

An
Bord
Pleanála

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

Inspector's Report ABP-313043-22

Strategic Housing Development

208 residential units in five blocks and
all associated site works.

Location

Carlisle, Kimmage Road West,
Terenure, Dublin 12

Planning Authority

Dublin City Council

Applicant

1 Terenure Land Limited.

Prescribed Bodies

Irish Water

Observer(s)

81 no. submissions and observations
as follows:

1. Aengus Ó'Snodaigh TD
2. Rory O'Shea on Behalf of the
Terenure West Residents' Association

3. Ann Marie Brannigan
4. Arleen Quigg
5. Benedict Schlepper-Connolly
6. Byrne Flavin Tully
7. Carol Ansboro
8. Henk van der Kamp on behalf of
Ciara Faughnan & local residents
9. Ciara Stafford
10. Ciaran Crawford
11. Darragh Howley
12. Dave Keogh
13. David & Jill Kelly
14. Declan Doherty
15. Dermot Colclough
16. Donata Vicher-Rusine
17. Eileen Jones
18. Elizabeth O'Callaghan
19. Emer McDaid
20. Eric Rowntree
21. Fidelma O'Brien
22. George Kenny
23. Harry & Margaret Goddard
24. Hugo & Aoife McGrath
25. J. Anne Whitty
26. Jacqueline Kelly
27. Jade Dillon
28. Jessica Joy
29. Jim O'Brien
30. John Burrowes

31. BKC Solicitors on behalf of John Conway and the Louth Environmental Group

32. John Langton

33. John O'Callaghan

34. Josephine O'Connor

35. Karl Reilly

36. Kathleen Cullen

37. Kenneth Hickey

38. Kenneth Matthews

39. Kevin Tolan – KT Designs

40. Kimmage Dublin Residents

Alliance (KDRA) CLG

41. Paul Kenny on behalf of the Kimmage Road West Residents' Association

42. Laura Kenny

43. Louise Shortt

44. Lower Kimmage Road Residents' Association (LOKRA)

45. Margaret Kinsella

46. Maria Mullin

47. Mark Duffy & Fionnuala Duffy

48. Martha Neary

49. Mary FitzPatrick

50. Maureen O'Donnell

51. Michelle Moore

52. Nicola Dyson

53. Nigel & Mary Kendrick

54. Noel Browne

55. Cllr. Pamela Kearns
56. Cllr. Pat Dunne & Joan Collins TD
57. Patrick Costello TD & Cllr. Carolyn Moore
58. Paul Kenny
59. Paul McGettigan
60. Peter Ford
61. Peter Martin and Family
62. Recorder's Resident's Association
63. Regan O'Driscoll
64. Richard Carson
65. Robert Dowling
66. Marston Planning Consultancy on behalf of Roberta McCrossan
67. Ronan Connolly
68. Rory O'Shea
69. Sadhbh O'Brien
70. Sam Coyle
71. Sandra Somers
72. Sarah Scannell
73. Shane Somers
74. Shirley Wilson
75. Simon Chawner
76. Thomas Payne
77. Thomasina Somers
78. Tom Noonan
79. Cllr Yvonne Collins
80. Yvonne Sheridan
81. Yvonne Usher

Date of Site Inspection

16th August 2022

Inspector

Paul O'Brien

DECISION QUASHED

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1.0 Introduction

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

2.0 Site Location and Description

2.1. The subject site with a stated area of 1.25 hectares, comprises lands to the north of the Kimmage Road West, Terenure, Dublin 12. The site is located to the rear of a 'Ben Dunne' gym that is itself located behind a row of semi-detached houses that address the public road. The development site is 'L' Shaped with the long section on a north west to south east axis and a shorter section going from north east to south west, to the eastern side of the site. A short cul-de-sac provides access to the gym and in turn this will provide access to the subject site.

2.2. The surrounding lands are primarily in residential use, to the north are terraced, two-storey houses on Captains Road, to the east are a mix of two/ three storey terraced houses in Brookfield Green, and to the west are semi-detached houses in Park Crescent. The surface car parking associated with the gym is located to the south of the site.

2.3. There is a gentle slope from the north eastern and south eastern boundaries upwards towards the centre of the site, and the majority of the site is under grass. Site boundaries consist of a mix of fences, hedges and trees located to the rear of the adjoining houses. Palisade fencing provides the boundary fence with the gym site.

2.4. A variety of bus routes serve the area and I have summarised them in the following table.

Route (operated by):	Location/ Distance from site:	From	To	Frequency – Off Peak
9 (Dublin Bus)	Kimmage Road West – 270 m from the site	Limekiln Farm	Charlestown via City Centre	Every 12 minutes.

15A (Dublin Bus)	Kimmage Road West – 270 m from the site	Limekiln Farm	Merrion Square	Every 20 minutes.
17 (Go-Ahead Ireland)	Kimmage Road West – 270 m from the site	Blackrock DART Station	Rialto	Every 20 minutes.
17D (Go-Ahead Ireland)	Kimmage Road West – 270 m from the site	Dundrum Luas	Rialto	First and last buses of the day only – forms part of the overall route 17 timetable.
54A (Dublin Bus)	Kimmage Road Lower – circa 540 m from the site.	Kiltipper	Pearse Street	Every 30 minutes.
83/ 83A (Dublin Bus)	Stannaway Avenue – circa 900 m from the site.	Kimmage	Harristown via the City Centre	Every 12 minutes.

Note: At the time of preparing this report, in July 2022, Go-Ahead Ireland were operating an enhanced Saturday service due to holidays etc.

2.5. Under Bus Connects, Spine Routes F2 and F3 will serve Kimmage Road West and provide for a combined frequency of every 7.5 minutes off peak and every 5 minutes in the peaks. F1 combines on the Kimmage Road Lower providing a combined service of at least every 5 minutes off peak. These routes operate from Charlestown via the City Centre and on to either Tallaght (F1), Templeogue (F2) and Greenhills (F3). Orbital Route S4 provides a connection between Liffey Valley and UCD on a 10-minute frequency. Route 81 provides a connection between Greenhills and Ringsend on a mix of every 15 and 20 minutes.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the construction of 5 no. blocks (blocks 4 and 5 linked throughout), ranging in height from 4 storeys

up to 6 storeys. The development will provide 208 no. residential units (104 no. 1 beds and 104 no. 2 beds). All the residential units have private balconies/ terraces.

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

Table 1: Key Figures

Gross Site Area	2.43 hectares
Net Site Area	1.25 hectares
Site Coverage	43.19%
Plot Ratio	1.63:1
No. of Houses	0
No. of Apartments	208
Total	208
Density –	
Total Site Area	166.4 units per hectare
Public Open Space Provision	1,261 sq m
Communal Open Space	1,619 sq m
Car Parking –	
Apartments/ Residents	82
EV Parking	12
Visitor/ Unallocated Parking	6
Total	100
Bicycle Parking	484
Motorcycle Parking	6

Table 2: Unit Mix

	Bedrooms		
Block	1 Bed	2 Beds	Total
1	17	29	46
2	23	25	48
3	20	26	46

4	24	14	38
5	20	10	30
Total	104 – 50%	104 – 50%	208 – 100%

The total internal gross floor area is stated to be 20,551 sq m and the building footprint is stated to be 5,390 sq m.

Vehicular access is from the end of the existing access to the gym and associated car parking area.

Water supply and foul drainage connections to the existing public network will be provided.

Public open space is proposed to the south east of the site and three separate communal open space areas are proposed, one each between Blocks 1 and 2 and Blocks 2 and 3 and another to the south east of Block 3.

3.2. The application was accompanied by various technical reports and drawings, including the following:

- Planning Report including Statement of Consistency with Planning Policy – McGill Planning Ltd.
- Material Contravention Statement – McGill Planning Ltd.
- Response to An Bord Pleanála Opinion – McGill Planning Ltd.
- EIA Screening Report – McGill Planning Ltd.
- Childcare Assessment – McGill Planning Ltd.
- Community and Social Infrastructure Audit – McGill Planning Ltd.
- Architects Design Statement – BKD Architects
- Housing Quality Assessment - BKD Architects
- Building Life Cycle Report – BKD Architects
- Schedule of Accommodation - BKD Architects
- Landscape Design Rationale – DFLA
- Traffic Impact Assessment – BMCE Engineering
- DMURS Compliance Statement - BMCE Engineering
- Flood Risk Assessment - BMCE Engineering

- Car Park Management Strategy - BMCE Engineering
- Construction Traffic Management Plan- BMCE Engineering
- Infrastructure Report - BMCE Engineering
- Outline Construction & Demolition Waste Management Plan - BMCE Engineering
- Outline Construction Management Plan - BMCE Engineering
- Outline Construction Surface Water Management Plan - BMCE Engineering
- Parking Provision Report & Residential Travel Plan - BMCE Engineering
- Site Specific Flood Risk Assessment - BMCE Engineering
- Photomontages and CGIs – 3D Design Bureau
- CGI, Aerial & Verified Views Planning History – 3D Design Bureau
- Daylight and Sunlight Analysis – IN2
- Microclimate Wind Analysis and Pedestrian Comfort Report – IN2
- Energy Analysis Report – IN2
- Appropriate Assessment Screening - Moore Group
- Ecological Impact Assessment - Moore Group
- Operational Waste & Recycling Management Plan – Traynor
- Arboricultural Drawings - Arbeco
- Arboricultural Assessment, Impact Statement & Method Statement – Arbeco
- Townscape and Visual Impact Assessment – AECOM

4.0 Planning History

PA Ref. 2963/07 refers to a November 2007 decision to grant permission for the change of use of an existing building from sports clubhouse into a new refurbished art gallery at Carlisle Gallery. This development included 74 no. new parking spaces and associated site works and landscaping. Access to the site is via the Carlisle Fitness Club laneway.

PA Ref. 4292/05 refers to a June 2006 decision to grant permission for retention of an extension to the car park and for reconfiguration of the car park layout and amended vehicular access at Carlisle fitness club, previous planning permission ref. 4225/00.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place, remotely via Microsoft Team due to Covid-19 restrictions in place, on the 21st of December 2021; Reference ABP-311705-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the construction of 212 no. apartments and associated site works at Carlisle, Kimmage, Dublin 12.

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

1. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments/duplex units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020). The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements and the floor areas and standards set out in Appendix 1.
2. A report that addresses the relationship with adjoining properties and the protection of residential amenity, specifically with regard to potential impacts in terms of overlooking, overshadowing and overbearing. The report shall include cross-section drawings and other imagery showing the relationship between existing and proposed development in this regard.
3. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight

and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision, including accommodation at ground and first floor levels. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and their effect appropriately described and / or quantified.

4. The Microclimatic Wind Analysis and Pedestrian Comfort Report should consider the safety and comfort of residential amenity spaces across the entire development, including roof terrace / communal spaces and private upper floor balconies. Any required mitigation or other design measures arising from such assessment should be clearly described and assessed in the report.
5. A statement as to how the proposed Strategic Housing Development has sought to comply with the principles of Universal Design (to encourage access and use of the development regardless of age, size, ability or disability).
6. The application should respond to the issues raised in the report of the Dublin City Council Transport Planning Division, dated 9th November 2021. In particular, the application should address concerns raised with regard to the design and layout of the existing access road serving the proposed development and compliance with the requirements of the Design Manual for Urban Roads and Streets (DMURS) for such roads. Particular attention should be paid to the requirement to safely accommodate the pedestrian and cycle movements likely to be generated by the proposed development. Any required improvements to the existing access road should be fully detailed and described in the application and evidence of the ability / landowner consent to complete such improvements should also be provided.

7. A quality audit in accordance with Annex 4 of DMURS, including a Road Safety Audit which should address the proposed access arrangements, as well as the internal layout of the proposed development.
8. A preliminary Construction Traffic Management Plan.
9. Details and specification of proposed cycle parking provision within the development, demonstrating how the required levels of parking can be accommodated, in accordance with the provisions of the Guidelines for Sustainable Urban Housing: Design Standards for New Apartments (2020).
10. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
11. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) guidelines which should consider the external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development.
12. The application should clearly identify the areas intended to be taken in charge by the Local Authority.
13. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.
14. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

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

1. Irish Water
2. Dublin City Childcare Committee

5.4. Applicant's Statement

5.4.1. The Planning Report, prepared by McGill Planning, includes Chapter 6 – 'Response to An Bord Pleanála Opinion' and was submitted in accordance with Section 8(1)(iv) of the Act of 2016. The proposed development was revised in response to the tripartite meeting and An Bord Pleanála Opinion, and the revisions include:

- Revisions to the design, massing, and layout of blocks/ block shapes to ensure sufficient separation distance between blocks and the existing neighbours to reduce the massing of the blocks and avoid any undue overlooking.
- Alter the design blocks 4 and 5 and to reduce the length of block 5. Also move block 5 west to provide a step in the façade of blocks 4 and 5, thereby reducing the massing and length of these conjoined blocks.
- Increase in the quantum of public open space.
- Removal of roof terraces.

5.4.2. The following information was provided in response to the opinion:

Issue 1 – Housing Quality Assessment: BKD Architecture have prepared a Housing Quality Audit in support of the application. This provides full details about the apartment mix throughout the proposed development, the size of the apartments, the quantum of open space, storage space, living/dining/kitchen areas, bedroom areas, and indicates which units are dual aspect. The submitted assessment demonstrates that the proposed development meets all the requirements of the Apartment Guidelines and further detail is provided in the Statement of Consistency report.

