developments have been permitted.

## 8.6. **Building Height**

8.6.1. The permitted development ranges in height from two to five storeys with one pop up feature of six storeys on a sloping part of the site at Block G1. The requested alterations would result in heights of 4-5 storeys at Blocks G1 and H1 (unchanged), 5-6 storeys at Blocks G2 and H2 (one additional storey) and five storeys at the proposed new Block H3 located on the western side of the site.

8.6.2. Section 4.8 of the Kiltiernan Glenamuck LAP states the following in relation to building height:

*Within the Medium-Higher Density Res. zone, while 3-4 storeys would generally be encouraged, up to five storeys will be acceptable but these elements should be*

*focussed primarily on the proposed distributor road, and as corner elements at road junctions.*

The LAP Building Heights map indicates building heights of 2-4 storeys at the relevant land parcels 5B and 6A.

8.6.3. It is submitted that the proposed five storey height of Block H3 is in keeping with that of the adjacent Block A within the eastern side of the development permitted under ABP-306160-19, as per submitted cross sections. Both blocks face a green route along the intervening site boundary and would provide passive surveillance along same. This point is accepted and, noting that the LAP provides for five storey heights at certain locations including corner elements, and with regard to the topography of the site and the height of the adjacent Block A, the five storey height of Block H3 is considered acceptable and within the scope of LAP provisions on building height.

8.6.4. However, I consider that the six storey height of Blocks G2 and H2 would materially contravene LAP policy on building height as set out above. I accept that national planning policies to increase residential densities in settlements, as set out in the National Planning Framework, and the Building Height Guidelines, provide for increased building heights in the context of the delivery of more compact growth in our urban areas and making optimal use of the capacity of sites in urban locations and in optimising the effectiveness of past and future investment in public transport services and walking and cycling networks. In addition, SPPR 3 of the Building Height Guidelines states:

*It is a specific planning policy requirement that where;*

- 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and*
- 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise ...*

However, notwithstanding these provisions in national planning policy, which might allow for the consideration of an additional storey at the development site subject to

the principles and criteria set out in section 3 of the Building Height Guidelines, I note in this instance that ABP-303978-19 was not considered to materially contravene the Kiltiernan Glenamuck LAP in relation to the matter of building height. The requestor has not submitted a Material Contravention Statement and, given that the requested six storey height would materially contravene the LAP, the additional floors to Blocks G2 and H2 therefore cannot be considered in this instance.

## 8.7. Part V

- 8.7.1. The Part V provision for the requested alterations is unchanged from that proposed in the permitted development, i.e. a total of 20 no. units comprising six no. one bed apartments, six no. two bed apartments, six no. three bed houses and two no. four bed houses. A revised Part V layout is submitted, indicating the units it is proposed to transfer. The apartments are located in Block H3 and the house units are located in the northern part of the site. There is no correspondence on file from DLRCC Housing Department in relation to the requested alterations.
- 8.7.2. LAP objective 4.3 requires 20% of all dwelling units in new developments to be provided as social / affordable units. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021, which requires a contribution of 20% of land that is subject to planning permission, to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. Condition no. 27 of ABP-303978-19, which requires a Part V agreement, shall apply in this instance.

## 8.8. Childcare Provision

- 8.8.1. The stated area and capacity of the creche are unchanged at 480.4 sq.m., to accommodate 56 no. children and 12 no. adults. Section 2.4 of the S28 Childcare Guidelines recommends:

*Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. (See also paragraph 3.3.1 and Appendix 2 below). The threshold for provision should be*

*established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas ...*

Appendix 2 of the Childcare Guidelines provides guidance on the application of the standard of one childcare facility per 75 dwellings, which should have regard to:

