



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-312347-21**

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#### **Strategic Housing Development**

Demolish house and associated buildings and construct 100 apartments in 2no. three to six-storey blocks and associated development

#### **Location**

Falmore, Falls Road, Dublin 18

#### **Planning Authority**

Dun Laoghaire-Rathdown County Council

#### **Applicant**

J Coffey Property (Falmore) Ltd

#### **Prescribed Bodies**

1. Irish Water
2. Transport Infrastructure Ireland

#### **Observers**

Aine Delany  
Aleya Narbey  
Andrew Hewat  
Brain and Kathleen Carroll  
Brian Bond

Brian Pierce  
Cliona Buckley  
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Deirdre Gordon  
Dermot Fahy & Diana McCabe  
Des & Caroline Cahill  
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Fiona Houlihan  
Joan Cullen  
Ken & Neasa Hainbach  
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Marguerite & David Lawlor  
Mary and Michael Houlihan  
Matthew & Kate McCauley  
Michael & Maura McKenna  
Michelle Colgan  
Patrick & Barbara Pierce  
Patrick Hurley  
Paul Sheridan  
Rathmichael Residents' Association  
Stanley and Ruth Miller  
Stanley DW Miller

Samuel Hamilton

Suzanne Delaney

Terence Smyth

Tracy Byrne

Trevor & Suzanne Storey

Warren & Orla Blackburn

Warren Baxter & Olga Daly

**Date of Site Inspection**

15<sup>th</sup> April 2022

**Inspector**

Colm McLoughlin

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## **1.0 Introduction**

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

## **2.0 Site Location and Description**

- 2.1. Situated 14km to the southeast of Dublin city centre in the Shankill / Rathmichael area along Falls Road, the application site primarily comprises a three-storey house known as Falmore and an associated single-storey outbuilding and shed on expansive grounds measuring 0.92 hectares. Access to the development site is from the outside alignment of a bend on Falls Road, which connects into the Mullinastill Road approximately 460m to the west and Stonebridge Road 75m to the south. The site also comprises two narrow sections running east and north along Falls Road, which are stated to be in the ownership of Dun Laoghaire-Rathdown County Council. Shankill village is situated 0.6km directly to the southeast and Shankill station, the nearest Dart commuter rail station, is situated 0.9km directly to the east of the site.
- 2.2. The eastern boundary is bounded by a deep tree line along an embankment to the M11 motorway, while the M50 motorway is situated 300m to the southwest. The front and rear boundaries, as well as the western boundary with three residential properties, is generally formed by mature hedgerows and trees. Based on survey datum, the land levels on site generally drop downwards by approximately 5m from the southwest boundary to the northern boundary.
- 2.3. The immediate Falls Road area is characterised by low density housing on expansive gardens, while there is a number of residential estates and infill townhouse schemes in the neighbouring area to the east along Stonebridge Road. There are recreational grounds, including a playing field, situated to the southwest of the site adjoining the M50 and M11 motorway corridors. An indicative corridor for a future Luas green line extension adjoins the northern boundary of the site following the route of the former Harcourt Street railway line. There are also high-voltage overhead electricity lines running adjacent and parallel to the northern site boundary.

### **3.0 Proposed Strategic Housing Development**

3.1. The proposed strategic housing development would consist of the following elements:

#### Demolition Works

- Demolition and removal of a three-storey house and associated structures, measuring a stated gross floor area (GFA) of 736sq.m;

#### Construction Works

- construction of 100 apartments in two blocks of three to six storeys over a basement / undercroft carpark, with each apartment to be provided with private open space in the form of terraces or balconies and access to 1,357sq.m. of communal open space;

#### Ancillary and Supporting Works

- provision of 101 car parking spaces, four motorcycle parking spaces and 224 bicycle parking spaces;
- road upgrade works along Falls Road, including new vehicular access and right-turning lane, the installation of pedestrian cycle paths, a set-down space and a car-share parking space;
- works along Falls Road and Mullinastill Road to facilitate a foul water drainage connection and works along Falls Road to replacement the storm water connection to Stonebridge Road;
- provision of a pedestrian/cycle link along the eastern site boundary to facilitate a future potential connection to Parc na Silla;
- provision of 2,468sq.m landscaped public open space in the southwest corner along Falls Road;
- all associated site and infrastructural works, including attenuation tanks, lighting, landscaping, boundary fences, plant areas, electricity substations and all associated site development works.

3.2. The following tables set out the key features of the proposed strategic housing development:

**Table 1. Development Standards**

Site Area (gross)	1.23ha
(net - excluding roadway sections)	0.92ha
No. of apartments	100
Part V units (%)	10 (10%)
Residential Gross Floor Area (GFA)	12,318sq.m
Non-residential GFA (% total GFA)	0sq.m (0%)
Total GFA	12,318sq.m
Basement Car Park	3,452sq.m
Residential Density (net)	108 units per ha
Communal Open Space (% of site area)	1,357sq.m (15%)
Public Open Space (% of site area)	2,468sq.m (27%)
Plot Ratio	0.96
Site Coverage	22%

**Table 2. Unit Mix**

	One-bedroom	Two-bedroom (four-person)	Three-bedroom	Total
Apartments	32	65	3	100
% of units	32%	65%	3%	100%
Bed spaces	32	130	9	171

**Table 3. Maximum Building Heights**

Storeys	Height
6	21.5m

**Table 4. Parking Spaces**

Car parking - Standard	41
Car parking – Electric vehicles	55
Car parking - Universal	4
Car parking – Car share	1
Total car parking	101
Motorcycle parking	4
Cycle parking	224

- 3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Letter of Consent from Dun Laoghaire-Rathdown County Council;
- Statement of Consistency & Planning Report;
- Statement of Material Contravention;
- Childcare Capacity Assessment and Justification Report;
- Statement of Response to Pre-planning Consultation Opinion;
- Design Statement;
- Housing Quality Assessment;
- Schedule of Accommodation;
- Planning Report (addressing architectural heritage);
- Lifecycle Report;
- Infrastructure Design Report;
- Site Specific Flood Risk Assessment;
- Traffic and Transport Assessment;
- Mobility Management Plan;
- DMURS Design Statement;
- Quality Audit;
- Landscape Report;
- Sustainability and Energy Report;
- Public Lighting Report;
- Verified Views and CGIs;
- Screening for Appropriate Assessment (AA);
- Operational Waste Management Plan;
- Noise Impact Assessment;
- Site Specific Management Plan;
- Daylight and Sunlight Assessment Report;
- Ecological Impact Assessment;
- Arboricultural Assessment;
- Landscape and Visual Impact Assessment.

## **4.0 Planning History**

### **4.1. Application Site**

4.1.1. I am only aware of the following planning application as relating to this site:



- An Bord Pleanála (ABP) ref. PL06D.236825 / Dun Laoghaire-Rathdown County Council (DLRCC) ref. D09A/0305 – permission granted by the Board in January 2011 for change of use of house to nursing home with three-storey extension works over basement level to facilitate 53 bed spaces in total.

## **4.2. Surrounding Area**

- 4.2.1. The applicant and the Planning Authority refer to extensive planning applications relating to proposals for development on neighbouring sites, including sites along Falls Road, Parc na Silla (130m to the north), Stonebridge Lane and Shanganagh Road. In February 2021 the Board has granted a strategic housing development for 193 build-to-rent apartments in five to eight-storey blocks at Abingdon on Shanganagh Road 0.6km to the northeast of the site (ABP ref. 308418-20). In November 2021 the Board refused a strategic housing development for 256 build-to-rent apartments and a crèche facility on lands at St. Laurence College, Wyattville Park, located 1.3km to the north of the application site, primarily due to concerns regarding the design and layout of the development and integration with the neighbouring area (ABP ref. 310882-21).

## **5.0 Section 5 Pre-application Consultation**

### **5.1. Pre-application Consultation**

- 5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 12<sup>th</sup> day of January, 2021, in respect of a proposed development comprising 100 apartments and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- design strategy, including building height, Córas Iompair Éireann (CIE) lands, tree removal, context provided by the M11 motorway corridor and Falls Road upgrades and linkages;
- residential amenity, including the potential for overshadowing or overlooking of houses to the west;

- transport issues, including car parking ratio, car-share space and consent for works;
- drainage matters, including surface water and taking in charge details.

## 5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ref. ABP-308680-21) dated the 3<sup>rd</sup> day of February, 2021, An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application under section 4 of the Act of 2016. In the opinion of An Bord Pleanála, the following specific information, in addition to the standard strategic housing development application requirements, should be submitted with any application for permission arising:

- plans for the proposed pedestrian and cycle connectivity with lands to the north;
- updated sunlight and daylight assessments;
- childcare provision analysis and justification;
- car parking provision rationale;
- site specific management plan;
- phasing plan;
- a response to matters raised by the Planning Authority regarding transport upgrade works and links to the lands to the north;
- a response to matters raised by the Planning Authority regarding surface water drainage treatment and flood risk analysis.

5.2.2. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Irish Water;
- Transport Infrastructure Ireland;
- the National Transport Authority;
- CIE;

- the Dun Laoghaire-Rathdown County Childcare Committee.

### **5.3. Applicant's Response to Opinion**

- 5.3.1. The application includes a report titled 'Statement of Response to Pre-application Consultation Opinion'. Section 2 of the applicant's response report outlines the specific application information that has been submitted with the application, while also detailing how the development is considered to comply with the respective requirements listed in the Board's opinion.

## **6.0 Planning Policy**

### **6.1. National Planning Policy**

#### Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040, and within this framework Dublin is identified as one of five cities to support significant population and employment growth. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)' in order to ensure the provision of a social and affordable supply of housing in appropriate locations.
- 6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 3(a) (40% of homes in existing settlement footprints), 3(b) (50% of new homes in the five largest cities, including Dublin), 4 (attractive, liveable, well-designed urban places), 13 (development standards), 27 (transport alternatives) and 35 (increased densities) all relating to densification and compact urban growth.

### Ministerial Guidelines

6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Spatial Planning and National Roads Guidelines for Planning Authorities (2012);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Housing for All – A New Housing Plan for Ireland (2021);
- Climate Action Plan (2021);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (Transport Infrastructure Ireland, 2014);

- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2<sup>nd</sup> Edition 2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Best Practice Guidelines for Delivering Homes, Sustaining Communities – Quality Housing for Sustainable Communities (2007);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development, issued by the Department of the Environment, Heritage and Local Government (2003);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

## **6.2. Regional Planning Policy**

6.2.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.

6.2.2. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing

delivery, integrated transport and land use, and the alignment of growth with enabling infrastructure.

### **6.3. Local Planning Policy**

#### Dun Laoghaire-Rathdown County Development Plan 2016-2022

- 6.3.1. The application site and the adjoining lands to the west have a land-use zoning objective 'A' within the Dun Laoghaire-Rathdown County Development Plan 2016-2022, with a stated objective 'to protect and / or improve residential amenity'. The permitted in principle uses on zoning objective 'A' lands include residential use. There is an objective identified in the Development Plan to protect and preserve trees and woodlands at the application site. The site is identified in the Development Plan as being within 'flood zone C' with a low risk of flooding.
- 6.3.2. Section 2.2 of the Development Plan addressing sustainable communities includes a host of policies relevant in the consideration of the subject application, and section 18.2 of the Development Plan sets out development standards, including those relating to residential development (section 8.2.3), car parking and access (8.2.4), as well as landscaping, trees and open space (8.2.8). Relevant policies and appendices of the Development Plan include the following:
- Policy RES3 – residential density;
  - Policy RES4 – existing housing stock and densification;
  - Policy RES7 – overall housing mix;
  - Policy HS1 – social housing;
  - Policy UD1 – urban design;
  - Policy UD2 – design statement;
  - Policy UD6 – building height;
  - Policy ST6 – footways and pedestrian routes;
  - Policy ST15 – Luas extension;
  - Policy SIC11 – childcare facilities;
  - Policy CC7 – building energy performance;

- Appendix 9 – Building Height Strategy;
- Appendix 13 – Flood Risk Assessment;
- Appendix 16 – Green Roof Strategy.

6.3.3. Dun Laoghaire-Rathdown County Council has decided to adopt a new Dun Laoghaire-Rathdown County Development Plan for the period 2022 to 2028 and it is understood that this will take effect imminently on the 21<sup>st</sup> day of April 2022.

## **7.0 Statement of Consistency**

7.1. The applicant has submitted a Statement of Consistency, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 3 of the statement initially chronicles the stages that shaped the development presented as part of the application and the information provided. Section 6 of the statement refers to the provisions of ‘Project Ireland 2040’, ‘Rebuilding Ireland – Action Plan for Housing and Homelessness’ (2016) and ‘Housing for All – A New Housing Plan for Ireland’ (2021). The statement subsequently addresses Ministerial guidelines, including those referenced in section 6.1 above and other guidance documents. Section 6.12 of the statement focuses on regional planning policy and section 6.13 addresses local planning policy comprising the current Development Plan, as well as the draft Development Plan. Section 7 of the statement refers to the Part V social housing proposals. Specific information pursuant to article 285(5)(b) of the Planning and Development Act 2000, as amended (hereinafter ‘the Act of 2000’), is included in appendix A to this statement. The statement asserts that the proposed development would generally be consistent with national, regional and local planning policy and that the proposed development represents an appropriate scale of residential development on residential-zoned land.

## **8.0 Material Contravention Statement**

8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant asserts that the proposed development would not materially contravene the Development Plan, but that they have taken a conservative approach in this regard and advertised that a material

contravention would arise with respect to the proposed development density, building height and unit mix. Within this statement the applicant sets out their rationale to justify granting permission, including:

- the residential amenities of surrounding properties would not be compromised by the building heights due to the stepped form and positioning of the buildings, and the site area, topography and provision of pedestrian and cycle routes, as well as open space, would justify the building heights;
- there are no justifications for downward modifiers of the building height standards and it is noted that the Development Plan was adopted prior to the NPF, the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (hereinafter the 'New Apartment Guidelines' and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the 'Building Heights Guidelines');
- the density is appropriate based on the proximity to public transport, including Shankill DART rail station, green line Luas services and Dublin bus services 7d, 84, 84a, 145 and 155, Shankill village, as well as schools, a hospital, the M11 and M50 motorways, Cherrywood strategic development zone (SDZ) and Cherrywood business park;
- the proposed density is consistent with national and regional planning policy;
- the proposed unit mix and unit size are permissible having regard to national policy, including specific planning policy requirement (SPPR) 1 of the New Apartment Guidelines;
- the proposed development is continuing on the pattern of development permitted under ABP ref. 308418-20 at the Abingdon site to the northeast and under ABP re. 305844-19 at Woodbrook, Shanganagh to the south;
- when considering applications for infill residential redevelopments on two neighbouring sites along Falls Road (DLRCC ref. D15A/0235 and ABP ref. PL06D.246223), an issue was not raised regarding the proposed increased densities when ultimately refusing permission, in fact the density of 24 units per hectare was considered too low by the Planning Authority prior to an appeal under ABP ref. PL06D.246223.



- 8.2. In conclusion, the applicant asserts that the Board may grant permission for the building height, density and unit mix of the proposed subject strategic housing development having regard to the provisions under subsection 37(2)(b)(i), (iii) and (iv) of the Act of 2000, and the unit mix can also be granted permission having regard to the provisions under subsection 37(2)(b)(ii) of the Act of 2000.

## **9.0 Observers' Submission**

- 9.1. A total of 38 submissions were received within the statutory period from residents of the neighbouring area. These submissions included extracts from planning documents and planning applications, as well as photographs of the area. The submissions can be summarised as follows:

### Principle of Development

- the subject development, if permitted, would set an undesirable precedent;
- the site is not a brownfield site and it is not suitable for a strategic housing development with alternative more accessible sites available and the proposals represent a piecemeal form of development;
- the proposed development would be excessive in terms of density and unit numbers for Falls Road, and would represent overdevelopment of the site;
- density of 108 units per hectare was cited as a concern in the pre-application (ABP ref.308860-20) and is excessive based on distances to public transport and planning guidance;
- material contravention of the Development Plan would arise with respect to zoning objectives, building heights and the rehabilitation and renovation of houses;
- premature development pending the outcome of the draft Development Plan;
- the zoning of the site may change in the new Development Plan to 'A1' to provide for new residential communities and sustainable neighbourhood infrastructure in accordance with approved local area plans;

### Urban Design and Visual Impact

- the proposed development would be excessive in terms of scale, bulk, height and massing and would have a permanent visual impact;
- the proposals would be out of character with surrounding low-rise, low-density, clusters of family housing in a semi-rural, sylvan setting, with inappropriate design and a lack of adherence to building lines;
- visually intrusive design and appearance;
- loss of architectural heritage of Falmore and potential impact on Ardvarna, a neighbouring Protected Structure of note;

### Development Standards

- there would be inward noise implications for future occupants arising from traffic along the M50 and M11 motorways;
- an inappropriate housing mix is proposed, with an excessive number of one-bedroom units and a lack of suitable family units;

### Impacts on Neighbouring Amenities

- the proposals would fail to protect and improve residential amenity;
- overlooking and loss of privacy would arise;
- there would be unnecessary nuisance for neighbouring residents arising from light and noise pollution, and revised boundary treatments would be necessary;
- proposals would result in depreciation in the value of neighbouring properties;
- material contravention of the Development Plan would arise with respect to separation distances, overlooking and public open space provision;
- proposals would be overbearing on neighbouring properties;

### Traffic, Access and Parking

- numerous planning applications for infill residential development have been refused in the area, including for reasons relating to traffic impacts (DLRCC

ref. D15A/0235, D15A/0826, D15A/0308 D15A/0215 and D15A/0757 (ABP ref. PL06D.246223);

- the area is poorly served by public transport meaning residents would be heavily reliant on private vehicles;
- inadequate resident and visitor car parking is proposed, which would lead to overspill parking and increased risks for road-users and cyclists;
- the area already suffers from existing traffic congestion, particularly due to the proximity of two schools along Stonebridge Road to the east, and increased traffic volumes would arise with the 54 units under construction in the 'Rathbeg' development on Stonebridge Lane only adding to this problem;
- impacts on pedestrian and road safety, including school children and the vulnerable, as well as increased disruption, congestion and risks during the construction period;
- inadequate existing road infrastructure, including narrow carriageway along Falls Road, restrictive bridges, lighting and footpaths, and the proposed development would be premature based on the current condition of roads, which are not identified for upgrade in the draft Development Plan;
- residents leaving the development by car would not all exit left towards Shankill;
- poor cycle and footpath infrastructure and an inability to improve situation based on the DMURS;
- doubts over deliverability of pedestrian / cycle route connecting northwards due to ownership constraints and the position of electricity-line poles;
- links to submissions to the draft Development Plan regarding the status and condition of Falls Road;
- the Luas green line extension is unlikely in the short term;

#### Environment

- impacts on biodiversity and wildlife;
- loss of trees and hedgerows;

- loss of Falls Road as a walking amenity route;

#### Other Matters

- impact on existing services, including water supply and drainage;
- existing houses along Falls Road are served by on-site wastewater treatment systems and there are no foul drainage upgrade plans for the area;
- inadequate capacity and links to existing schools;
- shortcomings in the assessment of neighbouring properties;
- excessive proportion of pedestrians and cyclists envisaged in the Traffic and Transport Assessment Report and the Mobility Management Plan;
- queries regarding the accuracy of building form in the daylight and sunlight assessment report;
- separation distances and other details are omitted from the application for Orchard Grove property to the south;
- queries regarding northwest boundary alignment, which may impede the landscaping measures to address visual impacts and overlooking;
- discrepancies in the manner in which the building heights are measured.

