



An
Bord
Pleanála

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

Inspector's Report ABP-314701-22

Strategic Housing Development

115 no. Build to Rent apartments and associated site works.

Location

Lands at the IBIS Hotel and
Monastery Gate, Monastery Road,
Clondalkin, Dublin 22.
(www.ibisshd.ie)

Planning Authority

South Dublin County Council

Applicant

Ibis Red Cow Limited

Prescribed Bodies

Irish Water
Department of Defence
Transport Infrastructure Ireland

Observer(s)

The Directors and Members of
Bodearg Management, c/o Raymond
Kelliher
Eoin Ó Broin
Bernie Wall

Date of Site Inspection

8th May 2023

Inspector

Irené McCormack

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site has a stated area of 0.67ha. The site is situated on the western side of Red Cow interchange off Monastery Road. The N7 runs to the south of the site and the M50 runs to the east. The Luas Depot & Red Cow Luas Stop is situated approximately 300m south of the site. The Ibis Hotel is located to the immediate east of the site and is within the ownership of the applicant.
- 2.2. The area to the south of the Monastery Road comprises of a mixed-use area with retail and commercial. An apartment complex comprising two no. four storey apartment blocks is located to the immediate west of the site. There is traditional two storey suburban style estate to the north of the site (Monastery Gate), separated by an area of public open space. The Highgrove Mount Talbot and Hillview Mount Talbot apartments are located to the northwest of the Ibis Hotel and the heights range from 5-6 storeys. These apartments are visible from the M50.
- 2.3. The site is currently a surface car park for the Ibis hotel. The site also encompasses part of the road 'Mount Talbot', the access road for the neighbouring hotel and apartments. The site rises gently in a westerly direction. A row of semi-mature trees bound the site to the north and west. There is a high fence along the southern boundary of the site.

3.0 Proposed Strategic Housing Development

- 3.1. This is an application for a permission consisting of the construction of a 'Build to Rent' residential development comprising of 115 no. apartments (10 no. studio units, 62 no. 1-bed units, 38 no. 2-bed units and 5 no. 3-bed units) in 1 no. block, ranging in height from 2 storeys to 8 storeys over basement level with private balconies/terraces.

- 3.2. The proposed development will also comprise of residential amenity facilities and services at ground floor level consisting of a gym, lounges, games room, conference room, meeting room, studio, concierge, bin store, and bike stores (140 no. spaces).
- 3.3. A total of 48 no. car parking spaces at basement level with a drop-off/service lay by at ground level, 224 no. bicycle parking spaces across basement, ground floor and surface levels.
- 3.4. Landscaping proposals include 1 no. communal roof terrace at 2nd floor level and a landscaped courtyard at ground floor level. Public realm works include a new pedestrian path from the public open space at Monastery Gate to the north and along the southern site boundary with a pedestrian connection to Monastery Road to the south, public lighting and boundary treatments.
- 3.5. Two no. ESB substations at ground floor level, plant at basement and roof levels and all associated site development and infrastructure works including foul and surface water drainage, necessary to facilitate the development.
- 3.6. Vehicular access to the site is from Monastery Road (via the existing access road to the IBIS Hotel) with pedestrian access from Monastery Road and Monastery Gate. The development also provides for all associated site clearance work.
- 3.7. Key Development Statistics are outlined below:

	Proposed Development
Site Area	0.67 ha gross (0.312 ha net)
No. of Units	115 no. apartments (10 no. studio units, 62 no. 1-bed units, 38 no. 2-bed units and 5 no. 3-bed units)
Density	172 units per ha (gross) / 368.5 units per ha. (net)
Height	2-8 storey apartment blocks (over basement)
Dual Aspect	47 units/115 units = 41%
Other Uses/Residential Amenity	Ground Floor Amenities: Lounge (71sqm) Meeting Room (23sqm) Studio (21sqm) Games Room (44sqm)

	Conference/Multi-purpose Room (75sqm) Gym (61sqm)
Public Open Space	None. Proposed introduction of new link to public open space to the north
Communal Open Space	Ground floor 551sqm, Roof terrace 386.7sqm. Total 937.7sqm - 14% of total site area.
Car Parking	48 no. (basement) includes 4 club car spaces
Bicycle Parking	224 no.

3.8. Unit mix Build-to-Rent is as follows:

Unit Type	Studio	1-bed	2-bed (3 person)	2-bed (4 person)	3 -bed
Apartment	10	62	10	28	5
Total %	8.7%	53.9%	8.7%	24.4%	4.3%

3.9. The application included the following:

- BTR Draft Legal Covenant Letter
- Irish Water Confirmation of Feasibility and Statement of Design Acceptance
- Statement of Consistency with Planning Policy
- Material Contravention Statement
- Statement of Response to An Bord Pleanála Pre-Application Consultation
Opinion Planning Statement
- EIA Screening Report & Statement
- Childcare Provision Assessment Report
- Community & Social Infrastructure Audit
- Architectural drawings and documentation including:
 - Building Lifecycle Report,
 - Materials Report,
 - Architectural/Urban Design Statement

- Housing Quality Assessment Schedule
- Build To Rent Justification Report
- Build To Rent Management Plan
- Operational Waste Management Plan
- Construction & Demolition Waste Management Plan
- Construction Environmental Management Plan
- Air Quality Report
- Noise Assessment
- Wind & Microclimate Report
- Bat Survey
- Ecological Impact Assessment
- AA Screening Report
- Daylight and Sunlight Analysis
- Photomontages Booklet
- Traffic And Transport Assessment including:
 - Residential Travel Plan
 - Public Transport Capacity Assessment
 - Public Transport Capacity Assessment
 - Parking Management Plan
 - Swept Path Analysis
 - Road Safety Audit
- Engineering drawings & Documentation
- Landscape Architectural drawings
- Energy Report
- Public Lighting Plan and Report
- Arboriculture report, drawings and documentation

4.0 **Planning History**

On the site

Reg. Ref. SD15A/0227

Planning permission was granted by South Dublin County Council on 9th November 2015 for the change of use of 40 short-term car parking spaces to long term parking spaces.

Reg. Ref. SD12A/0083

Planning permission was granted by south Dublin County Council on 7th August 2012 for the erection of replacement signage pertaining to the hotel and site.

Reg. Ref. SD10A/0217

Temporary planning permission was granted by South Dublin County Council on 26th October 2010 for a five-year period for the change of use of 40 short-term car parking spaces to long term parking spaces.

PL06s.232681 (SD08A/0775)

Retention permission refused by An Bord Pleanála on 26th June 2007 for the change of use of car park for the display and sale of motor vehicles including a single storey portacabin office, signage, gates and boundary fencing.

Reg. Ref. SD05A/0345

Planning permission granted by South Dublin County Council on 10th August 2005 for revisions to the footpath running along the access road to the 'Mount Talbot' residential development. The amended footpath layout involved the construction of 46 metres of public footpath adjacent to the southern kerb to the access road immediately south of the IBIS Hotel

To the west of the site, further along the Monastery Road

ABP-306409-20 (SD19A/0324)

Permission refused by An Bord Pleanála on 14th January 2021 for a development consisting of the change of use from office use to residential use (86 no residential apartments), together with extensions and modifications of the existing blocks known as Block A and Block C and associated atrium.

Two reasons for refusal related to the design and layout including the over provision of 1 bedroom apartment units, privacy screening on the ground floor and communal

open space and also the proposed access arrangements which did not include dedicated pedestrian and cycle infrastructure.