Issue 2 – Protection of residential amenity: BKD Architecture have addressed this issue in their 'Architects Design Rationale'. A number of amendments have been made to the development to address these issues as follows:

- The proposed apartment blocks have been moved back from the site boundaries to provide at least 24 m between the proposed blocks and the existing houses to the north, east and west of the subject site.
- The heights of the apartment blocks have been stepped back and provide for four storeys on the northern boundary and five/ six storeys on the southern boundary. This stepped design ensures that the proposed development is not overbearing on adjoining properties and overshadowing is minimised.
- The podium level breaks up the massing of the apartment blocks.
- Roof gardens have been removed to avoid issues of overlooking.
- Communal open space is provided at ground and podium levels.
- The conjoined Blocks 4 and 5 have been reduced in length and are now staggered. Block 5 has been relocated away from the existing houses in Brookfield Green and the blocks have been revised in design.
- The balconies in the proposed units are to be fitted with opaque glazing to ensure that privacy is protected.
- Block 1 is now to be stepped from four storeys on the northern boundary to six storeys on the southern boundary. Existing houses will be 25 m away from this block. A band of existing trees is to be retained to aid privacy.
- On the northern part of the site, with units fronting onto Captain's Road, the proposed apartment blocks will be between 24.8 m and 31.1 m away from the existing houses. These blocks are again stepped from four to six storeys, and this results in the top floors being over 35 m away from existing houses. Windows facing the existing houses are to be fitted with opaque glazing.

Suitable separation distances and other measures have been taken to ensure that overlooking/ loss of privacy is not an issue of concern. Photomontages have been prepared and demonstrate that the development won't be overbearing or dominant when viewed from adjoining properties. A Daylight and Sunlight Analysis by IN2

confirms that for the Equinox and Summer/ Winter Solstices that the “development does not negatively impact on sunlight to existing neighbouring amenity spaces”. The analysis also demonstrates that the shading as a result of this development is transient in nature and changes throughout the day.

Issue 3 – Daylight and Sunlight Assessment: The applicant has engaged the services of IN2 Consultants to undertake a Daylight and Sunlight Analysis. The report finds that the vast majority of neighbouring developments are not negatively impacted in terms of daylight and sunlight. In the two instances where an impact is identified it is only slight. It also noted that the analysis does not account for the existing situation which has existing large, mature evergreen trees along the boundary and which would currently have significantly more impact on the existing houses than the proposed development would.

The assessment has also reported a high level of compliance in accordance with the guidelines across all floors of the development, from the ground floor up to the top floor, with 90% of compliance across the development. Where there are some rooms which are below the guidelines, appropriate compensatory measures are provided within the development as follows:

- Large apartment sizes
- Private amenity space for all apartments
- Attractive aspect overlooking communal or public open space
- All units are provided with east, west or south aspect, with no single aspect north facing units
- Large areas of communal open space.

Issue 4 – Microclimate Analysis and Pedestrian Comfort Report: IN2

Consultants have been engaged by the applicant to prepare a Microclimate wind analysis and also a pedestrian comfort report. The revisions to the development have resulted in the omission of the roof terraces. The report found that “the proposed development was determined to not unduly impact on the local wind microclimate, with no instances of down-draft effects predicted to be introduced to the receiving environment. Proposed amenity spaces are acceptable, and the

development will not negatively impact on neighbouring developments in terms of wind microclimate and pedestrian comfort.

Issue 5 – Universal Design: Included with the BKD Architects Design Rationale, in section 2.10, is a Universal Design Statement.

Issue 6 – Transportation & DMURS: Issues raised by Dublin City Council Transport Planning Division have been addressed by BMCE in their report. The layout has been agreed and the design has been assessed against DMURS and also an independent Quality Audit. BMCE drawings include details on the upgrade works to the access road to serve the development site and suitable audits have been provided in support.

Issue 7 – Quality Audit: Bruton Consulting Engineer have completed an independent quality audit for the subject site and the layout has been revised as necessary. BMCE have completed a DMURS assessment for the site, demonstrating that the design and layout is compliant with DMURS.

Issues 8 – Construction Traffic Management Plan: BMCE have prepared a plan and is submitted in support of the application.

Issue 9 – Bicycle Parking: Section 2.5 of the Architects Design Rationale provided detail on the cycle parking throughout the proposed development. A total of 484 bicycle parking spaces are proposed – 2.3 spaces per unit and which is in excess of the Dublin City Development Plan and the Apartment Guidelines requirements.

Issue 10 – Materials and Finishes: Full details are provided in the BKD Architectural Design Rationale.

Issue 11 – Building Lifecycle Report: Full details are provided by BKD Architects in accordance with section 6.13 of the Apartment Guidelines.

Issue 12 – Taking in Charge: None of the site is proposed to be taken in charge and any lands in the control of Dublin City Council or Ben Dunne Gyms, will continue to remain so.

Issue 13: Statement of Consistency and Material Contravention Statement:

These have been prepared and are included in the Planning Report (McGill Planning Report) under Chapters 7 and 8. The issues identified in the Material Contravention Statement are:

- Building height
- Unit Mix
- Site Coverage
- Block Configuration
- Residential Density
- Car Parking
- Open space provision

Issue 14: EIAR Screening and Article 299B: An EIAR Screening has been prepared by McGill Planning and has been submitted in support of the application. As part of this screening Articles 299B(1)(b)(ii)(II) and 299B(1)(c) of the Planning and Development Regulations 2001-2018 have been included within the report.

6.0 Relevant Planning Policy

6.1. National Policy

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

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

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.

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

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

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

Other Relevant Policy Documents include

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. Regional Policy

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

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

6.3. Local/ County Policy

6.3.1. Dublin City Development Plan 2016 - 2022

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

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

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

6.3.5. A small part of the site is zoned Z9 with the objective 'To preserve, provide and improve recreational amenity and open space and green networks'. Listed as one of the 'Permissible Uses' is 'public service installation which would not be detrimental to the amenity of Z9 zoned lands'. A public service installation is described as:

6.3.6. 'A building, or part thereof, a roadway or land used for the provision of public services. Public services include all service installations necessary for electricity, gas, telephone, radio, telecommunications, television, data transmission, drainage, including wastewater treatment plants and other statutory undertakers: bring centres, green waste composting centres, public libraries, public lavatories, public telephone boxes, bus shelters, etc. but does not include incinerators/waste to energy plants. The offices of such undertakers and companies involved in service installations are not included in this definition'.

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

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

6.3.9. Permissible uses on Z1 lands include 'Buildings for the health, safety and welfare of the public, childcare facility, community facility, cultural/ recreational building and uses, education, embassy residential, enterprise centre, halting site,

home-based economic activity, medical and related consultants, open space, park-and-ride facility, place of public worship, public service installation, residential, shop (local), training centre’.

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

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

6.3.12. The following policies are also considered relevant:

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

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

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

Section 4.5.3 - Making a More Compact Sustainable City;

Section 4.5.9 – Urban Form & Architecture;

Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);

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

Section 16.2 – Design, Principles & Standards.

Section 16.10 - Standards for Residential Accommodation.

Section 16.38 – Car Parking Standards. The site lies within Parking Area 3 and requires a maximum of 1.5 space per dwelling in accordance with Table 16.1.

7.0 Third Party Submissions

7.1. A total of 81 submissions were received. Irish Water (IW) as a prescribed body submitted comments; see Section 8.0 Prescribed Bodies of this report for their specific comments.

7.2. Submissions, prepared by Rory O'Shea on behalf of the Terenure West Residents' Association (TWRA), by Kimmage Dublin Residents Alliance (KDRA) CLG, by Lower Kimmage Road Residents' Association (LOKRA), by Kimmage Road West Residents' Association, by Recorder's Resident's Association, by Aengus Ó Snodaigh TD, by Cllr Pamela Kearns (SDCC), by Cllr. Pat Dunne & Joan Collins TD, by Patrick Costello TD & Cllr. Carolyn Moore, by Cllr Yvonne Collins, by Henk van der Kamp on behalf of Ciara Faughnan & local residents, BKC Solicitors on behalf of John Conway and the Louth Environmental Group, and by individual members of the public have been received.

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

7.3.1. Principle of Development

- There is a recognised need for housing in the area, particularly houses suited for family use.

- There is no issue over the development of the site for residential use, the nature/ scale/ height of the development are the issues of concern.
- Houses/ Duplexes would be more appropriate for this site.
- The mix of only one- and two-bedroom units, 50% of each, is contrary to the Dublin City Development Plan 2016 – 2022 under Section 16.10.1 – ‘each apartment development shall contain: a maximum of 25-30% and a minimum of 15% three or more-bedroom units’.
- The development is contrary to QH22 which seeks to ensure that ‘new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise’.
- Issue of Material Contravention as part of the access route is over lands zoned for open space purposes.
- Material Contravention on the grounds of building height, housing mix and density.
- The development is contrary to a number of sections of the Dublin City Development Plan 2016 – 2022.
- The proposed development gives rise to socio-economic, generational, and environmental discrimination.
- Concern about the Build To Rent nature of the proposed development.
- The proposed development would set an undesirable precedent for similar scale development in the area.

John Conway and the Louth Environmental Group request that the development be refused as the:

- Urban Development and Building Heights Guidelines 2018
- Apartment Guidelines 2020

are ultra vires and not authorised by the Planning and Development Act 2000 as amended.

7.3.2. Impact on the Character of the Area:

- The provision of 6-storey apartment blocks would be out of character with the existing two-storey houses in the area and would be contrary to height restrictions on such development.
- Permission has been refused in the past by Dublin City Council and An Bord Pleanála for attic conversions/ extensions due to the breaking of building lines, overlooking, loss of light and design not in keeping with the character of the area. The proposed development appears to do all of the same.
- The proposed development provides for only one- and two-bedroom units and no family sized homes are proposed.
- The proposed development provides for a poor quality of architectural design, repetitive and boring design.
- There is a shortfall in services in the area such as medical and educational services and the proposed development will put additional pressure on existing facilities.

7.3.3. Design and Height:

- The height and scale of the development will negatively impact on adjoining houses.
- The proposed development is too high, at six storeys, for this site/ location. The area is characterised by low-rise development. The proposed development would be overbearing and dominant in this location.
- The proposed scheme represents overdevelopment of this site.
- The height will materially contravene the Dublin City Development Plan and insufficient justification for this has been provided. Maximum permitted height is 16 m and the proposed development indicates a height of 20.245 m.
- Separation distances to existing houses do not take account of extensions to these houses.
- The provision of solar panels etc. will increase the overall height of the development.

7.3.4. Impact on Residential Amenity:

- The proposed development will give rise to overlooking of adjoining properties, leading to a loss of privacy.
- Potential overlooking from the proposed podium level open space areas.
- The screening from mature trees is overstated by the applicant as tree cover is sparse.
- Screening from trees is overstated as there are few such trees in the area and many of those in place are deciduous trees.
- There will be a loss of sunlight to existing houses. The development should be reduced in height to ensure that there is no loss of sunlight.
- Nearly 60% of windows surveyed on Captain's Road by the applicant would fail at least one of the criteria on daylight reduction according to the submitted Daylight and Sunlight Analysis; clearly this demonstrates how significantly the development would negatively affect these houses.
- The loss of sunlight would impact on solar gain, require additional winter heating, and reduce the potential for solar panels.
- Specific issues raised in relation to the impact on the VSC daylight of adjacent houses.
- The proposed development does not provide for adequate open space and play areas.
- The majority of units do not exceed the floor area by 10%.
- Floor area measurements are incorrect/ misleading, request that the Schedule of Accommodation be reviewed.
- The Part V provision is located in one part of the development and is not spread throughout the development site.
- The quality of a number of the dual aspect units is reduced by the fact that they face the undercroft parking areas and associated access roads.
- The nature of the apartment market is such that the residents of the development will not become part of the local community.

- Increase in noise associated with the construction phase and on-going traffic generated noise.
- Inadequate storage space provided.
- Floor to ceiling heights should be increased within the units.
- Potential for odours due to the location of the refuse storage areas adjacent to the boundaries of existing houses. This may also give rise to an increase in vermin in the area.
- The proposed development overstates the availability of open space in the area.
- There is a need for age friendly accommodation in the area and this development does not provide this.
- Loss of views of Dublin Mountains due to the location/ height of the proposed development.
- No residents' facilities are provided such as laundry and meeting rooms.
- Concern that the development may put pressure on utility services.

7.3.5. Traffic:

- The existing junction with the Kimmage Road West is unsignalized and the development will give rise to increased traffic congestion in the area.
- Rat running is an issue in the area and is likely to get worse with proposed traffic changes such as through traffic from Templeogue village being diverted towards Kimmage and Terenure.
- The single access to the site may become problematic, especially when taking account of existing traffic in the area.
- Concern about safety regarding the mixing of construction traffic with the existing gym traffic.
- Public transport is limited to bus services with the Red and Green Luas lines over 3 km from the site.
- Bus services are at/ near capacity in the area.

- Query as to whether the access road to the subject site over the gym lands be taken in charge or remain under private control.
- There is a need for safe pedestrian crossings in the vicinity of the access road to the gym/ subject site.

7.3.6. Car and Bicycle Parking:

- Insufficient provision is made for charging of electric cars, only 12 out of 100 spaces.
- No indication is provided as to whether charging facilities will be available for electric bicycles.
- Concern that the shared bicycle/ bin storage area may disincentivise the use of bicycles.
- Insufficient car parking provision.
- Insufficient car charging facilities are proposed.
- The provision of allocated parking for a car sharing club, would further reduce the car parking provision on site.
- Concern about the use of undercroft parking – unsafe due to lack of surveillance, potential for increased crime and layout makes it difficult for vehicle manoeuvres.
- Concern that parking will not be adequately managed in the area.
- The lack of parking on site may give rise to overspill parking into adjoining areas.
- Insufficient bicycle facilities in the area with particular reference to the lack of cycle paths on Kimmage Road West.

7.3.7. Childcare Provision:

- Under estimate for childcare need.
- Shortage of childcare provision in the area.
- Shortage of school places in the area.

7.3.8. Water Infrastructure and Drainage:

- Concern about the available capacity in services in the area.

- Flood risk has not been adequately considered; this has historically occurred in the area.
- Request that the Board delay their decision until such time as the Poddle Flood Alleviation Scheme is complete.