## **10.0 Planning Authority Submission**

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the external consultee and observers' submissions received, and providing planning and technical assessments of the proposed development. The Planning Authority's views can be summarised as follows:

#### Principle and Density

- the principle of residential infill development at this location is acceptable;
- the demolition of Falmore is generally acceptable based on the provisions of section 8.2.3.4 (xiv) of the Development Plan;

- the proposed density is excessive and indicative of the overdevelopment of the site;
- the subject site is situated within 'an intermediate urban location';
- subject to a condition, the relevant 10% Part V housing requirement can be complied with;
- concerns regarding the precedent that would be set by granting permission for the proposed development;

#### Building Height, Scale and Design

- the development would be within a 'residual suburban area not included within cumulative areas of control' for the purposes of assessment against appropriate building height standards;
- upward modifiers may be considered with regard to the site area;
- the context of the proposals amongst the low-rise pattern of development in the immediate vicinity is noted from the drawings and photomontages;
- concerns arise regarding the proposed building heights relative to the adjacent properties, and a downward modifier, relative to the standards would be applicable;
- the height and scale would not satisfactorily integrate with the area and would unduly impact on the character of the receiving environment and the existing established pattern of development;
- at the scale of the district/neighbourhood/street, the proposed development would not respond appropriately to the overall natural and built environment, nor would it make a positive contribution to the receiving environment;
- the site is not considered to be served by high capacity/frequency public transport that would justify the increased building heights;
- proposals would fail to properly integrate and would be over-dominant, resulting in an abrupt transition in building heights;
- if the Board were minded to grant permission, the second floor of blocks A and B should be omitted;

- the proposed external finishes would be acceptable;
- some contextual images were omitted from the application;
- conflicts would arise with respect to the positioning of the lighting stands and trees;

#### Residential Amenities and Development Standards

- the unit mix would not accord with the Development Plan standards, but would accord with the New Apartment Guidelines, while there is concern regarding the extent of one and two-bedroom units proposed (97%);
- the two-bedroom units would all accommodate four persons;
- dual aspect provision (52%) would comply with the New Apartment Guidelines (50%), but would fail to comply with the 70% required in the Development Plan;
- floor-to-ceiling heights, units per core and private amenity space would accord with the New Apartment Guidelines;
- sufficient open space would be provided and the boundary treatments would be acceptable;

#### Neighbouring Residential Amenities

- undue overshadowing of adjacent properties would not arise;
- the 22m separation distance sought in the Development Plan would not be achieved between blocks A and B (14m) and concerns arise regarding the internal amenity areas of block A apartments addressing block B elevation;
- concerns arise with respect to the potential for overlooking from the upper-floor levels of the proposed development, including external amenity areas;
- proposals would be visually overbearing on neighbouring properties;
- the overbearing impacts and overlooking impacts would be contrary to the objective 'A' zoning for the site;

### Access, Traffic and Parking

- the north-south pedestrian and cycle link connecting with Stonebridge Road would not be delivered as part of these proposals, as it traverses lands in the ownership of CIE;
- the north-south link is required to facilitate permeability and connectivity through the development and the inability to do so would be contrary to policy UD1 of the Development Plan referring to urban design principles;
- the front boundary layout is considered to be substandard, due to the need to comply with DMURS standards and provide an area for refuse vehicle set down on site;
- conditions are recommended to address car parking and the consents to allow for the delivery of the north-south link;

### Trees and Biodiversity

- the extent of tree and hedgerow removal is considered excessive and contrary to the objective to preserve trees and woodlands on site, particularly considering the lack of non-corresponding tree planting and details omitted from the application;
- the Board is the competent authority for the purposes of AA and EIA;

### Services and Other Matters

- there would be adequate childcare facilities in the vicinity to cater for the development;
- surface water drainage and flood risk assessment are satisfactory and foul drainage proposals are noted;
- a publically-accessible bring-bank facility is not proposed;
- construction, environmental and demolition waste management plans are required;
- taking-in-charge details and management company details would be required;
- a comprehensive assessment of the infrastructural capacity of the area would be necessary;

- section 48 and 49 contributions should be requested in conditions.

### Conclusion, Recommendation and Statement

10.1.1. The Planning Authority recommend a refusal to grant planning permission for the strategic housing development for two reasons, which can be summarised as follows:

**Reason 1** – design, scale, massing and height would be visually incongruous and failure to provide a high-quality scheme promoting permeability and connectivity through layout and detailed design;

**Reason 2** – loss of trees and hedgerows, which would be contrary to the objective to preserve trees and woodlands.

10.1.2. Should the Board decide to grant permission, the Planning Authority suggest the attachment of 33 conditions, including those referenced above, and numerous advice notes.

### 10.2. **Inter-Department Reports**

- Drainage Planning – generally satisfied, subject to conditions;
- Transportation Planning Division – recommend refusal due to the lack of delivery of the north-south link. Conditions recommended to provide a 2m-wide footpath, to comply with DMURS requirements for the entrance layout and to address audits and parking, including a reduced number of car parking spaces;
- Transportation Planning Division (Public Lighting) – condition recommended;
- Housing Department – condition recommended;
- Environmental Health Officer – further information requested in relation to construction management;
- Parks and Landscaping Services – refusal recommended primarily due to loss of trees and hedgerow.



### 10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the HEPI Area Committee of the Local Authority on the 21<sup>st</sup> day of February, 2022. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive's Report and these can be summarised as follows:

- height and scale overbearing on existing developments;
- density excessive and proposals out of scale and character with Falls Road area;
- north-facing single aspect units, piecemeal development, location of refuse collection, Part V bed space provision and unit location, lack of a shop, childcare provision, inward noise and impacts on biodiversity, would be unacceptable;
- planning history of refusals for permissions along Falls Road noted;
- premature development, with infrastructural deficits in the area relating to services, roads and schools;
- poor accessibility in the area and absence of a link to Parc na Silla;
- tree provision and views in the photomontages are inaccurate;
- tree and hedgerow loss would be contrary to the Development Plan objective;
- sets a precedent and permission should be refused.

### 11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

#### Irish Water

- water – a new connection can be facilitated;
- wastewater – development can be connected into the existing sewer at Mullinastill Road and this would allow the network to be designed by gravity. An extension to the network is required for approximately 575m within the

public domain and Irish Water currently does not have any plans to extend its network in this area;

- conditions are recommended, including those relating to connections and agreements, and compliance with Irish Water's codes and practices.

#### Transport Infrastructure Ireland (TII)

- the site is located in a study area for a future national road scheme and the local Road Design Office should be consulted;
- future claims in respect of impacts due to the presence of the existing road or any new road scheme will not be entertained;
- assessment and determination of the application should have regard to Spatial Planning and National Roads Guidelines for Planning Authorities (2012);
- issues with respect to maintaining the integrity of M11 slope and drainage issues related to the potential impact to the national road need to be addressed and resolved.

11.1.1. The applicant states that they notified the National Transport Authority, CIE and the Dun Laoghaire-Rathdown County Childcare Committee. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

## **12.0 Assessment**

### **12.1. Introduction**

12.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive's Report received from the Planning Authority, issues raised in the observations on file, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;

- Density;
- Urban Design;
- Visual Impact Assessment;
- Impacts on Local Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transport;
- Services and Flood Risk;
- Biodiversity;
- Material Contraventions.

## 12.2. Development Principles

### Strategic Housing

- 12.2.1. The application seeks permission to demolish and remove the existing buildings on site used for residential and associated purposes and measuring a stated 736sq.m. These buildings would be removed and they would not form useable floor space within the development. The proposed buildings would comprise 8,866sq.m of residential apartment floor space and 3,452sq.m of associated basement/undercroft floor space for parking and services associated with the proposed apartments. The site is located on lands with a zoning objective 'A', where residential development is 'permitted in principle'. Consequently, I am satisfied that the proposed development comes within the definition of a 'strategic housing development', as set out in section 3 of the Act of 2016.

### Land-Use Zoning and Specific Objectives

- 12.2.2. The stated objective for the application site in the Dun Laoghaire-Rathdown County Development Plan 2016-2022 is 'to protect and/or improve residential amenity'. Contrary to the assertions in observations to this application, I am satisfied that the proposed development would not materially contravene the Development Plan in relation to land-use zoning objectives for the site, as residential uses are permitted in principle on these lands.

- 12.2.3. The maps accompanying the Development Plan also identify an objective 'to protect and preserve trees and woodlands' on this site and I consider the proposals with respect to this objective in section 12.10 below. These maps also identify a proposed Luas line extension adjacent to the northeast rear boundary of the site, which I discuss further below when assessing traffic and transportation (section 12.8).
- 12.2.4. Observers refer to the proposed development as being premature pending the outcome of the draft Development Plan and the preparation of a Local Area Plan for the area, which is stated to be identified as a necessity for the area in the draft Development Plan. At present the statutory plan for this area does not strictly require a Local Area Plan to be prepared for this area and consideration of the proposed development is not dependent on a new county Development Plan being adopted for this area, nor is it a requirement for the proposed development to be assessed based on an asserted revised zoning for the site potentially arising in the forthcoming new Development Plan.
- 12.2.5. It is asserted in observations and by the Elected Members that the proposals represent a piecemeal form of development with the observers stating that other sites in more appropriate locations would have greater scope to accommodate development at the scale proposed. As noted above, the application site is located on zoned land where residential development is permitted in principle and while I recognise the need to develop lands in a sequential manner, there are no specific phasing requirements or other limitations outlined within the statutory plan to specifically require the development of other sites in advance of this site.

#### Demolition Works

- 12.2.6. Details and locations of the buildings to be demolished on site are included in the applicant's existing site structures plans and elevations drawing (no.1824-SITE-0502), including details of the three-storey house known as Falmore (520sq.m), an outbuilding (85sq.m) and a shed (29sq.m). Observations to the application assert that a material contravention of the Development Plan would arise with respect to policy relating to the rehabilitation and renovation of houses and that the proposals would result in the loss of the architectural heritage of Falmore. The Planning Authority consider the demolition of the existing house to be generally acceptable,

noting that it is not a Protected Structure, nor is it located within an architectural conservation area.

- 12.2.7. Section 8.2.3.4 (xiv) of the Development Plan includes a section addressing the Planning Authority's requirements regarding the demolition and replacement of houses. This refers to the consideration of alternatives to demolition when assessing proposals for densification of a site. There is a requirement for the applicant to provide strong justification or rationale for the demolition of the house with due consideration of the energy efficiency ratios of the new and existing buildings, including consideration of the embodied energy that would be lost.
- 12.2.8. A Planning Report prepared by conservation architects containing internal and external photographs has been submitted with the application addressing the architectural heritage of Falmore. This report refers to the house as likely dating from the early 1900s based on historical mapping and as it features 'arts and crafts' style characteristics, as well as extensions and other alterations. According to the applicant's Planning Report, the composition, materials, craftsmanship and setting of the house cannot reasonably be said to be a particular exemplar of the style and the house does not have any particular associations with a known designer of recognised merit or of significant figures within the social life of Ireland at that time. Evidence to the contrary has not been submitted by other parties to the application.
- 12.2.9. Various iterations of the scheme have been provided as part of the application, including the Design Statement, which sets out rationale for the final development strategy. The key constraints in addressing the redevelopment of the site for housing purposes are presented in the applicant's Design Statement, including reference to the existing house, the proximity of other neighbouring houses, vehicular access limited to the southern boundary, the presence of extensive numbers of trees throughout the site and the sloping ground along the motorway corridor boundary. A key feature of these site constraints is the fact that the existing house is centrally positioned with the majority of the tree cover around the boundaries of the site. It is also noted that an undercroft / basement car park is proposed to provide the car parking for the proposed development in line with planning policy, with limited scope for surface-level car parking and a desire to create a car-free environment. Consequently, in order for the scale of development

that is proposed to be realised on this site, the existing house would need to be demolished.

12.2.10. The applicant has provided a Sustainability and Energy Report with the application addressing mechanical and electrical services for the new apartments and a Lifecycle Report addressing the management and maintenance costs for the development. The applicant states that the proposed development would meet the requirements of Part L of the building regulations and that the apartments are to achieve an A3 building energy rating. The energy rating or the embodied energy of the existing house has not been stated by the applicant. The applicant's conservation architects have suggested salvaging of certain materials and features of the existing house, including cast-iron chimney pieces, as part of the development. I am satisfied that the information provided with the application reveals that due consideration for energy efficiency has been undertaken as part of the design of the development, broadly in compliance with the Development Plan provisions. Further consideration of energy efficiency matters will be evaluated under a separate code, including Part L of the building regulations.

12.2.11. In conclusion, the buildings proposed to be demolished are not assigned a specific conservation status and in providing for a sustainable redevelopment of the site at the scale proposed, their removal would not be contrary to planning objectives or materially contravene the Development Plan with respect to rehabilitation and renovation of houses. Consequently, I am satisfied that there are no planning provisions restricting the principle of this part of the proposed works. A standard condition can be attached in the event of a permission to require a Construction and Demolition Waste Management Plan to be agreed prior to the commencement of the demolition works.

### Social Housing

12.2.12. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals in order to comply with Part V housing requirements, and the Housing Department should be notified of the application. Elected Members of the Planning Authority

assert that the Part V element of the proposed development would be unacceptable based on the provision of bed spaces, as opposed to units, and as the location of the apartments would require revising for the purposes of complying with Part V obligations.

12.2.13. Policy HS1 and Appendix 2 of the Development Plan addresses the supply of social housing in the county and requires 10% of units on all residential zoned land to be reserved for the purpose of social housing. The applicant has submitted correspondence from the Housing Division of Dun Laoghaire-Rathdown Council on this matter. Their Part V proposals comprise the provision of ten apartments (10%) to Dun Laoghaire-Rathdown Council, at first and second-floor level of block B in the proposed development. The Housing Division of the Planning Authority notes the applicant's submission in this regard and does not object to the proposals.

12.2.14. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021. Section 7.1 of the applicant's Statement of Consistency & Planning Report asserts that the applicant purchased the property between September 2015 and August 2021. This has not been contested and I am not aware of any details contradicting this. Based on details contained in the application, it would appear that the applicant controlled the subject lands (excluding the section in control of Dun Laoghaire-Rathdown County Council) after September 2015 and prior to August 2021, therefore, a 10% Part V requirement would appear to continue to apply. I am satisfied that Part V requirements, including the unit distribution and location within the development, as well as the number of bed spaces, are matters that can be finalised with the Planning Authority by means of condition, should the Board decide to grant permission for the proposed development.

12.2.15. In conclusion, I am satisfied that the details provided accord with the requirements set out within the relevant Guidelines, the proposed Part V provision is in accordance with statutory requirements and the overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location. Based on the section 28 Guidelines addressing the regulation of commercial institutional investment in housing, there is not a requirement to regulate investment in the proposed units, as apartments are exempt from a restrictive ownership condition.

### 12.3. Density

- 12.3.1. Comprising 100 apartments on a net site area of 0.92ha, the proposed development would feature a density of 108 units per hectare. When compared with residential densities in the wider urban environment, such densities would be clearly at the higher end. The subject development would have a plot ratio of 0.96 and a site coverage of 22%.
- 12.3.2. The Planning Authority consider the site to be located in an 'intermediate urban location' and that the density of the proposed development would be excessive in this context relative to access to public transport and the scale of the development relative to adjacent residential buildings. Consequently, the Planning Authority consider the density and scale of the proposals to be indicative of the overdevelopment of the site. I address matters pertaining to scale, alongside building heights, primarily under section 12.4 below. The concerns of the Planning Authority regarding the asserted excessive density of the development, are also shared by the Elected Members of the Planning Authority and numerous observations, who have referred to the separation distances from the site to public transport services and non-compliance with planning guidance relating to appropriate densities. The observers refer to the substantive increase in residential units that would arise along Falls Road if the development was to proceed, and the implications of this for local services and infrastructure, including the safe operation of roads. I address matters relating to local services, environmental services and roads infrastructure under sections 12.7, 12.8 and 12.9 respectively below.
- 12.3.3. The applicant considers that notwithstanding the density of the proposed development representing a material contravention of the Development Plan, the proposed density would be appropriate based on the site having limited sensitive interfaces and the site context, including its proximity to various services, such as public transport links, Shankill village, Cherrywood Strategic Development Zone (SDZ), schools, hospitals and employment areas. The applicant refers to planning decisions relating to other sites in the immediate and wider area, as providing precedent for the subject proposed densities, while also asserting that proposals would be compliant with National, regional and local planning policy encouraging increased and higher densities in urban areas.



### Development Plan Policy

- 12.3.4. Policy RES3 and section 2.1.3.3 of the Development Plan provide guidance in relation to quality residential design, stating that national guidance for sustainable residential development should be implemented. This section of the Development Plan identifies that a default minimum density of 35 units per hectare would be required in residential developments, including on larger 'A' zoned sites. In comparison with neighbouring 'A' zoned sites, the subject site could be considered a larger site. The Development Plan proceeds by setting out areas where higher densities may not be appropriate due to impacts on neighbouring amenities, architectural or archaeological features and the characteristics of an area. These matters are further discussed below with respect to urban design and the amenities of the area. The Development Plan does not specifically set out a maximum limitation for residential densities. Policy RES3 of the Development Plan refers to the provisions set out in the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities (2009), which set out where increased residential densities will generally be encouraged, including in city or town centres, on brownfield sites within city or town centres, on public transport corridors, on inner suburban / infill sites, on institutional lands and on outer suburban / greenfield sites.
- 12.3.5. In sections 6.6 and 6.7 of their Statement of Consistency & Planning Report the applicant refers to the site as being 'brownfield' and observers do not agree with this. I am satisfied that the site does not fit into the definition of a 'brownfield' site based on the definition provided in the Sustainable Residential Development in Urban Areas Guidelines. The Guidelines refer to public transport corridors as locations within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station. Based on the applicant's Traffic and Transport Assessment, the nearest public bus interchange to the application site is located approximately 600m or a seven-minute walk to the east of the site on the Dublin Road (R837), providing access to Dublin Bus services 84, 84A, 145 and 155 (see figure 2.5c). The site is also stated to be 1.3km from Shankill DART rail station or a 17-minute walk time. The applicant notes intentions for BusConnects to result in revised services in this area and I recognise the Development Plan objective for a future Luas line extension running adjacent to the northern boundary of the site.