5.0 **Section 5 Pre-Application Consultation -312266-21**

5.1. A Section 5 pre-application virtual consultation took place on the 25th of May 2022 in respect in respect of a development for the construction of 158 no BTR apartments within a U-shaped block with associated works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Density and Height
- Design and layout.
- Impact on Residential Amenity, inter Alaia, public open space, residential amenity.
- Traffic and Transport
- Drainage, inter alia, surface water treatment
- Any Other Business

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

5.3. In the Notice of Pre-Application Consultation Opinion dated 8th June 2022 (ABP-312266-21) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development with regard to the following: -

1. Development Strategy

Further consideration and/or justification of the documents as they relate to the height strategy and design approach of the proposed development and the potential for any negative impact to the adjoining sites and surrounding environs. The further consideration/ justification should address the proposed design and massing, inter alia, the visual impact along the M50 and N7 and relate specifically

to the justification for any material contravention of the height strategy in the development plan and compliance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018). In this regard, the design rationale for the proposed design, scale and mass of the buildings should ensure an attractive high quality residential environment is achieved. The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

2. Residential Amenity

Further consideration and/or justification of the documents as they relate to impact of on the residential amenity of the future occupants of the proposed development, having regard, inter alia to the following:

- The quantum and quality of communal open space including a report on the quantum and quality of the open space and compliance with Section 4 of the Sustainable Urban Housing: Design Standards for New Apartments.
- The quantitative and qualitative assessment which provides a breakdown of the number of proposed bed spaces and the details for the provision of residential support facilities and amenity areas used to offset the standards and/or compensatory measures proposed. The submitted information should demonstrate compliance of those details with the various requirements of the 2020 Guidelines on Design Standards for New Apartments including its specific planning policy requirements, in particular SPPR 7.
- The provision of and/or access to public open space.

The further consideration of these issues may require an amendment of the documents and/or design proposal submitted.

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

1. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the

apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ commercial/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

2. A specific impact assessment of the micro-climatic effects such as down-draft which shall include measures to avoid/ mitigate such micro-climatic effects.

3. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.

4. 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 or local area 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.

5. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

6. 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.

7. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- The relevant Childcare Committee

5.6. ***Applicant's Statement***

5.6.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The Items that required further consideration are summarised below: -

Development Strategy

A Design Statement has been submitted inclusive of a height and design strategy and supported by a landscaping plan. The height strategy takes a contextual approach in line with the South Dublin County's building Height and Density Guide and is compliant with the Building Height Guidelines (2018). The site location on the east of the city edge at the Red Cow interchange is capable of absorbing increased heights.

Further consideration was given to the building form, orientation and massing. The U-shaped block opens to the south, which maximises light, views and aspect and creates a central courtyard space. The massing has been developed in respect to the neighbouring context, in particular the interchange between the M50 and N7. It is

envisaged in the future that the site will form part of a wider collection of buildings forming a new centre at this busy motorway crossroads.

Core to the concept of the scheme is the provision of high-quality open spaces and connectivity. A further connection through to the green space to the north of the site at Monastery Gate is proposed, a welcome addition to the locality as it will ease existing residents at Monastery Gate Villas access to the bus stop on Monastery Road. This is an existing desire line and will be overlooked by the proposed scheme.

The scheme has significantly scaled down since pre-planning consultation. The height has been reduced from 5-9 storeys to 2-8 storeys which has resulted in a reduction the overall scale of development with the number of units being reduced from 158 no. to 115 no. units (30% reduction). It is submitted that the building design and material better assimilate the scheme into the receiving environment. The colour palette of the bricks breaks up the scheme and add visual interest. The revisions have been influenced by the opinion of the Board following stage 2 consultation as well as the adoption of the South Dublin County Development Plan 2022-2028. Having regard to the zoning of the site, the separation distance from the existing residential properties and the high frequency and high-capacity public transport infrastructure available within the locality, it is considered that the principle of the overall building height is compliant with the Building Height Guidelines Section 3.2 and SPPR 3.

Residential Amenity

A Build-to-Rent Management Plan has been submitted. The proposed development is a professionally managed Build-to-Rent scheme which provides ancillary residential services and amenity spaces. The communal space exceeds standards and includes a roof top terrace and courtyard, the courtyard would be accessible to all residents and will include a playground. There would not be vehicular access to the courtyard. As part of the development residents will have shared access to 430sqm of internal residential amenity space including a conference room, studio and a gym. The proposed development does not provide open space as part of the development. Access is provided to a public open space to the north of the site via proposed path which will link the site to an existing park. A contribution in lieu of public open space

was discussed and agreed in principle with South Dublin County Council on 30th August 2022. Open space provision is addressed in the Material Contravention Statement submitted.

A HQA accompanies the planning application prepared in line with the requirements of the 2020 *Guidelines on Design Standards for New Apartments*. The revised proposal provides for the majority of units 10% above minimum standards. The aggregate living space proposed for all units either meets or is above requirements; bedroom and private open space provision follows this trend.

5.6.2. The applicant addressed items 1-7 of the specific information to be submitted with the application. Items of note are outlined below: -

1. The Design Statement includes details on the chosen material and finishes proposed. A Landscape Design Statement has also been provided.
2. A Wind and Microclimate Assessment has been submitted.
3. A Traffic and Transport Assessment. The provision of car parking is also addressed in the Material Contravention Statement submitted.
4. A Statement of Consistency was submitted.
5. A Sunlight, Daylight and Overshadowing Assessment was submitted.
6. Environmental Impact Assessment Screening Report was submitted.
7. A Material Contravention Statement was submitted addressing the development proposal as it relates to provision of public open space and Green Infrastructure, car parking and building heights.
8. Confirmation that the relevant bodies listed in section 5.5 above have been notified.

6.0 **Relevant Planning Policy**

6.1. ***South Dublin County Development Plan 2022 -2028***

The South Dublin County Development Plan 2022-2028 was made on 22nd June 2022 and came into effect on 3rd August 2022.

The site is largely subject to zoning Objective 'RES': *To protect and/or improve residential amenity*'. The site also includes part of Mount Talbot Road fronting the site (to the south) which is unzoned and extends to lands to the north zoned 'OS': *To preserve and provide for open space and recreational amenities*.

The subject site overlaps or is in proximity to the following internal South Dublin County Council SEA monitoring tool layers:

- Aviation layers Birds Hazards, Outer Horizontal Surface for Dublin and Conical Surface for Casement
- Where the site extends to the north it overlaps with the Greenhills Road to Grand Canal Cycleway.

Chapter 2 relates to Core Strategy and Settlement Strategy

Section 2.6.6 relates to Housing Strategy and includes a number of objectives which include: -

Policy CS4: Active Land Management - CS4 Objective 2: *To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.*

Section 2.7 relates to Settlement Strategy and includes a number of objectives which include:

Policy CS6: Settlement Strategy - Strategic Planning Principles *Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy.*

Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement *-Promote the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary.*

Chapter 3 relates to Natural, Cultural and Built Heritage.

The following policies are of relevance:

Policy NCBH1: *Overarching - Protect, conserve and enhance the County's natural, cultural and built heritage, supporting its sensitive integration into the development of the County for the benefit of present and future generations.*

Policy NCBH2 relates to Biodiversity.

Policy NCBH3 relates to Natura 2000 Sites

Policy NCBH5 relates to the Protection of Habitats and Species Outside of Designated Areas.

Policy NCBH11 relates to Tree Preservation Orders and Other Tree / Hedgerow Protections.

Chapter 4 relates to Green Infrastructure

Policy GI1: Overarching - *Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.*

GI1 Objective 4: *To require development to incorporate GI as an integral part of the design and layout concept for all development in the County.....*

Policy GI2 relates to Biodiversity - *strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across*

GI2 Objective 4: *To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments*

Policy GI3 relates to Sustainable Water Management

Policy GI4 relates to Sustainable Drainage Management

Section 4.2.3 relates to Climate Resilience. The Plan promotes a GI approach which frontloads South Dublin County's response to ensure a county which is resilient to current and future climate change impacts.

Policy GI5 Climate Resilience - *Strengthen the County's GI in both urban and rural areas to improve resilience against future shocks and disruptions arising from a changing climate.*

Chapter 5 relates to Quality Design and Healthy Placemaking

Policy QDP1: Successful and Sustainable Neighbourhoods Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.

Policy QDP2: Overarching - **Successful and Sustainable Neighbourhoods**
Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.