7.3.9. Environment and Natural Heritage:

- Potential for solar panels is lost through the provision of a rooftop communal open space area.
- The proposed development may give rise to increased noise pollution.
- Loss of biodiversity.
- The development will give rise to increased rates of energy consumption.
- Concern about the Appropriate Assessment in relation to water supply and foul drainage.
- Concern about the submitted EIA Screening.
- The site is home to at least one family of fox, only a single fox was observed on site according to the EIA Screening.
- No winter bird survey undertaken, and the submitted bat survey is insufficient.
- Request that an existing laurel hedgerow be retained beside the boundary wall adjoining Park Crescent.
- Acknowledge the applicant's commitment to achieving a high A2 or A3 BER rating on each of the apartments, the proposed use of green roofs, a proposal to add solar panels, and a high proportion of bicycle parking spaces.

7.3.10. Other Comments:

- The proposed apartments would be over-priced and not be affordable for people in the area.
- The quality of the development is overstated as units barely reach the minimum specified standards.
- Overpopulation can lead to increased rates of joblessness and crime.
- Need for details on the future use of the adjacent gallery that is now closed.

- A number of procedural issues are raised including incorrect description of the nature of the development, mapped distances to locations are incorrect and mislabelling of streets/ locations has occurred.
- Public notices do not refer to the significant works to be carried out in the South Dublin County Council area with particular reference to water supply.
- The development does not comply with fire regulations with particular reference to access to all parts of the proposed buildings.
- The reason for the reference to accessibility to postal services is unclear.
- No consultation by the applicant with the local community.
- Concern about safety and privacy through the use of tower cranes on the subject site.
- The subject application does not include consent from all relevant landowners.
- Uncertainty as to who the applicant is.
- Concern about the Strategic Housing Development process.

8.0 Planning Authority Submission

8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 11th of May 2022. The report details the site location/ site zoning, provides a description of the proposed development, details pre-submission meetings, planning history, lists the issues in the received submissions, the internal reports of Dublin City Council are summarised, details the relevant Development Plan policies and objectives, and provides a planning assessment of the development.

8.2. The CE report, in Appendix B, also includes a summary of the views of the elected members of the South-East Area Committee held on the 11th of April 2022, and these are outlined as follows:

- The Members stated that local residents were strongly opposed to the proposed development. Concern about the height of the development, impact on residential amenity and would be contrary to the Dublin City Development Plan. Concerns also expressed about traffic and shortfall in car parking provision.

- Concern was expressed that the proposed development would be in breach of the City Development Plan in terms of height, unit mix, site coverage, block configurations and open space. The development is completely out of context for the area even if it is well serviced by public transport.
- Considered the proposal to be offensive to the City Council to submit a plan which was in so much in contravention of the city development plan, which had taken great time and effort, and which was democratically voted on.
- Concern was expressed in relation to shadowing, overlooking on adjacent two-storey houses from proposed development. The proposed development is not sufficiently stepped back from two storey houses. Block 1 at 4 storeys is very close to existing houses.
- It was stated that although the separation distance to houses on Captains Road is stated to be 24m, it is actually much less as some of the houses have extensions.
- The apartment sizes, open space provision and the number of dual aspect units are just a fraction over what is permitted.
- Concern was expressed about the negative impact on traffic in the area which is already suffering from congestion.
- The junction at the access point to proposed development and the existing Ben Dunne Gym is very tight and having just one entrance will be very problematic to traffic movements.
- Concern was raised about the under provision for car parking which could result in overspill parking onto surrounding areas. It was stated that only one quarter of Ben Dunnes Gym car parking is only ever used, and it was suggested that parking could be provided here.
- Concern was expressed about the lack of open space to be provided on site, just over 10% of the site is to form open space. The subject site's previous uses was as a sports ground – cricket pitch.
- Concern was expressed about the affordability of these units.
- The housing crisis is about affordability as much as supply.
- The proposed development would have a negative impact on the residential amenity of the area. There has been strong opposition to the proposed development.

- Concern was expressed about the impact of the proposed development on 'The Poddle Alleviation Works', which are still only at planning stage.
- Concern was expressed about the SHD process and SHDs should be rejected until the LRD process is operating.

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

- Density/Quantum of Development and Mix
- Scale, massing & visual impact
- Neighbouring amenity
- Transport & parking
- Infrastructure

8.3.1. A submission has been received from Irish Water.

8.3.2. Interdepartmental Reports have been received from the Drainage Division, Transportation Planning Division, Parks and Landscape Services, Housing, Waste Department, and the Environmental Health Office.

8.4. Planning Assessment

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

Zoning:

- Z1 – Residential zoning allows for the development of this site for suitable housing. The Planning Authority welcome the efficient development of this site located within an established mature residential area, located on a bus route, would benefit from the services and amenities of Kimmage and Crumlin, and is a short walk from Stannaway Park.
- The Planning Authority, through the CE Report, report that a small area of the site is zoned Z9 with the objective 'To preserve, provide and improve recreational amenity and open space and green networks.' The use of this land for residential development was raised as part of the pre-planning discussion with An Bord Pleanála and the applicant states within their Planning Report that this area of

land that is in use as roadway to the existing car park at Ben Dunne Gym will remain in its current use and as access road to the gym car park and also provides access to the new residential development. The applicant highlights that “public service installation’ is listed as a permissible use for Z9 lands, and that Appendix 21 of the Dublin City Development Plan defines public service installations as ‘roadways or land used for the provisions of public services’. In conclusion, on this section, the Planning Authority consider that the proposed development is permissible and is generally consistent with the zoning objectives on the site.

Plot Ratio and Site Coverage:

- Indicative plot ratio and site coverage standards are provided in Chapter 16 of the Dublin City Development Plan 2016 - 2022. Targeted/ maximum density is not set out in the Dublin City Development plan, density should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. The available public transport capacity will also be used to determine the appropriate density on a site. ‘The Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities’ indicate that there should be no upper limit to density on City Centre sites subject to qualitative standards. Areas in close proximity to public transport corridors should provide densities of 50 units per hectare.
- The proposed development provides for a density of 166.4 units per hectare, which the Planning Authority consider to be high in the existing context which is made up of low scale housing. The Planning Authority considers that there is a need for efficient brownfield land uses particularly in well-established residential areas with access to existing services and suitable public transport.
- The proposed development, with a gross floor area of 13,679.2 sq m on a site of 1.25 ha, results in a plot ratio of 1.63:1, in comparison to the development plan indicative standard for Zone 1 of 0.5– 2.0. The site coverage would therefore be 43.1%, which is just under the standard set by the Development Plan that allows for a site coverage of 45 - 60% for Z1 lands.
- Notwithstanding these indicators that demonstrate a high density of development under this application, high densities can be supported where a proposed development relates to its surroundings, provides good quality residential

accommodation, protects neighbouring amenity and is acceptable with regard to transport and environmental impacts. The Planning Authority further consider these issues. Regard is had to the NPF and which seeks to make better use of under-utilised land, including 'infill' and 'brownfield' as well as publicly owned sites, better serviced by existing facilities and public transport. The Sustainable Residential Development in Urban Areas – Guidelines, under Chapter 5, deals with appropriate locations for increased densities, with section 5.7 dealing with brownfield sites within city centres. The guidelines seek to increase density in appropriate locations and the Planning Authority consider this site to be suitable having regard to the availability of bus services in the area; but development should have regard to the established character of the area.

Material Contravention:

The Planning Authority note the submitted Material Contravention Statement which refers to the following:

1. Building Height
2. Unit Mix
3. Site Coverage
4. Block Configuration
5. Parking
6. Open Space

The Planning Authority refers to the fact that some of the standards set out in the Dublin City Development Plan have been superseded by more recent national policy such as the Apartment Guidelines and the Building Height Guidelines.

Design & Layout:

Layout: The Planning Authority describe in detail the proposed layout and the form of development – 5 Blocks of apartments in the range of three to six storey blocks. The floors within the blocks have been staggered to ensure that adequate separation distances to existing houses are provided for. The Planning Authority report that areas of 1260 sq m and 305 sq m of communal space are proposed at the south east corner of the site adjacent to Block 5 and an area of 632 sq m of communal

open space is located in the western end of the site adjacent to Block 1, there are additional areas of communal open space between blocks 1 and 2 (271 sq m) and Blocks 2 and 3 (271 sq m). It is reported that refuse storage areas and bicycle parking areas are located within the open space areas, thereby reducing the total potential area of open space.

Architectural Approach: The Planning Authority report that the design is contemporary and sits well into its setting. They request that the proposed use of render be omitted and replaced with brick in the interest of long-term maintenance.

Height: The Planning Authority note the issues of height and material contravention, with a limit of 16 m height for areas such as this, the proposed development has a varied height, maximising at 21.1 m. The Planning Authority report that the proposed development overlooks an extensive area of parking to the south/ gym site, and there is good spacing from neighbouring two storey properties that adjoin the site. The submitted development has also been considered by the Planning Authority in accordance with the criteria set out in the Building Height Guidelines and the Planning Authority consider that the proposal in relation to its height is acceptable. The Planning Authority supports elements of additional height, particularly as the proposal comprises residential development.

Visual Amenity: The Planning Authority note the supporting documentation included with the application. In general, the design is considered to be acceptable, though the Planning Authority report that there are concerns regarding the scale, massing of and visual impact of blocks 4 and 5 on the adjacent properties when viewed from Brookfield Green.

Impact on Adjoining Residential Amenity:

- The Planning Authority have set out in their report, the separation distances between the proposed development and the adjoining houses. The Planning Authority consider the proposed separation distances to be acceptable and are an improvement on previously submitted proposals that were provided in pre-planning.

Residential Standards:

- A total of 208 apartments are to be provided, 104 one-bedroom and 104 two-bedroom units. Room sizes are acceptable with over 50% exceeding the minimum standard by 10%. 52.9% of the units are dual aspect. Floor to ceiling heights are acceptable and the proposed development provides for a maximum of 10 apartments per floor per lift core in accordance with SPPR 6 of the Apartment Guidelines. Storage, private open space, and communal open space areas are acceptable.
- The proposed development is not a Build to Rent development and there is no requirement for residential support facilities.

Childcare Facilities:

- No childcare facility is proposed as part of this development. The applicant has submitted a detailed Childcare Assessment with the application, the proposed development will only generate a need for 3 to 8 childcare spaces and there are circa 2 facilities within a 1 km radius of the subject site. The Planning Authority report that this is reasonable.

Daylight, Sunlight and Overshadowing Analysis:

Amenity Spaces: The submitted analysis demonstrates that all communal and public open spaces will receive at least 2 hours of direct sunlight on the 21st of March, over at least 50% of their respective area in accordance with the BRE Guidance.

Average Daylight Factor: The submitted report indicates that 90% of rooms achieved more than the prescribed minimum BRE/BS guidelines for the average daylight factors. 8% of the Kitchen/ Living/ Dining areas are below target, of which 6% are between 1.5% and 2% while the remaining 11 rooms, or 2% are between 1% and 1.5%. Having regard to the location of the site the Planning Authority considers that all these rooms should achieve the 2% level. A number of compensatory design solutions are provided:

- Any units in Block 2 which do not achieve the 2% ADF, for kitchen/ living/ dining rooms, are provided with a floor area in excess of the minimum required.
- Rooms that fail the test are provided with a direct balcony access from the kitchen/ living/ dining rooms.

- Ground floor units have a direct aspect onto the communal/ public open space areas and none of these units are north facing/ single aspect units.
- The applicant also highlights the fact that communal open space is in excess of that required in the Apartment Guidelines.

Trees and Landscaping:

The Parks Department have no objection to the proposed removal of trees subject to a condition that a bond be applied to ensure that trees proposed for retention are protected.

Transportation:

- A TIA has been prepared and a Quality Audit, which includes a Stage 1 Road Safety Audit, has also been submitted in support of the application. The subject site is located in Parking Area 3, Map J of the Dublin City Development Plan 2016 - 2022. A total of 484 bicycle parking spaces are proposed and which is in excess of requirements. 6 motorcycle parking spaces are to be provided and this is acceptable in terms of the Dublin City Development Plan requirements. 100 car parking spaces are proposed, and the Transport Planning Division are concerned that this is too low having regard to the availability of public transport in the area.
- The junction with the Kimmage Road West is of concern as the two-lane exit is counter to the principles outlined in DMURS and is a potential hazard for pedestrians. The Transportation Planning Division recommends changes to the existing junction width, which is within the redline boundary of the site, by way of condition.
- The Transport Planning Division has no objections in principle to the proposed development, however there are number of matters that would require to be addressed and can be done by way of suitable conditions.

Construction Related Impacts:

- Some disturbance can be expected during the construction phase, though this will be temporary in nature. An Outline Construction Management Plan has been

submitted in support of the application. All relevant matters can be agreed by way of condition.

Infrastructure:

Irish Water have reported that the development can be connected to public services and is acceptable subject to conditions.

Environmental Considerations:

Flood Risk/ Drainage: The site is located in Flood Zone C and whilst the Planning Authority note the concerns expressed by third parties, the Dublin City Drainage Department have reported no objection to the development subject to conditions.

Microclimate: The Planning Report note that the development will not cause significant impacts in terms of wind speed to nearby structures.

Sustainable Building Design: Details have been provided in response to Policy QH12 of the Dublin City Development Plan.

Other Matters:

Part V: A total of 21 units are to be provided and the Housing Division have reported no objection to this.

EIAR: The proposed development falls below the threshold and a mandatory EIAR is not required. An EIAR Screening report has found that the development is not likely to give rise to significant impacts on the environment. The Planning Authority note that the Board is the competent authority on this matter.

Appropriate Assessment: No significant impacts on any protected sites are likely; the Planning Authority note that the Board is the competent authority on this matter.

Conclusion:

The Planning Authority conclude that the development is acceptable in terms of the Z1 zoning that applies to this site, the height and quantum of development is acceptable on this site and overall, the development is considered to be acceptable, though it is reported that Blocks 4 and 5 are overly dominant and should be split into two separate blocks. Suitable conditions are provided in the event that permission is to be granted.