- 12.3.6. The site is not currently located on a public transport corridor and I am satisfied that based on guidance the site would most suitably fall into the category of an 'inner suburban /infill' area, featuring a proposed infill residential development. Such areas are stated in the Sustainable Residential Development in Urban Areas Guidelines to be proximate to existing or due to be improved public transport corridors and in such areas the guidelines state a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. It is also stated in the Guidelines that a local area plan should set out the planning authority's views with regard to the range of densities acceptable within an area and the design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, including views, architectural quality and civic design. According to the Guidelines, Local Authority intervention may be needed to facilitate infill development on such sites, in particular with regard to the provision of access to backlands. A Local Area Plan has not been set out for this area and the Planning Authority refer to the need to resolve connectivity proposals with Parc na Silla to the north.
- 12.3.7. Consequently, definitive densities for the application site area are not clearly specified in the Development Plan and given this level of ambiguity it cannot be reasonably considered that development at the density proposed on the application site could be reasonably considered to materially contravene densities allowed for in the Development Plan. I recognise that the applicant has considered that a material contravention would occur in this regard, but they have failed to specifically outline how this would arise and it appears that this approach was taken primarily out of an abundance of caution.

#### National and Regional Policy

- 12.3.8. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures including, amongst others, increased building heights. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within the existing urban envelope. It is recognised that a significant

and sustained increase in housing output and apartment type development is necessary. The RSES for the region further supports consolidated growth and higher densities. As per RPO 5.4 of the RSES, the future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards.

- 12.3.9. In relation to Section 28 guidance addressing housing density, the Sustainable Residential Development in Urban Areas Guidelines, the Building Heights Guidelines and the New Apartments Guidelines all provide further guidance in relation to appropriate densities and support increases in densities at appropriate locations in order to ensure the efficient use of zoned and serviced land. All national planning policy indicates that increased densities and a more compact urban form is required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 12.3.10. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes and in particular by Local Authorities and An Bord Pleanála. The Guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.
- 12.3.11. The New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long-term move towards a smaller average household size, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include ‘central and/or accessible urban locations’, ‘intermediate urban locations’ and ‘peripheral and/or less accessible urban locations’. The Guidelines also state that ‘the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors’.

### Access to Public Transport

- 12.3.12. The applicant considers the site to constitute a 'central and/or accessible urban location' based on the terminology in the New Apartment Guidelines, as it is located within close proximity to an abundance of frequent bus services. Observers to the application refer to the poor provision of public transport in this area. In considering the general provision of public transport available in this area, I would note that the capacity of services is intrinsically linked to frequency. The nearest bus stops 3141 and 3138 on Dublin Road, are situated along Dublin bus routes 7D, 84, 84/A, 145 and 155. Dublin bus routes 45a and 45b also operate from Shanganagh Road 151, a ten-minute walk from the application site and there are private bus services operating in this area (for example, Finnegan's service between Bray DART station and the Sandyford Luas stop).
- 12.3.13. The site is a 17-minute walk from Shankill DART station and a seven-minute walk from the nearest bus stops, according to details in the applicant's Traffic and Transportation Assessment.
- 12.3.14. Dublin Bus route 155 serving Bray and Dublin city centre, operates with three services per hour during weekdays and weekends, with no services prior to 08:00 hours on Sundays. Route 145 serving Heuston Station to Ballywaltrim generally provides a services every ten minutes between 07:00 and 21:00 hours on weekdays and every 15 minutes between 08:00 and 18:00 hours on Saturdays with reduced services outside of this. Both the 145 and 155 Dublin bus routes operate with double-decker buses, which have capacity for approximately 85 passengers. Consequently, these bus services alone provide for an indicative carrying capacity of approximately 765 passengers per hour in each direction during weekdays at the nearest stops to the site. The 84 and 84A services respectively connecting with Blackrock and St. Vincent's hospital each provide a service every hour on weekday mornings and the 7D bus only provides one weekly service with Dalkey. Go-ahead services 45a and 45b serving Kilmacanogue and Dun Laoghaire operate approximately three buses per hour from stop 3545 and 3543 on Shanganagh Road. Additional carrying capacity within reasonable walking distance of the site is provided by the less frequent, Go Ahead and private bus operator services outlined above.

12.3.15. Under BusConnects a high-frequency E1-spine service is proposed connecting areas between Ballywaltrim to the south and Dublin city centre. There would also be a high-frequency service X1 operating on the M11 adjacent to the site.

#### Location Category

12.3.16. I note that the Guidelines state that for a site to be in a central and/or accessible urban location it must be within easy walking distance to/from a high frequency urban bus service. Easy walking distance is referred to in the Guidelines as being up to five minute walk time or up to 500m from a site. A site could also be considered a 'central and/or accessible urban location' if it is within a ten-minute walk time or 1km of a high capacity urban public transport stop, such as a DART or a Luas stop. The site does not meet any of these distance or walk time criteria.

12.3.17. The guidelines also refer to 'central and/or accessible urban locations' as being within 15-minute walk time or 1.5km of a city centre or a significant employment location. The site is not proximate to a city centre and I note that when referring to significant employment locations, the guidelines state that these may include hospitals and third-level institutions. There are no third-level institutes in the immediate area of the site and the nearest hospital is St. Columcille's Hospital in Loughlinstown, which is located approximately 500m directly to the north of the site, and at least a 15-minute walk via the Dublin Road and a flyover of the N11 national road. The walk time from the site to St. Columcille's Hospital could be substantially reduced if the north-south link was realised.

12.3.18. According to the Health Service Executive and the Department of Health, St Columcille's Hospital is a model 2 public acute hospital, providing services comprising an injury unit, medical assessment unit, acute medical in-patient services, day surgery, outpatient care and diagnostic services and featuring approximately 113 inpatient and seven day beds in 2019. I do not have information with respect to the number of staff employed in this hospital, however, the extent of services and the number of beds would be intrinsically linked to the number of staff. The extent of services listed by the HSE and the number of beds when compared with other hospitals in the Dublin area in 2019, including Beaumont (827 beds), Tallaght University (507 beds), St. James's (819 beds), St. Vincent's (658 beds) and the Mater Misericordiae University (682 beds), would suggest that staffing numbers

in St. Columcille's Hospital would be substantially less than staffing in these other hospitals. Beaumont, Tallaght University, St. James's, St. Vincent's and the Mater Misericordiae University hospitals are recognised significant employment locations and when comparing St. Columcille's Hospital with these hospitals, I do not consider St. Columcille's Hospital to be a significant employment location. I have not been provided with any information that would suggest otherwise.

12.3.19. Cherrywood business park is within approximately 1km of the site and it would be at least a 20-minute walk from the site. Notwithstanding compliance with direct distance criteria for both St. Columcille's Hospital and Cherrywood business park, I note the exceedance of walk-time criteria, which provides a more realistic and sustainable means of measuring proximity in a suburban context. In conclusion, I do not consider the subject site to be located in a 'central and/or accessible urban location' based on an assessment of the relevant planning factors.

12.3.20. The New Apartment Guidelines refer to 'reasonable walking distance' as being up to a ten-minute walk time or up to 1km walking distance. The Guidelines refer to 'intermediate urban location' as being within reasonable walking distance of suburban centres and employment locations. The site is not within a reasonable walking distance of the commercial core in Shankill village centre, which is approximately a 12-minute walk from the site, nor is it within reasonable walking distance of employment locations, such as Cherrywood business park and St. Columcille's hospital. 'Intermediate urban locations' are also stated to feature sites up to five minute walk time or up to 500m easy walking distance from a stop featuring reasonably frequent urban bus services (minimum 15-minute peak hour frequency). While I am satisfied that based on the timetabled services, the range of urban bus services operating from this nearest bus stops could be considered as being of reasonably and high frequency, as highlighted above the 500m or five minute walk time criteria is not achieved for the subject site.

12.3.21. The New Apartment Guidelines also refer to 'intermediate urban locations', as being within a fifteen-minute walk time or 1.5km of a high-capacity urban public transport stop, including DART, or within ten-minute walk time or 1km reasonable walking distance of a stop featuring high-frequency urban bus services. The site does not meet the access or proximity criteria from the DART station, but would comply with this for the nearest bus stops. I am satisfied that based on bus timetables and

guidance within the New Apartment Guidelines defining 'high-frequency' bus services as those operating at a minimum of every ten-minutes during peak hours, the bus stops within reasonable walking distance of the application site feature 'high-frequency' bus services. Overall I am satisfied that the site would have reasonable access to high capacity and high frequency public bus services available in the immediate area.

12.3.22. On the basis of the proximity and accessibility criteria analysed above, I am satisfied that the site can be categorised as marginally being within an 'Intermediate Urban Location' and in accordance with the New Apartment Guidelines such locations can support 'medium-high density residential development of any scale that includes apartments to some extent and broadly at net densities of greater than 45 dwellings per hectare.

#### Neighbouring Densities

12.3.23. The surrounding area to the application site is very much defined by low residential densities and the applicant has attempted to justify the development density based on decisions relating to applications and developments in the immediate areas. The applicant refers to The Croft, Parc na Silla, an existing development featuring 47 apartments and four houses approximately 100m to the north of the site, which was granted planning permission in August 2005 under ABP ref. PL06D.211365. This development features a residential density of 83 units per hectare and I note that the decision was undertaken prior to the publication of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and other section 28 guidance in relation to densities.

12.3.24. A density of 40 units per hectare was considered acceptable by the Planning Authority under DLRCC ref. D11A/0245 for the existing Starlings development on the Shanganagh Road, 420m to the east of the site.

12.3.25. The applicant refers to the acceptance in August 2014 by the Board under ABP ref. PL06D.243091 of a density of 34 units per hectare for the Woodbank housing development on the Dublin Road, approximately 90m to the east of the application site, including the inspector's reference to the site being within walking distance of many amenities and relatively well service by public transport.

- 12.3.26. The applicant also refers to a planning application at Wyndhurst 310m to the west of the site (under DLRCC ref. D15A/0235), whereby the Planning Authority concluded that 52 units per hectare density would be acceptable based on proximity to the Luas line and Cherrywood Luas stop, the improved future connectivity arising from the Cherrywood SDZ and planning policy provisions supporting higher residential densities (RES3) and densification of existing built-up areas (RES4). The Planning Authority ultimately refused planning permission for the 50 apartments on this site but not for reasons relating to density.
- 12.3.27. A density of 138 units per hectare was also accepted by the Board when granting permission for the Abingdon strategic housing development under ABP ref.308418-20 in February 2021 on Shanganagh Road 0.6km to the northeast of the application site. The applicant also refers to densities permitted under ABP re. 305844-19 for greenfield development at Woodbrook, Shanganagh along the DART line.
- 12.3.28. A general overview of these recent planning decisions relating to infill and greenfield residential developments in the area, would suggest that the higher densities are more acceptable closer to the public transport nodes, such as Shankill DART station, while the general pattern with respect to acceptable densities in the area closest to the application site is for densities in the range of 35 to 50 unit per hectare.

#### Density Conclusion

- 12.3.29. As a starting point, the statutory plan for this area sets out that a minimum density of 35 units per hectare would be required for this site, while strategic guidance in national and regional plans, as well as section 28 guidance highlights that densities above this range should generally be sought. My assessment of the location of the site relative to the range of locations within the New Apartment Guidelines, would suggest that the site is within an intermediate urban location and that on this basis a minimum of 45 units per hectare should be sought. As stated the site would appear to be marginally within an intermediate urban location and the pattern of infill residential development and planning decisions in the area would suggest that densities not substantially exceeding 45 units per hectare would be most appropriate.
- 12.3.30. Having regard to national and local planning policy, I am satisfied that the site, which is within the Dublin City and Suburbs area of the Metropolitan area, as defined in the



RSES, is reasonably well placed to accommodate growth and in terms of the density proposed of 108 units per hectare, this is in compliance with minimum densities recommended under the various scenarios that are considered in existing section 28 guidelines referred to above. Notwithstanding this, I have some reservations that this density would appear to be at the higher end of densities achievable on the site based on the site context and further assessment in relation to qualitative standards and other planning matters may highlight difficulties in development the site at such densities.

12.3.31. In conclusion, the proposed density for the application site comply with the provisions of the Development Plan and Government policy seeking to increase densities and thereby deliver compact urban growth. Notwithstanding this, certain criteria and safeguards must be met to ensure a high standard of design and I address these issues in my assessment below.

## **12.4. Urban Design**

12.4.1. Third party observations, the Planning Authority and the Elected Members assert that the height, massing and scale of the development would result in undue impacts on the visual and residential amenities of the area. The layout, massing, design and building heights are considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on visual and residential amenities primarily considered separately below.

### Layout, Massing and Design

12.4.2. The observers assert that the proposed development would be of excessive scale and height and the design of the development featuring a lack of adherence to building lines would be out of character with the surrounding low-rise, low-density, clusters of family housing in an area featuring a semi-rural, sylvan setting. The Planning Authority assert that the siting and massing of the proposed development would result in an incongruous form of development, visually discordant with the character of Falls Road and visually obtrusive where visible from the adjacent properties to the west. The applicant addresses the key principles of the Urban Design Manual in section 6.7 of their Statement of Consistency & Planning Report, and they assert that all principle are complied with as part of the proposals.

- 12.4.3. Section 8.1.1.1 of the Development Plan addressing 'urban design principles', includes policy UD1 which seeks to ensure that development is of high-quality design that assists in promoting a sense of place. The Development Plan sets out the key principles in assessing compliance with this policy including, permeability, vitality, variety/diversity, legibility and robustness. Policy UD2 of the Development Plan requires a design statement to be submitted with an application for development of this nature and scale, which the applicant has adhered to. The applicant identifies the key constraints affecting the site, including topography, trees, neighbouring amenities, high-voltage electricity lines and transport corridors as part of their submitted Design Statement.
- 12.4.4. The applicant is proposing to construct two buildings on site, including an L-shaped block A to the front and a rectangular block B to the rear of this. A plaza area would be provided fronting the main entrance to block A onto the Falls Road frontage. Landscaped courtyards and terraces to the rear and west side of block B are proposed to provide communal space for residents and to the west of block A fronting the site, public open space would be provided. The layout provides for extensive removal of trees, with the vast number of trees to be maintained located tight to the site boundaries or within the public open space. Vehicular access off the outside of a bend along Falls Road to a basement car park would create a car-free environment on site. A pedestrian and cycle route would be provided from Falls Road leading north to the rear boundary of the site, with a ramped access at the rear to the basement level for cyclists.
- 12.4.5. Sections 4.3 and 4.4 of the applicant's Design Statement sets out how they consider the proposed layout, access and circulation of the scheme to respond well to the site context. The Planning Authority consider the inability to provide a pedestrian and cycle link with Parc na Silla to the north of the site to be contrary to policy UD1 of the Development Plan. The applicant has stated that the delivery of the pedestrian and cycle link north of the site would be subject to resolution of ownership issues between CIE and Dun Laoghaire-Rathdown County Council. Consequently, without resolution of same, I am satisfied that the subject development would directly only provide for negligible improvements in terms of permeability and connectivity via the upgrade works along Falls Road featuring a pedestrian crossing and sections of footpaths.

- 12.4.6. The palette of materials proposed would be acceptable to the Planning Authority and I am satisfied that the use of a grey-coloured brick and light-stone cladding as the primary hard finishes, harmonising with light and dark grey metal cladding, alongside glazed balcony guards, comprise a high-quality palette of materials. There would be a consistent architectural language throughout the scheme based on these materials, with metal cladding on projecting elevational elements and upper-floor levels. The proposed primary use of brick would provide a robust, low maintenance and long-lasting finish to the buildings. The choice of materials for the buildings would articulate the massing arrangements and would provide modulation in both the horizontal and vertical elements. There is variety in the scale and a consistency in the rhythm and proportions of the proposed apartment buildings. The final details of materials, can be addressed via condition in the event of a permission for the development.
- 12.4.7. I consider the stepped block arrangement to be a reasonable design response relative to the site constraints. There is a clear relationship between the blocks, a hierarchy of open spaces, including overlooked routes and amenity areas, and a reasonable setback from the transport corridor to the east. Specific impacts on the residences to the west are considered under section 12.6 below. Notwithstanding this, the block arrangement and layout fails to respond appropriately to the context of the site and is at odds with the established pattern of development in this suburban area of the city. This primarily arises with respect to the proposed positioning of the main block A almost directly fronting onto Falls Road. While I recognise that the front building line of block A featuring three and five storeys with setback sixth-floor level, would be stepped and with a minimum setback of 8m to 9m from the roadside, the established character of this area is very much defined by two and three-storey detached housing substantially set back from the roadside and screened by mature trees and boundary planting. The proposals would present an incongruous form and intensity of development more appropriate to a central urban location than the subject suburban setting. Photomontages of this aspect of the development are provided as part of the applicant's Verified Views and CGIs, and I consider the visual impacts of this element of the development further below.
- 12.4.8. I am satisfied that the overall layout and block arrangement would not provide for a high-quality logical response in redeveloping this site from an urban design

perspective, having regard to the open siting of block A onto the Falls Road and its failure to integrate successfully with the established character of the area and promote a sense of place. Consequently, the proposed development would fail to comply with the provisions of policy UD1 of the Development Plan.

#### Building Heights and Scale

- 12.4.9. In the proceeding sections, I address the issue of building heights and scale, specifically with respect to visual and residential amenities. The Planning Authority do not consider the height and scale for the proposed buildings to be justified by the applicant, as they consider the proposals fail to have sufficient regard to the site and its surroundings, in particular the prevailing character of the area. The building height and scale concerns expressed by the Planning Authority are shared by the Elected Members and observers to the application. The applicant and the observers consider the heights of the proposed buildings to materially contravene the provisions of the Development Plan.
- 12.4.10. The existing house on site is a maximum height of 12.7m according to the details submitted with the application. The highest element of the proposed development would comprise the six-storey apartment block A, which according to the applicant features a stated maximum height of 20m over a basement / undercroft level. Block A would also feature three and five-storey elements, while block B would feature three, four and five storey elements. Based on the topographical survey drawings submitted and levels referenced on site section drawing no. 1824-SITE-0522, the six-storey element of block A would appear to be 21.5m over the existing ground levels. The variation in building heights are illustrated on contiguous site elevation drawings 1 and 2. Across the site there is a steady 5m drop in ground levels from the southwest boundary to the northern boundary. The proposed development would be substantially higher than the surrounding existing buildings in the immediate area, which consist of 10m to 12m-high two-storey detached houses.
- 12.4.11. The policy basis for my assessment of the proposed building heights is informed by both national and local planning policy. In terms of national policy, I assess the development against the Building Heights Guidelines, which provide a detailed approach to the assessment of building heights in urban areas. I have considered these Guidelines alongside other relevant national planning policy standards,

including national policy in the NPF, particularly NPO 13 concerning performance criteria for building height, and NPO 35 concerning increased residential density in settlements. I have had regard also to the observer's submissions, to the application details, including the Landscape and Visual Impact Assessment, the photomontages and CGIs, and the Design Statement, as well as my visit to the site and its surroundings.

12.4.12. Development Plan policy UD6 requires adherence to the recommendations and guidance within the Building Height Strategy for the county, which is included as appendix 9 to the Development Plan. The development is outside of any areas that have specific provisions in relation to building height and is therefore in a 'residual suburban area' as per the Building Height Strategy. This is not contested by the applicant. The strategy applies a general height limit of three to four storeys for apartment developments at appropriate locations such as on large redevelopment sites, subject to providing no detrimental effect on existing character and residential amenity. The three to four storey limit applies subject to 'upward' and 'downward' modifiers, which the strategy states to normally amount to one or possibly two floors.