Policy QDP3: Neighbourhood Context Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

Policy QDP4: Healthy Placemaking

Policy QDP5: Connected Neighbourhoods

Section 5.2.5 refers to policies relating to Public Realm - *“Key to the achievement of successful and sustainable neighbourhoods is the provision of a high-quality public realm....”*

Section 5.2.6 relates to **High Quality and Inclusive Development**

Section 5.2.7 relates to **Density and Building Heights**. Section 5.2.7 states the following in relation to building height and density: *...In response to such policy provisions and guidelines, in particular SPPR1, this plan is accompanied by South Dublin County's Building Height and Density Guide (Appendix 10).*

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)
Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.

Policy QDP9: High Quality Design - Building Height and Density Apply a context driven approach to building heights in South Dublin, as supported by South Dublin's Building Heights and Density Guide.

Policy QDP10: Mix of Dwelling Types

Policy QDP11: Materials, Colours and Textures

Chapter 6 relates to Housing.

H1 Objective 12: *Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that: à there are unique site constraints that would prevent such provision; or à that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or à the scheme is a social and / or affordable housing scheme.*

Note: Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).

Section 6.7.1 includes policies relating to **Residential Design and Layout**.

Section 6.7.2 includes policies relating to **Private and Communal / Semi-Private and Public Open Space**.

Section 6.7.3 includes policies relating to **Private and Semi-Private Open Space**

Section 6.7.4 includes policies relating to **Internal Residential Accommodation**

Section 6.7.5 includes policies relating to **Privacy and Security**

Section 6.8 includes policies relating to **Residential Consolidation in Urban Area**

Chapter 7 relates to Sustainable Movement; the following policies are of relevance:

Policy SM2 relates to Walking and Cycling

Policy SM2 relates to Public Transport

Policy SM5 relates to Street and Road Design

Policy SM6 relates to Traffic and Transport Management

Policy SM7 relates to Car Parking and EV Charging

Chapter 8 relates to **Community Infrastructure and Open Space**

Table 8.2: Public Open Space Standards

Land Use	Public Open Space Standards (minimum)
Overall Standard	2.4 Ha per 1,000 population
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area
Institutional Lands / 'Windfall' Sites	Minimum 20% of site area

Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu includes - *The Council may, in certain circumstances and at its sole discretion, allow for an element of open space to be located off-site where it exceeds the minimum on-site requirements. Alternatively, the Council may in certain circumstances and at its sole discretion, determine a financial contribution in lieu of all, or part of, the public open space requirement for a particular development.*

Chapter 9 relates to **Infrastructure and Environmental Service**, including policies relating to Water Supply and Wastewater, Flood Risk, Waste Management, Environmental Quality and Casement Aerodrome

Chapter 12 relates to **Implmenation and Monitoring**.

Of note **Section 12.6.4 Build-to-Rent / Shared Living Accommodation** states - *Build-to-Rent (BTR) accommodation consists of purpose-built, long-term rental apartment accommodation that incorporates dedicated residential amenities and facilities. All proposed BTR accommodation must comply with SPPR 7 and SPPR 8 as set out in the Apartment Guidelines.*

12.3.1 Appropriate Assessment

- 12.3.2 Ecological Protection
- 12.3.3 Environmental Impact Assessment
- 12.4.1 Green Infrastructure Definition and Spatial Framework
- 12.4.2 Green Infrastructure and Development Management
- 12.5.1 Universal Design
- 12.5.2 Design Considerations and Statements
- 12.5.3 Density and Building Heights 12.5.4 Public Realm: (At the Site Level)
- 12.6.1 Mix of Dwelling Types
- 12.6.3 Unit Tenure 12.6.4 Build-to-Rent / Shared Living Accommodation
- 12.6.7 Residential Standards 12.6.8 Residential Consolidation
- 12.6.10 Public Open Space
- 12.7.1 Bicycle Parking / Storage Standards
- 12.7.2 Traffic and Transport Assessments
- 12.7.4 Car Parking Standards
- 12.7.5 Car Parking / Charging for Electric Vehicles (EVs)
- 12.7.6 Car Parking Design and Layout
- 12.10.1 Energy Performance in New Buildings
- 12.11.1 Water Management
- 12.11.3 Waste Management
- 12.11.4 Environmental Hazard Management
- 12.11.5 Aviation, Airports and Aerodrome

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

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

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

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

RPO 3.2: Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3: Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

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

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

- Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

6.3. ***National Planning Framework***

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

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- National Policy Objective 63: Ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020

*I wish to draw the Board attention to the fact that The Apartment Guidelines were updated in December 2022, subsequent to the lodgement of the subject application. The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states: All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022 will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8. My assessment is therefore based on the 2020 Apartment Guidelines.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009

- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013

6.5. ***Applicants Statement of Consistency***

The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the South Dublin County Development Plan 2022-2028 and other regional and national planning policies. This has been examined and noted.

6.6. ***Material Contravention Statement***

6.6.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the South Dublin County Development Plan 2022-2028 in relation to Public Open Space Provision, Car Parking Standards and Building Heights and Density. The statement is summarised below: -

6.6.2. ***Public Open Space Provision***

Objective COS5 Objective 4 of the South Dublin Development Plan that it is an objective of the Council:

To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Council has the discretion for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, to allow for the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type set out in Table 8.1.

In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion for the remaining open space requirement to allow provision or upgrade of Regional

Parks, to achieve the overall standard of 2.4 ha per 1,000 population, subject to the Regional Park meeting the open space 'accessibility from homes' standard set out in Table 8.1.

Objective COS5 Objective 5 of the South Dublin Development Plan states that it is an objective of the Council:

To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Council has the discretion to accept a financial contribution in lieu of any remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 8.1.

In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 8.1.

Where the Council accepts financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space.

The proposed development in this instance does not propose any public open space with the site. The proposed site is an underutilised hardstanding site situated at a strategic location close to high-frequency and high-capacity public transport. This is a Tier 1 zoned and serviced site, which offers the most efficient use of existing surrounding infrastructure.

The site itself is a small site, which measures approximately 0.3 hectares (net). To try to provide public open space within the site at the scale and quantum required under

the provisions of the County Development Plan would simply make any form of residential development on the site to be unviable. It is submitted that this is justified and supported by COS5 Objective 7 of the County Development Plan, which states: *To require at the sole discretion of the Planning Authority a pro rata contribution in lieu of provision of public open space where, due to the small size, configuration or location of a particular development or on sites with less than three units it is not possible to provide functional public open space on site.*

Additionally, the site is situated just south of a large linear public open space, which stretches for approximately 1km along the M50 and, as part of the development, it is proposed to open an entrance to this public open space to provide for pedestrian connectivity and enable residents of this development to make use of this fantastic existing provision of public open space.

The proposed pathway will improve the existing residents at Monastery Gate Villas access to the Luas depot and bus services at Monastery Road. Moreover, a contribution in lieu was agreed within in principle during a meeting between the design team and the Planning Authority on 30th August 2022, the Board are invited to refer to this for further details.

Additionally, there are several useable green spaces near the site including the Grand Canal Way and Ballymount Park.

Furthermore, this is a build-to-rent development, which provides communal open space (roof top terrace and courtyard) and residential amenities (gym, lounges & games room) for its residents. It is submitted that the proposed development in this instance justifies the absence of public open space being proposed within the site as it is in accordance with national planning policy.

National planning policy places a strong emphasis on efficient use of land and compact growth in appropriate locations i.e., within existing urban centres and along public transport corridors. As such, it is submitted that the proposed development land is an infill site near high frequency transport, within an increasingly urbanising area at the city's edge, is contiguous to existing developments and in proximity to high frequency,

high-capacity public transport, in line with compact growth such sites are appropriate for increased heights and density.

In light of the foregoing, it is submitted that the proposal not to design public open space within the subject site but rather to facilitate connection into the adjoining large public open space, which is under the control of South Dublin County Council and who have supported this approach, is fully justified.

The Material Contravention Statement also details policies and objectives in the National Planning Framework and considers that there is sufficient justification for the material contravention of the Development Plan.

Car Parking Standards

The proposed development lands are considered to be Zone 2 (Residential): *More restrictive rates for application within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high-quality public transport service (includes a train station, Luas station or bus stop with a high-quality service)*. The maximum parking requirement set out in the Development Plan for the pertaining residential mix is 98.25 space. It is proposed to provide 48 (including 4 no. car share).