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

- **Transportation Planning Division:** A number of points are noted including recommended footpath works/ improved pedestrian priority, public lighting details, improved cycle paths, revisions to the junction with Kimmage Road West, revisions to the internal road layout, concern about the frequency of bus services in the area, cycle parking is adequate, car parking is low for a development of this nature and there would be limited impact on traffic from the development on traffic in the area. In conclusion it is recommended that the junction with the Kimmage Road West be revised, and this and all other issues can be addressed by condition.
- **Drainage Report:** There is no objection to the development, subject to the development complying with the Greater Dublin Regional Code of Practice for Drainage Works, Version 6.0. A list of conditions is included in the event that permission is recommended.
- **Environmental Health Officer:** Conditions are recommended including the need for a Construction Management Plan, limit on the hours of demolition/ construction on site and noise limits are provided.
- **Part V – Housing & Community Services:** Engagement has been had between the developer and the Housing & Community Services in relation to meeting Part V requirements, the developer is suitably aware of their obligations.
- **Parks & Landscape Services:** The proposed areas of open space (public and communal) are considered to be acceptable; these will not be taken in charge. A tree bond will be required to ensure that the trees to be retained are protected. The provision of green roofs is welcomed. Concern is expressed about the use of Z9 lands for purpose of access to this site. Overall, there is no objection to the development subject to conditions.
- **Waste Regulation and Enforcement Unit:** A list of conditions to be applied are provided.

- Planning & Property Development Department: Request that a bond condition and a Section 48 development contribution be applied in the event that permission is granted for this development.

9.0 Prescribed Bodies

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

- Irish Water
- Dublin City Childcare Committee – No response made.

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

9.2.1. Irish Water:

Irish Water has issued a Confirmation of Feasibility for the proposed development to connect to the public water and wastewater networks. The applicant has engaged with Irish Water and has submitted design proposals. The following points are made:

In respect of Wastewater: In order to facilitate the proposed connection to the public system, the applicant is required to install approximately 180 m of rising main through third party lands from Kimmage Road West to the site. Evidence is required from the third-party owner indicating that permission to lay the pipe in their property is consented to. This infrastructure will have to be constructed to Irish Water standards and should include a wayleave to the benefit of Irish Water. A pumping station is required to be installed on the applicant's site and the applicant will be responsible for delivering, commissioning, and operating this piece of infrastructure and which shall be installed in accordance with the Irish Water Code of Practice.

In respect of Water: In order to provide a connection to the public watermain, a new 150 mm diameter watermain is required for a length of 350 m. Irish Water has no proposals for upgrade works in this area and the applicant would be required to fund

these works. An alternative connection solution has been indicated by the applicant and again this would have to be funded by the applicant.

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

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

10.0 Oral Hearing Request

10.1. Mary Fitzpatrick, and the Terenure West Residents Association requested an Oral Hearing; however, Section 18 of the Planning and Development (Housing) and Residential Tenancies Act, 2016, provides for such a hearing if there is a compelling case and I have considered that the provided information does not warrant an oral hearing.

11.0 Assessment

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

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

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

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

Note: The Dublin City Development Plan 2016 – 2022 is the operative plan relevant to this application. A new development plan – ‘Dublin City Development Plan 2022 – 2028’ is due to be adopted by the end of October 2022, with no confirmed date at present for it coming into force.

11.3. Principle of Development

11.3.1. Having regard to the nature and scale of proposed development which is in the form of 208 residential units consisting wholly of apartments on lands zoned for Sustainable Residential Neighbourhoods under the Z1 zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

11.3.3. As reported by the Planning Authority, and also in a number of the third-party submissions, part of the site is zoned Z9 for open space uses. This area is proposed as part of the access to the site and no residential development will take place on these lands. The existing access to the gym is mostly zoned Z1, with part of the north eastern section of the access road zoned Z9. I have no concern about the use of these small section of Z9 lands to facilitate the development. This section of the Z9 zoned land does not provide any useful amenity at present and any potential loss of amenity would be compensated by the provision of open space on site. The Planning Authority did not oppose the inclusion of this land into the application area.

11.3.4. It is national and local policy to maximise the use of available lands and in established urban areas. The site is zoned for residential use, the site is currently unused having previously had a sporting function and the area is predominately characterised by residential development. I therefore consider that the proposed development is acceptable in principle.

11.3.5. The proposal of 208 apartment units provides for a density of 166.4 units per hectare, which is a relatively high residential density. The site is located in an established urban area, where public transport is available and where community/ social/ recreational infrastructure is within walking distance. Whilst the principle of development is accepted to be in accordance with the Z1 zoning objective, and is in accordance with local/ national policy, the impact on the adjoining area is considered further in this report.

11.3.6. **Conclusion on Section 11.3:** The site is suitably zoned for residential development and the proposal would see the provision of 208 residential units on a greenfield site in an established urban area, where public transport is available.

Considering the zoning of the site and nature of the proposed development, there is no reason to recommend a refusal to the Board.

11.4. Development Height

11.4.1. The issue of height was one of the main issues of concern raised in the third-party observations and by the elected members of the South-East Area Committee. From the site visit, it was apparent that the surrounding area, Kimmage and Terenure, is characterised by two-storey/ low rise buildings. The issue of visual impact and residential impact is considered further in this report. The applicant has also considered that the issue of height is a material contravention issue, and this is also further considered in this report.

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

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

11.4.4. At the scale of the relevant city/ town	
Criteria	Response
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	Public transport is available in the form of Dublin Bus Routes 9, 15A and 54A, with bus stops less than 400 m from the site. Route 9 operates on an off-peak frequency of every 12 minutes, route 15A every 20 minutes and route 54A every 30 minutes. There are therefore approximately ten buses an hour within 400 m of the site. In addition, routes 83/83A provide a combined service every 12 minutes off peak from Stannaway Avenue. Go-Ahead routes 17/17D provides a service

	<p>every 20 minutes connecting a range of locations in the south suburbs including Blackrock, UCD, Dundrum, Crumlin and Rialto.</p>
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection. • Verified Views and photomontages have been prepared by 3D Design Bureau in support of the application. • A Landscape Design Rationale has been prepared by DFLA • A Townscape and Visual Impact Assessment has been prepared by AECOM
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<ul style="list-style-type: none"> • The site is set back from the public street and does not directly adjoin any street. A strong elevation will face onto an existing surface car park area which will be supported by suitable landscaping. • The buildings are staggered downwards where they • An Architectural Design Rationale by BKD Architects has been submitted in support of the development.

At the scale of district/ neighbourhood/ street	
Criteria	Response
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.	<ul style="list-style-type: none"> The development will provide for strong frontages to the southern sides of Blocks 01 to 03 and to the western side of Block 05.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	<ul style="list-style-type: none"> Five separate blocks are proposed and the blocks are staggered having regard to the established character of the area. The design includes careful articulation of fenestration and detailing that ensure that the massing of the blocks are suitably broken up to ensure that it is not monolithic.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).	<ul style="list-style-type: none"> The design provides for a suitable residential development in this area of predominately two-storey houses. Open space is provided on site and which is proposed to be accessible to public use. The 'Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009) are complied with, and a Site-Specific Flood Risk Assessment has been prepared by BMCE Engineering
The proposal makes a positive contribution to the improvement of	<ul style="list-style-type: none"> Improved legibility is provided in the form of strong elevations.

legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.	
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	<ul style="list-style-type: none"> The proposed development will provide for a mix of one and two-bedroom apartment units. The area is characterised by houses that are generally family sized units and therefore the development will increase the mix of housing types in the area.
At the scale of the site/ building	
Criteria	Response
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	<ul style="list-style-type: none"> The development is in the form of five blocks with staggered heights. This allows for good access to natural light and reduces the potential for overshadowing.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.	<ul style="list-style-type: none"> The applicant has engaged the services of IN2 to prepare a Daylight and Sunlight Analysis, and which is included with the application.

<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<ul style="list-style-type: none"> • As above.
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11.4.5. Specific Assessment

Criteria	Response
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an</p>	<ul style="list-style-type: none"> • Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable. • IN2 have been engaged to provide a Microclimate Wind Analysis and Pedestrian Comfort Report, and no issues of concern are raised.

assessment of the cumulative micro-climatic effects where taller buildings are clustered.	
In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.	<ul style="list-style-type: none"> • An Ecological Impact Assessment (EcIA) and an Appropriate Assessment Screening Report have been submitted in support of the application and which fully consider the impact of the development on bird and bats. • In summary, no bat roosts or significant foraging was found on site during the surveys.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	<ul style="list-style-type: none"> • N/A Due to six storey nature of the development.
An assessment that the proposal maintains safe air navigation.	<ul style="list-style-type: none"> • N/A Due to six storey nature of the development.
An urban design statement including, as appropriate, impact on the historic built environment.	<ul style="list-style-type: none"> • Included with the application is An Architectural Design Rationale, prepared by BKD Architects and which demonstrates how the development will integrate into its surroundings.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. • EcIA and AA screening report are submitted with the application. <p>11.4.6.</p>

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

'It is a specific planning policy requirement that where;

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

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

11.4.8. National and local policy is to provide for increased heights and density on sites that can be demonstrated to be suitable for such development. The above table includes appropriate considerations for such development. A number of the third-party submissions state that this development results in the introduction of a six-storey development into an area defined by two/ three storey houses. The proposed development will provide for a mix of apartment types in an area where there is a requirement for such housing types/ mix of residential unit types.

11.4.9. The issue of Material Contravention is considered further in this report under Section 11.14.

11.4.10. **CE Report Comments:** The Planning Authority, through the CE Report, have no objection to the increase in height and consider it appropriate having regard to the provision of additional residential units into this established area.

11.4.11. **Conclusion on Section 11.4:** The proposed development contravenes the Dublin City Development Plan in terms of exceeding the maximum

permitted height for a development in an area designated as 'Low Rise', 'Outer City' location. I am satisfied that proposed development demonstrates that it complies with the criteria set out in Section 3.2 of the 'Urban Development and Building Height' guidelines and recommend that the Board grant permission for the development having regard to SPR 3, in addition to NPO13 and 35 – which seek to improve urban areas through suitable regeneration and increased densities/ height. The issue of Material Contravention is considered later under Section 11.14 of this report.

11.5. Design and Layout

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

11.5.2. The proposed layout is constrained by the development site which is almost 'L' shaped. Three detached blocks of apartments separated by communal open space are located on the east-west axis north of the gym car park. The other two blocks are located to the east on a north south axis and these blocks are attached, with block 05 to the south, staggered forwards towards the west/ the access road. Communal open space is provided to the west and east of the site and an area of public open space is provided to the south, just to the north of the former two-storey art gallery building.

11.5.3. I have already commented on the access road to the site, which comes in from the south and runs between Blocks 03 and 04/ 05 and the access route proceeds to the west and to the east. The section to the west terminates adjacent to three car parking spaces. That to the east turns and heads south, where it terminates adjacent to a secure bicycle storage area.

11.5.4. Blocks 01 to 03 are six storeys to their south, block 01 drops to four storey and Blocks 02 and 03 drop to five storeys and then four storeys to their north. Block 05 is five storeys throughout and Block 04 is most five storeys, dropping to four storeys to the north. The northern elevation of Blocks 01 to 04 form a uniform building line and the northern elevations are all four storeys.

11.5.5. Car parking is undercroft for Blocks 01 to 03 and provides for a total of 66 spaces. Three additional spaces are located to the west of the site and the remaining spaces are located to the east of Block 03, west of Block 04 and to the east of the access road to the east of Block 04. Bicycle parking is provided throughout the site and within the apartment blocks in secure locations.

11.5.6. **CE Report comments:** The Planning Authority raised no particular concerns in respect of the layout/ design of the development, except to recommend that Block 04 and 05 be separated so as to break up the bulk and massing of this section of the development.

11.5.7. I note these comments, however I am satisfied that the design of this aspect of the development is acceptable. The staggered nature of the two blocks and their overall design ensures that they are not monolithic. The submitted photomontages do not give rise to any concern in relation to this aspect of the development. This issue will be considered further in this report in relation to how the development impacts on existing residential amenity.

11.5.8. **Conclusion on Section 11.5:** The proposed design is considered to be acceptable for this location. The site is constrained by the available site layout and the applicant has proposed a suitable scale and density of development on this site. There is no reason to recommend a refusal of permission to the Board in terms of the proposed design and layout.

11.6. Visual Impact

11.6.1. The Architectural Design Rationale describes the elevational treatment of these buildings, and which are to consist of a mix of buff coloured brick and contrasting pale brown and off-white coloured self-finished render panels. Additional brick banding will be provided to provide for detail in the elevational treatments. The Planning Authority have recommended that the rendered areas be replaced with brick, and I would agree with them on this, as it would ensure the long-term appearance of these buildings is consistent and reduces a need for maintenance. The balcony structure and balustrades are to be painted metal and this is acceptable. Final details on the external treatment can be agreed with the Planning Authority by way of condition.

11.6.2. As already reported, the area is characterised by two storey houses and the proposed development will introduce buildings up to six storeys/ 21.1 m in height. The applicant has submitted a number of documents in support of the proposed development and with particular reference to the issue of height as follows:

- Architectural Design Rationale by BKD Architects
- CGI, Aerial & Verified Views by 3D Design Bureau
- Townscape & Visual Impact Assessment by Aecom

The submitted documents in conjunction with the submitted elevational and contiguous elevational drawings, clearly demonstrate what the visual impact will be on the character of the area.

11.6.3. The primary view that the public will have is from the Kimmage Road West and considering that the development is over 180 m to the north of the public road, the visual impact will be minimal. The development is screened by the existing houses along this road and the views that would be available, would not be significant. The visual impact from the west, from the Lorcan O'Toole GAA ground, are not adversely significant. The other indicated views from the public realm, submitted in the CGI, Aerial & Verified Views, do not give rise for concern as the development will form part of the backdrop to the established urban area. Whilst the development will significantly change the visual impact to the north and east of the gym, I would suggest that this would be an improvement over the current situation.