12.4.13. Consideration to allow for upward modifiers in the standard building heights can apply where the development would have urban design benefits, major planning gains, or if it would be of civic, social or cultural importance, where the built environment or topography would permit higher development, where it would contribute towards the promotion of higher densities in areas with exceptional transport accessibility and where the site size, for example over 0.5 hectares or more, could set a context for greater building heights away from boundaries with existing residential development. According to the strategy, at least two of the above scenarios need to apply and they would need to be of sufficient significance to justify the increased height. The applicant asserts that the upward modifiers apply with respect to the planning gain associated with the improved road and path infrastructure and public realm, as well as in addressing the site topography and the scope provided by the 0.92ha area of the site.

12.4.14. I do not consider that the majority of the upward modifiers suggested by the applicant or the other modifiers potentially apply to the development site, as the asserted aspects of planning gain, including the car-share space, are standard elements of a development of this nature. The site is also not in an area with

exceptional transport accessibility. I recognise that the Planning Authority accepted application of the upward modifier with respect to the topography of the site permitting higher development that would not damage the appearance or character of the area by virtue of the positioning relative to a large tree screen. I am not satisfied that this would be applicable given the fact that substantive numbers of trees would be felled and removed from the site and as proposed block A would be highly visible from the south on Falls Road. The site size would potentially offer the opportunity for greater building heights away from boundaries with existing residential development, but I do not consider that this solely justifies application of the upward modifier, including the possibility of two additional storeys above the standard scenario.

12.4.15. The Development Plan strategy also includes downward modifiers to apply to building heights, where a development would adversely affect conservation status, protected views or prospects, a planning or social objective, an area of particular character or residential living conditions, including impacts via overlooking, overshadowing or excessive bulk and scale. The applicant asserts that the downward modifiers do not apply, whereas the Planning Authority assert that they apply with respect to residential living conditions, given the asserted impact of the height and overall massing of the proposed development on existing adjacent properties, including their cumulative visual impact. With respect to the impacts of the development on neighbouring residential amenities, I have concluded below that the development would have excessively overbearing impacts when viewed from neighbouring properties to the west of the development. It would therefore be reasonable to consider a downward modifier to apply to the site in this context.

12.4.16. Notwithstanding this, I am satisfied that the proposed development exceeding the three to four storey limit, where upward modifiers are not considered to apply, could reasonably be considered to materially contravene Development Plan policy UD6 of the Development Plan with respect to the adherence to building heights. In such a situation it is open to the Board to consider the proposal in terms of a material contravention.

12.4.17. The Building Heights Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In

this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 Guidelines have informed my assessment of the application. SPPR 3(a) of the Building Heights Guidelines states that where a Planning Authority is satisfied that a development complies with the criteria under section 3.2, then a development may be approved, even where specific objectives of the relevant Development Plan may indicate otherwise. Section 3.1 of the Building Heights Guidelines presents three broad principles that Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights:

1. does the proposal positively assist in securing National Planning Framework objectives of focusing development into key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?
2. is the proposal in line with the requirements of the Development Plan in force and such a plan has taken clear account of the requirements set out in Chapter 2 of the Building Heights Guidelines?
3. where the relevant Development Plan or Local Area Plan pre-dates these Guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant Plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

12.4.18. As noted and explained throughout this report, by focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres, I am satisfied that the proposed development meets the requirements set out in item 1 above. The Planning Authority is also of the opinion that the site is suitable for a higher density of development, in accordance with the principles established in the NPF.

12.4.19. Item 2 above would not be met as part of the subject proposals. Blanket height limits relative to context, as well as limited scenarios, are applied in the Development Plan, which I am satisfied does not take clear account of the requirements set out in the Guidelines and lacks the flexibility to secure compact urban growth through a combination of both facilitating increased densities and building heights, while also

being mindful of the quality of development and balancing amenity and environmental considerations.

12.4.20. In relation to the question in item 3 above, it cannot be demonstrated that implementation of the policies of the Development Plan, which predate the Guidelines, support the objectives and policies of the NPF.

12.4.21. The applicant has provided a Statement of Material Contravention that asserts compliance with SPPR 3(a) of the Building Heights Guidelines. In principle, I am satisfied that there is no issue with the height in terms of compliance with national policy, therefore the issue of height should be considered in the context of SPPR 3(a), which refers to the criteria in section 3.2 of the Building Heights Guidelines, as per table 5 below. Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority/An Bord Pleanála that the proposed development satisfies criteria at the scale of relevant city/town, at the scale of district/neighbourhood/street and at the scale of site/building, in addition to specific assessments.

Section 3.2 Criteria: At the scale of relevant city/town

12.4.22. The first criteria under section 3.2 of the Building Heights Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. I recognise that in considering building heights the Planning Authority do not consider the site to be served by high capacity/frequency public transport that would justify the increased building heights, however, my assessment above addressing the location of the proposed development with respect to appropriate densities, indicates that the site would be within reasonable walking distance of high frequency and high capacity public bus services, which would link with other modes of public transport, including DART services. The applicant refers to Luas green line services operating from Cherrywood and the future proposals to extend this Luas line along the north of the site. Observers to the application assert that this is not likely in the short term. I do not consider the site to be well served by existing Luas services given the substantive walking distance of 2.3km (30-minute walk time) to the nearest Luas stop. Furthermore, while I recognise the Development Plan objective to allow for a Luas line extension adjacent to the site, I am not aware of any timescale for this



project or where potential stops would be located if the project was to proceed. The National Transport Authority and CIE did not respond following notice of the application by the applicant.

12.4.23. National and local policy recognises the need for a critical mass of population at accessible and serviced locations within the Metropolitan area. I am satisfied that the site is reasonably-well located and serviced with options to access existing high-frequency, high-capacity public transport routes, with links between modes, as well as increased access and connections available through more active modes of walking/cycling, and with an array of services and amenities within walking and cycling distance.

12.4.24. Overall, I am satisfied that the level of public transport currently available is of a scale that can support the resultant future population. Additional planned services in this area by way of BusConnects, will be supported by providing for developments such as this, which will support a critical mass of population at this accessible location within the metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.

12.4.25. Point two under this part of the section 3.2 criteria relates to the scale of the development and its ability to integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, the setting of key landmarks and the protection of key views. The Planning Authority asserts that the proposals would fail to properly integrate into the area and would be over-dominant, resulting in an abrupt transition in building heights. The applicant asserts that the site is not located within an architecturally-sensitive area and the stepped building approach would provide visual interest, while the development would feature improvements to the public realm. As required, a Visual Impact Assessment carried out by suitably qualified practitioners has been submitted as part of the application. I have viewed the site and its surrounds from various locations. The visual impact assessment undertaken below in section 12.5 concludes that the proposed development, specifically block A onto Falls Road, would be out of character with the established character in this suburban part of the city.

12.4.26. With regard to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that a section of a new cycle and pedestrian

route would be provided, although at present this would not provide the intended connection to Parc na Silla to the north. The development would feature some improvements to the public realm along Falls Road and an area of public open space. The proposal does not have sufficient regard to its proximity to neighbouring properties and in my view it would negatively impact on the amenity of adjacent properties to the west (see section 12.6 below). Following on from reasons outlined above with respect to failure to integrate with the surrounding character, I do not consider the development would make a positive contribution to place-making.

### Section 3.2 Criteria: At the scale of District / Neighbourhood / Street

12.4.27. The bullet points under this section of the Building Heights Guidelines relate to how the proposals respond to the overall natural and built environment and contribution to the urban neighbourhood and streetscape, whether the proposal is monolithic in form, whether the proposal enhances the urban design of public spaces in terms of enhancing a sense of scale and enclosure, the issue of legibility through the site and integration with the wider urban area and the contribution to building/dwelling typologies available in the neighbourhood. The Planning Authority assert that at this scale the proposed development would not respond appropriately to its overall natural and built environment, nor would it make a positive contribution to the receiving environment.

12.4.28. The applicant considers the development to respond to its overall natural and built environment by providing a high-quality design, with building heights and positions sensitive to their context and with materials and landscaping making a positive contribution to the streetscape. As referred to above, I do not consider the proposed development to make a make a positive contribution to the urban neighbourhood and streetscape along Falls Road. The block arrangement and modulated building heights would avoid the creation of a development monolithic in appearance and would provide for passive surveillance of the public realm, open spaces and the pedestrian and cycle routes running through the site.

12.4.29. In terms of how the development responds to the overall natural environment, I note the extensive loss of trees to facilitate the proposed access and buildings, including the basement / undercroft structure. The extensive loss of a soft boundary along the Falls Road frontage would be out of character with the adjoining housing area. I am

satisfied that the development does not respond appropriately to the existing built and natural environment and the height and siting of block A would not positively contribute to the urban neighbourhood and streetscape.

12.4.30. The requirements of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009) have been complied with as part of the applicant's submission of a Site Specific Flood Risk Assessment, which is addressed further below in section 12.9.

12.4.31. With regard to the consideration of the criteria relating to legibility, the proposals would not make a substantive positive contribution to the improvement of legibility in the wider urban area, particularly as the pedestrian and cycle route to the south would not be completed as part the subject proposals. Some positive contributions would arise via the provision of a pedestrian crossing and stretches of footpaths and cycleway along Falls Road.

12.4.32. The mix of residential units is discussed further below, and I am satisfied that given the existing nature of housing in the area, as referenced by observers to be formed by clusters of family-size houses, the provision of apartments would add to the typology of housing in this area.

#### Section 3.2 Criteria: At the scale of site / building

12.4.33. As per the Building Heights Guidelines, in relation to consideration at the scale of the site/building, I have considered in more detail in section 12.6 the impact of height on the amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light, views and privacy. I consider the form of the proposed development has been reasonably-well considered in this regard and issues in relation to sunlight/daylight/overshadowing have been adequately addressed as part of the proposed development (see sections 12.6 and 12.7 hereunder).

#### Section 3.2 Criteria: Specific Assessments

12.4.34. A number of specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight/daylight and noise impact. The applicant does not consider specific impact assessments in relation to micro-climatic effects to apply, and given the nature of the receiving environment and development scale it would be unlikely that the proposed development would be prone to

substantive micro-climate effects. Evidence to the contrary has not been submitted by parties to the application.

12.4.35. An Screening Report for AA and an Ecological Impact Assessment, including bat survey, have been submitted as part of the application to demonstrate no significant impact on ecology, and no likely adverse impact on protected habitats or species, including bats and birds. Likely impacts for telecommunication channels and air navigation are not considered to arise and a Planning Report addressing the architectural heritage of the house on site, referring to the surrounding context, is included with the application. Strategic Environmental Assessment would not be required for this project and screening for EIA concluded that an EIA would not be necessary either (see section 13 below). I am satisfied that adequate information has been submitted to enable me to undertake an assessment of the impact of the proposed development.

#### Building Heights and Scale Conclusion

12.4.36. Overall, I am not satisfied that the proposed development would make a positive contribution to the area and would not respond well to the natural and built environment in visual terms. The Planning Authority suggest the omission of an intermediary level in both blocks if the Board was minded to grant permission for the subject development, however, they have not set out how this would address the various matters raised with respect to the height and scale of the development. I do not consider such a mitigation measure would alleviate my concerns with respect to the siting of block A onto Falls Road and the development would continue to exceed the Development Plan standards.

12.4.37. The Board may in circumstances approve development for higher buildings, even where specific objectives of the relevant Development Plan may indicate otherwise, as per SPPR 3(a). In this regard, the proposed building heights are greater than the standard heights outlined within the Development Plan and would be greater than the height of existing neighbouring buildings. I am not satisfied that the proposed development would provide for a well-considered suburban development at this reasonably accessible site, and the building heights proposed would not be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas.

## Open Space

- 12.4.38. The applicant refers to the provision of the public open space in the most accessible part of the subject site adjacent to the western boundary onto Falls Road and this open space would be to the benefit of the residents of the area. Observers to the application assert that the development would materially contravene the Development Plan with respect to open space provision, while the Planning Authority is satisfied with the provision based on Development Plan standards and the New Apartment Guidelines.
- 12.4.39. Section 8.2.8.2 of the Development Plan addresses the requirements for communal and public open space in residential developments, including the requirement for 15sq.m to 20sq.m. of open space per person to be provided based on the number of apartments. An occupancy rate of 3.5 persons for each unit with three or more bedrooms and 1.5 persons for smaller units is applied in the Development Plan and I note that this would require the provision of between 2,340sq.m and 3,120sq.m cumulative public and communal open space. The subject scheme complies with these requirements by providing 2,468sq.m of public open space and 1,357sq.m of communal open space, or a total of 3,825sq.m open space. A small play space measuring approximately 85sq.m to 100sq.m would also be required and this would be provided centrally within the site.
- 12.4.40. The applicant states that the public open space would be designed to be taken-in-charge by the Dun Laoghaire-Rathdown County Council. The hierarchy and function of the various open spaces to serve the development and the public are indicated within the applicant's Design Statement (section 7.7), including spaces of varying function distributed throughout the development, accessible and overlooked by residential buildings. The applicant's Sunlight, Daylight and Overshadowing study refers to 85% of the proposed public open space receiving at least two hours of sunlight on the 21<sup>st</sup> day of March, which is greater than the 50% requirement sought in the BRE 209 standards, as discussed in greater detail below.
- 12.4.41. Appendix 1 of the New Apartment Guidelines sets out a minimum communal open space requirement of 5sq.m for a one-bedroom apartment, 7sq.m for a two-bedroom four-person apartment and 9sq.m for a three-bedroom apartment. This would require 642sq.m of communal open space for the proposed development, which is to

be provided in a landscaped courtyard and a podium-level terrace amounting to a total of 1,357sq.m. There is variety in the function and aesthetics of the communal spaces and 66% of the communal open space would receive at least two hours of sunlight on the 21<sup>st</sup> day of March, which is greater than the 50% requirement sought in the BRE 209 standards. In conclusion, I am satisfied that the communal open space proposals would provide a reasonable level of amenity for future residents based on the relevant applicable standards.

12.4.42. Extensive details of the features and materials within the public space are provided as part of the applicant's Landscape Masterplan and Play Plan drawings. The report from the Parks and Landscape Services section to the Chief Executive of the Planning Authority states that the proposals lack primary use for residents of all age groups. I am satisfied that that the design would readily meet the stated objectives in sections 8.2.8.3 and 8.2.8.5 of the Development Plan with respect to public/communal open space quality and play facilities to serve an apartment scheme of this size, and final details can be agreed with the Planning Authority via condition in the event of a grant of planning permission.

12.4.43. Comprehensive landscaping details have also been provided as part of the application package, as well as public lighting details, including surface-level layout plans and a site lighting report identifying likely illumination levels relative to the proposed lighting stands to be used within the proposed development. The applicant refers to the intention to use bat-sensitive lighting techniques on a precautionary basis in the proposed development, and I note that the Public Lighting section of the Planning Authority refer to the need for conflicts between lighting and tree locations to be resolved. Finalised lighting can also be agreed as a condition in the event of a permission.

12.4.44. I am satisfied that the necessary quantum, function and lighting for the public and communal open space required to serve the development would be provided as part of the overall development on this site. The proposed open space provision would not materially contravene the statutory plan for this area.

#### Conclusion

12.4.45. The proposed development would be contrary to policy UD6 of the Development Plan, as it would fail to meet the applicable building height standards. While the

proposed scheme may be of a contemporary design, I am not satisfied that it would make a positive contribution towards place-making in the area for the reasons cited above, and as such it would fail to satisfy the development management criteria required in section 3.2 of the Building Heights Guidelines to allow the development to be approved, even where specific objectives of the relevant Development Plan may indicate otherwise.

## **12.5. Visual Impact Assessment**

- 12.5.1. The observers assert that the proposed development would have a permanent visual impact, would be out of character with surrounding low-rise, low-density, semi-rural, sylvan setting and would feature a visually intrusive design and appearance. The Planning Authority refer to the site context amongst the low-rise pattern of development in the immediate vicinity and they recommend refusal of planning permission due to the impact of the overall design, scale, massing and height of the proposed development being visually incongruous within the receiving environment, thereby detracting from the visual amenities of the area. The Elected Members consider the proposals to be out of scale and character with the Falls Road area.
- 12.5.2. The Development Plan does not identify any protected views or landscapes of value effecting the site. The site is within the built envelope of the site, and therefore, it is not included within a designated landscape character area. A 'Landscape and Visual Impact Assessment' and a booklet of verified views and CGIs and photomontages, as well as contextual elevations and sections accompanied the application. A total of 15 short and medium-range viewpoints are assessed in the 'Landscape and Visual Impact Assessment'.
- 12.5.3. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontages are taken from locations, contexts, distances and angles, which provide a comprehensive representation of the likely visual impacts from key reference points. The photomontages and CGIs include visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in summer settings with the proposed landscaping in a mature and well-maintained condition. The following table 5 provides a summary assessment of the likely visual change from the

applicant's 15 selected viewpoints arising from the completed proposed development.

**Table 5.** Viewpoint Changes

No.	Location	Description of Change
1	Stonebridge Road – 200m southwest	Upper floor levels of block A would be partially visible, but the remainder of the development would not be visible due to the boundary wall and the extensive planting along the boundary and in the residential grounds. The level of visual change is only slight from this location, due to the screening that would be available during winter and summer months.
2	Falls Road – 100m west	Visibility of the subject development would be restricted by existing boundaries and trees along Falls Road, while the greatest visual change in this location would relate to the roadside upgrade works. I consider the magnitude of visual change from this short-range view to be imperceptible in the context of the receiving suburban environment.
3	Falls Road – 180m northwest	Visibility of the subject development would be restricted by existing roadside boundaries and trees along Falls Road. I consider the magnitude of visual change from this medium-range view to be imperceptible in the context of the receiving suburban environment.
4	Falls Road – 50m south	The front façade to block A, including five storeys and part of the sixth storey, would be visible on this short-range viewpoint approaching the site. An open boundary would be provided with the existing boundary features, including trees to the rear removed. I consider the magnitude of visual change from this location to be substantial in the context of the receiving suburban environment.
5	Stonebridge Road (overbridge) – 200m south	Upper-level building formation for proposed blocks A and B would be visible, but would be substantially screened by mature trees within the M11 transport corridor. I consider the magnitude of visual change from this location to be



		slight in the context of the receiving suburban environment.
<b>6</b>	Falls Road – 20m south	The front façade to block A, including three and five storey elements, would be visible on this short-range viewpoint at the site entrance. An open boundary would be provided with the existing boundary features, including mature trees, removed. I consider the magnitude of visual change from this location to be substantial in the context of the receiving suburban environment.
<b>7</b>	R116 regional road (overpass) – 400m southwest	Upper-level building formation for proposed block A would be visible, but would be substantially screened by intervening mature trees. I consider the magnitude of visual change from this location to be slight in the context of the receiving suburban environment.
<b>8</b>	R116 / Stonebridge Road (roundabout) – 250m southwest	Visibility of the subject development would be restricted by existing intervening mature trees. I consider the magnitude of visual change from this medium-range view to be imperceptible in the context of the receiving suburban environment.
<b>9</b>	Stonebridge Road – 170m southeast	Visibility of the subject development would be restricted by existing intervening mature trees. I consider the magnitude of visual change from this medium-range view to be imperceptible in the context of the receiving suburban environment.
<b>10</b>	Stonebridge Road / R837 – 300m east	Visibility of the subject development would be restricted by existing intervening mature trees. I consider the magnitude of visual change from this medium-range view to be imperceptible in the context of the receiving suburban environment.
<b>11.</b>	Woodbank – 130m east	Visibility of the subject development would be restricted by existing housing. I consider the magnitude of visual change from this medium-range view to be imperceptible in the context of the receiving suburban environment.
<b>12.</b>	Parc na Silla Rise – 70m north	Visibility of the subject development would be restricted by existing housing. I consider the magnitude of visual change from this medium-range view to be imperceptible

		in the context of the receiving suburban environment. I also recognise that this CGI fails to show the future potential cycle and pedestrian connection indicated in the application, but not proposed as part of the development. The cumulative impact of such works would not be likely to be significant.
<b>13.</b>	Parc na Silla Rise – 100m north	Visibility of the subject development would be restricted by existing housing. I consider the magnitude of visual change from this medium-range view to be imperceptible in the context of the receiving suburban environment. I also recognise that this CGI fails to show the future potential cycle and pedestrian connection indicated in the applicant's proposals. The cumulative impact of such works would not be likely to be significant.
<b>14.</b>	The Croft Parc na Silla Avenue – 120m north	Visibility of the subject development would be restricted by existing housing. I consider the magnitude of visual change from this medium-range view to be imperceptible in the context of the receiving suburban environment.
<b>15.</b>	The Croft Parc na Silla Avenue – 170m north	Visibility of the subject development would be restricted by existing mature parkland trees. I consider the magnitude of visual change from this medium-range view to be imperceptible in the context of the receiving suburban environment.