Car parking provision must be considered in conjunction with the Traffic & Transport Assessment submitted and it is important to note the subject site is strategically located within Dublin City and Suburbs and is readily served by and accessible to a range of employment areas and is within walking distance from high frequency including bus (Dublin Bus 13, 68, 69 & TFI L54); and also, Luas (Luas Depot). This application has been supported by a range of transportation studies and assessments, which confirms that there is suitable capacity and frequency of existing public transportation to facilitate the development.

The Development Plan has set a maximum standard for car parking, but states that car parking standards for apartments may be reduced in certain instances. Page 496 & 497 of the Development Plan states that proposals for lower rate of parking can may be acceptable subject to:

- The proximity of the site to public transport and the quality of the transport service it provides. This should be clearly outlined in a Design Statement¹⁰ submitted with a planning application,
- The proximity of the development to services that fulfil occasional and day to day needs,
- The existence of a robust and achievable Workforce Management or Mobility Management Plan for the development,
- The ability of people to fulfil multiple needs in a single journey,
- The levels of car dependency generated by particular uses within the development,
- The ability of residents to live in close proximity to the workplace,
- Peak hours of demand and the ability to share spaces between different uses,
- Uses for which parking rates can be accumulated, and
- The ability of the surrounding road network to cater for an increase in traffic.

It is important to note that the location of the proposed development near Clondalkin Main Street and in close proximity to the Luas and a high-frequency and capacity bus network, allows for car parking provision standards to be minimised, substantially reduced or eliminated in certain circumstances. Therefore, it is considered that the proposed development is consistent with the aforementioned standards.

The Material Contravention Statement notes the numerous policy objectives within the Development Plan encouraging sustainable and active transport.

It is respectfully submitted that the provisions of the car parking standards set out in the South Dublin County Development Plan 2022-2028 differ from recommendations and requirements set out in Ministerial Guidelines, specifically section 4 of the Sustainable Urban Housing: Design Standards for New Apartments (2020). It is submitted that the subject site is located at a Central and/or Accessible Urban Location, as defined by the Guidelines, and therefore the Guidelines set a default policy for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Additionally, as per SPPR 8 (iii) within the Guidelines (2020).

In light of the foregoing, it is considered that the Board are entitled to grant permission under Section 37(2)(b)(iii) of the Act.

Build Height and Density

Section 5.2.7 of the South Dublin County Development Plan states the following in relation to building height and density: *...In response to such policy provisions and guidelines, in particular SPPR1, this plan is accompanied by South Dublin County's Building Height and Density Guide (Appendix 10).*

The Building Height and Density Guide (BHDG) for South Dublin County forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. The guide contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height.

The BHDG has regard to and is informed by all relevant Ministerial Guidance documents (and any amendments thereof) and Specific Planning Policy Requirements contained therein, most notably the Urban Development and Building Heights Guidelines for Planning Authorities (2018). The premise of these guidelines is not intended to introduce height for the sake of height, but to introduce and consider increased heights and densities as a means of accommodating greater residential populations within the County's serviced and zoned land banks in particular where public transport, employment and other services are proximate to a development proposal in line with the principals of compact growth."

It must be noted that the South Dublin County Development Plan 2022-2028 recognises that there should be no blanket numerical limitations on building heights. The approach to increased building heights in South Dublin County Development Plan is a Context Driven Approach to Height; *"The BHDG set out a framework for the analysis of building heights relative to their context. For example, a ten-storey building is 'tall' in the context of a 2-storey streetscape but is only 'taller' in a block where the prevailing height is 8-storeys. Building heights are increased relative to the prevailing heights in their vicinity. Therefore, proposals for increased building heights can be*

expressed in terms of their amplification of prevailing heights by means of a Contextual Height Ratio.... By this measure, the more prominent a role the development plays at the larger urban scale the more a larger contextual height ratio would be expected; conversely the more locally oriented a role the building plays the lower the expected contextual height ratio."

There is also a specific policy objective relating to increased height and density in the Plan:

Policy QDP9: High Quality Design - Building Height and Density: Apply a context driven approach to building heights in South Dublin, as supported by South Dublin's Building Heights and Density Guide.

QDP9 Objective 1: To require that designers and applicants demonstrate to the satisfaction of the Planning Authority that applications for landmark type buildings or for amplified heights akin to a landmark, are contextually appropriate and that the proportionate function of the landmark justifies it, having regard to the primary, secondary and local landmark classifications.

The proposed development in this instance ranges in height from 2-8 storeys above basement level. This could be considered in line with the prevailing height of the area, given that there are apartment and hotel developments in the area that range from 4-9 storeys. There are no sensitive site constraints such as, Protected Views or Aspects, Architectural Conservation Areas or Protected Structures that might otherwise affect the site and place a potential restriction on building height.

The proposed development has considered the above items and sees the scheme as being in line with the pattern of development in the vicinity of the subject site, promoting a higher density as the scheme is located in an area of increased height and density allows for this pattern of development.

The Material Contravention Statement also details policies and objectives in the National Planning Framework and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and considers that there is sufficient justification for the material contravention of the development plan.

GI5 Objective 4

The Material Contravention Statement sets out that an argument may be made that the proposed development may materially contravene the following objective of the South Dublin County Development Plan 2022-2028.

GI5 Objective 4: "To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2)."

In this instance, the proposed development requires a GSF of 0.5, but is achieving a score of 0.26. In the first instance, it is important to note that the subject site is an existing hard standing/tarmac car park with only limited vegetation along the boundaries. It must be noted that the proposed development does provide Greening Factors including intensive & extensive green roofs, pollinator friendly perennial planting and vegetation preservation. However, the calculation is restrictive on the proposed development as it uses surface area when scoring Greening Factors. Given the nature of the site as a carpark there is limited space to provide greening factor such as lawns and additional planting.

6.6.3. Conclusion

It is requested that An Bord Pleanála have regard to the justification set out within the material contravention statement and permit the proposed material contraventions of the South Dublin County Development Plan 2022-2028, having consideration to section 37(2)(b) (i)(ii) and (iii) of the Planning and Development Act, 2000 (as amended), specifically the policies and objectives set out within the Section 28 Guidelines and noting the national importance of delivering housing and sustainable neighbourhoods given the current housing crisis as well as planning precedent for permitting taller buildings and unit mixes within the surrounding area, which have been

approved during the lifetime of the current Development Plan. In the alternative, it is respectfully submitted that the Board is obliged to dis-apply any provisions of the South Dublin County Development Plan in the event that there are conflicting strategic planning policy requirements. In this case, the application meets the criteria in SPRR2 and SPRR 3 of the 2018 Building Height Guidelines (including by incorporation of the development management criteria in Section 3.2 of the Guidelines)

7.0 Third Party Submissions

7.1. Three third-party submissions were received from:

1. Bernie Wall
2. The Directors and Members of Bodearg Management
3. Cllr. Eoin O'Broin

The concerns raised are summarised below: -

Traffic Congestion and Car parking

- The proposed development of 115 apartments within this already busy cul-de-sac road will inevitably lead to traffic congestion, uncontrolled parking and generally create access problems for existing residents and users.
- lack of adequate parking to be provided (only about 50% of the minimum recommended level) is totally inadequate and will lead to severe problems for all users of Mt Talbot Road.

Design – Height and Bulk

- The *height and bulk* of the proposed building is excessive and overbearing and will diminish the amenities of the adjoining residents. Reduction in floors from preplanning has not led the corresponding reduction in height in metres. Submitted CGIs misleading.
- *Excessive Density* - The aggregate density within this small enclave will be excessive for what is a suburban development.
- The *design and finishes* proposed will not enhance the neighbourhood nor blend in with the existing buildings directly adjacent to it. Apart from the sheer

bulk and height at the eastern end, which is highly disproportionate to that of the western end, the lack of mitigating design features will result in a very plain and unattractive façade inclusive of industrial type finishes presenting to Mt Talbot residents.