- 1. The make-up of the proposed residential area, i.e., an estimate of the mix of community the housing area seeks to accommodate. (If an assumption is made that 50% approximately of the housing area will require childcare then in a new housing area of 75 dwellings, approximately 35 will need childcare. One facility providing a minimum of 20 childcare places is therefore considered to be a reasonable starting point on this assumption. Other assumptions may lead to an increase or decrease in this requirement.)*
- 2. The results of any childcare needs analysis carried out as part of a county childcare strategy or carried out as part of a local or action area plan or as part of the development plan in consultation with county childcare committees, which will have identified areas already well-served or alternatively, gap areas where there is under provision, will also contribute to refining the base figure.*

- 8.8.2. Section 4.7 of the Apartment Guidelines states the following in relation to the provision of childcare facilities:

*Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.*

- 8.8.3. While the requested alterations do not change the total number of residential units, the housing mix is revised as set out above, with an increased number of three and four bed houses and one bed apartments, a reduced number of two bed apartments and no three bed apartments. I estimate that the revised housing mix would entail a

maximum requirement for 43 no. childcare places, if all of the proposed two bed apartments are taken into account (excluding one bed units). I am therefore satisfied that the creche will adequately cater for the childcare demand generated by the requested alterations.

## 8.9. Movement and Transport

8.9.1. The requested alterations do not involve any substantial changes to the permitted roads layout and I therefore consider that no new issues arise in relation to the interaction of the development with the layout of the permitted Enniskerry Road / Glenamuck Road Part VIII scheme, including pedestrian and cycle facilities. I note that the revised layout includes a new pedestrian connection to the green route at the western site boundary, which is to be welcomed.

8.9.2. The revised design and layout of the requested alterations provides 302 no. car parking spaces including 131 no. basement spaces for the apartments, 12 no. accessible spaces and 34 no. electrical vehicle charging points. This provision for the apartments and revised house types may be considered with regard to development plan car parking standards as follows, after Table 1.2 of the submitted Infrastructure Report by DBFL:

Unit Type	No. of Units	Development Plan Parking Requirement	Proposed Provision
3 bed house	24	48 no. spaces	48 no. resident spaces 5 no. visitor spaces
4 bed house	31	62 no. spaces	62 no. resident spaces 6 no. visitor spaces
1 bed apt	42	42 no. spaces	42 no. resident spaces 4 no. visitor spaces
2 bed apt	106	159 no. spaces	106 no. resident spaces 10 no. visitor spaces
Creche	480.4 sq.m.	12 no. spaces	19 no. spaces
<b>Total</b>		<b>323 no. spaces</b>	<b>302 no. spaces</b>

The Infrastructure Report notes that the proposed overall provision of 302 spaces for the requested alterations equates to 1.75 spaces per house and 1.0 spaces per apartment, whereas the development permitted under ABP-303978-19 provided a total of 268 no. car parking spaces, or 2.0 no. car parking spaces per house and 1.0 spaces per apartment/duplex unit. The Apartment Guidelines recommend the following:

*In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.*

I consider that the development site meets the criteria for an intermediate urban location given the developing road network and given that in the future, the public transport offering serving the site will improve and mobility management measures will be implemented, as per the designation of the Glenamuck Road as a proposed quality bus route and given the improved pedestrian and cycle facilities to be provided under the Part VIII scheme. The proposed car parking provision for the requested alterations is considered acceptable on this basis.

8.9.3. The requested altered cycle parking provision may be considered with regard to development plan cycle parking standards and the cycle parking standards set out in the Apartment Guidelines as follows:

Unit Type	Development Plan Standard		Apt Guidelines Standard		Requested Alterations Cycle Parking Provision	
	Long Stay	Short Stay	Long Stay	Short Stay	Long Stay	Short Stay
3 bed house 24 no. units	24	5	-	-	8	5
4 bed house 31 no. units	31	6	-	-	11	6
1 bed apt 42 no. units	42	8	42	21	42	21
2 bed apt	106	31	212	53	217	54

106 no. units						
Creche 480.4 sq.m.	3	6			3	6
Sub Total	206	46	254	74	278	92
<b>Total</b>	<b>252</b>		<b>328</b>		<b>370</b>	

The proposed cycle parking provision therefore meets or exceeds the requirements of the development plan and the Apartment Guidelines.