12.5.4. The applicant's assessment of the visual impact asserts that the immediate landscape is of 'high' sensitivity due to the potential magnitude of change arising from the loss of mature trees and the location of the development within the zone of influence of landscape character area 14 'Cherrywood / Rathmichael'. The most sensitive visual receptors are identified as the adjacent housing areas to the west and south. Removal of trees along the boundaries would open up views of the development from neighbouring properties. Mitigation primarily in the form of maintained and additional planting would have imperceptible to moderate impacts for the neighbouring areas according to the applicant.

12.5.5. In the immediate area the development would be most visible from the approach on Falls Road to the south, with only intermittent views of the higher building elements

from local vantage points in the adjoining areas. The development would be viewed as a substantial insertion into this suburban setting where it is most visible and a substantive new feature where visible from the neighbouring properties to the west and south. The proposed development represents a substantial increase in height and scale when considering the existing low-rise and low density houses characterising the area.

- 12.5.6. Environmental conditions would also influence the appearance of the development from the selected viewpoints with screening by mature trees varying throughout the seasons. I am satisfied that the visual change would be largely imperceptible from the wider areas, but substantial visual impacts on Falls Road approach from the south would arise, as well as for housing adjacent to the west.
- 12.5.7. Observers have asserted that the development would impact on the architectural heritage of Ardvarna, a protected structure located 130m to the west of the site. The applicant's Landscape and Visual Impact Assessment has acknowledged the status of this property, as well as other Protected Structures in the vicinity. Based on viewpoint 3 CGI of the proposed development, this would suggest that views of the proposed development would be restricted from the immediate area of Ardvarna and I am satisfied that the proposed development would have an imperceptible visual impact on Ardvarna. Accordingly, the development would not impact on the character and setting of this Protected Structure.
- 12.5.8. The impact on the outlook from neighbouring residences is considered separately in section 12.6 below. Where potentially discernible from long range views, the proposed development would read as part of the wider urban landscape and screening offered by existing housing and mature tree planting would largely restrict the visual impact of the development on the immediate area. However, the appearance of the development onto Falls Road would be in contrast and out of character with the established character of the area featuring buildings of much lower scale and height, set back beyond boundaries and mature planting. In conclusion, the proposed development cannot be absorbed at a local neighbourhood level, as it would harm the character and appearance of the area and the visual change arising from the proposed development would be substantive from the south on Falls Road.

## **12.6. Impacts on Local Amenities**

- 12.6.1. The stated objective for the lands is to protect and/or improve residential amenity. Section 8.2.3.3(iv) of the Development Plan refers to the appropriate minimum separation distances between apartment blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects, and to provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of approximately 22m between opposing windows will normally apply in the case of apartments up to three storeys in height and in taller blocks, a greater separation distance may be prescribed having regard to the layout, size and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. The Planning Authority asserts that the proposed development would have potential for overlooking of existing properties from the upper-floor levels of the proposed development and from the podium level communal area. A large number of the observations assert that the proposals would fail to protect and improve residential amenity of the area, by reason of overlooking and loss of privacy.
- 12.6.2. The nearest existing residential properties are those adjacent to the west, comprising the detached houses on extensive grounds known as Hazeldene, Renvyle and Woodstock, and detached houses to the south also on extensive grounds, comprising the detached houses St. Catherine's, Cloneybrien, Newgrange and Orchard Grove. Other existing residential properties, including those off Falls Road and Parc na Silla area are substantive distances from the location of the proposed development to ensure that they would not be impacted from a residential amenity perspective.
- 12.6.3. Separation distances to neighbouring houses are identified on the proposed site layout plan, although Orchard Grove house is not identified. The three-storey element to block 3 would be 27.7m from Woodstock and 40.1m from Renvyle. The three-storey element of block A would be 65.2m from Hazeldene. At its closest point, block B would be approximately 10m from the boundary with Woodstock, while separation distances from the proposed building to the boundaries with Renvyle and Hazeldene would be between 20m and 25m with an access lane running along the western boundary of the application site resulting in Hazeldene and Renvyle not

sharing a garden boundary with the application site. The five-storey front element to block A would be approximately 49.5m from Newgrange and Orchard Grove to the south and 80m to 120m respectively from Cloneybrien and St. Catherine's. The boundaries to these properties to the south and southwest would be between 16m to 60m from the nearest elements of the proposed buildings.

- 12.6.4. Details to show the context of the proposed blocks relative to the existing houses are provided on contiguous site elevation drawings 1 and 2 (nos. 1824 - SITE – 0520 / 0521) and site section E-E (drawing no. 1824 - SITE – 0522). The difference in the roof parapet heights of the highest element in proposed block A and the roof ridge heights for neighbouring houses would be approximately between 10.4m (Hazeldene), 11.1m (Woodstock), 11.2m (Newgrange and Orchard Grove) and 11.4m (Renvyle).
- 12.6.5. The site currently features extensive tree cover, including along the southern roadside boundary and the western boundary, as per the tree survey and constraints plan submitted. The tree protection plan illustrates those trees that would be maintained as part of the development and this reveals that numerous trees would be removed along the boundary with Woodstock and Renvyle, as well as the southeast side of the front boundary onto Falls Road.

#### Overlooking and Loss of Privacy

- 12.6.6. Potential for excessive direct overlooking or significant loss of privacy could not arise for developments other than the seven detached houses referenced above, given the extensive separation distances and separation by mature trees and boundary features.
- 12.6.7. The stepped block arrangement would appear to position the highest elements of the proposed blocks furthest from neighbouring residences and given the separation distances listed above, as well as Development Plan provisions in this regard, I am satisfied that the proposed blocks, including elements above three storeys, would be sufficiently separated from existing housing to ensure that excessive direct overlooking and loss of privacy would not arise with respect to internal areas. In relation to the potential to overlook the amenity areas of neighbouring housing, I recognise that each of the neighbouring properties feature extensive grounds surrounding the houses on site. Existing boundaries along the roadside frontage to

each of the properties to the south would also aid in screening private amenity areas to these properties from the upper-level amenity areas and apartments in the proposed development.

12.6.8. Notwithstanding the extent of tree removal, these neighbouring properties feature extensive grounds and only limited overlooking and loss of privacy would arise for their amenity areas as a result of the proposed development, given the separation distances from the proposed apartment buildings, to the extent of gardens serving these houses to the west and the applicant's landscaping, boundary treatment and tree protection proposals, which would to an extent provide some screening between the properties.

12.6.9. I am satisfied that the separation distances that would be achieved between the proposed and neighbouring residences would be typical for a developing in a suburban setting and the landscaping proposals would provide sufficient screening between the development and neighbouring properties. The observations assert that a material contravention of Development Plan would arise with respect to separation distances and overlooking, but I am satisfied for the reasons highlighted above that this would not be the case. The Planning Authority refer to the potential for overlooking from the communal area on the raised platform area to the rear of the site, approximately 6m from the boundary with Woodstock. I am satisfied that a screen could be applied on the northwest side of this communal area to restrict the potential for direct overlooking, in the event of a grant of planning permission for the development. There is presently a garden in the location of this proposed communal area and the proposed amenity function would not substantially alter the established use of this area. The applicant has provided boundary treatment details as part of the application, which the Planning Authority consider to be acceptable, and I am satisfied that no additional measures would be required to reduce the potential for overlooking from the proposed development to neighbouring residences. I have considered the impacts on the privacy for residents of the proposed apartments separately below in section 12.7.

#### Outlook and Overbearing Impacts

12.6.10. Observers assert that the proposed development would be overbearing on neighbouring properties. The proposed development would be visible from the

private gardens and internal areas of houses bordering the site and would change the outlook from these houses. A key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. The proposed development clearly exceeds the prevailing lower building heights of the area. The proposed development steps down to three storeys on its western side where closest to the existing houses. The most sensitive existing and permitted building height differences and the minimum separation distances between these buildings are detailed above.

12.6.11. Proposed Continuous Elevation B-B 1 (on drawing no. 1824 - SITE – 0520), as well as image 02 (west view) and sketch views in the applicant's Design Statement provide the best visualisations of the height, scale and mass of the proposed development from properties on the west side of the site. As stated, there would be extensive loss of trees along the western boundary, thereby, opening up views into the site. I am satisfied that the proposed development would be overly prominent when viewed from the three nearest houses to the west with substantial change for the outlook from these neighbouring properties. Despite the setbacks and some element of the trees being maintained, the height, bulk and scale of the blocks collectively stretching almost the depth of the site would introduce a highly visible incongruous feature dominating the appearance of the area and out of character with the scale and height of existing building, therefore, the proposed development would have excessively overbearing impacts where visible from the residential properties to the west.

#### Impacts on Lighting - Sky and Sunlight

12.6.12. In assessing the potential impact on light access to neighbouring properties, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing residences through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including parks and gardens.

12.6.13. The applicant has provided a Daylight and Sunlight Assessment Report relying on the standards of the BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part

2: Code of Practice for Daylighting', which assesses the effect of the proposed development on the vertical sky component (VSC) and annual probable sunlight hours (APSH) achievable at neighbouring windows.

12.6.14. The BRE 209 guidance on daylight is intended to be used in assessing daylighting to rooms in neighbouring houses, including living rooms, kitchens and bedrooms. When considering the impact on existing buildings, criteria is set out in figure 20 of the guidance, and this can be summarised as follows:

- if the separation distance is greater than three times the height of the proposed building above the centre of the main window, then the loss of light would be minimal. Should a lesser separation distance be proposed, further assessment would be required;
- if the proposed development subtends an angle greater than 25° to the horizontal when measured from the centre line of the lowest window to a main living room, then further assessment would be required;
- if the VSC would be greater than 27% for any main window, enough skylight should still be reaching this window and any reduction below this level should be kept to a minimum;
- if the VSC with the development in place is less than 0.8 of the previous value, occupants would notice a reduction in the amount of skylight;
- in the room impacted, should the area of the working plane that can see the sky be less than 0.8 the previous value, then daylighting is likely to be significantly affected. Where room layouts are known, the impact on daylight distribution in the existing building can be assessed.

12.6.15. The tests above are a general guide only and the BRE 209 guidance states that they need to be applied flexibly and sensibly with figures and targets intended to aid designers in achieving maximum sunlight and daylight for residents and to mitigate the worst of the potential impacts for existing residents. It is clear that the guidance recognises that there may be situations where reasonable judgement and balance needs to be undertaken cognisant of circumstances. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues and impacts may arise and also to consider



whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin metropolitan area, the need for increased densities within zoned, serviced and accessible sites and the need to address impacts on existing residents, as much as is reasonable and practical.

12.6.16. The existing baseline VSC for 12 windows in Hazeldene, ten windows in Renvyle and 11 windows in Woodstock has been calculated, and compared with the proposed development in place. I am satisfied that the VSC assessment has been targeted to the existing neighbouring windows, rooms and houses that have greatest potential to be impacted and would be representative of the worst-case scenario. Other houses in the area, including those directly to the south of the site on Falls Road, would be a separation distance greater than three times the height of the proposed building above the centre of their main windows, therefore any potential loss of light would be minimal. Furthermore, the proposed development subtends an angle greater than  $25^{\circ}$  to the horizontal, when measured from the centre line of the lowest window to a main living room on these houses to the south. In evidence of this I note that the nearest house, Newgrange, features a main front elevation that would be approximately 49.5m to the south of the closest five-storey element in block A (see proposed site layout plan drawing no.1824-SITE-0510), which would feature a roof parapet level approximately 15.1m above the height of the ground-floor north elevation windows in Newgrange (see proposed contiguous elevation A-A on drawing no.1824-SITE-0520). The proposed development would also subtend an angle less than  $25^{\circ}$  to the horizontal, when measured from the approximate centre line of the ground-floor main front elevation windows, which I assume to be a point 1.5m above the immediate ground level to the front elevation. When excluding the three houses to the west and taking this as a worst-case scenario, any potential for loss of light for other houses would be minimal and further assessment of their VSC levels would not be necessary. I am also satisfied that the applicant has sufficiently modelled the position of windows serving the neighbouring houses to the west to enable a precise assessment of the impacts on lighting to these houses.

12.6.17. Baseline VSC values of between 12% and 56.1% are outlined in section 5 of the applicant's Daylight and Sunlight Assessment Report for the 33 tested windows. Estimated VSC values with the proposed development in place are stated to fall below the required 27% for three ground-floor windows in Hazeldene, three ground-

floor windows in Renvyle and two ground-floor windows in Woodstock. However, the range of ratio of change in VSC would amount to 0.92 to 1.0 of the existing value, therefore, above the minimum recommended 0.8 VSC ratio value. VSC target values are therefore complied with as part of the proposed development.

12.6.18. The applicant has also calculated the effect on the APSH for each of the houses within 90 degrees due south of the development, to the north, east, or west of the proposed development. The BRE Guidelines state that in order for a proposed development to have a noticeable effect on the APSH of an existing window, the following would need to occur:

- the APSH value drops below the annual (25%) or winter (5%) guidelines and;
- the APSH value is less than 0.8 times the baseline value and;
- there is a reduction of more than 4% to the annual APSH.

12.6.19. The applicant's study indicated that with the development in place, including the tree removal elements, APSH values of 28.6% to 70.2% and winter APSH values of 7.2% to 64.2% would be achieved for the 25 tested windows. These values are well in excess of the initial target BRE 209 annual APSH values of 25% and winter APSH values of 5%. A noticeable effect in lighting to all neighbouring house windows would not arise with the proposed development in place.

12.6.20. I am satisfied that the lighting impacts arising from the proposed development for neighbouring properties would not be adverse based on the terms of the BRE 209 and BS 8206-2 guidance. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to lighting to neighbouring properties would not be warranted.

#### Overshadowing

12.6.21. Observations assert that the proposed development would overshadow neighbouring properties, while the Planning Authority do not consider this to arise. As referenced above with respect to communal and public open spaces, the BRE 209 standards require greater than 50% of neighbouring gardens to receive at least two hours of sunlight on the 21<sup>st</sup> day of March (spring equinox). The applicant's shadow study, included as part of their Daylight and Sunlight Assessment Report illustrates those properties with greatest potential to be overshadowed by the proposed development.

Section 5.3 of the applicant's assessment states that 95.9% to 98.5% of the three neighbouring gardens to Woodstock, Renvyle and Hazeldene would receive more than two hours sunlight on the 21<sup>st</sup> day of March. In conclusion, based on the substantial exceedance of the minimum standards, I am satisfied that excessive overshadowing of neighbouring gardens would not arise as a result of the proposed development.

#### Nuisance

12.6.22. Observers assert that the proposed development would result in nuisance for neighbouring residents as a result of light and noise pollution. Given the nature of the development, significant levels of air, noise and light pollution would not be likely to arise and a condition can be attached with respect to the control of noise and air quality. Any construction phase impacts, would only be of a temporary nature and would also be subject of a project Construction and Environmental Management Plan that can be agreed with the Planning Authority in the event of a grant of planning permission. Lighting levels would be comparable with other contemporary residential development in the immediate area and would not be likely to have significant impacts.

#### Conclusions

12.6.23. In conclusion, sufficient information has been provided with the application to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties. However, when viewed from the adjacent neighbouring residential properties to the west, the proposed development would have excessively overbearing impacts. Accordingly, the proposed development should be refused permission for reasons relating to the resultant impacts on the amenities of these neighbouring properties.

12.6.24. The observations assert that the proposed development would lead to a depreciation in the value of property in the vicinity. I also note that parties have also referred to the development as setting precedent for similar development in the area. Arising from the assessment above and notwithstanding concerns regarding the overbearing impacts of the proposals, sufficient substantive and objective evidence has not been

provided to support claims that the proposed development would be likely to result in a depreciation of property values in the vicinity.

## **12.7. Residential Amenities and Development Standards**

- 12.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the New Apartments Guidelines, the Development Plan and the Building Heights Guidelines, which also refer to documents providing guidance for daylight / sunlight assessments within new developments. The subject development would not come within a category of development that would be open to relaxed development standards. The Planning Authority do not find any matters regarding non-compliance with the New Apartment Guidelines.
- 12.7.2. I note that section 8.2.3.3 of the Development Plan seeks to have regard to various Department guidance documents, including the 'Sustainable Urban Housing: Design Standards for New Apartments' (2007). Since the adoption of the Development Plan, these section 28 New Apartment Guidelines were updated in 2018 and again in 2020. Where guidelines referred to in the Development Plan have been updated since the Development Plan was adopted, the Planning Authority refer to the current guidance in their report on this application. This is considered to be a reasonable approach in assessing the acceptability or otherwise of the subject proposals.
- 12.7.3. Further to this, I am satisfied that the provisions within section 18.2 of the Development Plan are clearly standards and deviation from these standards would not be likely to be of a material nature, particularly where there is compliance with contemporary and more up-to-date standards.

### Apartment Mix

- 12.7.4. Observations assert that an inappropriate housing mix is proposed, with an excessive number of one-bedroom units and a lack of suitable family units. The mix of apartments proposed would comprise 32% one-bedroom, 65% two-bedroom and 3% three-bedroom apartments. Policy RES7 of the Development Plan encourages a wide mix of housing and apartment types, sizes and tenures. As referenced above, the immediate area is primarily defined by houses of comparably large size. Section 8.2.3.3(iii) of the Development Plan requires a mix of no more than 20% one-

bedroom units and a minimum of 20% of units greater than 80sq.m floor area. As is referenced by the Planning Authority, the proposed development would not comply with this standard of the Development Plan. The applicant addresses this matter within the submitted Statement of Material Contravention, however, for the reasons outlined above, I do not consider this to be a material contravention of the Development Plan, as it only relates to non-compliance with a standard of the Development Plan.