- Monolithic and Overbearing mass. More consideration has been given to the apartment block to the east as opposed to those to the west of the site (Mt Talbot). Overly dominant to Monastery Gate houses.
- The rising sun in the east will create strong *glare* from this towards Mt. Talbot in the mornings.
- Concerns regarding quantum of dual aspect units
- Excessive number of studio apartments
- Concerns relating to corridor Length - excessively long like in a hotel.

Residential Amenity

- *Concerns regarding Noise* - The large number of windows and balconies facing Mt Talbot will inevitably lead to noise problems, particularly in summertime. The proposed roller shutter on the carpark entrance could be a source of disturbance, particularly late at night.
- *Concerns regarding anti-social Behaviour*- Build to rent scheme encourages vulture funds and big investors to buy and to sub-let. This encourages anti-social behaviour as people in these are not invested in the upkeep of them. There should no sub-letting.
- Similarly, the walkway into monastery gate will encourage anti-social behaviour.
- Concerns regarding failure to provide creche facilities.

Other Issues

- Query the proposed gym and conference room and whether these are for public use.
- The lack of proper provision for access for firefighting equipment would present a danger not only to residents of the proposed building, but also to the neighbouring properties.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 18th of November 2022. The report includes a summary of the pre-planning history, site location and description, relevant planning history, third-party submissions and prescribed bodies, the proposed development, internal reports and policy context.

The views of the elected members presented at the Clondalkin, Newcastle, Rathcoole, Saggart and Brittas Area Committee meeting held on 11th October 2022 are summarised as follows: Not supportive of SHD process, opposed to BTR tenure, the applicant has avoided the need to provide a crèche by providing predominately studio and 1-bed units, less the 50% dual aspect, not designed for long term homes, Concerns in regarding height, daylight and sunlight for Mt. Talbot residents, concerns regarding traffic and car parking provision. The underutilised nature of the car park was noted. Reports from the Roads, Department, Parks and landscape Services/Public Department, Water Services Department and Housing Department have also been provided.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development

- Principle of development compatible with the land use zoning.
- The applicant has addressed compliance with the requirements of SPPR7 and SPPR 8 of Apartment Guidelines (2020). It was noted that the apartments are exempt from the requirement for an increase in the floor area by 10%.

- Given the prevailing house type proximate to the site the PA finds the proposed unit mix to be acceptable.

Material Contravention Statement

- Material Contravention Statement noted. The PA do not consider the items addressed in the Material Contravention Statement materially contravene the South Dublin County Development Plan 2022-2028.

Residential Density and Building Height

- The density of 368.5 units per ha is considered acceptable at this location, having regard to the public transport services.
- The site conforms to the Central and/or Accessible Urban Locations in the Apartment Guidelines 2020.
- The proposed buildings would be 2 to 8 storeys. The building heights relate to the adjoining context and considered acceptable.
- All residential buildings would 'turn the corner' to increase passive surveillance which is welcomed.
- The 2-8 storey building heights are generally acceptable with landmark buildings provided at prominent corners.

Part V/Social and Affordable Housing

- Part V condition recommended to be attached to any grant of Planning permission.

Childcare

- Noting the Childcare Provision Assessment Report submitted with the application the PA state that having regard to the unit mix proposed and existing facilities in the area they concur with the report which occluded that existing childcare facilities could met the demand from the proposed scheme.

Design, Layout and Visual Impact

- The PA note the 'the plan approach' submitted as part of the Planning Statement in compliance with QDP2 Objective 1 of the CDP 2022-2028.

- The mix and use of material is welcomed. They create a distinctiveness between the different elements of the development. The PA does have concerns with the extensive use silver corrugated aluminium on the western elevation. This should be broken up with further use of brick.
- The Building Life Cycle Report is noted.
- The U-shaped layout with ground floor communal facilities create active frontage to the central courtyard is considered acceptable.
- Further enhancement of pedestrian and cyclist accessible through the site in terms of landscaping and public realm recommended.
- Community Amenity Space is considered sufficient and in compliance with the CDP and Apartment Guidelines in terms of floor area and sunlight /daylight access.
- In the absence of a supporting Development Contribution Scheme and having regard to Section 8.7.4 Delivery of Public Open Space and Contribution in Lieu and COS5 Objective 5-7, the Planning Authority refrains from implementing CDP provisions requiring 2.4ha. of public open space per 1000 population.
- Under s. 12.6.8 of the CDP reduced public open space may be considered for infill development. Given the nature of the site and proximity and connections to an existing public open space, the PA does not consider this to be a material contravention. Further improvements and provision of public realm and landscaping should be provided.
- Noting the photomontages booklet submitted the development is considered visually acceptable in terms of heights, form and design submit to revision to the western element of the building.

Residential Amenity

- Referencing the CDP 2022-2028 and Sustainable Housing: Design Standards for new Apartments – Guidelines for Planning Authorities 2020 the PA note that the Housing Quality Assessment report submitted demonstrate that the proposed apartments comply with these standards.
- Apartment No. D01.01 is not considered dual aspect by the PA, the secondary aspect is to an enclosed hallway in the apartment. Therefore 46

apartments would dual aspect, 40% of the development. The PA does not consider that a higher dual aspect ratio should be sought given the standard of the north facing, single aspect apartments.

- The ground floor single aspect apartments on the northern elevation should be amended to address the Apartment Guidelines 2020 in terms of overlooking an amenity area, the view at present limited by level changes and proposed boundary treatment.
- The potential for overlooking is minimal due to ample distances to neighbouring buildings to the east and west. The site also benefits from its location between a road to the south and a park to the north.
- The proposed development development would have sufficient separation distances to existing residences, therefore, overlooking or loss of privacy is not a concern.
- A daylight and Sunlight report was submitted. This finds impacts on adjacent dwellings would be minor and meets the recommendations of the BRE guidance. For the proposed apartments 100% of habitable rooms achieve the minimum illuminance levels and 99.2% achieve the target illuminance levels. 100% achieve minimum illuminance levels set out in BS en17037:2018+A1 for bedrooms 10Lux (DF 0.7%), Living rooms 150Lux (1% DF) and kitchen and living space containing a kitchen 200Lux (1.3% DF).

Public Realm

- Concerns about interface of eastern elevation and existing hotel
- Apartment C.00.03 not afforded sufficient privacy level to habitable rooms.
- Permeability on eastern elevation positive contribution.
- Report from Public Realm department noted.

Green Infrastructure

- Site is located on a Primary Green Infrastructure Corridor. The submitted Green Infrastructure Factor (GSF) shows a GI score of 0.25, the minimum

score is 0.5. Proposals to provide further green infrastructure should be provided.

- Mitigation measures from Ecological Impact Assessment and Bat Survey in addition to Arboricultural Impact Assessment should be conditioned.

Access, Transport and Parking

- The site is well located in term of public transport, the lower rate of car parking is acceptable given the proximity to public transport.
- 224 no. bicycle parking spaces in compliance
- Provision of a pedestrian crossing at Monastery Road connecting Mount Talbot to the southern side of Monastery Road should be addressed.

Drainage and Services

- Site specific local upgrade works required to be carried out by the applicant.
- Report from Water Services department noted.

Environmental and Safety Considerations

- The report from the Environmental Health Officer is noted.
- An Air Quality Report and Noise Assessment have been submitted. The main issue with noise is the proximity to the M50. Conditions required on noise, emissions and air blown dust.
- The site overlaps aviation layers: Bird Hazards, Outer Horizontal Surface for Dublin and Conical Surface for Casement. The overall height of the development at 27.4m is acceptable subject to conditions regarding in relation to use of cranes and bird hazards.

Conclusion

Noting national and regional guidance in relation to urban consolidation, and also noting the location of the site, it is recommended that the development be granted subject to conditions. The relevant conditions are noted below:

3. Prior to commencement of development the applicant, developer or landowners shall obtain the written agreement of the Planning Authority to various amendments

to the scheme and the final arrangements and layouts associated with those amendments, which shall include the follow:

- (a) The northern connection to the open space should be revised. Cyclists should be taken into account in the design of this access route.
- (b) The ground floor single aspect apartments along the northern elevation should be amended to dual or more aspect.
- (c) The Planning Authority has concerns with the interface of the eastern elevation of the proposed building and the existing hotel. Apartment C.00.03 is not considered to be afforded with sufficient privacy to habitable rooms. The public realm along this part of the site could be further improved through pedestrian and cyclist infrastructure and further landscaping.
- (d) Further consideration of the retention and/or provision of the green infrastructure along the northern boundary/should be provided. This might involve a further setback of the proposed building line boundary.