- 8.9.4. Given the limited quantum of increased car parking provision and noting that the requested alterations do not involve any increase in the total number of residential units, it is considered that the alterations will not generate a significant amount of additional traffic such as would warrant a revised Traffic and Transportation Impact Assessment. I note the submitted Infrastructure Report by DBFL Engineers, which assesses the alterations and concludes that any potential change in impacts on the surrounding road network as a result of the requested alterations would be imperceptible. I am therefore satisfied that no significant additional traffic or transport impacts will arise as a result of the alterations.

#### 8.10. Drainage and Site Services

- 8.10.1. As per the submitted Infrastructure Report, the requested alterations will result in a negligible decrease in water supply demand and foul drainage runoff due to the loss of 83.5 sq.m. of retail space from Block G1. The alterations will not result in any changes to the permitted water supply system or foul drainage design, arrangements, layouts or other details of the water supply or foul drainage systems. Irish Water have issued Confirmation of Feasibility and Design Acceptance letters, which confirm that their network can accommodate the proposed water demand and foul discharge rates.
- 8.10.2. The Infrastructure Report states that the requested alterations will have no impact on the permitted surface water design arrangements, layouts or details, and the permitted surface attenuation system remains appropriate for the anticipated surface water run-off volumes. A revised Surface Water Drainage Strategy with a reduced site discharge rate of 23.80 l/s was agreed with DLRCC at planning stage and has

been adopted for the design. All details of the original Site Specific Flood Risk Assessment remain unchanged, with no significant flood risk identified.

8.10.3. I am therefore satisfied that the alterations will not result in any significant change in impacts from the permitted development in relation to surface water drainage or site services.

## 8.11. **Conclusion**

8.11.1. Having regard to the above assessment, it is considered that the requested alterations are acceptable in principle on these residentially zoned and serviced lands under the Dun Laoghaire Rathdown Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013-2023 (as extended), noting that they do not involve any increase in the total number of permitted residential units, and with regard to the accessible location of the site in an emerging residential area with a wide range of social infrastructure and public amenities. I consider that the design and layout, as altered, will result in a satisfactory standard of residential accommodation and will not result in any significant adverse impact on residential or visual amenities, or on the settings of nearby protected structures. In addition, it is considered that the revised car and cycle parking provision is acceptable with regard to local and national planning policy, that the proposed roads, pedestrian and cycle layout will interact successfully with the permitted Enniskerry Road / Glenamuck Road Part VIII Scheme and with the green route at the western site boundary and will not result in any significant new traffic impacts. I also note that the requested alterations will not result in any change to site services or any new surface water or flooding impacts. However, the proposed additional floors to Blocks G2 and H2 contravene the Building Heights Map and section 4.8 of the Kiltiernan Glenamuck Local Area Plan 2013-2023, which generally provide for building heights of 3-4 storeys in this area, with up to five storeys at certain locations. These aspects of the requested alterations should therefore be omitted by condition.

## 9.0 **Environmental Impact Assessment Screening**

9.1. Under S146B(4), the Board must consider whether the proposed material alterations would be likely to have significant effects on the environment, before making a determination under S146B(3)(b)(ii).



9.2. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

In addition, item 13(a) of Schedule 5 Part 2 refers to changes and extensions to permitted developments:

Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than –
  - 25 per cent, or
  - an amount equal to 50 per cent of the appropriate threshold,whichever is the greater.

9.2.1. The development permitted under ABP-303978-19 fell below the above thresholds being a total of 203 no. residential units at a site with a stated area of 4.28 ha. I am satisfied that the subject requested alterations fall below the above thresholds given their overall scale and their scale relative to the original development permitted under ABP-303978-19. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination, it can be concluded that there is no real likelihood of significant effects on the environment.