- 12.7.5. SPPR 1 of the New Apartment Guidelines states that apartment developments may include up to 50% one-bedroom or studio type units and that there shall be no minimum requirement for apartments with three or more bedrooms. I am satisfied that an appropriate unit mix for the development has been proposed, based on SPPR1 of the New Apartment Guidelines 2020.

#### Apartment Standards

- 12.7.6. The applicant asserts that the proposed apartments have been designed to fully accord with the apartment sizes within the New Apartment Guidelines. A Housing Quality Assessment with a Schedule of Accommodation has been submitted with the application, which provides details of apartment sizes, aspect, room sizes, storage space and private amenity space.
- 12.7.7. Minimum unit size requirements of 55sq.m for one-bedroom units, 85 to 90sq.m for two-bedroom units and 100sq.m for three-bedroom units are stated in the Development Plan. This conflicts with the 45sq.m, 73sq.m and 90sq.m respectively required for these units in the New Apartment Guidelines. The proposed development would not meet the minimum apartment floor area standards required in the Development Plan, but I do not consider non-compliance with a standard cited in the Development Plan to represent a material contravention of the Development Plan. All of the proposed apartments meet or exceed the minimum floor areas required in the New Apartment Guidelines and, as such, I am satisfied that compliance with the relevant development standards would be achieved in this case.
- 12.7.8. The internal design, layout, block configuration, room sizes and floor to ceiling heights for each of the apartments and blocks, as identified in the drawings and Housing Quality Assessment, would appear to accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including appendix 1. Storage

areas would fall marginally short of the standards outlined in the Development Plan, but I do not consider this to represent a material contravention of the Development Plan for reasons cited above, and I do not consider this to require amendments to the scheme, as the requisite storage area standards required in the New Apartment Guidelines would be achieved for the proposed development.

12.7.9. In safeguarding higher standards, the 10% additional floor space required in section 3.8 of the New Apartment Guidelines for the majority of apartments would also be achieved, with 58 proposed apartments, accounting for 58% of the proposed scheme, meeting or exceeding the 10% additional floor space standard.

12.7.10. Private amenity space for each of the apartments, including balcony and terrace sizes and depths, would meet or exceed the minimum requirements of the Guidelines.

#### Dual Aspect Apartments

12.7.11. With regard to aspect, the Development Plan requires a minimum of 70% of units to be dual aspect with no north-facing single aspect units to be provided. There would be some scope for a relaxation in relation to these standards. SPPR 4 of the New Apartment Guidelines requires 50% dual aspect apartments in intermediate urban locations such as this. A total of 52 apartments are stated to form dual aspect units, which would equate to 52% of the apartments within the scheme. The Planning Authority note that this would not accord with the Development Plan, but it would accord with the New Apartment Guidelines, which are the applicable up-to-date standards and non-compliance with the Development Plan standard in this regard would again not materially contravene the Development Plan for the reasons cited above.

12.7.12. Section 3.18 of the New Apartment Guidelines states that where single-aspect apartments are provided, the number of south-facing units should be maximised, with west or east-facing single-aspect units also being acceptable. The Guidelines also state that north-facing single-aspect apartments may be considered, where overlooking a significant amenity, such as a public park, garden or formal space, or a water body or some other amenity feature. A total of 19 of the apartments are stated to be single-aspect units with northwest or northeast aspect only. Having reviewed the plans it appears that eight of the apartments in block A of the development would

be north-facing single aspect units, whereas the single-aspect apartments referred to by the applicant as northeast and northwest facing in block B would be more akin to east and west facing apartments. The north-facing apartments would overlook both the proposed communal space and gardens to serve the proposed development, as well as the south elevation to block B, which would be a stated 14m to the north. Given the substantive views over the open space, I am satisfied that the proposed aspect serving the eight apartments in block B, including their configuration and orientation, would be acceptable and would be in compliance with SPPR 4 of the New Apartment Guidelines.

#### Daylight Provision

12.7.13. Section 3.2 of the Building Heights Guidelines state that the form, massing and height of a proposed development should be carefully modulated, in order to maximise access to natural daylight, ventilation and views, and to 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 such as BRE 209 and BS 8206-2: 2008. 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 solution 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 site specific 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. Section 6.6 of the New Apartments Guidelines also states that Planning Authority's should have regard to BRE 209 and BS 8206-2: 2008 standards.

12.7.14. The applicant's Daylight and Sunlight Assessment Report provides an assessment of daylight access within the proposed scheme having regard to the quantitative standards in BRE 209 and BS 8206-2: 2008. The Planning Authority do not raise concerns with respect to the provision of daylighting to the proposed apartments.

12.7.15. The aforementioned BRE 209 and BS 8206-2: 2008 standards and guidelines recommend that for the main living spaces/living rooms of residences, a minimum

ADF of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant has referred to these targets in their assessment, as well as assessing the living/kitchen/dining rooms against both the 1.5% and 2% ADF target. I consider the 2% ADF for living/kitchen/dining rooms would be a reasonable initial target. The applicant also refers to Irish standards (IS EN 17037:2018) and updated British standards (BS EN 17037:2018), as providing daylight standards for buildings. Notwithstanding provision within BRE 209 allowing developers or Planning Authority's to use different target values in special circumstances, given that 'special circumstances' have not been identified and as the BRE 209 and BS 8206-2: 2008 standards are referred to in the statutory plan for this area and in relevant guidelines, it would be more prudent to rely on the BRE 209 and BS 8206-2: 2008 standards.

12.7.16. The applicant has tested the ADF value for each of the rooms on the ground and first-floors of blocks A and B and where a room falls short of the ADF standard the room on the level directly above this in a similar position has been tested. This resulted in inferred results being assumed for 145 of the 271 rooms.

12.7.17. The results of testing for block A calculated ADF values between the range 1.50% to 7.11% for the living/kitchen/dining rooms and 1.07% to 7.53% for the bedrooms. Testing of block B calculated ADF values between 2.04% and 5.18% for living/kitchen/dining rooms and between 0.67% and 4.45% for bedrooms. This suggests that on the basis of a worst-case scenario, all the bedrooms in block A comply with the ADF target values, while all the living/kitchen/dining rooms in block B would comply with the ADF target values. When using the 2% ADF target value for living/kitchen/dining rooms the testing identified that 8% of the entire rooms in the overall development would fall short of the optimum ADF targets.

12.7.18. While it would be more preferable for the ADF targets to be achieved for all internal living areas, as highlighted above, the BRE 209 and BS 8206-2: 2008 guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. Where shortfalls occur in block A with respect to the 2% target ADF to kitchen/living/dining rooms, the applicant has asserted that if a 1.5% target ADF was assigned as the target value for kitchen/living/dining rooms, the fail rate would fall to 3% of all rooms in the overall development. The applicant refers to six bedrooms in block B failing to meet the target ADF value, due to their positioning onto a dense belt of evergreen trees on the eastern boundary of the site. Based on their



assessment, if these trees did not exist the ADF target values for each of these bedrooms would be achieved. Furthermore, each of the six bedrooms are stated to feature a balcony, which is not common for bedrooms, and this can be considered a compensatory measure.

12.7.19. I note that ADF is only one of a wide spectrum of interrelated requirements in the successful design of new apartments such as those proposed, with room sizes and layouts, window types and positions, and the provision of balconies interacting with the achievement of ADF values. In this regard a reasonable balance needs to be achieved to ensure an appropriate standard of living accommodation and amenities for residents, and I am satisfied that this would be achieved in this case and amendments to the scheme to provide for additional compliance with ADF targets values would not be necessary.

12.7.20. The New Apartment Guidelines recognise that a discretionary approach should be taken with regard to compliance with daylight provision in certain circumstances and I am satisfied that such an approach would be reasonable given the limited shortfall in ADF relative to the standards for 8% of the total rooms, as well as the stated compensatory measures with respect to the six bedrooms falling short of the target ADF value.

12.7.21. In conclusion, in measuring the adequacy of the provision of daylight by the proportion of rooms meeting ADF standards, I am satisfied that the lighting to the proposed development would adequately meet the residential amenity levels for future residents.

#### Privacy and Overlooking

12.7.22. The Development Plan refers to a separation distance of 22m between opposing windows in apartment blocks up to three storeys in height, with greater separation distances potentially having regard to layout, size and design of the development. The Planning Authority refer to the 14m separation distance between blocks A and B, including the projecting balconies to block A, resulting in failure to meet this minimum separation distance. However, the Planning Authority also highlight that this issue could be mitigated by the provision of obscure/opaque glazing to the windows serving the south west elevation of block B, as was indicated in section 6.5 of the applicant's Design Statement, but not indicated in the application drawings.

As the windows on the southwest elevation of block B serve bathrooms, communal hall landings and bedrooms that feature other windows, I am satisfied that this measure would be appropriate and would address the potential for excessive direct overlooking between the apartments in blocks A and B. Such a measure could be addressed as a condition in the event of a permission for the proposed development.

12.7.23. In general, there is sufficient space fronting the buildings to ensure that the privacy of a majority of the residents on the ground floor would not be substantially undermined. The provision of planting within landscaped privacy strips to serve as defensible space in locations fronting terraces and windows throughout the development has been proposed, including apartments onto the internal amenity space and footpaths. Vertical screening onto the sides of the private terraces adjoining the walkways and between adjoining terraces and balconies should be installed as a privacy measure and this could also be addressed via the attachment of a condition in the event of a grant of planning permission for the proposed development.

#### Inward Noise

12.7.24. Observations highlight concerns regarding the inward noise implications for apartments arising from traffic along the M50 and M11 motorways. The inward impact of existing noise and vibration sources on the development itself were considered, as part of the applicant's Noise Impact Assessment.

12.7.25. Background noise surveyed in March 2021 is stated to largely arise from road traffic on the M11 and M50 motorways, with intermittent noise from local road traffic on Stonebridge Road. The applicant asserts that no significant level of vibration was noted at this location during a visit in February 2020. The applicant also factored in noise levels to address the implications of Covid travel restrictions at the time of surveying, as well as the worst-case scenario should a Luas line extension occur in future. A daytime and night-time noise level model was prepared to identify areas of risk from noise impacts and to mitigate this impact relative to the appropriate standards. Measures to address the impacts are stated to include the positioning of the building away from the M11 corridor, the locating of play and amenity areas on the west side of the buildings and the use of glazed elements and ventilators that have good acoustic insulation properties so that when the windows are closed the

noise levels internally are good. For rooms fronting onto the road network and the potential future LUAS line, the applicant states that it would be necessary to provide enhanced acoustic glazing and ventilation to ensure that when windows are closed the internal noise environment is good. In these rooms the noise level internally with the windows open would be higher than ideal, however, occupants would have the option to close the window to reduce the noise level internally, while also achieving adequate ventilation in accordance with Part F. I am satisfied that the applicant has comprehensively considered the noise environment and its implications for future residents of the development, and the measures proposed would appear to address the requirements to provide reasonable levels of amenity for residents in this context.

#### Waste and Recycling Management

12.7.26. The applicant has submitted an Operational Waste and Recycling Management Plan, setting out how the type and storage volumes for waste have been calculated for the apartments, as well as details of how waste operators would service the site. This plan sets out that two bin stores to serve future residents would be provided at basement level. The site specific management plan states that on-site staff would manage waste and recycling storage areas, encouraging segregation and preventing contamination. A temporary collection point at surface level adjacent to the basement ramp would be provided for ease of access for waste and recycling collection vehicles. I note that the Planning Authority refer to a publicly-accessible bring-bank element not being provided as part of the development, but I do not consider this necessary to serve the development and I note that the nearest bring-bank facilities in Loughlinstown leisure centre and Shankill DART station are not located in residential developments. I am satisfied that sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would appear to be provided as part of the development and further details relating to waste and recycling management can be provided as a condition in the event of a grant of permission.

#### Childcare Facilities

12.7.27. The Planning Authority assert that there would be adequate childcare facilities in the vicinity to cater for the development, while Elected Members from the Planning Authority assert that the childcare facility provision would be unacceptable. Policy

SIC11 of the Development Plan recommends the provision of one childcare facility for every 75 units and refers to the standards in the 'Childcare Facilities - Guidelines for Planning Authorities' (2001). The applicant has submitted a Childcare Capacity Assessment and Justification Report, which undertakes a review of the demographic profile of the area, as well as a survey undertaken in November 2021 of the capacity of childcare facilities within 2.7km of the site. The overall development would contain a total of 32 one-bedroom apartments. Based on the provisions within the New Apartment Guidelines and the Childcare Facilities Guidelines, including an allowance to omit the one-bedroom units from calculations, the applicant asserts that on the basis of demographic analysis and unit mix, the development would generate a requirement for seven childcare spaces. A total of 32 available childcare spaces were identified in 12 facilities in the neighbouring area, and the applicant also referred to two potential for additional facilities 2.5km to the south in the Crinken and Woodbrook area.

12.7.28. The Planning Authority consider that there would be adequate provision of childcare facilities in the area to serve the development, although they do not consider that the availability of spaces should be based on permitted childcare facilities that may also serve other large residential developments in the area. Dun Laoghaire-Rathdown County Childcare Committee has not responded to consultation regarding the application. I am satisfied that the level of childcare provision available to serve the development would be acceptable relative to the standards, the site context and the proposed unit types and would comply with policy SIC11 of the Development Plan, as well as the provisions of the New Apartment Guidelines and the Childcare Facilities Guidelines.

#### Schools

12.7.29. The Elected Members query whether there would be sufficient education spaces to accommodate the additional population arising from the proposed development. The applicant has listed and mapped local social and community infrastructure in their application, identifying health facilities, schools, sports and recreation facilities and other community and cultural facilities within approximately 1km to 2km of the site. Based on the unit mix of the development and demographics, including reference in the applicant's Childcare Capacity Assessment to 11 children in the 5 to 12 age category residing in the proposed development, this would attract limited demand for

primary school places, while also inferring limited post-primary school places would also be needed.

- 12.7.30. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services, including schools and other social infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to become viable. In the immediate and wider environs of the site there are schools, shops, medical facilities, parks, and open spaces, all of which would benefit from a development that is a comfortable walking or cycling distance from the site. The Planning Authority did not raise concerns regarding the capacity of schools to accommodate the development. In conclusion, the development would not be likely to place significant demands on schools in the vicinity and permission for the development should not be refused for this reason.

#### Building Lifecycle and Management

- 12.7.31. As required within the New Apartment Guidelines, a Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents, has been included with the planning application. Detailed measures, including sinking fund details, as well as operational design and maintenance measures, have been provided within this report. Prior to the lease of individual units, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

#### Conclusion

- 12.7.32. In conclusion, subject to conditions, I am satisfied that the proposed development would provide a quality and attractive mix of apartments and open space, meeting the relevant design standards and providing a suitable level of amenity for future residents.

### **12.8. Traffic and Transportation**

- 12.8.1. The Transportation Planning section of the Planning Authority initially suggested the refusal of planning permission for the development, due to the inability of the

applicant to provide a pedestrian and cycle route connection to Parc na Silla. The Transportation Planning section subsequently suggest the attachment of a number of conditions to require this link to be provided prior to the occupation of the development and the recommended reasons for refusal by the Planning Authority refer to the development failing to promote permeability and connectivity. The vast majority of observations from neighbouring residents highlight concerns in relation to the access to the site and the implications for road safety and traffic congestion. In support of this the observations refer to planning applications for infill residential development in the Falls Road area that have been refused for various reasons, including those relating to traffic impacts (DLRCC refs. D15A/0235, D15A/0826, D15A/0308 D15A/0215 and D15A/0757/ABP ref. PL06D.246223). The Elected Members refer to the poor provision of access to the area. TII refer to the site being located in a study area for a future national road scheme and, as a consequence, the local Road Design Office should be consulted. The Planning Authority did not refer to this in their submission on the application and an objective for same is not provided for in the Development Plan for the area. With the finalisation of surface water drainage proposals, the development would not be likely to interfere with the function and safe operation of the adjacent motorway.

#### Access and Connectivity

- 12.8.2. The site is currently only accessible from Falls Road, which the observers refer to as having limited capacity to serve the development, due to its condition, including narrow carriageway width, as well as poor provision of lighting and footpaths. The observers state that this road is not earmarked for upgrade in the short term, based on the provisions of the draft Development Plan. Currently there is a footpath on the opposite side of the road to the application site from the Stonebridge Road to the south. This footpath terminates at the entrance to Newgrange and Orchard Grove opposite the application site. Leading west towards Mullinastill Road, the carriageway width narrows, although there remains capacity for two-way traffic, and there are no footpaths.
- 12.8.3. The proposed development access would be from a new entrance slightly east of the existing entrance and this would provide direct access to the basement car park. A right turning lane would be provided off Falls Road to this access and a car club parking space and a set-down area would be provided to the west of the entrance to

accommodate vehicles, such as a waste collection truck. A footpath would be provided across the site frontage extending along the east side of Falls Road to Stonebridge Road. A 20m-long section of two-way cycleway would also be provided connecting into the north-south link on the development site. The applicant has submitted a DMURS Compliance Statement as part of their application, as well as a Quality Audit identifying four minor matters to be addressed for the roads element of the proposed development. The development would not appear to impact on the potential future route for a Luas line extension.

- 12.8.4. The Transportation Planning section has raised a number of issues regarding the front roads layout, including a requirement for a 5.5m-wide carriageway and 2m-wide footpath abutting this on Falls Road, as opposed to the carriageway narrowing to a width of 4m with a separately aligned 1.8m-wide footpath west of the entrance. It is recognised that this may have implications in maintaining trees and hedgerow along the site frontage. The proposed works along Falls Road would improve access along this road and would be capable of serving the subject development. The revised carriageway and footpath widths requested by the Planning Authority would appear warranted and could be facilitated, although this may require further loss of trees and hedgerows. Sufficient provision has also been made with respect to waste collection, with space provided to the front of the site. The Planning Authority also refer to other minor matters relating to surfacing and road markings, which I am satisfied could reasonably be addressed as conditions in the event of a permission.
- 12.8.5. The observations assert that the subject area is not well served by public transport and that the Luas green line extension is unlikely in the short term. The applicant's Traffic and Transport Assessment provides details of public transport services currently available in the environs of the site, as well as future proposals. As noted in section 12.3 above, based on the information available, I am satisfied that the site would have reasonable access to amenities via public transport and consultation with TII, the National Transport Authority (NTA) and other parties has not highlighted concerns regarding the existing capacity of public transport neighbouring the site. I accept that capacity on public transport infrastructure requires regular monitoring. Under the terms of the Dublin Transport Authority Act 2008, the NTA is required to review the Transport Strategy for the Greater Dublin Area and I note that a Draft Greater Dublin Area Transport Strategy 2022-2042 has been published, with policy

measures such as 'Measure BUS5 – Bus Service Network Monitoring and Review' outlining the intention of the NTA to continually monitor the demand for bus services in the Dublin Area as part of the roll-out of the new service network and as part of the monitoring and periodic review of the Transport Strategy, and to enhance or amend the service network as appropriate. While the Strategy is currently in draft format, I am satisfied that this reveals the intention, and the ongoing transport strategy approach, to constantly ensure public transport serving the greater Dublin area have capacity to meet demand, whether this be via reduced or increased levels of service. Precise details for the Luas line extension do not appear to be available at present. Notwithstanding this, the proposed works within the application site do not appear to interfere with the area intended for this future infrastructure.