Note: Compliance with this condition may require a reduction in units.

Reason: In the interest of a high quality sustainable residential development, comfort and safety of pedestrians, traffic safety and communal residential amenity.

- 7. Prior to the commencement of development, the applicant shall submit, for the written agreement of Transport Infrastructure Ireland and the Planning Authority, details and drawings of a pedestrian crossing at Monastery roads connecting Mount Talbot Road to the south side of Monastery Road.

Reason: To ensure safe and adequate accessibility to public transport.

14. **Blue/Green Infrastructure** - Prior to the submission of a Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the applicant, owner or developer shall submit for agreement of the Planning Authority:

- a) Revisit the design and layout of the proposed development and demonstrate how the development will comply with these policies and objectives in a separate report
- (b) Submit revised plans and particulars to include the following:

- i. Significantly reduce the impacts of the development on existing green infrastructure within the proposed development site.
 - ii. Demonstrate how further natural SUDS features can be incorporated into the design of the proposed development.
- (c) Submit green infrastructure proposals that will mitigate and compensate for the impact of the proposed development. These proposals should include:
- i) Retention of tree belt along the northern boundary
 - ii) Additional landscaping
 - iii) Above ground SUDS measures such as planted green roofs, rain gardens, SuDS bioretention tree pits or trenches filter strips, swales, channel rills to sustainably manage water
 - iv) Rainwater harvesting for use in basement water tank
 - v) SuDS measures to be consistent on landscape and drainage design proposals; and
 - vi) Planting for carbon sequestration and pollination to support the local Bat population. Response should include revised layout and drawings.

Reason: To reduce fragmentation, protect and enhance the biodiversity and ecological value of South Dublin County's Green Infrastructure network. To ensure that new development makes a positive contribution to the local environment with respect to biodiversity, amenity, air quality, stormwater management, temperature regulation and other ecosystem services.

17. Green Space Factor - Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the applicant, owner or developer shall submit for agreement of the Planning Authority a Green Space factor that achieves the requirements set out in SDCC CDP 2022- 2028.

Reason: To reduce fragmentation, protect and enhance the biodiversity and ecological value of South Dublin County's Green Infrastructure network. To ensure that new development makes a positive contribution to the local environment with respect to biodiversity, amenity, air quality, stormwater management, temperature regulation and other ecosystem services.

8.3 South Dublin County Council Reports

Internal Departmental Reports

Roads Department – Not satisfied with car parking provision for proposed development or hotel. Conditions recommended.

Parks and Landscape Services/ Public Realm –Main concerns – Public open space provision, impacts of the proposed development on existing trees, hedgerows and local biodiversity, inadequate provision of green infrastructure, insufficient sustainable drainage system and Green Space Factor. Refusal recommended.

Water Services Department – Insufficient information relating to SuDs. No flood risk noted. No objection subject to conditions.

Housing - Part V submission noted, amendments required.

External Reports

Irish Water – Reflects submission reviewed with application.

Transport Infrastructure - Reflects submission reviewed with application.

Department of Defence – Reflects submission reviewed with application.

Irish Aviation Authority - Observation of the Safety Regulation Division - in the event of planning consent being granted, the applicant should be conditioned to provide at least 30 days notification to the Property Management Branch of the Department of Defence with regard to the utilisation of cranes etc.

An Taisce - The application should be assessed with regard to impact on the amenity of the area and the relevant provisions of the South Dublin County Council Development Plan.

9.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- National Transport Authority
- The relevant Childcare Committee

9.2. The letters were sent on the 27th of September 2022. A summary of the comments received are summarised below:

Irish Water

In respect of Water: The following site-specific local upgrade works are required:

- Approximately 90m of a new 150mm ID pipe will be required to be laid and work in conjunction with the existing 160mm PVC-A main on Monastery Road.
- The service connection will be a 200mm ID pipe connected to the existing 160mm PVC-A and the new 150mm main.
- A bulk meter and associated telemetry system will be required to be installed on the connection line.

These upgrade works, which are expected to take place within the public domain, are not currently on Irish Waters investment plan and therefore the applicant will be required to fund these local network upgrades.

In respect of Wastewater: The following site-specific local upgrade works are required:

- The development will need to be connected to the 225mm sewer in Monastery Gate Close.
- The construction of a new 450mm sewer for approximately 295m from Woodford Downs to the 1200mm trunk sewer in Woodford Park will be required.
- Upgrade works to the 300mm ID pipe and/or regrade sections of the 225mm sewer for approximately 350m, from Monksfield Grove along Monksfield Lawns up to the proposed 450mm sewer will be required.

These upgrade works, which are expected to take place within the public domain, are not currently on Irish Waters investment plan and therefore the applicant will be

required to fund these local network upgrades.

Transport Infrastructure Ireland TII

The N7 at its junction with the M50 including the Monastery Road roundabout, forms part of TII Motorway Maintenance and Renewals Contract (MMaRC) Network A. Access to the site for the duration of construction, indicated for an 18 month period, is through the MMaRC maintained area and a new access onto the Monastery Road footway, part of the MMaRC maintained area is proposed. Consultation with the Motorway Maintenance and Renewals Contract Network A Contractor is required, via the relevant road authorities, in relation to any works proposed, including signage, that affect the motorway/national roads and associated junctions in terms of operational requirements such as timetabling.

Therefore, TII recommends that:

1. Prior to commencement of development, a Construction Traffic Management Plan including access to services, shall be submitted for the written agreement of the planning authority subject to the written agreement of TII.
2. The proposed development shall be undertaken in accordance with the recommendations of the Traffic and Transport Assessment and Road Safety Audit submitted. Any recommendations arising should be incorporated as conditions in the Permission, if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.

The proposed new pedestrian access onto Monastery Road will increase footfall along the Monastery Road footway, part of TII Motorway Maintenance and Renewals Contract (MMaRC) Network A and may result in inadvertent onward access to the M50 by foot. TII recommends that:

3. The proposed pedestrian access onto Monastery Road be reviewed to include measures to avoid inadvertent access by foot to the M50.
4. The proposed pedestrian access onto Monastery Road shall be maintained by the developer and be designed to include adequate lighting for surveillance without causing distraction to drivers, and include installation of rubbish receptacles to avoid

litter on public roads.

9.2.1 No response was received from The National Transport Authority or relevant Childcare Committee

9.2.2 The following was received from the **Department of Defence** on the 10th October 2022

- Given the proximity to Casement Aerodrome, operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before use.
- Due to the proximity to Casement Aerodrome, the developer should implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations.

10.0 **Assessment**

10.1. 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. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executive's report, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Zoning/Principle of Development
- Housing Tenure and Unit Mx
- Design Strategy
- Open Space
- Residential Amenity
- Traffic and Transport
- Infrastructure
- Material Contravention Statement
- Other Matters
- Planning Authority Recommendation

The attention of the Board is drawn to the fact that The Apartment Guidelines were updated in December 2022, subsequent to the lodgement of the subject application. The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states: “All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022 will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8.” The following assessment is therefore based on the 2020 Apartment Guidelines.