9.2.2. An EIAR was not submitted with ABP-303978-19, as per the EIA Screening Assessment set out in section 10 of the Inspector’s Report of same. Having regard to the nature and scale of the requested alterations, as set out in section 6.0 above and

as per the above detailed planning assessment, I consider that they will not result in any significant new impacts on visual or residential amenities or any new conservation / heritage impacts. The alterations will not substantially alter the density of the permitted development and will not diminish the standard of urban design or residential amenity achieved within the development. The construction methodology will remain the same, and the proposed alterations will not result in any material changes to the Construction and Environmental Management Plan (CEMP). There will be no significant changes to proposals for the disposal of surface or foul wastewater. There is no change to the SSFRA of ABP-303978-19. Adequate measures are in place to avoid, reduce or mitigate likely impacts, such that neither the construction nor operational phase of the overall development will have a significant negative impact on the environment. I am satisfied overall that no additional construction or operational phase impacts are anticipated, and no likely or potential impacts will be affected by the requested alterations. No additional mitigation or monitoring measures are envisaged.

- 9.2.3. The planning documentation and the Environmental Impact Assessment Screening Report submitted in respect of the requested alterations consider them with regard to the criteria at Schedules 7 and 7A as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The EIA Screening Report concludes that, having regard to the nature, extent, and the characteristics of likely impacts, the requested alterations to the permitted development do not constitute a project defined by Part 1 and Part 2, Schedule 5 of the 2001 Regulations as requiring an EIAR and would not warrant a sub threshold EIA in accordance with Article 103 of the 2001 Regulations. Having regard to the EIA Screening Report, to the other documentation on file and to the original permission ABP-303978-19, including the EIA Screening of same, I note that the requested alterations involve minor modifications to the permitted development and are of a nature and the size that are well below the applicable thresholds for EIA. The alterations do not result in any change to the total number of residential units. They will not increase the risk of flooding within the site. They would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not

subject to a nature conservation designation and does not contain habitats of conservation significance. The alterations will not result in any additional visual or cultural heritage impacts above those of the permitted development. The construction of the requested alterations will not involve any significant changes such that a revised Construction and Environmental Management Plan would be necessary. No significant interactions or cumulative impacts are envisaged in the context of this emerging, transitional location.

- 9.3. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other relevant information on file, including the updated AA Screening Report. The EIA screening of ABP-303878-19 concluded that the development then proposed would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required. I consider that the location of the requested alterations and the environmental sensitivity of the geographical area would not justify a conclusion that they would be likely to have significant effects on the environment. The requested alterations do not have the potential to have effects the impact of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.
- 9.4. I note the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the requestor is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. The request includes a standalone Regulation 299B (1)(b)(ii)(II)(C) statement, which details, *inter alia*, the following assessments that have been carried out in respect of the requested alterations:

- AA Screening Report, Landscape and Visual Impact Assessment in respect of the Habitats Directive (Council Directive 92/43/EEC);
- AA Screening Report and Infrastructure Report in respect of the Water Framework Directive (WFD) (Directive 2000/60/EC);
- Strategic Environmental Assessment (SEA) and Strategic Flood Risk Assessment of the Dun Laoghaire Rathdown County Development Plan 2016-2022, Dun Laoghaire Rathdown Biodiversity Plan 2009-2013 and the EIA Screening Report in respect of the SEA Directive (2001/42/EC);
- Construction Management Plan submitted with ABP-303978-19 in respect of the Environmental Noise Directive (2002/49/EC), the Directive on ambient air quality and cleaner air for Europe (2008/50/EC) and Directive (EU) 2018/850 on the landfill of waste;
- Infrastructure Report in respect of the Floods Directive (2007/60/EC);

I have had regard to the SEA of the statutory plans for the area in which the development site is located. I am satisfied, given the minor nature of the requested alterations, that no other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive are directly relevant in this instance.

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

## 10.0 **Appropriate Assessment**

- 10.1. The authorised development was screened for Appropriate Assessment and it was concluded that it would not be likely to have significant effects on any Natura 2000 site and that an appropriate assessment was not required. The Board is directed to section 11.0 of the Inspector's report of ABP-303978-19, which comprises an AA screening of the permitted development and concludes that, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in

view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required. The Board also completed an AA Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale, and location of the proposed development within a zoned and serviced urban area, the AA Screening Report submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 AA was not, therefore, required.