11.6.4. I do accept that the proposed development will have a significant impact on the visual amenity of those who live to the north and east of the proposed development. The impact of the development on their residential amenity will be considered later in this report.

11.6.5. The applicant has attempted to reduce the visual impact by staggering the heights of the development such that the units addressing the northern boundary are four storeys in height. The minimum separation distance indicated is between the north eastern corner of Block 03 and number 120 on Captain's Road and which is 26.89 m and 25 m between the northern elevation of Block 04 and 108 on Captain's Road. The standard separation distance between units is 22 m and this is achieved in most cases. Where it is not achieved, and as noted in the third-party

submissions, is when houses have been extended to the rear. I note this, however the standard is generally applied to the original house and not the extended unit. It is generally accepted that an extension to a house should not impact on adjoining properties. The building of part of a house closer to its boundary does open it to the possibility of negative impact in the future, especially where it adjoins land suitable for development. The elevation that faces directly to the north has a maximum height of 14.225 m (Block 02) and this is below the maximum of 16 m.

11.6.6. Blocks 04 and 05 are five storeys and the separation to the houses to the east is at least 28 m. I note that some of the houses in Brookfield Green have dormers, effectively making them three storey units. Block 05 has a ground to roof parapet height of 16 m, and this is in accordance with the maximum height of the Dublin City Development Plan. Additional plant on the roof brings the height to 17.35 m, though this plant is set back towards the centre line of the building and will not be easily visible from adjoining houses. Separation distances to the houses on Park Crescent to the west of the site, reduce to a minimum of 24.5 m, however the proposed apartments do not directly face opposite these houses. An area of public open space provides a buffer between the apartments and the houses.

11.6.7. The applicant has referred to existing trees along the boundary of the site that provide for screening between the development and the adjoining houses. I agree with the third parties, that this treeline is relatively weak, and I would not be relying on it as a strong form of screening. The provision of additional, suitable trees along the boundary as part of the landscaping plan may be of benefit in this case.

11.6.8. **CE Report comments:** As already reported, the Planning Authority raised no particular concerns in respect of the visual impact of the development, except to recommend that Block 04 and 05 be separated so as to break up the bulk and massing of this section of the development. I have no objection to this element of the development.

11.6.9. **Conclusion on Section 11.6:**

11.6.10. The separation distance between the proposed development and the existing houses to the north and east is considered to be acceptable. All elevations facing existing houses are below the Dublin City Council specified height of 16 m.

Whilst the overall units are greater than 16 m (21.2 m to top of plant in block 03), the staggered heights of the development ensure that visual amenity is protected.

11.6.11. The proposed units are considered to be visually acceptable and will integrate into this established urban area. There is no reason to recommend a refusal of permission to the Board in terms of the impact on visual amenity.

11.7. Residential Amenity – Future Occupants

11.7.1. Unit Mix: A total of 104 one-bedroom units and 104 two-bedroom units are proposed. This unit mix is considered to be acceptable. A number of the third party submissions referred to the lack of family/ larger sized apartments and whilst this is correct, it is considered that as the adjoining area consists primarily of family sized homes, the proposed development provides for one and two bedroom units, which are not easily available in this area.

11.7.2. Quality of Units – Floor Area: A 'Housing Quality Assessment' prepared by BKD Architects has been submitted with the application and this provides a detailed breakdown of each of the proposed apartment units. All units exceed the minimum required floor areas, with 110 units (52.9%) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.7.3. A number of the one-bedroom units, Types A1.1 to A1.4 and A2.1 & A2.6, A2.6 are provided with storage in the form of a utility room and as part of the bedroom space. This is considered to be acceptable having regard to the layout of the bedroom. The bedroom will be able to be provided with standard furniture such as a wardrobe etc. in addition to the storage for the unit. A similar arrangement is proposed for some of the two-bedroom units, Types B1.1 to B1.3 and B2.3 to B2.9, and again this is considered to be acceptable.

11.7.4. A total of 110 units (52.9%) are dual aspect units and there are no north facing only units. The proposed floor to ceiling heights is 2.4 m except ground floor units which are 2.725 m in height. This is in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. Blocks 01 to 03 are each provided with a single lift core, and

which serve a maximum of 10 apartments per floor. Blocks 04 and 05 are provided with shared floor corridors and each block has a single lift, with 14 units per floor, the lift provision is adequate here. The provision of lifts per floor is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.7.5. **Conclusion on Sections 11.7.1 - 11.7.4:** The proposed development provides for an adequate mix of unit types. The area consists predominately of family sized homes and the development provides for a mix of one- and two-bedroom units, thereby improving the mix of housing types in the area. The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

11.7.6. **Quality of Units – Amenity Space:** All units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room area for all units. I note that the private amenity space for Unit Type B2.1 to B2.7, extends across the front of both bedrooms, this may reduce the amenity value of these spaces, but that is an issue for future occupiers to consider. All balconies have at least 1.5 m depth.

11.7.7. The applicant has proposed a total of 1,261 sq m of public open space and a total of 1,619 sq m of communal open space. The communal open space is accessible to all units. I note that the Dublin City Council Parks Department do not intend taking the open space in charge and having regard to the location of the development/ open space, it is likely that all areas of open space will only be used by the residents of the proposed development. The Landscape Plan prepared by Dermot Foley – Landscape Architects is considered to be of a suitably high quality to serve the future residents of this development.

11.7.8. I am satisfied that the developer has proposed an adequate area of open space on site that would function as an amenity area for the local community. This will be appropriately overlooked ensuring passive surveillance and the space also functions as a buffer between the proposed apartments and the existing houses adjacent to the site.

11.7.9. **Conclusion on Sections 11.7.6 – 11.7.8:** The proposed development provides for adequate private, communal, and public open space areas. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

11.7.10. **Daylight and Sunlight:** The applicant has engaged the services of IN2 to assess the impact of the development on daylight and sunlight and a 'Daylight and Sunlight Analysis has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Dublin City Development Plan 2016 - 2022

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

11.7.11. **Site Sunlight and Shading:** The submitted analysis includes an assessment of the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis demonstrates that the BRE requirement is met and exceeded at greater than 81% for all amenity areas. The public open space area to the south is predicted to receive at least two hours sunlight for 100% of the relevant area. The proposed areas of open space will be provided with adequate daylight and sunlight in accordance with the BRE requirements.

11.7.12. **Daylight Analysis:** From the information provided in the 'Daylight Analysis', I am satisfied that the target Average Daylight Factor's (ADF) are

appropriate and are generally compliant. Table 2 of BS8208 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

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

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

11.7.14. The submitted analysis provides full details of the Average Daylight Factors (ADFs) and a breakdown of the achieved results for all units. In summary, out of 520 rooms that were assessed, 467 or 90% demonstrated compliance with the advisory minimums. Of the 53 rooms that fall short of the advisory minimums, the majority of these would achieve adequate levels of skylight amenity. In the case of spaces that do not achieve the 2% ADF target, suitable compensatory measures have been provided.

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

Block	Floor	Unit – Room - Kitchen	Kitchen/ Living/ Dining	Bedroom 1	Bedroom 2
1	Ground	All meet the requirements			
1	First	112 (1 Bed)	1.0 (-1.0)	1.4	
1	Second	216 (1 Bed)	1.2 (-0.8)	1.7	
1	Third	353 (1 Bed)	1.3 (-0.7)	2.1	
1	Fourth	418 1 Bed)	1.5 (-0.5)	2.4	
1	Fifth	477 (1 Bed)	1.6 (-0.4)	2.9	
1	Ground	0.16 (1 Bed)	1.9 (-0.1)	2.0	

2	Ground	16 (2 Bed)	1.5 (-0.5)	1.5	17: 0.5 (-0.5)
2	Ground	18 (2 Bed)	1.9 (-0.9)	1.2	1.4
2	First	123 (2 Bed)	1.4 (-0.6)	122: 0.9 (-0.1)	1.7
2	First	130 (1 Bed)	2.1	131: 0.8 (0.2)	
2	First	133 (1 Bed)	1.6 (-0.4)	132: 0.7 (0.3)	
2	Second	227 (2 Bed)	1.7 (-0.3)	1.2	2.0
2	Second	237 (1 Bed)	1.9 (-0.1)	236: 0.9 (-0.1)	
2	Third	364 (2 Bed)	1.9 (-0.1)	1.4	2.2
2	Fourth	All meet the requirements			
2	Fifth	486 (1 Bed)	1.4 (-0.6)	3.7	
3	Ground	30 (2 Bed)	1.6 (-0.4)	2.5	2.8
3	First	100 (2 Bed)	1.5 (-0.5)	1.6	2.7
3	First	142 (1 Bed)	2.1	141: 0.9 (-0.1)	
3	First	140 (1 Bed)	1.6 (-0.4)	139: 0.7 (-0.3)	
3	Second	204 (2 Bed)	1.7 (-0.3)	1.9	3.0
3	Second	244 (1 Bed)	2.0	243: 0.9 (-0.1)	
3	Third	341 (2 Bed)	1.9 (-0.1)	2.1	3.3
3	Fourth	All meet the requirements			
3	Fifth	All meet the requirements			
4	Ground	51 (1 Bed)	1.4 (-0.6)	2.2	
4	Ground	47 (1 Bed)	1.6 (-0.4)	2.9	
4	Ground	49 (1 Bed)	1.6 (-0.4)	2.9	

4	Ground	40 (2 Bed)	1.8 (-0.2)	1.1	1.3
4	Ground	53 (2 Bed)	1.3 (-0.7)	1.4	1.6
4	First	154 (1 Bed)	1.4 (-0.6)	2.5	
4	First	156 (1 Bed)	1.4 (-0.6)	2.6	
4	First	147 (2 Bed)	1.7 (-0.3)	1.1	1.3
4	First	160 (2 Bed)	1.3 (-0.7)	1.3	1.6
4	Second	258 (1 Bed)	1.7 (-0.3)	3.1	
4	Second	260 (1 Bed)	1.7 (-0.3)	3.1	
4	Second	264 (2 Bed)	1.6 (-0.3)	1.6	2.2
4	Third	291 (1 Bed)	1.7 (-0.3)	3.1	
4	Third	293 (1 Bed)	1.8 (-0.2)	3.2	
4	Third	297 (2 Bed)	1.8 (-0.2)	1.8	2.4
4	Fourth	513 (1 Bed)	1.8 (-0.2)	3.2	
4	Fourth	515 (1 Bed)	1.8 (-0.2)	3.3	
5	Ground	59 (1 Bed)	1.7 (-0.3)	2.7	
5	Ground	61 (1 Bed)	1.5 (-0.5)	3.0	
5	First	166 (1 Bed)	1.5 (-0.5)	2.4	
5	First	168 (1 Bed)	1.3 (-0.7)	2.6	
5	Second	270 (1 Bed)	1.8 (-0.2)	2.8	
5	Second	272 (1 Bed)	1.6 (-0.4)	3.1	
5	Third	303 (1 Bed)	1.8 (-0.2)	2.9	
5	Third	305 (1 Bed)	1.7 (-0.3)	3.2	
5	Fourth	525 (1 Bed)	1.9 (-0.1)	3.0	
5	Fourth	527 (1 Bed)	1.8 (-0.5)	3.4	

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11.7.16. The submitted IN2 report clearly indicates which units are below standard and a list of specific compensatory measures are proposed. These include a floor area greater than the minimum required, a larger area of private amenity space, the aspect of the unit and availability of communal open space.

11.7.17. The submitted details are noted and I will make specific comments on each block as follows:

- Block 1: In this block, the units that are below standard are located to the eastern side and it is due to the location of the balcony serving the unit and that above that is the problem. It is noticeable that where a kitchen/ living room is not provided with the recommended ADF, the adjoining bedroom easily exceeds its requirements.
- Block 2: The ground floor units receive a reduced ADF due to the layout of the private amenity space and the proximity of the units to the entrance lobby. Upper floors are affected by the layout and location of the balconies that serve these units.
- Block 3: Units are again affected by the location and design of the balcony areas.
- Block 4: Units are again affected by the location and design of the balcony areas.
- Block 5: The proposed units are again affected by the location and design of the balcony areas.

11.7.18. The applicant states that 90% of units meet the requirements of the ADF. It is not possible to easily remedy the issues with the units that fall below relevant figure. The provision of larger balconies results in a corresponding reduction in daylight entering the units. I have concern about units no.112, 216, 353 – Block 1, units no. 123 and 486 – Block 2, 51, 53, 154, 160 – Block 4 and 168 in Block 5 as these units do not meet the recommended 1.5 ADF for a living/ dining room space, let alone the 2.0 ADF for a kitchen. In all cases where the ADF is less than 1.5% for kitchen/ dining/ living space, the ADF is over 1 for the bedrooms

indicating that the layout/ balcony is the issue rather than the orientation of the building.

11.7.19. I assume that it is not possible to switch bedrooms and kitchens around in order to achieve the higher figure that is indicated. The layout of the building is dependent on structural requirements and the provision of services to each of the units. Whilst the Board may wish to reconfigure the layout, this may not be feasible for the reasons outlined. The provision of angled windows could improve the availability of daylight but would reduce the useability of the balcony space to an unacceptable level.

11.7.20. **CE Report Comments:** Note that a Daylight and Sunlight analysis have been submitted in accordance with Section 16.10.1 of the Dublin City Development Plan.

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

11.7.22. I have taken account of compensatory measures provided as part of the development such as the provision of balconies which are provided with good sunlight amenity, good, landscaped areas, good internal floor space, and the location of the site provides for a good range of services/ amenities. These compensatory measures are considered to be sufficient in this instance.

11.7.23. **Childcare Provision:** The proposed development provides for a total of 208 residential units; however all are either one or bedroom units. In support of the application, a Childcare Assessment has been prepared by McGill Planning. Reference is made to the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which state that 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'.