10.2. **Zoning/ Principle of Development**

- 10.2.1. The proposed development comprises 115 build-to-rent apartments. The development site is subject to two no. land use zoning objectives. The site is largely subject to zoning Objective ‘RES’: *To protect and/or improve residential amenity*. The residential units and associated communal spaces and car parking would be provided within this area, all of which are permissible uses under this zoning objective. Therefore, the principle of residential development with associated uses is considered in accordance with the zoning objectives.
- 10.2.2. The site also includes part of Mount Talbot Road fronting the site (to the south) which is unzoned. Lands to the north of the site zoned ‘OS’: *To preserve and provide for open space and recreational amenities* are also included. The provision of a new footpath on lands zoned OS is considered acceptable. This footpath link would be used to connect the development to adjoining open space to the north and is, therefore, permissible under this zoning objective.
- 10.2.3. Furthermore, I note both the PA and the Elected Members note the underused nature of the site. In this regard and noting also that the development lands are considered Tier 1 zoned and serviced lands, I consider the development in accordance with policy CS4: *Active Land Management* of the Development Plan, CS4 Objective 2 seeks to *promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned*

lands at key locations, including regeneration areas, vacant sites and under-utilised areas and is therefore acceptable.

- 10.2.4. Overall, it is my opinion that the proposed development is in accordance with the zoning objectives and Policy CS4: Active Land Management as set out in the Development Plan. It is noted that the planning authority raised no objection to the principle of the development.

10.3. **Housing Tenure and Unit Mix**

10.3.1. Housing Tenure

As highlighted in section 6 and above, I wish to draw the Board attention to the fact that assessment will be considered and decided in accordance with the 2020 Apartment Guidelines.

The provision of BTR is provided for in the South Dublin County Development Plan 2022-2028 under policy H1 *Housing Strategy and Interim Housing Need and Demand Assessment* Objective H1 Objective 12. Furthermore, section 12.6.4 *Build-to-Rent / Shared Living* of the Development Plan sets out that proposed BTR accommodation must comply with SPPR 7 and SPPR 8 as set out in the Apartment Guidelines.

The Apartment Guidelines (2020) and the South Dublin Development Plan 2022-2028 define BTR as: *Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.*

BTR schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. A Site Specific BTR Apartment Management Plan and a Draft Covenant have been submitted with the application.

I refer the Board to the provisions of SPPR 7 which provides that:

BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period.

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

The applicant has specified in the public notices that the development is a BTR scheme.

Regarding the submitted a Draft Deed of Covenant, I note no specific reference has been made in the covenant to the requirement that the development remains owned and operated by an institutional entity for a minimum period of not less than 15 years and that no individual residential units are sold or rented separately for that period. I note also the observers concerns that units maybe sublet. I consider the Apartment Guidelines clear in this respect is so far as the development will remain owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years. I am satisfied that the matter of the Covenant can be addressed by means of condition.

10.3.2 Unit Mix

The proposed development provides for apartments with the following mix of unit type: Studio 10 (8.7%) 1-Bed 62 (53.9%) 2-Bed (3 person) 10 (8.7%) 2-Bed (4 person) 28 (24.3%) 3-Bed 5 (4.3%).

I note concerns have been raised regarding the no. of studio and 1-bedroom apartments. SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply and therefore the units mix is considered acceptable. I would further note that the Unit Mix Review & Justification Report accompanying the planning application establishes that there is a significant shortage of good quality modern apartments for sale or to rent in the market in the local and surrounding areas in Clondalkin. It states that the development will also assist in rebalancing the locality away from houses and towards much needed apartments, which currently only make up 13% of the stock in the Local Authority area. This approach is consistent with national policy to increase densities. BTR developments can support a healthy mix in age and tenure. Moreover, the proposed development will provide 10% Part V social housing.

Conclusion

Section 5.1 of the Apartment Guidelines 2020 set out that BTR *types of housing developments have a potential role to play in providing choice and flexibility to people They can provide a viable long term housing solution to households where home-ownership may not be a priority, such people starting out on their careers and who frequently move between countries in the pursuance of career and skills development in the modern knowledge-based economy.* This principle is reflected in the Section 6.0.2 *Housing, Healthy Placemaking and Climate Action* of the Development Plan which establishes that housing should be delivered in a manner which facilitates the needs of a diverse range of people, providing a balance in terms of unit mix and tenure types.

I note the elected members of SDCC, and the observers raise concerns about the BTR model, however, having regard to the prevailing residential offering in the area,

which is predominately residential housing estates and apartments, I consider the BTR model offers an alternative residential option for future residents with the benefit of shared communal amenities. The site is strategically located close to public transport and in proximity to employment zones and other services and amenities in nearby Clondalkin Village (ca. 1.3km). In the context of the accessible site location, the provisions of the South Dublin County Development Plan and the Apartment Guidelines 2020, I consider the proposed BTR scheme an acceptable housing tenure at this location.

10.4 Design Strategy

10.4.1 Design Strategy

In accordance with the South Dublin County Development Plan Policy QDP2 Objective, the 'plan approach' has been taken into consideration and incorporated into the design of the development. The plan approach details eight overarching principles for the achievement of successful and sustainable neighbourhood: 1) The Context of an area (Character / Infrastructure – GI / Natural / Physical), 2) Healthy Placemaking; 3) Connected Neighbourhoods; 4) Public Realm; 5) The Delivery of High-Quality and Inclusive Development; 6) Appropriate Density and Building Heights; 7) Mix of dwelling types; 8) Materials, Colours and Textures. I note the applicant has addressed each in the planning statement submitted. I have reviewed the 'plan approach' text in the Planning Statement, and I am satisfied that the applicant has addressed the eight overarching principles therein and provided relevant supporting reports and analysis. Whilst, I note the plan approach text does not specifically address public realm, the application is accompanied by a comprehensive landscaping scheme.

10.4.2 Design & Layout

The layout of the proposed development comprises three blocks in a U-shape centred around a central courtyard which provides shared amenity space for residents. The applicant's Architectural Design Statement submitted explains the rationale for the design stating that the context and orientation of the site has informed the form of the building, with a view to open up the block to the south, maximising light, views and aspect. A U-shaped block creates a central courtyard through which all apartments

can be accessed. Social spaces on the ground floor look inward into the courtyard, creating a sense of community whilst providing an active public face to the street. The block forms vary in height and massing to address the size, scale and grain of the neighbouring buildings. The Design Statement sets out how protecting the amenities of neighbouring development has driven the design. This is achieved through suitable separation distances between existing and proposed development in order to preserve daylight and sunlight penetration and to modulate the massing of the block through steps in height. I note that the proposed development is over 79.5m from the existing dwellings to the north, 23.8m from the apartments to the west and 12.5m from the Ibis Hotel to the east.

The PA have no concerns about the general layout of the built form proposed. However, both the PA and the observers have raised concerns about the external finishes, in particular, the western elevation. The external finishes consist of brown-red brick with a corrugated aluminium finish to the top two floors, the brick colour changes to a light grey on the eastern side of the building. Windows would be metal frames with brick window reveals. The western two storey element would be fully finished in silver corrugated aluminium. Balconies would be a white painted metal railing. The PA and the observers have a particular concern with the extensive use of silver corrugated aluminium including potential glare. In the context of the transitioning nature of the site sitting between residential and industrial development severed by the M50, I consider the use of the corrugate material acceptable for the site and serves to add interest to the facades and reduce the monotony of just brick. With particular reference to the western elevation the applicant submits that the corrugate cladding will be used to diversify this stepped down block and give the illusion of a collection of buildings. Housing shared amenities on the ground floor and a garden on the roof adds to character of this building which reflects the industrial nature of buildings within the vicinity. I agree and I further consider this adds a uniqueness to the scheme and grounds the upper floor use of cladding. Regarding concerns raised about glare from the use of aluminium cladding. I note this a commonly used material which would suggest glare is not an issue. I am satisfied that the proposed external finishes are acceptable in this context of the site. The matter of external finishes can be addressed by way of condition should the Board be minded to do so.

A Building Life Cycle Report has been submitted for the proposed development. This provides an assessment of long-term running and maintenance costs and measures to manage and reduce costs. This report is to be welcomed and is in compliance with the 2020 Apartment Guidelines.

The most significant issue for observers is the proposed density and height of the development and how it will appear as an element that is out of character with the area and contend the reduction in floors from preplanning has not led to the corresponding reduction in height in metres and that the submitted CGIs are misleading and the development will be monolithic and overbearing. The only other significant issue in relation to the layout of the scheme is the provision of a pedestrian link from the development to the open space to the north south of Monastery Gate Villas. The PA would like to see this connection improved to provide appropriate cyclist connection while some observers are concerned about anti-social behaviours potential. I will address these matters later in this report.