- 12.8.6. As noted above, some modest improvements to cycle and pedestrian paths linking with Stonebridge Road would be undertaken as part of the initial phase of the proposed development. Observers highlight an inability to improve cycle and footpath infrastructure along the west side of Falls Road, particularly due to the inability to meet the DMURS standards. While this may presently be the case, I note that the vast majority of services and infrastructures in the immediate area are located to the east of the site, which would require residents and visitors to primarily use the proposed and existing stretch of footpaths along Falls Road. While some additional pedestrian and cycle movements would no doubt arise along the west side of Falls Road, there would be scope for residents and visitors to also use the footpaths along Mullinastill Road and Stonebridge Road to access the site. Consequently, the development would not be dependent upon upgrade of pedestrian and cycle routes on the west side of Falls Road.
- 12.8.7. The applicant has proposed a new pedestrian and two-way cycle link leading from Falls Road along the eastern side of the site connecting with estate access roads in Parc na Silla to the north. As highlighted above, the Planning Authority do not believe that this link can be completed as part of the subject development, as the lands within an intermediary section are understood to be in control of CIE. The observations also highlight the difficulties in attempting to deliver the link.
- 12.8.8. The link would most certainly be beneficial from a permeability and connectivity perspective for the development residents and the neighbouring community given the physical buffer created by the motorway. However, the development would not



be dependent on the provision of this piece of infrastructure. The applicant would provide the majority of the link on their lands up to the boundary with the CIE lands, which would allow for a future potential connection to be made. Furthermore, as noted by the Planning Authority, it would not be advisable to condition the provision of this link prior to the commencement or occupation of the development, given that all of the lands required for this link are not in the control of the applicant based on the application details submitted.

#### Car Parking Standards

- 12.8.9. The applicant is proposing a total of 101 car parking spaces to serve the development, 100 of which would be at basement level serving the residential units. Ten of the spaces would be allocated for visitors, four would feature access for persons with a disability and 55 spaces would feature electric-vehicle charging points. Four motorcycle parking spaces are also proposed. Along Falls Road it is proposed to provide a car-share / car-club space. The Planning Authority request the provision of 11 additional car parking spaces and observers consider the proposed development to feature a shortfall in car parking, which may lead to overspill parking on Falls Road to the detriment of road safety. The applicant considers the provision of car parking to serve the residential units to be appropriate with reference to car ownership and modal split trends, the maximum Development Plan standards allowing for 136 car parking spaces and the provisions of the New Apartment Guidelines seeking to reduce car parking provision in intermediate urban locations.
- 12.8.10. The New Apartment Guidelines advocate the consideration of reduced overall car parking in urban locations served by public transport or close to urban centres, particularly in residential developments with a net density of greater than 45 units per hectare. A Mobility Management Plan is provided with the application, and this outlines various measures to influence use of more sustainable modes of transport as part of the development, including the appointment of a mobility manager to promote and support the provisions of the mobility management plan serving the development.
- 12.8.11. I am satisfied that car parking standards below the Development Plan maximum standards for the residential element of the proposed development would be

reasonable, given its location relative to public transport services. Based on the information submitted with the application, I am satisfied that sufficient car parking would be provided to serve the proposed development and the request of the Transportation Section of the Planning Authority would not encourage use of sustainable modes of transport. The implementation of a mobility management plan and car parking management strategy should be a condition in the event of a permission. Ducting to allow for all car spaces to feature electric-vehicle charge points should also be required as a condition in the event of a permission.

#### Cycle Parking Standards

12.8.12. A total of 224 cycle parking spaces would be provided, comprising 142 standard spaces for residents and four non-standard (cargo) spaces at basement level, and 28 residents' spaces and 50 visitors' spaces at podium level. All spaces would be of the 'Sheffield' type stands. The Planning Authority note that this provision would exceed the Development Plan standards, requiring 120 spaces, and the New Apartment Guidelines standards, requiring 221 spaces. I am satisfied that the quantum and locations of cycle parking for the residential development would be welcome in supporting sustainable transport options.

#### Traffic

12.8.13. The observers refer to an array of concerns regarding the potential for the development, as well as other developments, to increase traffic congestion already experienced in the area, which would impact on road safety, including along Falls Road. The applicant submitted a Traffic and Transport Assessment as part of their application and the observers assert that this does not model the likely impacts of traffic arising from the development on the local roads network, as it fails to consider the potential for cars to exit the development with a right turn onto Falls Road. The applicant's modelling suggested the number of vehicular trips associated with the proposed development exiting onto Falls Road during the morning peak hour (08:00 – 09:00) would be 29 outwards, with 26 returning trips during the evening peak hour (17:00 – 18:00).

12.8.14. Five critical junctions more assessed in relation to traffic flow impacts. The submitted Traffic and Transport Assessment asserts that, if permitted, the proposed development would result in an increased impact on the operational traffic volumes

in the opening year (2022) at the site access onto Falls Road junction by 70% and 60% respectively during both the morning and evening peak hours, and at the more distant junctions, comprising the Falls Road / R116 Mullinastill Road junction, an increase of traffic between 7.6% to 7.8% would arise during morning and evening peak hours in the opening year. Reduced proportionate increases in traffic movements would be experienced at the Falls Road / Stonebridge Road junction with 3.4% to 2.6% additional traffic during morning and evening peak hours respectively in the opening year.

12.8.15. Based on TII Traffic and Transport Assessment Guidelines (2014), modelling is required for two of the five subject junctions. Using Picady software analyses the applicant undertook modelling of the traffic in the interim (2027) and future horizon (2037) at three junctions on Falls Road. The applicant asserts that the traffic generated by the proposed development was established as having subthreshold impacts at all key off site junctions. The observers' assertion that the modelling does not account for movements west of the site along Falls Road is incorrect, as the traffic diagram models clearly show that this has been accounted for. I am satisfied that based on the information provided in the Traffic and Transport Assessment, a reasonable approach to modelling future traffic scenarios on the local road network with the development in place has been set out and this does not reveal substantive impacts on traffic. The assessment broadly follows the TII guidance on this matter and an alternative technical assessment contradicting the approach or the findings of the applicant's assessment has not been provided. Furthermore, the Planning Authority has not objected to the findings of the traffic and transport assessment, and I am satisfied that the applicant has provided adequate justification and rationale for the approach undertaken in their Traffic and Transport Assessment with sufficient information included for the purpose of this assessment.

12.8.16. The site is located on zoned lands with reasonable access to an array of services. The proposed development would provide for a substantive scale of development. There would undoubtedly be some increase in traffic numbers as a result of the proposed development, which would invariably add to the existing congestion that is acknowledged in the application. However, traffic congestion at peak periods in an urban area such as this, would be anticipated to occur and various measures and design features have been set out within the application and as part of the proposed

development to support the use of public transport, cycling and walking, as an alternative to the use of private vehicles.

- 12.8.17. All road networks feature limited capacity in terms of accommodation of private cars and increased population in locations such as the application site area, which are reasonably well served by public transport and have the capability for additional services as demand requires, should be developed in the interest of providing for sustainable communities.

#### Construction Traffic

The observations assert that increased traffic hazard, as well as increased disruption, congestion and risks would arise during the construction period for the project. Within their Traffic and Transport Assessment, the applicant states that best practice construction management techniques will be adopted at construction stage to ensure minimal impact is had on residential amenity and traffic within the surrounding area. The applicant has not provided a construction traffic management plan as part of their application. The volume of traffic generated during the construction period would be likely to be lower than that generated during the operational phase.

- 12.8.18. In the event of a permission, a construction traffic management plan can be agreed with the Planning Authority. The applicant states that a Construction Management Plan will be prepared by the applicable contractor and agreed with the Local Authority prior to construction commencing. Issues raised by TII with respect to maintaining the integrity of M11 motorway slope and drainage issues related to the potential impact to the national road need can be addressed as part of the Construction Management Plan and the final agreement of surface drainage details.

#### Conclusion

- 12.8.19. In conclusion, subject to conditions, the proposed development would not reasonably result in an unacceptable risk of traffic hazard or significant additional traffic congestion in the area, and it would feature an appropriate provision of car and cycle parking.

## 12.9. Services and Flood Risk

- 12.9.1. The observations assert that the proposed development would impact on existing services, including water supply and drainage. The application was accompanied by an Infrastructure Design Report, including an existing Utility Services Report and a Site Specific Flood Risk Assessment.

### Surface Water Drainage

- 12.9.2. Within their Infrastructure Design Report the applicant states there is a 225mm-diameter surface water sewer running in a southerly direction along Falls Road from the application site to the junction with Stonebridge Road. It is proposed to discharge attenuated surface water runoff from the site to a replacement surface water sewer on Falls Road, which would subsequently connect to the existing 225mm diameter surface water sewer approximately 12m north of Stonebridge Road (as per details in drawing no. 190094-3001 - Site Services Layout Sheet 1).
- 12.9.3. Features to be provided in the interception of rainwater falling onto the site would include extensive and intensive green roofs and permeable paving, and this would be directed into an underground attenuation tank towards the front of the site followed by a fuel interceptor installed to collect pollutants and a flow control feature to limit the final rate of runoff to greenfield rates. A stage 1 stormwater audit is appended to the applicant's Infrastructure Design Report confirming that the system is acceptable. According to the applicant, the surface water management measures would have sufficient capacity to accommodate 1-in-100 year storm events and a freeboard for climate change factors, in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS). The Planning Authority state that the surface water drainage proposals are generally acceptable, subject to further details with respect to green roofs, the positioning and specification of the attenuation tank, the treatment of construction runoff, SUDS measures, the flow-control device and Stage 3 completion stage storm-water audit. The requested details are standard elements requiring agreement with the Planning Authority following a grant of planning permission and I am satisfied that conditions can be attached in the event of a permission to address same. Accordingly, subject to conditions, I am satisfied that the drainage details submitted with the application

reveal that the subject development can be satisfactorily served by drainage services.

#### Foul Water

- 12.9.4. As referenced in the observations to the application, the existing houses along Falls Road, including the house on the application site, are served by individual on-site wastewater treatment systems. The observations assert there are no foul drainage upgrade plans for the area. It is proposed to discharge foul wastewater from the development to an existing 375mm-diameter foul sewer located approximately 650m northwest of the application site on Mullinastill Road. Irish Water have no objection to the proposals noting that the connection to their wastewater infrastructure can be facilitated, although the applicant would need to fund the upgrade of this infrastructure and it would be subject to standard connection agreements. The upgrade of the infrastructure would generally appear to involve the laying of a new sewer along Falls Road west of the site and Mullinastill Road. It is not clear if this would feature capacity to accommodate connections from other sites along Falls Road, including those served by on-site wastewater treatment systems. Consequently, it is not clear if there would be any broader planning gain associated with this element of the project. Notwithstanding this, I consider the foul drainage proposals to serve the subject development to be satisfactory, subject to appropriate conditions.

#### Water Supply

- 12.9.5. There is an existing 12-inch watermain running along Falls Road fronting the site, but the applicant states in their Infrastructure Design Report that it is proposed to connect to the existing 300mm-diameter water supply on this road. Irish Water has confirmed in their submission that a connection to their water supply infrastructure can be made based on the details of the proposed development and subject to standard connection agreements. In conclusion, I consider the water supply proposals to serve the subject development to be satisfactory, subject to appropriate conditions.

#### Flood Risk

- 12.9.6. A low probability of flood risk is identified in the Development Plan for the subject site. The applicant submitted a site specific flood risk assessment and this asserted

that based on various sources, including Office of Public Works (OPW) mapping, the site is at no risk of coastal or fluvial flooding, at low risk of groundwater flooding, and at moderate risk of pluvial (surface water) flooding arising from the potential surcharging and blockage of the new drainage network. In response to these risks, the applicant states that flows from the development would be limited to greenfield runoff rates, the storm-water system has been designed to retain a 1-in-100 year storm event (plus a 10% increase in rainfall intensities addressing climate change factors) and the ground-floor finished level would be a minimum of 0.5m above temporary water levels in the surface water storage system for a 1-in-100 year storm event. Mitigation measures to address the moderate risk of pluvial flooding include regular maintenance of SUDS on a regular basis, which would have the effect of reducing the risk of a blockage in the surface water system, and directing of overland flow runoff to grassed areas and away from dwellings.

- 12.9.7. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed development is 'less vulnerable' and therefore appropriate for the site. In conclusion, based on the information available, I am satisfied that the development would be at low risk of flooding and it would not increase the risk of flooding to other lands.

## **12.10. Biodiversity**

### Local Ecological Impacts

- 12.10.1. This site lies within an urban area and current land uses in the vicinity are detailed in section 2 above. Observers and the Elected Members assert that consideration must be given to the impact of the development on biodiversity and wildlife. An Ecological Impact Assessment dated December 2021 was submitted with this application following site surveys in January and May 2020. This Assessment outlines the habitats and species identified on site during surveys, as well as referring to designated sites for nature conservation in the vicinity, including Loughlinstown Wood proposed Natural Heritage Area (pNHA) (site code: 001211) located 0.8km to the north of the application site and Dalkey Coastal Zone and Killiney Hill pNHA (site code: 001206) located 1.6km to the northeast of the application site. Loughlinstown Wood pNHA features mixed planted and native

woodland along the northern bank of the Shanganagh River, while Dalkey Coastal Zone and Killiney Hill pNHA is a large site covering a range of coastal habitats.

12.10.2. The site is stated by the applicant to be dominated by treelines (WL2) and mixed conifer woodland (WD3), as well as ornamental / non-native shrubs (WS3), dry meadow (GS2), buildings and artificial surfaces (BL3). It features numerous trees and hedgerows that would be removed as part of the project and these are primarily located surrounding the periphery of the site. A detailed list of species and their conditions is provided in the applicant's Arboricultural Assessment.

12.10.3. No Annex I habitats were recorded within the application site during the applicant's habitat surveys and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the site. Potential for hedgehog, stoat and pygmy shrew to use the site was not excluded given the fact that these are nocturnal species, but the likelihood of the site hosting significant numbers of these species was considered to present negligible impact from the proposed development for these species. Invasive species were not recorded on site.

12.10.4. The site is of negligible to low ecological value. To address potential impacts of the project on local ecology, the applicant sets out various avoidance, remedial and alleviation measures to address the negative impacts, including the need for ecological monitoring of vegetation removal and timing of such works to avoid the nesting season. Bird boxes would be provided in landscaped areas and stripped soils would be reused as part of the landscaping. After alleviation, the applicant asserts that no significant negative residual effects are likely to arise for biodiversity from this project. With the implementation of the identified alleviation measures, I am satisfied that the residual impact on local ecology would be no more than moderate negative. Specific impacts on bats and trees are examined under separate subheadings below.

#### Bats

12.10.5. All Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also). A bat survey was undertaken during peak season for bat activity in May 2020 and this identified that the buildings on site were of low to moderate suitability for roosting bats, but no bats were recorded entering or



emerging from the buildings on site. Four species of bats were identified foraging or commuting through the site, but the level of activity was considered to be low.

- 12.10.6. To avoid displacement of commuting or foraging bats, the applicant proposes to incorporate bat-sensitive lighting in their proposals, and I am satisfied that this can be requested as part of the finalised lighting proposals. Four bat boxes are proposed to be installed within the application site as part of the development. The applicant's bat survey does not refer to the potential for roosting bats within the mature trees on site, including those intended to be felled and removed as part of the subject proposals. Consequently, to comprehensively address the potential for impacts to bats at construction stage, prior to felling of trees a bat specialist should be engaged to undertake surveys and mitigate any impacts, should they arise. Accordingly, I am satisfied that, subject to condition to address potential for bats roosting in trees, and the stated measures being implemented in full, there would not be a significant adverse impact on bat populations, as a result of the proposed development.

### Trees

- 12.10.7. The observations submitted object to the extent of tree and hedgerow removal proposed as part of the development. The Planning Authority and the Elected Members of the Planning Authority consider the extent of tree and hedgerow removal to be excessive and contrary to the objective on the application site to preserve trees and woodlands, particularly considering the lack of non-corresponding tree planting and details omitted from the application. Following a tree survey, 88 of the 161 trees, hedgerows and tree belts on site were identified for removal, including 9 grade B trees of moderate quality with an estimated remaining life expectancy of at least 20 years and 63 grade C trees, which are trees of low quality with an estimated remaining life expectancy of at least ten years. A total of 16 grade U trees are to be removed, which are trees in such a condition that any existing value would be lost within ten years. The 141 trees and 13 hedgerows on site are stated to comprise 27 varieties of trees and ten varieties of hedgerows.
- 12.10.8. The approach taken as part of the project is to maintain as much of the perimeter tree vegetation as possible, as this vegetation has the most value to the treescape of the greater area where it will help screen and blend the proposed development into its surrounds. Proposals with respect to tree protection were submitted as part of the

Arboricultural Assessment, and root protection areas and trees to be removed are identified on tree protection and constraints drawings (nos. FMS001 and FMS002). Replacement tree planting would be planted throughout the site, as illustrated and listed on the Landscape Masterplan drawing (no.100).

12.10.9. While there is an objective to preserve trees and woodlands on site, it is not entirely clear, which trees or woodlands this relates to, or if this relates to the trees and woodlands on the entire site, the latter of which would be an unsustainable limitation on a suburban site. The most visually impressive of these trees closest to the front of the site and closest to the location of the tree icon used on the maps in the Development Plan to indicate this objective, is a mature Monterrey Cypress. Dun Laoghaire-Rathdown County Council are one of only a small number of Local Authorities in Ireland who have assigned tree preservation orders to trees within their jurisdiction. If such an order was applied to the trees on the application site, felling would not be possible without receiving a tree felling licence. I am not aware of such an order applying to this site. Furthermore, I note that development has not been restricted on other sites in the vicinity featuring tree or woodland preservation objectives, including the 'Rathbeg' development under construction 150m to the southeast of the site (DLRCC ref. D20A/0184), a development which featured a greater proportion of tree removal from the site than the subject development.

12.10.10. Notwithstanding the imposition of a tree preservation objective and the loss of number of trees from the application site, a substantive number of trees would also be maintained and these trees would also be supplemented by planting as part of the application landscaping plans. Consequently, I am not satisfied that it would be reasonable to consider the subject proposals to be strictly in conflict with the tree / woodland preservation objective for this site. However, as highlighted above, I note that the extent of tree removal, particularly along the front southeast corner of the site with Falls Road and the western boundaries with Renvyle and Woodstock would have implications in terms of screening the appearance of the development and maintaining the character of the area.

12.10.11. In the event that permission is granted for the proposed development, I recommend the attachment of conditions with respect to the engagement of an arborist as part of the landscape works to best provide for protection of the trees to be maintained on site.