10.2. I note the zoned and serviced nature of the development site and the fact that the requested alterations do not involve any significant amendments to site services or surface water drainage. Having considered the Board's determination on Appropriate Assessment on ABP-303978-19, section 11.0 of the Inspector's Report on ABP-303978-19, the nature, scale and extent of the requested alterations relative to the development subject of and approved under ABP-303978-19, and the information on file including the submitted updated AA Screening Report dated April 2022, which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.3. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

## 11.0 Recommendation

11.1. As per section 146B(3)(b)(ii), the Board may (I) make the proposed alteration; (II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration. As per the above assessment, the requested alterations are considered acceptable subject to the omission of the additional floors to Blocks G2 and H2. I therefore recommend that in accordance with subsection (3)(b)(ii) of section 146B of the Act 2000 (as amended) the Board – (II) make the alteration, subject to condition, for the reasons and considerations set out below.

## **DRAFT ORDER**

**REQUEST** received by An Bord Pleanála on the 14<sup>th</sup> day of December 2021 from Dwyer Nolan Developments Limited under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a permitted Strategic Housing Development of demolition of an existing house and outbuildings and construction of 30 no. houses and 173 no. apartments, childcare facility and all associated site works at a site at Glenamuck Road South, Kiltiernan, Dublin 18, the subject of a permission under An Bord Pleanála reference number ABP-303978-19.

**WHEREAS** the Board made a decision to grant permission, subject to 31 conditions, for the above-mentioned development by order dated the 26<sup>th</sup> June 2019.

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the permission,

**AND WHEREAS** the proposed alterations are described as follows:

- Omission of creche from ground and first floors of Block H1 and provision of six number additional apartments in Block H1 in lieu.
- Omission of retail / café from ground floor of Block G1 and provision of one number additional apartment in Block G1 in lieu.
- Social amenity facility reduced from 299 square metres to 270 square metres
- Additional floor to Block G2 with five number additional apartments to this block.

- Additional floor to Block H2 with seven number additional apartments to this block.
- New apartment Block H3, with a ground floor creche, 27 number apartments and associated site works to include access road and parking, located at the western side of the development.
- Omission of permitted apartment Blocks C, C1, C2, J1 and J2 at the western side of the development. Omission of permitted duplex units and open space at the northern end of the development and their replacement with four bed houses and associated private gardens with provision of new public open space which provides pedestrian access to the Sheldon Grange Development at the adjacent site to the west.
- Revised roads layout. Amendments to the permitted basement access ramp and associated surface and basement parking.
- Increased overall car parking provision from 268 number spaces to 302 number spaces. Increased overall cycle parking provision from 312 number spaces to 328 number spaces. Reduction in motorcycle parking provision from 24 number spaces to 18 number spaces.
- One new additional ESB substation.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alterations would result in a material alteration to the terms of the development, the subject of the permission,

**AND WHEREAS** the Board decided, in accordance with section 146B(3)(b)(i) of the Planning and Development Act 2000, as amended, to require the submitted information to be placed on public display and submissions sought, prescribed bodies to be issued a copy of the proposal and additional drawings to be submitted,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alterations would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3)(b)(ii)(II) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered, in accordance with the plans and particulars received by the Board, subject to the omission of the requested additional floors to Blocks G2 and H2:

The requested additional floors to Blocks G2 and H2 shall be omitted.

**Reason:** The requested additional floors would materially contravene the Building Heights Map and section 4.8 of the Kiltiernan Glenamuck Local Area Plan 2013-2023 (as extended), which generally provide for building heights of 3-4 storeys in this area, with up to five storeys at certain locations.