11.7.24. The applicant through their report has assessed the need for childcare based on the following:

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 beds	2020 Apartment Guidelines – without 1 beds and only 50% of 2 beds
Number of Units	208	104	52
1 Facility with capacity for 20 children for every 75 units	56	28	14

11.7.25. The demand for childcare from this development is considered to be very low. The applicant has identified 20 existing facilities within 1 km of the subject site. It is not certain that all these are operating, but the estimated capacity is 339 childcare spaces with existing vacancies for 8 children. Demand generated from this development is likely to be less than 8 as indicated in Figure 6 of the Applicant's report.

11.7.26. **CE Report Comments:** Note that no childcare provision is to be made and that there is capacity in the area to accommodate the potential demand from this development. The Planning Authority agree with the applicant's report and that there is no need for a standalone facility considering the number of one- and two-bedroom units that are proposed.

11.7.27. **Conclusion on Childcare Provision:** The proposed development provides for one- and two-bedroom units and the likely demand for childcare has been demonstrated to be very low, I agree with this conclusion and there is no need for a facility on this site.

11.7.28. **Conclusion on Residential Amenity:** Overall the proposed development will provide for a high quality of residential amenity in this established urban area. Room sizes and amenity spaces are of a good standard. The site is restricted by its urban location and the site layout, but the proposed scheme will provide for a suitable development of this serviced urban site. The development complies with the requirements of National and Local policies.

11.8. Residential Amenity – Existing/ Adjacent Residents

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

11.8.2. A Construction Management Plan will be put in place prior to the commencement of development. Access to the site is via the existing access serving the Ben Dunne Gym, meaning any impact from construction traffic would be limited than would be the case if a construction road/ access was required to serve the site.

11.8.3. **Daylight and Sunlight:** The impact of the development on adjoining properties is considered in the Daylight & Sunlight Analysis prepared by IN2.

11.8.4. Daylight: The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

11.8.5. The applicant has assessed the potential impact on Park Crescent to the west, Captain's Road to the north, and Brookfield Green and Brookfield to the east. The assessment has excluded any existing trees in accordance with the BRE Guidelines.

11.8.6. The analysis of the above listed units found that only window 163 in 33 Park Crescent demonstrated a reduction below 27% and below 80% of the current figure. The VSC at this address will reduce to 25.6% which is only marginally below the 27% standard, 77% of the existing figure. I note that there are mature trees adjacent to the boundary of this house and the actual impact is likely to be less than that calculated.

11.8.7. Sunlight: The Annual Probable Sunlight Hours (APSH) assessment indicates what the impact of a development would be on the sunlight received by existing units. Only south facing windows are considered in this assessment, in accordance with BRE guidance. According to the BRE guidance a dwelling/ or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

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

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

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

11.8.8. The results are provided in section 5.4 of the submitted report and only 31 Park Crescent, window 162 demonstrates an APSH below 80%, in this case to be

77%. As reported by the applicant, the VSC for this unit is deemed to pass, and again the presence of existing mature trees has been excluded from the calculations.

11.8.9. As already referred to, the submitted 'Assessment of Daylight Levels' prepared by BPG3, considers the impacts on daylight/ sunlight provision and the potential for overshadowing of adjoining properties and details are provided in Appendix F of the submitted report. Any reduction in daylight is not going to be evident to the residents of this property.

11.8.10. Shadow Analysis: Shadow Diagrams have been prepared/ included in the analysis. These are prepared for the 21st of March, June, and December at hourly intervals from 8.00 hours to 17.00 hours.

11.8.11. The submitted details give no rise for concern. The private amenity space associated with the neighbouring units will receive at least two hours of sunlight on the 21st of March. Shadowing will be evident in the late evening for March, just before sunset, but clearly the impact from this would be marginal.

11.8.12. The submitted details are noted. From the available information, all residential units will continue to receive good daylight and the proposed development will not result in a reduction of residential amenity to an unacceptable level. Overall, the assessment indicates that good compliance with BRE guidance is achieved.

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

11.8.14. **Potential overlooking:** I have already commented on the separation distances between the proposed development and the existing units to the east, west and north, and which are considered to be acceptable. There are no specific restrictions set out in the current Dublin City Development Plan regarding separation distances for taller buildings other than to ensure that residential amenity is protected. At no point is the separation distance less than 24.5 m and this is greater than the standard of 22 m between directly, opposing first floor, rear windows. The provision of stepped floors (four storeys to the north elevation) and design features that reduce the potential for overlooking, will ensure that the privacy of the houses on Captain's Road are maintained. The extension of some of these houses at first floor level is noted, however, there is a level of risk in undertaking such work and a reduced amenity would be included in such development.

11.8.15. The separation distances to the houses to the east and west of the proposed development are acceptable, the minimum separation of 24.5 m is provided between the south west corner of Block 1 and 34 Park Crescent. The houses on Park Crescent and in Brookfield/ Green are angled slightly to their boundary and consequently to the proposed development. The 22 m separation only applies to directly opposing windows, so the actual separation in terms of protection of privacy is increased by the angled nature/ layout of these existing houses.

11.8.16. **CE Report comment on residential amenity:** I note again the comments in the CE report. No particular issues of concern were raised in their report, and they comment on the fact that separation distances have increased from that proposed in pre-planning. Roof terraces have been omitted and are now proposed to function as green roofs. The roof terraces would have given rise to overlooking and a potential loss of privacy.

11.8.17. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. The site is zoned for residential development, is located in an established urban area and with access to existing services. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the residential amenity of the existing area.

11.9. Transportation, Traffic and Parking

11.9.1. The application is supported with a number of documents in relation to traffic and parking as follows:

- Traffic Impact Assessment – Barrett Mahony
- Infrastructure Report – Barrett Mahony
- DMURS Compliance Statement – Barrett Mahony
- Car Park Management Strategy – Barrett Mahony
- Parking Provision Report / Residential Travel Plan – Barrett Mahony
- Quality Audit – Bruton Consulting Engineers

11.9.2. Traffic: The submitted reports indicate that the proposed development will not adversely impact on traffic flows in the area. In addition, the development will not impact on the capacity of the Kimmage Road West / Whitehall Road signalised T-junction nor on the Terenure Road West/ Fortfield Road/ Kimmage Road West/ Sundrive Road signalised crossroads; none of the junctions are above the 5% or the 10% thresholds set out in the Traffic And Transport Assessment Guidelines, 2014 by TII. Similarly, no issues arise with the increase in traffic from the existing T junction onto the Kimmage Road West which serves the gym.

11.9.3. Car Parking: The proposed development provides for a total of 100 car parking spaces in the form of 32 external spaces, 2 external accessible spaces and 66 undercroft spaces (50 standard spaces, 4 accessible spaces and 12 EV charging spaces). The car parking spaces will be managed by a Managing Agent/ Car Park Manager, who will be appointed by the Management Company. The car parking management strategy is set out in Section 7.0 of the Car Park Management Strategy. It is accepted that not all residents will have access to a car parking space at any given time.

11.9.4. The proposed development is for 208 units and only 100 car parking spaces are proposed. The intention is that residents will use sustainable forms of transport such as walking/ cycling and the local bus services. The applicant has indicated that they have contacted Yuko, a car share club, and they are willing to provide two vehicles to serve the development. One such car has the potential to replace the journeys of 20-30 private cars.

11.9.5. **Bicycle/ Motorcycle Parking:** A total of 484 bicycle parking spaces are proposed to serve the development. These are provided throughout the site and include the provision of 16 residents' cargo bicycle spaces, 120 visitor parking spaces and 12 visitor cargo bicycle spaces. The provision of bicycle parking spaces is significantly above the requirements of the Dublin City Development Plan. Six motorcycle parking spaces are proposed, and this is acceptable.

11.9.6. **CE Report Comments:** Dublin City Council Transportation Planning Division raised no objection to the development in their report; conditions are provided in the event that permission is to be granted. I note the comments made in the Transportation Planning Division report and a couple of the specific points need some further comment.

11.9.7. Concern was expressed about the availability of public transport within close proximity to the site and the low car parking ratio in an area with a high rate of car ownership. These comments are noted; however, I would not be as concerned about these issues. The high rate of car ownership at 75% is a legacy issue reflected in the nature of the existing housing stock consisting mostly of two-storey semi-detached/ terraced units. The proposed units are one- or two-bedroom units and the expectation for car ownership would not be as great as for those living in existing houses in the area. The nature of this development is such that it allows for a modal shift away from the car as the primary form of transport. As also reported by the Transportation Planning Division, the provision of bicycle storage is good.

11.9.8. I have already commented on the existing bus services in the area and the combined frequency of 10 buses an hour off peak from either the Kimmage Road West or the Lower Kimmage Road. In addition, the 83/A offers an additional five buses an hour off peak from Stannaway Avenue and the 17 services provides orbital services through the south city area on a 20-minute frequency. The area is therefore well served by a high frequency of bus services and a consequent good capacity allowing for a conservative 85 passengers per bus. During peak times additional buses operate per hour.

11.9.9. Dublin City Council Transportation Planning Division have raised some concerns about the two lane exit from the access road onto the Kimmage Road West. As the entrance road is within the red line boundary of the site, an opportunity

exists to improve the junction arrangement having full regard to the principles outline in DMURS. It is suggested that improvements to the footpaths be provided in addition to revisions to the road layout. These issues are noted and can be agreed with the Planning Authority in the event that permission is granted for the development.

11.9.10. Conclusion on Transportation, Traffic and Parking: The development is located in an area with good public transport provision, and which is accessible within walking distance of the site. Car and bicycle parking provision is appropriate to the scale and nature of development proposed. 12 EV parking spaces are proposed, and this is considered to be acceptable, though provision should be made for all spaces to be able to provide for EV parking if necessary in the future. I have no reason to recommend a refusal of permission to the Board.

11.10. Infrastructure and Flood Risk

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

11.10.2. Similarly, Dublin City Council Drainage Division have provided conditions in the event that permission is granted, in relation to surface water drainage serving the development. No capacity constraints have been identified by either body.

11.10.3. A 'Site-Specific Flood Risk Assessment' – prepared by Barrett Mahony Engineers has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The report has regard to the following forms of potential flooding:

- Coastal Flooding: A review of the OPW Tidal Flood Extents Mapping was carried out and indicates no coastal flooding at the subject site.

- **Fluvial Flooding:** A review of the OPW Fluvial Flood Extents Mapping was carried out and indicates low and medium probability fluvial flooding at the eastern boundary of the subject site. The site is approximately 300 m west of the River Poddle and there are no records of flood events in or near the subject site. Flood risk modelling conducted on behalf of the OPW under the Eastern CFRAM (Catchment Flood Risk Assessment and Management) Study indicates that the development site is within an area with a fluvial flood event AEP of less than 1%. The risk of fluvial flooding within the subject site is therefore considered to be low.
- **Ground Water:** Ground investigations were undertaken on the site and ground water seepage was encountered at depths varying from 1.9 m to 2.9 m below ground level. The applicant proposes to monitor ground water levels over the next 12 months. The risk of flooding due to ground water ingress to the proposed development is reported to be low.
- **Pluvial Flooding:** A review of the available literature including the DCC FloodResilienCity (FRC) project was carried out some pluvial flooding has been indicated on the site. The submitted details are in the form of 'predictive' flood maps and not actual floods that have occurred in the past. A suitable surface water drainage system will be deployed on site.

11.10.4. **Climate Change:** Full regard has been had to climate change in the consideration of flood risk on site. An allowance of 20% additional flow should be taken for designing for floor events. The system is designed for storms up to and including the 1 in 100-year storm and 20% extra for climate change. Hence the development can be considered to be climate change resilient.

11.10.5. The initial flood risk assessment found that the risk of coastal/ tidal, fluvial, and ground water flooding was low. The risk of pluvial flooding was found to be low to medium and suitable measures have been proposed to address this. The sequential approach for flood risk was undertaken and in conclusion, the site was identified as located within Flood Zone C.

11.10.6. **CE Report Comments:** The Planning Authority note the submissions received in relation to the proposed development and specifically with comment on the potential for flooding of the site and surrounding area. The Dublin City Drainage Division did not report any objection to the development and the Planning Authority consider that the proposed development is acceptable subject to conditions.

11.10.7. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. Wastewater will be treated at the Ringsend WWTP and having regard to the submitted information, there is no concern in relation to this facility been able to treat the foul water from this relatively modest development. The submitted flood risk assessment is thorough and no issues of concern have been raised. I note the comments made by third parties in relation to flooding, however I am satisfied that the development can proceed without giving rise to flooding issues in the area. I have no reason to recommend a refusal of permission to the Board due to infrastructure and flood risk.

11.11. Social Infrastructure and Part V Social Housing Provision

11.11.1. A 'Community & Social Infrastructure Audit' prepared by MCG Planning was submitted with the application. This outlines available childcare facilities, schools, community/ cultural facilities, healthcare facilities, sport/ recreation, and retail provision in the area. Generally, a radius of 1 km from the site is drawn and the number of facilities within this area is identified. Population levels within the area rose from 39,199 in 2011 to 40,430 in 2016. All age profiles rose except those 19 to 34 where a fall of 0.98% was recorded.

11.11.2. Overall, the area appears to be well served by social, education, community and retail facilities. The surrounding area is a well-established urban setting and opportunities for infill development such as that proposed are somewhat limited.

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

11.11.4. **Conclusion on 11.11:** The proposed development is located in an area with a good range of services and facilities.

11.12. Comment on Submission/ Observations of South East Area Committee

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

11.12.2. Concern was expressed about the scale and height of the proposed development. I have reported that the site is suitably zoned for residential development and is located within an established residential area. Adequate separation distances to existing properties are provided and overshadowing/ loss of daylight and sunlight would not arise to any noticeable level. National policy is to increase density where this can be demonstrated to be achieved without impacting negatively on the residential amenity/ character of the area.