## **12.11. Material Contravention**

- 12.11.1. Having regard to the above assessment, including the various submissions and my site visit, I am satisfied that the following would arise with respect to the potential for the proposed development to materially contravene the provisions of the Development Plan. The Board would not be in a position to invoke the provisions of section 37(2)(b) of the Act of 2000 for matters, other than those addressed in the applicant's Statement of Material Contravention. Furthermore, the observations and Elected Members assert that material contraventions would arise with respect to various matters, including zoning objectives, the rehabilitation and renovation of houses, building separation distances, overlooking and public open space provision, and I am satisfied, for reasons outlined above addressing each of these matters, material contravention of the provisions of the Development Plan would not arise with respect to same.
- 12.11.2. Having regard to the detailed provisions of policies RES3 and section 8.2.3.2(ii) of the Development Plan, I do not consider that the proposed development materially contravenes the Development Plan in relation to residential density. However, the issue has been raised in the applicant's Statement of Material Contravention, therefore, the Board can invoke the provisions of section 37(2)(b) in relation to the matter.
- 12.11.3. I consider that the proposed building height would materially contravene the provisions in policy UD6 of the Development Plan, which requires adherence to the recommendations and the guidance in the Building Height Strategy for the county. This matter is addressed in the applicant's Statement of Material Contravention and it is therefore open to the Board to invoke the provisions of section 37(2)(b) of the Act of 2000 in relation to this matter. However, as I consider the proposed development not to comprehensively satisfy the development management criteria set out in section 3.2 of the Building Height Guidelines, and as the provisions of SPPR3(a) of these Guidelines would not apply in this case, a grant of permission for the proposed development should be refused on this basis. Accordingly, I do not address the matter of building height further.
- 12.11.4. Having regard to the detailed provisions of Policy RES7 and the standards outlined in section 8.2.3.3(iii) of the Development Plan, I do not consider that the proposed

development materially contravenes the Development Plan in relation to housing mix, as deviation from housing mix standards would not be likely to be of a material nature, particularly where there is compliance with contemporary and more up-to-date standards. This matter is addressed in the applicant's Statement of Material Contravention and it is therefore open to the Board to invoke the provisions of section 37(2)(b) of the Act of 2000 in relation to this matter.

### **13.0 Environmental Impact Assessment Screening**

13.1.1. The applicant has addressed the issue of EIA within appendix A of their Statement of Consistency & Planning Report. This appendix contained information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001-2021 (hereinafter 'the Regulations'). I have had regard to same in this screening assessment. The information provided by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

13.1.2. This proposed development, is of a class of development included in Schedule 5 to the Regulations. Class 10(b) of Schedule 5 to Part 2 of the Regulations provides that mandatory EIA is required for the following classes of development:

- (i) construction of more than 500 dwelling units,
- (iv) 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.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

13.1.3. The development would provide for the construction of 100 dwelling units, all on a site measuring 0.92 hectares in a built-up urban area, which is not a 'business district'. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Regulations, the proposed development, is subthreshold in terms of the

mandatory submission of an EIA. The nature and the size of the proposed development is well below the applicable thresholds for EIA, including the demolition works.

13.1.4. The criteria within Schedule 7 to the Regulations are relevant in considering whether this proposed subthreshold development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area to the west. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The former use of the site is noted, and preliminary geological investigations have been undertaken, which do not reveal significant constraints in developing the site at the scale proposed. The development would be served by municipal drainage and water supplies. The site is not subject to any architectural or nature conservation designation and does not support habitats or species of conservation significance, as highlighted in the applicant's Ecological Impact Assessment.

13.1.5. The various reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the impact of the proposed development, in addition to the cumulative impacts with regard to other permitted and existing developments in proximity to the site. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application including the following:

- Statement of Consistency & Planning Report;
- Design Statement;
- Landscape and Visual Impact Assessment;
- Verified Views and CGIs Booklet;

- Infrastructure Design Report;
- Traffic and Transport Assessment;
- Ecological Impact Assessment;
- Screening Report for AA;
- Sustainability and Energy Report.

13.1.6. In addition, noting the requirements of Section 299B(1)(b)(ii)(II)(C) of the Regulations, the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive have been taken into account. In this regard I note the following EU directives are directly addressed by the applicant:

- Habitats Directive (92/43/EEC);
- Birds Directive (2009/147/EC);
- Directive 2007/60/EC, Floods Directive;
- Directive 2002/49/EC, Environmental Noise Directive;
- Directive 2000/60/EC, Water Framework Directive;
- Directive 2001/42/EC, SEA Directive;
- Directive 2008/50/EC, Clean Air for Europe Directive;
- Seveso III Directive (2012/18/EU);
- Directive 2008/56/EC; Marine Strategy Directive.

13.1.7. Under the relevant themed headings, the EIA screening information prepared by the applicant has considered the implications and interactions between these assessments and the proposed development, and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan.

13.1.8. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects 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 of the Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening information submitted with the application. I am overall satisfied that the information required under article 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination can be issued confirming that there is no requirement for an EIAR to be prepared for the project based on the above considerations.

## **14.0 Appropriate Assessment**

### **14.1. Introduction**

14.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment of a project under section 177U of the Act of 2000, are considered in the following section.

### **14.2. Compliance with Article 6(3) of the EU Habitats Directive**

14.2.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. The proposed development on Falls Road, is not

directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

### **14.3. Stage 1 AA Screening**

- 14.3.1. The applicant has submitted a Screening Report for AA dated December 2021 and prepared by consultant ecologists at NMEcology. The Screening Report for AA provides a description of the proposed development and identifies European sites within the possible zone of influence of the development. The Screening Report for AA is supported by associated reports, including an Ecological Impact Assessment.

#### Site Location

- 14.3.2. A description of the site is provided in section 1 above and in section 2.1 of the Screening Report for AA. The site contains a house and associated buildings and services. An overview of the habitats on site is referred to in the applicant's Ecological Impact Assessment, including the outcome of various surveys. An Arboricultural Assessment has also been provided outlining details with respect to trees and hedgerows. No Annex I habitats were recorded within the application site during the applicant's habitat surveys and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the site. Invasive species were not recorded on site.
- 14.3.3. There are no significant surface water features in the immediate vicinity of the proposed development site. The closest watercourse is the Shanganagh stream, which is located approximately 600m to the northwest of the application site. This watercourse generally flows east to the coast, where it discharges into Killiney Bay, approximately 2.5km northeast of the application site. The Dargle River located approximately 1.1km to the south of the site is the other nearest watercourse to the application site and this also flows into Killiney Bay.

#### Proposed Development

- 14.3.4. A detailed description of the proposed development is provided in section 2 above and expanded upon below where necessary. Foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Shanganagh / Bray Wastewater Treatment Plant (WWTP).



Following various standard practice construction site environmental management measures, as well as SUDS measures, surface waters from the development would be discharged into a replacement pipe on Falls Road connecting into the local network running along Stonebridge Road. These surface waters would ultimately drain into Killiney Bay.

14.3.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – demolition, surface water runoff, disturbance and emissions, including dust, noise and vibration;
- Operation Phase – disturbance, surface water runoff and emissions to water.

#### Submissions and Observations

14.3.6. The submissions and observations from the Planning Authority and prescribed bodies are summarised in sections 10 and 11 of this Report. The observers refer to matters relating to general impacts of the development on biodiversity and wildlife, as well as excessive tree and hedgerow loss.

#### European Sites

14.3.7. The nearest European sites to the application site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), comprise the following:

**Table 6.** European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
003000	Rockabill to Dalkey Islands SAC <ul style="list-style-type: none"> <li>• Harbour porpoise [1351]</li> <li>• Reefs [1170]</li> </ul>	2.9km	northeast
000713	Ballyman Glen SAC <ul style="list-style-type: none"> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Alkaline fens [7230]</li> </ul>	3.8km	southwest
004172	Dalkey Islands SPA	4.6km	northeast

	<ul style="list-style-type: none"> <li>• Roseate Tern [A192]</li> <li>• Arctic Tern [A194]</li> <li>• Common Tern [A193]</li> </ul>		
000725	Knocksink Wood SAC <ul style="list-style-type: none"> <li>• Petrifying springs with tufa formation (Cratoneurion) [7220]</li> <li>• Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</li> <li>• Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</li> </ul>	5km	southwest
000714	Bray Head SAC <ul style="list-style-type: none"> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>• European Dry Heaths [4030]</li> </ul>	5.2km	southeast

14.3.8. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site, aided in part by the Environmental Protection Agency (EPA) AA Tool ([www.epa.ie](http://www.epa.ie)). Section 3.2 of the applicant's screening report identifies any potential links from European sites to the application site. Distances and direction from the site to European sites are listed in table 6 above. I do not consider that any other European Sites, other than those identified in table 7, potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site to same, and the lack of an obvious pathway to same from the development site. Knocksink Woods SAC and Ballyman Glen SAC are both upgradient of the site across extensive suburban and rural lands, therefore, these sites would not be connected to the application site based on the source-pathway-receptor model.

**Table 7.** Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
Rockabill to Dalkey Islands SAC 003000	QIs – 1 habitat and 1 species  To maintain the favourable conservation condition of reefs  To maintain the favourable conservation condition of Harbour porpoise	Yes  Weak hydrological connections exist through:	Yes
Dalkey Islands SPA 004172	QIs – 3 bird species  To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA: <ul style="list-style-type: none"><li>• Roseate Tern [A192]</li><li>• Arctic Tern [A194]</li><li>• Common Tern [A193]</li></ul>	Surface water ultimately discharging to Killiney Bay  Wastewater from the site passes and would be treated in Shanganagh / Bray WWTP, which also discharges to Killiney Bay.	
Bray Head SAC 000714	QIs – 2 habitats  To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts.  To maintain the favourable conservation condition of European dry heaths.	During field surveys, Tern bird species or evidence of same using the site was not identified on site.	

#### 14.4. Potential Effects

14.4.1. Habitat loss and fragmentation would not arise given the location and nature of the site. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- increased noise, dust and/or vibrations as a result of construction activity;

- surface water drainage from the proposed development site;
- increased wastewater being sent to Shanganagh / Bray Wastewater Treatment Plant during the operational phase of the proposed development.

#### Construction Phase

- 14.4.2. Having regard to the information submitted with the application, pollution sources would be controlled through the use of normal best practice site management. Typical and well-proven construction and demolition methods would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, the implementation of such methods as part of a Construction and Environmental Management Plan would be necessary for a residential development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out are not designed or intended specifically to mitigate any potential effect on a European site.
- 14.4.3. Surface water from the proposed development would drain to the surface water sewer along Stonebridge Road, which ultimately drain to Killiney Bay coastal waters. Under the WFD assessments for the 2013 to 2018 period, the status of the nearest watercourses, including the Shanganagh Stream and the River Dargle, is stated to be of moderate and good status respectively. The receiving waters in Killiney Bay are stated to be of high status in the WFD assessments.
- 14.4.4. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Killiney Bay can be excluded given the absence of a likely pollution source on the site, the considerable intervening distances and the volume of waters separating the application site from European sites in Dublin Bay (dilution factor).
- 14.4.5. Survey details provided with the applicant's Ecological Impact Assessment do not highlight qualifying interest species or other species associated with the conservation objectives of European sites habituating the site or its adjoining area. The development would not increase disturbance effects to birds in Killiney Bay, including during construction (and operational) phases, given the separation distance from these sensitive areas across an extensive urban and suburban area.

14.4.6. In the event that pollution and sediment control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in the Dublin Bay area (dilution factor).

14.4.7. The construction phase will not result in significant environmental impacts that could affect European sites within the wider catchment area.

#### Operational Phase

14.4.8. During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through an attenuation tank, a fuel interceptor and a flow-control hydrobrake. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Killiney Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the application site from European sites in the Killiney Bay area (dilution factor).

14.4.9. Wastewater would ultimately be treated at Shanganagh / Bray Wastewater Treatment Plant (WWTP) and, according to the applicant, the proposed development would result in a residential loading equivalent amounting to 44.6m<sup>3</sup> per day and that the WWTP is currently operating within capacity. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the loading at Shanganagh / Bray WWTP, which would in any event be subject to Irish Water consent, and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

14.4.10. On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Killiney Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the

qualifying interests or special conservation interests of European sites in or associated with Killiney Bay via surface water runoff and emissions to water.

#### In-combination Impacts

14.4.11. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

#### AA Screening Conclusion

14.4.12. The significant distance between the proposed development site and any European sites, and the very weak ecological pathways are such that the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network in Killiney Bay.

14.4.13. The proposed development was considered in light of the requirements of Section 177U of the Act. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 003000 (Rockabill to Dalkey Islands SAC), European Site No. 004172 (Dalkey Islands) and European Site No. 000714 (Bray Head SAC) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

14.4.14. The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

## **15.0 Conclusion and Recommendation**

15.1. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be refused to be granted for the proposed development, for the reasons and considerations set out in the draft Order below.

## 16.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 23rd day of December, 2021, by J Coffey Property (Falmore) Ltd care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin 2.

### **Proposed Development:**

The development will consist of:

- demolition and removal of a three-storey house and associated structures, measuring a stated gross floor area (GFA) of 736sq.m;
- construction of 100 apartments in two blocks of three to six storeys over a basement / undercroft carpark, with each apartment to be provided with private open space in the form of terraces or balconies and access to 1,357sq.m of communal open space;
- provision of 101 car parking spaces, four motorcycle parking spaces and 224 bicycle parking spaces;
- road upgrade works along Falls Road, including new vehicular access and right-turning lane, the installation of pedestrian cycle paths, a set-down space and a car-share parking space;
- works along Falls Road and Mullinastill Road to facilitate a foul water drainage connection and works along Falls Road to replacement the storm water connection to Stonebridge Road;
- provision of a pedestrian/cycle link along the eastern site boundary to facilitate a future potential connection to Parc na Silla;
- provision of 2,468sq.m landscaped public open space in the southwest corner along Falls Road;
- all associated site and infrastructural works, including attenuation tanks, lighting, landscaping, boundary fences, plant areas, electricity substations and all associated site development works.

at the Falmore, Falls Road, Dublin 18.

## **Decision**

**Refuse to grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.**

## **Matters Considered**

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

## **Reasons and Considerations**

1. Having regard to the design and layout of the proposed development, including the siting of block A onto Falls Road and the extent of tree and hedgerow removal to facilitate the development, and the proposed scale and height of the buildings in excess of prevailing building heights and standards in the Dun Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that the proposed development would have an overbearing impact on the residential properties 'Hazeldene', 'Renvyle' and 'Woodstock' adjacent to the west of the site and would fail to integrate successfully with the character of the area along Falls Road. The proposed development would, therefore, seriously injure the residential amenities enjoyed by residents of 'Hazeldene', 'Renvyle' and 'Woodstock', would fail to comply with policy UD1 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, which seeks to ensure that all development is of high-quality design that assists in promoting a sense of place and would fail to comply with policy UD6 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, which requires adherence to the recommendations and guidance within the Building



Height Strategy appended to the Dun Laoghaire-Rathdown County Development Plan 2016-2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development fails to comprehensively meet the development management criteria set out in section 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, in that at both the city / town and district / neighbourhood / streetscape level, the proposed development fails to successfully integrate into the existing character of the area, given the overbearing relationship with adjacent residential properties to the west at 'Hazeldene', 'Renvyle' and 'Woodstock', and the scale and incongruous appearance of the development onto Falls Road. The proposed development, therefore, would result in a visually dominant and overbearing form of development when viewed from the stated neighbouring properties and from the public realm along Falls Road and does not provide the optimal design and layout solution for the site. The proposed development would, therefore, not comply with Specific Planning Policy Requirement 3(a) as set out within the Urban Development and Building Heights, Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Senior Planning Inspector

16<sup>th</sup> April 2022

## Appendices

### Appendix A: EIA Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>		ABP-312347-21
<b>Development Summary</b>		Demolition of house and outbuildings and the construction of 100 apartments in two blocks, as well as associated development at Falmore, Falls Road, Dublin 18.
	<b>Yes / No / N/A</b>	
1. Has an AA screening report or NIS been submitted?	Yes	A Screening Report for AA and an Ecological Impact Assessment were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Dun Laoghaire-Rathdown County Development Plan 2016-2022

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	There is a clear consistency in the nature and scale of development in the surrounding area, comprising low-rise residential buildings on large development plots. While the proposed building heights would not be in character with surrounding heights, the proposed development is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development would take place on an existing residential site within Dublin city and would have minimal change in the locality with no substantive waterbodies on site and proximate to the site.	No

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

<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CMP and a CDWMP would satisfactorily mitigate the potential impacts.</p> <p>Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risks are identified. There is no direct connection from open water on the site to other waters. Operation of standard measures outlined in a CMP and a CDWMP will satisfactorily mitigate emissions from spillages during construction.</p> <p>The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor, attenuation tank and hydrobrake to the public network. Surface water drainage will be separate to foul services within the site.</p>	<p>No</p>

<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CMP and a CDWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CMP and a CDWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated with water supplies in the area via piped services.	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted 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. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	Redevelopment of this site would result in an intensification of use and an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No

<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No		No
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>1. European site (SAC/ SPA/ cSAC/ pSPA)</li> <li>2. NHA/ pNHA</li> <li>3. Designated Nature Reserve</li> <li>4. Designated refuge for flora or fauna</li> <li>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</li> </ul>	No	Sensitive ecological sites are not located on site. The nearest European sites are listed in table 6 of this report and other designated sites, including proposed Natural Heritage Area are referred to in section 12.10. Annex II habitats or habitat suitable for protected species or plants were not found on site during ecological surveys. The proposed development would not result in significant impacts to any of these sites.	No
<b>2.2</b> 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?	No	The proposed development would not result in significant impacts to protected, important or sensitive species. Biodiversity measures are included as part of the proposals, including landscaping and bat-sensitive lighting.	No

<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site and surrounding area does not have a specific conservation status and there would be no significant impacts on the neighbouring Protected Structure, Ardvarna, due to the separation distance and screening to this feature.	No
<b>2.4</b> 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?	No	No such features are in this urban location.	No
<b>2.5</b> 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?	No	The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	Yes	There is a steep slope on the eastern boundary with the M11 motorway corridor. Proposals, including excavation works for the basement have been set away from this boundary and construction measures can be implemented to safeguard risks to this interface.	No
<b>2.7</b> 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?	No	Direct access would not be provided to the M11 motorway. The site is served by an urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No



<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	Schools are situated to the east of the site across the M11, however, arising from the project, including standard measures of a CMP and a CDWMP, no significant construction or operational impacts would be anticipated for these facilities.	No
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<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a construction traffic management plan.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
<b>3.3</b> Are there any other relevant considerations?	No	No	No

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<input checked="" type="checkbox"/>	<b>EIAR Not Required</b>	
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2021;
- the location of the residential units on lands zoned 'A' within the Dun Laoghaire-Rathdown County Development Plan 2016-2022 with a state objective 'to protect and / or improve residential amenity' and the results of the Strategic Environmental Assessment of the Development Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001-2021;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001-2021, and;
- the standard features and measures that would be required to avoid or prevent what might otherwise be significant effects on the environment, including measures to be provided as part of the project Construction Management Plan and Construction and Demolition Waste Management Plan.

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

Inspector: \_\_\_\_\_ **Colm McLoughlin**

Date: **16<sup>th</sup> April 2022**