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

## **REASONS AND CONSIDERATIONS**

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



- (a) The policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013-2023 (as extended);
- (b) The Rebuilding Ireland Action Plan for Housing and Homelessness, 2016;
- (c) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (d) The Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (e) 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, and as amended;
- (f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Minister in December 2020;
- (h) The Planning System and Flood Risk Management (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009;
- (i) The nature and scale of the Strategic Housing Development, permitted under An Bord Pleanála Reference Number ABP-303978-19,
- (j) The examination of the environmental impact, including in relation to European sites, carried out in the course of that application;
- (k) The limited nature, scale and extent of the alterations;
- (l) The absence of any significant new or additional environmental concerns (including in relation to European sites) arising as a result of the proposed alterations,

- (m) The absence of any new or significant issues relating to the proper planning and sustainable development of the area arising from the proposed alterations, and
- (n) The report of the Board's Inspector.

### **Appropriate Assessment Screening**

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

### **Environmental Impact Assessment**

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

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the

environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

**Conclusions on Proper Planning and Sustainable Development:**

The Board considers that the proposed alterations would be material and, subject to compliance with the above condition, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience.

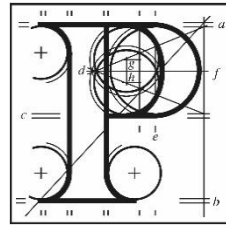
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Sarah Moran  
Senior Planning Inspector

1<sup>st</sup> September 2022



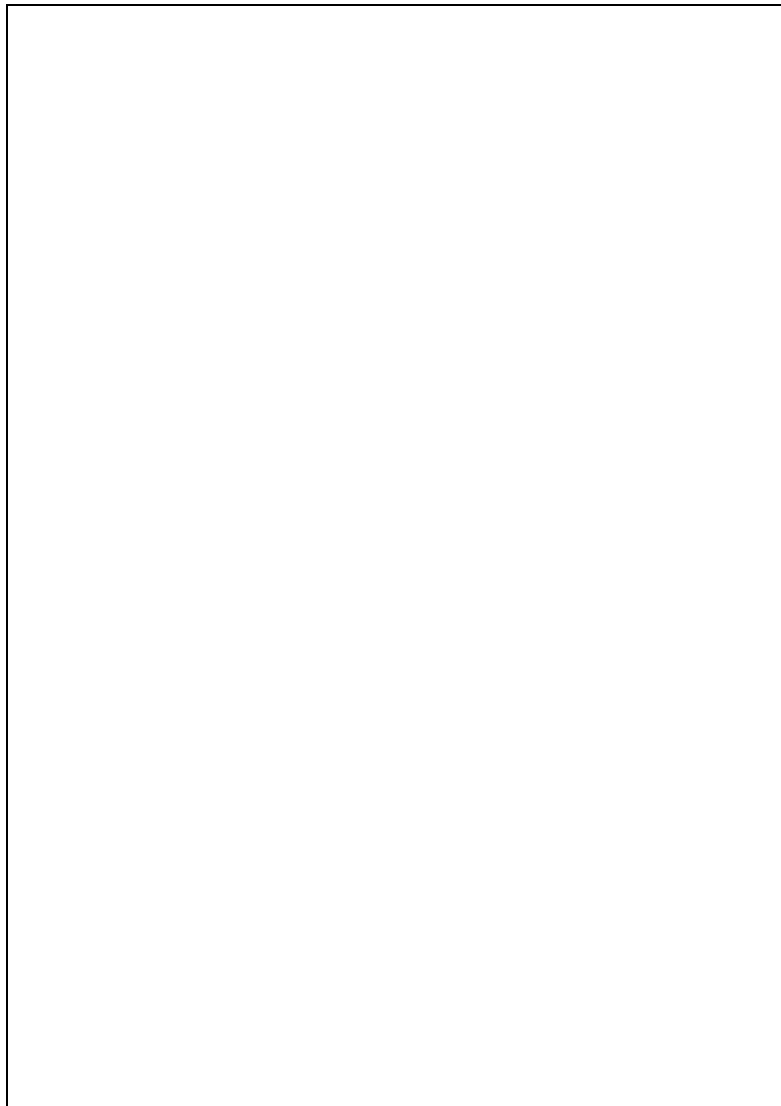
## Appendix I: EIA Screening Form



An  
Bord  
Pleanála

### EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-312216-21
Development Summary		<p>Alterations to permission ABP-303978-19 to result in:</p> <ul style="list-style-type: none"><li>• Omission of creche from ground and first floors of Block H1 and provision of six no. additional apartments in Block H1 in lieu.</li><li>• Omission of retail/ café from ground floor of Block G1 and provision of one no. additional apartment in Block G1 in lieu.</li></ul>