11.12.3. The issue of height was also raised as a material contravention of the Dublin City Development Plan. This issue is considered further in this report. I note that the Planning Authority had no objection to the increased height in this location.

11.12.4. All units meet the required room sizes and are adequately served with private amenity space, storage and communal open space areas.

11.12.5. Concern was raised about the impact on traffic in the area and also concern was raised about the shortfall in car parking. The development is proposed on the basis of encouraging sustainable forms of transport including walking, cycling and bus services in the area. The submitted supporting documentation in relation to transport and car parking gives rise to no concern. The local road network will not be adversely impacted by this development. Bus service provision is good in the area.

11.12.6. Concern was expressed about the lack of open space on site. The applicant has demonstrated that adequate open space will be provided for. Whilst the site may have had a recreational use in the past in the form of a cricket ground, the current site is fenced off and not accessible to anyone. The proposed development will be an improvement on the current situation.

11.12.7. The cost of the proposed units and their affordability were raised as issues. That is not a matter for the board to consider, however, the proposed development will provide for much needed housing and will also provide for Part V housing, again meeting some of the need for such housing.

11.12.8. Concern was expressed about the impact of the proposed development on 'The Poddle Alleviation Works', which are still only at planning stage. The Planning Authority and the Dublin City Drainage Division raised no issues of concern in this regard. The submitted Site Specific Flood Risk Assessment gave rise to no concern in this regard.

11.12.9. Concern was expressed about the SHD process and SHDs should be rejected until the LRD process is operating. As the SHD process remains in force, there is no reason to reject the development on that basis.

11.13. Other Issues

11.13.1. **Waste storage:** Comment was made in the submissions to the proximity of the proposed refuse bin storage areas to existing residential properties. From the available information, the proposed storage areas are considered to be acceptable. The large unit to the east of the site also functions as a covered bicycle parking area and although the two functions are separated, the combined use will ensure that it is well maintained. It is not clear from the submitted plans what the rear elevation of the bin storage areas consists of and it is considered appropriate that these are brick/ concrete block built and not be open to the rear where they adjoin third party lands.

11.13.2. **Trees:** Arbeco Limited have been engaged by the applicant and have prepared an Arboricultural Assessment, Impact Statement & Method Statement. Existing trees are to be retained and works undertaken to ensure their long-term survival. Protective measures during the construction phase of the development are also detailed.

11.13.3. **Microclimate Analysis:** IN2 have been engaged by the applicant to prepare a 'Microclimatic Wind Analysis and Pedestrian Comfort Report'. A 3D model was prepared, and various assessments were undertaken. Abnormal weather conditions are not considered as part of the analysis. The analysis found that the

areas around the development were suitable for outdoor eating and sitting. The testing of balconies was found to provide a similar result to ground level areas.

11.13.4. In conclusion, this assessment finds that the proposed development would not negatively impact on neighbouring developments in terms of wind microclimate and pedestrian comfort. The submitted details are noted and give rise to no concerns.

11.13.5. **Ecological Impact Assessment (EcIA)**

11.13.6. The applicant has engaged the services of Moore Group Consultancy, to prepare an Ecological Impact Assessment (EcIA) for the subject site; the report is dated February 2022. I have had full regard to the contents of same.

11.13.7. Surveys include desk survey and a site visit in September 2021. A dusk survey was also undertaken to assess if any bats were commuting, foraging etc. on site. A number of relevant data sources were consulted and are listed in Section 2.2.3 of the EcIA. The site situation is considered, and full details of the proposed development are provided.

11.13.8. The EcIA has identified four sites within the zone of influence as follows:

- South Dublin Bay SAC (Site Code: 000210) – 6.31 km from the site
- North Dublin Bay SAC (Site Code 000206) – 9.50 km from the site
- North Bull Island SPA (Site Code (004006) – 9.49 km from the site
- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) – 6.33 km from the site

The proposed development is located on an enclosed site in an established urban area forming part of Dublin City. The site is self-contained with surface water going to ground and there are no direct hydrological pathways to offsite surface water bodies. Operational wastewater will be directed to Ringsend Waste Water Treatment Plant (WWTP) where it will be treated appropriately. The Proposed Development site is comprised of a field of Improved grassland (GA1) and a local access road (BL3). The site verges include neighbouring horticultural hedges with

species present including Sycamore, Leyland cypress, Escallonia and Butterfly Bushes.

11.13.9. Fauna: There is no potential for otters on site and there are no badger setts on site. The site survey identified two Leisler's bats, passing through the site area. A fox was observed on the subject site, but they are not afforded any particular protection.

11.13.10. Birds: No protected species were identified, birds recorded during the survey include Blackbird, Magpie and Woodpigeon. The site is not suitable for any wintering bird species.

11.13.11. Flora: No species of importance/ with protected status were identified on site.

11.13.12. Assessment of Impacts: No direct impacts to badgers, otters, bats or birds are expected. Impact on bats from lighting is not expected due to the current layout of the site within an established urban area. There will be no indirect impacts from wastewater on identified European sites within the potential zone of impact of the Proposed Development as any wastewater will be treated through the public system in Ringsend WWTP. No cumulative impacts are foreseen as a result of the proposed development.

11.13.13. Mitigation Measures: No specific mitigation measures are proposed for habitats, mammals or birds.

11.13.14. Conclusion: There are no significant impacts predicted from the proposed development on habitats, flora, fauna or biodiversity having regard to the current use and location of the site and there will be no direct or indirect impacts on any European sites identified in the potential zone of impact of the Proposed Development.

11.13.15. **Conclusion on the EclA:** I note the information and details provided in the EclA and I am satisfied that the submitted information indicates that the proposed development will not impact on any designated or protected ecological sites. The development does not directly impact on any bats, birds, terrestrial mammals, or plant species.

11.14. Material Contravention

11.14.1. The applicant has submitted a 'Material Contravention Statement' of the Dublin City Development Plan 2016 - 2022 with the application. This forms part of the Planning Report prepared by McGill Planning. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). A total of seven (7) issues have been raised in the applicant's Material Contravention statement as follows:

- Building Height:
- Unit Mix 3
- Site Coverage
- Block Configuration
- Residential Density
- Car Parking
- Open Space Provision

The report outlines the procedure and requirements in relation to Material Contravention.

11.14.2. **Building Height:** Under Section 16.7 of the Dublin City Development Plan 2016 - 2022, the subject site is defined as within the 'Outer City' with a prescribed maximum height of 16 metres for residential and commercial development. In terms of a residential development, this would equate to approximately 5 storeys. The subject development ranges in height up to 6 storeys or circa 21 m and which exceeds the maximum building height of 16 m specified in the Dublin City Development Plan.

11.14.3. The applicant refers to the Urban Development and Building Heights Guidelines (2018) and specifically to SPPR 4 which promotes increased density, a mix of housing types and building heights. The applicant considers that the proposed development meets the requirements of these guidelines. The proposed development has been designed to ensure it integrates with the surrounding area and does not impact negatively on existing residential amenity.

11.14.4. The Planning Authority through the CE report state: 'Overall the Planning Authority consider that the proposal in relation to its height is acceptable.'

The Planning Authority supports elements of additional height, particularly as the proposal comprises residential development’.

11.14.5. The subject site is located within a ‘Low Rise’, ‘Outer City’ location and the maximum height specified in the Dublin City Development Plan 2016 – 2022 is 16 m for residential developments. The proposed apartment blocks range in height depending on their number of storeys and the existing ground levels that they are located on. The maximum height is circa 21 m, and this height exceeds the maximum standard set out in the Dublin City Development Plan 2016 – 2022.

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

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

11.14.8. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant planning permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).

11.14.9. Under section 37(2)(b)(i) I consider the proposed development to be of strategic and national importance having regard to the definition of ‘strategic housing development’ pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended and its potential to contribute to the achievement of the Government’s policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) I also consider that permission for the

development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines, national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).

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

11.14.11. **Unit Mix 3:** Section 16.10.1 of the Dublin City Development Plan requires in proposals of 15 units or more, that each development shall contain a maximum 25 - 30% one-bedroom units and a minimum of 15% three or more-bedroom units. The proposed development provides for 50% one beds and 50% two beds. The applicant states that this materially contravenes section 16.10.1 of the Development Plan. The applicant refers to SPPR 1 of the Apartment Guidelines which seeks to provide up to 50% one-bedroom units and no limit on three or more-bedroom units.

11.14.12. The above mentioned SPPR refers to requirements for plans etc. and is not specifically relevant to applications. The applicant does comment on the likely demand for smaller sized units and the fact that the surrounding area is predominantly made up of three and more bedroom houses.

11.14.13. I note the applicant's report, however I do not consider this to be a material contravention of the Dublin City Development Plan. A suitable mix of units is provided of which 50% are one-bedroom units; the number of one-bedroom units is therefore in accordance with the Dublin City Development Plan. No three or more-bedroom units are provided, however, having regard to the character of the area, the provision of two-bedroom units will provide for a housing choice for mid-sized units in an area that is dominated by three and more bedroom units. The National Planning Framework seeks to increase housing choice and to meet the demand for more one- and two-bedroom units. The proposed development will go some way to meeting this demand in this area.

11.14.14. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 - 2022 in relation to unit mix.

The proposed unit mix is generally in accordance with the requirements of the Dublin City Development Plan and having regard to national policy to encourage a greater mix of unit types, the provision is considered to be appropriate.

11.14.15. **Site Coverage:** Section 16.5 of the Dublin City Development Plan 2016 - 2022 sets out an indicative site coverage of 45% - 60% for Z1 lands. The proposed development has a site coverage of 43.1% which is below these standards.

11.14.16. I do not consider the issue of site coverage to be relevant in this location. The provision of a residential development in an established urban area requires full consideration of existing residential amenity whilst ensuring that future occupants are provided with adequate amenity in the form of communal and private open space. In addition, car and bicycle parking has to be provided for and the overall density and height has to be appropriate to the area.

11.14.17. I do not consider the issue of site coverage at 43.1% to be a material contravention of the Dublin City Development Plan. The proposed coverage is appropriate to this location providing for the protection of residential amenity and ensuring a suitable scale and density of development on this site.

11.14.18. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 - 2022 in relation to site coverage. The proposed development is generally in accordance with the requirements of the Dublin City Development Plan and having regard to national policy to encourage an efficient use of land, the proposed development is considered to be appropriate.

11.14.19. **Block Configuration:** Section 16.10.1 of the Dublin City Development Plan states "a maximum of 8 units per core per floor, subject to compliance with the dual aspect ratios specified above, and with building regulations. ... In certain circumstances, deck access may be acceptable as long as bedrooms do not face out on to the deck, and it is well proportioned and designed. In some cases, secondary bedrooms facing on to the deck may be acceptable if quality issues are satisfactorily addressed by careful design such as providing a semi-private external buffer zone.

The key performance criterion is the quality of residential amenity'. And Section 16.10.3 states 'Development should have regard to the guidance on sound insulation and noise reduction for buildings contained in BS 8233:2014. ... Keep stairs, lifts, and service and circulation areas away from noise sensitive rooms like bedrooms. Particular attention should be paid to the siting and acoustic isolation of the lift motor room'. The proposed development provides for 10 units per core and units adjacent to deck areas.

11.14.20. I do not consider this to be a material contravention issue. As the applicant reports, the Apartment Guidelines allow for a maximum of 12 units per core per floor and the development is compliant with this. I have no issue regarding units adjacent to deck areas as the upper floor units are all accessed from the central core/ corridor and not from a deck area. The deck access referred to in the Development Plan generally means an access that would be external to the units and which access is from. This is not the case in the proposed development.

11.14.21. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 - 2022 in relation to Block Configuration. The proposed development is generally in accordance with the requirements of the Dublin City Development Plan in relation to lift core access etc.

11.14.22. **Residential Density:** Section 16.4 of the Dublin City Development Plan states "The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable'. The proposed density is 166.4 units per hectare, and which is clearly higher than that of the existing two-storey semi-detached houses in the area.

11.14.23. The applicant reports that the Dublin City Development Plan was made prior to the adoption of the Building Height Guidelines and the Apartment Guidelines. These guidelines provide a clear mandate as Government policy that building heights must generally be increased along with an increase in density of development. As such the increase in density is considered to be in line with the more recent National Planning Policy Guidance.

11.14.24. I do not consider the issue of Density to be a material contravention issue. The Dublin City Development Plan does not generally specify densities in areas and relies on other measures such as plot ratio and the protection of residential amenity. Whilst the density is high, the applicant has provided a development that will provide for good residential amenity for future occupants whilst ensuring that existing residential amenity can be protected.

11.14.25. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 - 2022 in relation to density. The proposed development is generally in accordance with the requirements of the Dublin City Development Plan and having regard to national policy to encourage an efficient use of land and increased density, the proposed development is considered to be appropriate to this site.

11.14.26. **Car Parking:** The proposed development provides for a parking standard of 0.48 space per unit, which is in accordance with the Development Plan standards, and the Apartment Guidelines, which clearly states that parking should be reduced in central and accessible locations. The site is located in Parking Zone 3 with a maximum parking provision of 1.5 spaces per unit and as the applicant reports, this is a maximum and not a minimum parking provision.

11.14.27. The applicant states that there are no car clubs proposed as part of this development, however, it is stated in the Transport Report that this may be provided. The applicant has proposed the provision of additional bike parking, above that required by the Dublin City Development Plan standards. As such, the provision of increased access to bicycle parking facilities, would address this policy, by providing an alternative to cars in the form of bicycles. This will also reduce the need and requirement for car parking. This is in line with section 4.23 of the Apartment Guidelines which indicates a need to demonstrate that specific measures are provided that allow for a reduction in car parking provision on a site.

11.14.28. I am satisfied that the reduction in car parking does not give rise to a material contravention of the Dublin City Development Plan. The site is located in an area with good public transport in terms of frequency and capacity, a high provision

of bicycle parking is indicated, and the site is located within walking distance of a number of services/ facilities in the local area.

11.14.29. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 - 2022 in relation to car parking provision.

11.14.30. **Open Space Provision:** The proposal provides 1,261 sq m of Public Open Space at the eastern end of the site which is in excess of the 1,250 sq m/ 10% required by the Dublin City Development Plan. The applicant notes that area includes footpaths through the open space. A narrow interpretation which considers that the footpaths should be excluded then the net open space provision would be slightly less than the 10% minimum requirement for open space and, If so, this could be considered a material contravention of the Dublin City Development Plan.

11.14.31. I note the comments of the applicant, however I am satisfied that there is no material contravention in this case. The Planning Authority through the CE Report did not raise any concerns in this regard. The footpaths through the open space are not necessary to access the site etc. and form part of the amenity of this area of the site. They can be included as part of the open space as incidental to its use.

11.14.32. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 - 2022 in relation to open space provision. The proposed development is generally in accordance with the requirements of the Dublin City Development Plan and the development provides for a suitable area of communal and public open space and which would be useable by residents of the development.

12.0 Appropriate Assessment

12.1.1. Stage 1 – Appropriate Assessment Screening

12.2. The applicant has engaged the services of Moore Group – Environmental Services, to carry out an appropriate assessment screening; the report is dated February 2022. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

12.4.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

12.4.2. The subject site is located to the north of Kimmage Road West and the development site area is stated to be 1.25 hectares (Gross site area is 2.43 hectares). A total of 208 apartment units in the form of 104 one-bedroom and 104 two-bedroom units. Access is via an existing access serving a Ben Dunne Gym onto the Kimmage Road West. The proposed development provides for open space, parking, services and all necessary site works. The surrounding area is predominantly residential and recreational in the form of the gym and a sports club to the west.

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

12.4.4. A total of four European Sites have been identified as located within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
<p>South Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets:</p> <ul style="list-style-type: none"> • The permanent habitat area is stable or increasing, subject to natural processes. • Maintain the extent of the <i>Zostera</i> – dominated community, subject to natural processes. • Conserve the high quality of the <i>Zostera</i> –dominated community, subject to natural processes • Conserve the following community type in a natural condition: Fine sands with <i>Angulus tenuis</i> community complex. <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	(000210)	6.31 km to the east

Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]		
<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>Conservation Objectives:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p>	(004024)	6.33 km to the east

Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]		
<p>North Bull Island SPA</p> <p>Conservation Objective:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p>	(004006)	9.49 km to the north east

<p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>North Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with white dunes (<i>Ammophila arenaria</i>) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort (<i>Petalophyllum ralfsii</i>) [1395]</p>	(000206)	9.50 km to the north east

12.4.5.

12.4.6. **Connectivity-Source-Pathway-Receptor:** The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the four identified sites. The following is found in summary:

Site	Connection	Comment
South Dublin Bay SAC	No	<p>Ground water goes to ground and there is therefore no direct connectivity with the European site.</p> <p>At operational stage, wastewater will be sent to the Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP.</p>
South Dublin Bay and River Tolka SPA	No	<p>Ground water goes to ground and there is therefore no direct connectivity with the European site.</p> <p>At operational stage, wastewater will be sent to the Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP.</p> <p>Due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
North Dublin Bay SAC	No	<p>Ground water goes to ground and there is therefore no direct connectivity with the European site.</p> <p>At operational stage, wastewater will be sent to the Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP.</p>

North Bull Island SPA	No	<p>Ground water goes to ground and there is therefore no direct connectivity with the European site.</p> <p>At operational stage, wastewater will be sent to the Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP.</p> <p>Due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
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12.4.7. There are no ecological networks supporting the identified European sites and there are no other areas of conservation concern that would be affected by the proposed development.

12.4.8. **Assessment of Likely Significant Effects:**

12.4.9. The submitted AA Screening considers the potential impacts on European Sites from the proposed development. As reported, there are no direct connection between the site and European sites with only indirect connections identified in the form of wastewater from the development, which will be treated at the Ringsend Wastewater Treatment Plan (WWTP). This plant has capacity to treat the wastewater from this development. Table 3 of the AA Screening Report considers likely significant effects at Construction and Operational stages, and also In-combination/ Other effects. No significant effects are identified, and no mitigation measures are required. Best practice construction methods will be employed on site, but these are not necessary to ensure that effects on a European site can be avoided/ reduced.

12.4.10. In-combination effects are considered under Section 5.2 of the applicant's report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

12.4.11. **AA Screening Conclusion:** The AA Screening has concluded that the possibility of any significant effects on identified, designated European sites can be excluded. The following are noted:

- '1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement to therefore prepare a Stage 2 – Appropriate Assessment.

12.5. Screening Assessment

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

12.5.2. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development.

12.5.3. There are no watercourses on site and the only connection between the site and the identified European sites would be an indirect linkage by way of the public wastewater system. Considering the distance from the site to the nearest European site and the use of the existing public wastewater treatment, I am satisfied that there would be no significant effect on any identified site.

12.5.4. During the construction phase of development, standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.

12.5.5. During the operational phase of the development, surface water drainage will be in accordance with the policies/ guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Dublin City Council. The surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the Dublin Bay system is unlikely to occur.

12.5.6. Foul drainage will be through the existing foul drainage system. Considering the distance from the site to Dublin Bay, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.

12.5.7. I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay, from surface water runoff, can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

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

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no surface water features within the site. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.
- During the operational phase of development, foul water will drain to the public system. The discharge from the proposed development would drain, via the public network, to the Ringsend Wastewater Treatment Plant for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

12.6. In-Combination or Cumulative Effects

12.6.1. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend Wastewater Treatment Plant (WWTP). The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Dublin 12 area in accordance with the requirements of the Dublin City Development Plan. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 sites. I note also the development is for a residential development in a predominately residential area, with an appropriate Z1 zoning (for residential uses). As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

12.6.2. Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and

would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

12.6.3. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

12.7. AA Screening Conclusion:

12.7.1. It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

12.7.2. In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

13.0 Environmental Impact Assessment Screening

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

13.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by McGill Planning – Dated March 2022) and I have had regard to same. The report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (208) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

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

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

13.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

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

13.6. The proposed development is for a residential scheme of 208 apartments in five blocks, and which is not within a business district, on a stated development site area of 1.25 hectares, located to the north of the Kimmage Road West. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

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

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

13.9. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Architectural Design Report (BKD Architects 2022)
- Planning Report (McGill Planning 2022)
- Photomontages (3d Design Bureau 2022)
- Sunlight and Daylight Assessment (IN2 2022)
- Transport Assessment (BMCE 2022)
- Flood Risk Assessment (BMCE 2022)
- Ecological Impact Assessment (Moore Group 2022)
- Natura Impact Assessment (Moore Group 2022)

NOTE: This is incorrectly titled, should be an Appropriate Assessment Screening Report.

13.10. In addition, noting the requirements of Section 299B (1)(b)(ii)(1)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account and are listed in Appendix A of the EIAR. The documents are summarised as follows:

Document:	Comment:	Relevant Directives:
Ecological Impact Assessment prepared by Moore Group.		Directive 92/43/EEC, The Habitats Directive
Appropriate Assessment Screening prepared by Moore Group.		Directive 92/43/EEC, The Habitats Directive Directive 2000/60/EC, EU Water Framework Directive
Outline Construction Surface Water Management Plan prepared by Barrett		Directive 92/43/EEC, The Habitats Directive Directive 2000/60/EC, EU Water Framework Directive

Mahony Consulting Engineers		Directive 2007/60/EC on the assessment and management of flood risks
Planning Report prepared by McGill Planning Ltd which includes a Statement of Consistency & Material Contravention Statement		Directive 2001/42/EC, SEA Directive
Environmental Noise Survey prepared by Traynor Environmental Ltd.		Directive 2002/49/EC, Environmental Noise Directive
Outline Construction Management Plan prepared by Barrett Mahony Consulting Engineers		Directive 2002/49/EC, Environmental Noise Directive Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Parking Report & Residential Travel Plan prepared by Barrett Mahony Consulting Engineers		Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Construction & Demolition Waste Management Plan by Barrett Mahony Consulting Engineers		Directive 2008/50/EC on ambient air quality and cleaner air for Europe

Infrastructure Report prepared by Barrett Mahony Consulting Engineers		Directive 2007/60/EC on the assessment and management of flood risks
Site Specific Flood Risk Assessment prepared by Barrett Mahony Consulting Engineers		Directive 2007/60/EC on the assessment and management of flood risks
N/A	Seveso sites in the area were identified in: Bluebell Industrial Estate x 2 – 3.54 km and 3.67 km from the site Inchicore Works – Dublin 8 – 3.21 km from the site JFK Industrial Estate – 3.3 km from the site	SEVESO DIRECTIVE 82/501/EEC, SEVESO II DIRECTIVE 96/82/EC, SEVESO III DIRECTIVE 2012/18/EU

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

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

13.13. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would

be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

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

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

14.0 Recommendation

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

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

In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential development, is a serviced site, where public transport, social, educational and commercial services are available.

The proposed development is of a suitably high quality and provides for a mix of one- and two-bedroom apartments which are served by high quality communal open space.

I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with National Guidance and Local Policy (except for height) and is in accordance with the proper planning and sustainable development of the area.

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

15.0 Reasons and Considerations

Having regard to

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

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

16.0 Recommended Draft Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 16th of March 2022 by 1 Terenure Land Limited.

Proposed Development:

- The provision of 208 no. apartment units comprising 104 one-bed units and 104 no. two-bed units within five blocks. 100 no. car parking spaces are provided throughout the site and parking for 484 bicycles is also provided throughout the site. Six motorcycle parking spaces are also provided for.
- Vehicular access is via the existing private roadway onto Kimmage Road West. Communal and public open space is provided throughout the site.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016 - 2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas.

- The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location, which is within a 'Low Rise' area. The proposed development includes a section which has a height of circa 21 m.
- The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.

Decision:

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

Matters Considered:

16.1.1. 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.

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

(i) the site's location on lands with a zoning objective for Residential development and the policy and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of mixed-use development,

(ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,

(iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice

Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

(v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,

(vi) the availability in the area of a wide range of social and transport infrastructure,

(vii) to the pattern of existing and permitted development in the area, and

(viii) Chief Executive's Report and supporting technical reports of Dublin City Council,

(ix) the comments made at the Dublin City South East Area Committee meeting,

(x) to the submissions and observations received,

(xi) the Inspectors report

Appropriate Assessment (AA):

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

16.1.4. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

16.1.5. Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective Z1, 'to protect, provide and improve residential amenities', in the Dublin City Development Plan 2016-2022, and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,
- The availability of mains water and wastewater services to serve the proposed development,
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

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

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

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

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.
- With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, and is in compliance with the Urban Development and Building Height Guidelines, in particular SP3R3

17.0 Conditions

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

Reason: In the interest of clarity.

2. The number of residential units permitted by this grant of permission is 208 no. units in the form of 104 no. one bedroom units and 104 no. two bedroom units.

Reason: In the interests of clarity.

3. a) All elevations shall be finished in brick or similar material but shall not include the use of self-coloured or coloured render.
b) Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

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

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

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

Reason: In the interest of urban legibility.

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

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

8. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas and the undercroft car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.
- (b) Two of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.
- (c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

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

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

of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

11. A total of 484 no. bicycle parking spaces and room for four cargo bicycles shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

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

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

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

Reason: In the interest of public health.

14. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the

application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

15. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

16. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

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

Reason: In the interest of sustainable waste management.

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;

- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

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

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

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

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

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

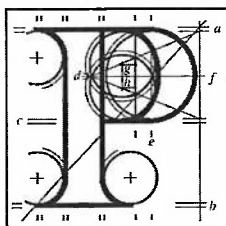
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

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



Paul O'Brien
Planning Inspector
1st September 2022



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-313043-22
Development Summary		The development of 208 apartment units in the form of 104 one-bedroom units and 104 two-bedroom units in five blocks, and all associated car parking, open space and necessary infrastructure.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Stage 1 AA Screening Report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Dublin City Development Plan 2016 - 2022 and the results of the Strategic Environmental Assessment of the plan. See also Section 14.10 of the Inspectors Report for details of other relevant assessments.

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

		predominantly characterised by two/ three storey units.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on a greenfield/ infill site within Dublin City.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and	No.

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

		<p>typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	No	<p>No significant risk identified.</p> <p>Operation of a Construction Management</p>	No.

		<p>Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management</p>	<p>No.</p>

		Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?		Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.	
	No		No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?		No significant risk having	
	No		No.

		<p>regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, primarily characterised by residential development.</p>	<p>No.</p>

<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No.</p>	<p>Permission was granted for a similar development on this site. The proposed development provides for one additional floor and an increase in unit numbers. The development changes have been considered in their entirety and will not give rise to any significant additional effects.</p>	<p>No.</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ 	<p>No</p>	<p>No European sites located on the site. An Appropriate Assessment accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not</p>	<p>No.</p>

draft plan or variation of a plan		adversely affect the integrity of any designated European sites.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	No such species use the site and no impacts on such species are anticipated.	No.
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site is not within or adjacent to any such sites.	No.
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No.	There are no such features arise in this urban location.	No.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No.	There are no direct connections to watercourses in the area. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no likely	No.

		significant effects are anticipated.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No.	Site is located in a built-up urban location where such impacts are not foreseen.	No.
2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No.	The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	None adjacent to the subject site.	No.

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	No developments have been identified in the vicinity which would give rise to significant cumulative	No.

		environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	No trans-boundary effects arise.	No.
3.3 Are there any other relevant considerations?	No.	No.	No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required.
Real likelihood of significant effects on the environment.		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: -			

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective Z1 'To protect, provide and improve residential amenities' in the Dublin City Development Plan 2016 - 2022,
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction & Demolition Waste Management Plan (CDWMP) and Outline Construction Management Plan (CMP),

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

Inspector:

[Signature]

Date:

1/9/2022

DECISION QUASHED

DECISION QUASHED

DECISION QUASHED