- Social amenity facility reduced from 299 sq.m. to 270 sq.m.
- Additional floor to Block G2 with five no. additional apartments to this block.
- Additional floor to Block H2 with seven no. additional apartments to this block.
- New apartment Block H3, with a ground floor creche, 27 no. apartments and associated site works to include access road and parking, located at the western side of the development.
- Omission of permitted apartment Blocks C, C1, C2, J1 and J2 at the western side of the development.
- Omission of permitted duplex units and open space at the northern end of the development and their replacement with four bed houses and associated private gardens with provision of new public open space which provides pedestrian access to the Sheldon Grange Development at the adjacent site to the west.

		<ul style="list-style-type: none"> <li>• Revised roads layout. Amendments to the permitted basement access ramp and associated surface and basement parking.</li> <li>• Increased overall car parking provision from 268 no. spaces to 302 no. spaces. Increased overall cycle parking provision from 312 no. spaces to 328 no. spaces. Reduction in motorcycle parking provision from 24 no. spaces to 18 no. spaces.</li> <li>• One new additional ESB substation.</li> </ul>
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	An EIAR and AA Screening Report were submitted with the application
<b>2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	<b>No</b>	
<b>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	<b>Yes</b>	SEA undertaken in respect of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  <b>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</b> <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b>	<b>No</b>	The alterations comprise the construction of residential units on zoned lands. The nature and scale of the requested alterations are not regarded as being significantly at odds with the surrounding pattern of development.	No
<b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b>	<b>Yes</b>	The proposed alterations are located on greenfield lands at Glenamuck Road, Dublin 18, within Dun Laoghaire Rathdown. The requested alterations are not considered to be out of character with the pattern of development in the surrounding area.	No



<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p><b>No</b></p>

<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>This is an alteration to an existing permitted development. The development changes have been considered in their entirety and will not give rise to any significant additional effects.</p>	<p><b>No</b></p>
<p>2. Location of proposed development</p>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ul style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> </ul>	<p><b>No</b></p>	<p>No European sites located on the site. An AA Screening Report accompanied the original application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the sites Conservation Objectives.</p>	<p><b>No</b></p>

<p><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></p>			
<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>No</b></p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>No</b></p>	<p>There are protected structures in the vicinity of the site, however the proposed alterations do not negatively impact on these.</p>	<p>No</p>
<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>No</b></p>	<p>No such features arise in this urban location.</p>	<p>No</p>

<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>No</b></p>	<p>The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely significant effects are anticipated.</p>	
<p><b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b></p>	<p><b>No</b></p>	<p>Site investigations identified no risks in this regard.</p>	<p>No</p>
<p><b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b></p>	<p><b>No</b></p>	<p>The site is served by a local urban road, pedestrian and cycle network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p>	<p>No</p>
<p><b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>The alterations would not be likely to generate additional demands on educational facilities in the area.</p>	<p>No</p>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>	No	<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	EIAR Not Required
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed alterations, which are below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) the location of the site on lands zoned for residential development under the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Kiltiernan Glenamuck Local Area Plan 2013-2023 (as extended)
- c) The existing / permitted use on the site and pattern of development in surrounding area,
- d) The planning history relating to the site,
- e) The availability of mains water and wastewater services to serve the proposed alterations,
- f) The location of the alterations outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- h) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and



i) The features and measures proposed by requester envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Construction & Demolition Waste Management Plan (CDWMP) of the parent permission,

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

**Inspector:** \_ Sarah Moran\_\_

**Date:** \_\_1<sup>st</sup> September 2022\_\_