10.4.3 Unit Size

A Housing Quality Assessment has been submitted demonstrating that the proposed apartments would comply with the standards of the development plan and Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2020.

I note one of the Elected Members raised a concern regarding the length of corridors more akin to a hotel than apartments. I do not agree, I am satisfied that the development is in accordance with SPPR 8 (v) of the Apartment Guidelines which sets out that the “requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations”. The applicant has, however, noted that the scheme does not exceed 12 apartments per floor per core.

10.4.4 Density & Building Height

The Development Plan contains the following policy on density and height: QDP8 Objective 1 states to assess development proposals in accordance with the Building

Height and Density Guide set out in Appendix 10 of this Development Plan and associated planning guidelines. QDP8 Objective 2 states that it is an objective of the council *'In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County's Building Height and Density Guide that it is contextually appropriate to do so'*.

The proposed residential density would be 368.5 unit per ha. The intensification and consolidation of development is supported by Policy CS6: Settlement Strategy and Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement of the Development Plan. Section 5.2.7 of the Development Plan states that *"securing compact and sustainable urban growth in South Dublin County will mean focusing on reusing previously developed 'brownfield' land in the County as well as undeveloped infill sites, particularly those served by good public transport. The BHDG sets out the key considerations in scenarios such as this and other relevant varying site contexts across the County"*.

Furthermore, the site would conform to the *Central and/or Accessible Urban Locations* in the Apartment Guidelines 2020 by virtue of site location within 500m walking of the Luas and high frequency bus routes. The Guidelines also state that the range of locations will require local assessment. In this regard, I note the Council have undertaken works to Monastery Road, and this will facilitate a better sustainable connection to Clondalkin Town Centre.

Having regard to local, regional and national policy, the proximity to public transport and in line with s.28 guidance on residential density, I am satisfied that the proposed quantum and density of development is appropriate in this instance.

The concerns of the observers regarding the height of the scheme are echoed in the observations of the Elected Members. The increased residential density is justified by virtue of the accessible, and so if higher residential densities are considered to be acceptable then this has a consequence for the height of apartment buildings.

South Dublin County's Building Height and Density Guide (BHDG) forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. The guide contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height. Proposals are required to demonstrate to the satisfaction of South Dublin County Council that the overall positive benefits of the development justify the scale of increased height being proposed. There are two steps to this process: 1. An analysis of existing context; and 2. A demonstration that the proposed height increase is contextually appropriate. The applicant has also provided an assessment of the proposed height and density against SDCC's Building Height and Density Guide.

The applicant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. I do not consider that the development will present a new form and height of development for this area, it is the applicant's contention, and I would agree that on an urban scale the building responds to the grain of existing development and the specific nature of its location next to a major interchange. In this regard, I note Highgrove Mount Talbot apartment complex located to the east of the site extends to a building height of 6-9 storeys, the Ibis hotel to the immediate east is four storeys in height, similarly the Shalimar apartment complex to the immediate west is four storeys. There are a number of industrial/commercial buildings to the immediate south of the site adjacent to the interchange and whilst not of significant height these add further context to the development proposals.

The height of the building is measured across three parts allowing the mass of the building to be broken-up. The central block of the building steps from five storeys up to eight along the northern edge of the site, stepping back down to seven storeys along the eastern side adjacent to the hotel. The two-storey western block of the building

steps down to reflect the existing fabric of the surrounding environment, the four storey Shalimar Apartment complex. There is an increased height context on the eastern side and combined with a greater separation distance between the proposed and existing developments and the tiered height approach reduces the scale and bulk of the building, in my opinion and reflect an appropriate height strategy in the context of the site.

Having regard to the considerations above, I consider that the proposal in principle for 2 to 8 storey buildings at this location is acceptable. Regarding concern raised that the height has not changed from the preplanning proposal, I would not the scale and form of the blocks including the introduction of greater variation in block height significantly reduces the scale and bulk of the proposal and this may not be apparent from the elevational drawings on file. I am of the view that having regard to national guidance, the context of the site in an accessible location the proposed height is acceptable.

10.4.5 Daylight and Sunlight Issues

Criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice (2nd edition)' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard EN 17031:2018 'Daylight in buildings' (replacing BS 8206-2:2008 'Lighting for buildings - Code of practice for daylighting'), While the Building Height Guidelines refer to the 2nd edition BRE guidance, I note that a more recent edition ref. BR 209 2022 was published last year, however this has not altered the methodology for the assessment of neighbouring occupiers' daylight, sunlight and overshadowing, and my assessment will refer to the most recent guidelines published in 2022 (3rd edition). These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020
- BRE BR209: "Site Layout Planning for Daylight and Sunlight" (third edition)
- British Standard EN 17031:2018 'Daylight in buildings'
- IS EN 17037:2018 Daylight in Buildings

I note Section 12.6.7 *Residential Standards* of the development plan establish that *Residential Developments shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance.*

10.4.6 Adjoining Development - Daylight and Sunlight

A proposed development could potentially have a negative effect on the level of daylight that a neighbouring property receives, if the obstructing building is large in relation to their distance from the existing dwelling. To ensure a neighbouring property is not adversely affected, the Vertical Sky Component (also referred to as VSC) is calculated and assessed. VSC can be defined as the amount of skylight that falls on a vertical wall or window.

The BRE guideline recommends that if a window retains a VSC (Vertical Sky Component) in excess of 27% with the proposed development in place then it will still receive enough daylight. If the existing VSC is below 27% or is reduced below 27% and below 0.8 times its former value then the diffuse light may be adversely affected. The report determines that there is a minor reduction to the available VSC to the windows facing the development at the Shalimar apartment complex. There are currently no buildings or obstructions to this facade which has unobstructed access to the sky. Any new development at this location will cause a reduction to the available VSC levels. It is further noted that the Shalimar apartments have large balconies, the BRE guidelines recommend assessing the proposal without the balconies to

determine if these are a contributing factor in the reduction in available daylight. The report concludes that while the balconies are a major contributing factor, the VSC levels in only three of the 56 windows on the eastern facing elevation will suffer minor impacts as a result of the development, the remaining windows have a VSC close to or in excess of 80% of their former value, with the proposed development in place.

The BRE guidelines recommend assessing window walls that face within 90° of due South, for Annual Potable Sunlight Hours (APSH) & Winter Potable Sunlight Hours (WPSH), this is applicable to the Shalimar apartment. The analysis determined that all living rooms have at least one window that meets the BRE criteria for Sunlight. The proposed development meets the recommendations of the BRE guidelines.

10.4.7 Internal Daylight and Sunlight - Proposed Apartments

All habitable rooms within the development were assessed for daylight provision by illuminance methods. Illuminance methods assess the daylight levels over at least 50% daylight hours in the year and uses a weather file data set. These methods take into account the orientation of the space. They use a climate file and take into account room orientation. They provide an accurate representation of the daylight provision to a specific room in the context of the proposed environment. 100% of the habitable rooms achieve the Minimum Illuminance levels and 100% of habitable rooms achieve the Target illuminance levels set out in IS EN 17037:2018. Overall, the rooms will be bright and well daylight. I am satisfied that this represent compliance with calculation of Daylight Provision under IS EN 17037:2018 and BS EN 17037:2021+A1.

The BRE guidelines acknowledge that it is not realistic for all dwellings in a new development to achieve the target sunlight hours and recommends that the design is optimised so the maximum number of dwellings can achieve this. This scheme is designed such that 72.2% of units achieve the minimum target recommended level of 1.5 direct sunlight hours on the 21st March.

10.4.8 Sunlight to Open Spaces

The BRE document indicates that for an amenity area to have good quality sunlight throughout the year, 50% should receive in excess of 2 hours sunlight on the 21st

March. The guidelines states that the 21 March should be used for the assessment and that “Sunlight at an altitude of 10° or less does not count, because it is likely to be blocked by low level planting.” The amenity spaces were assessed for the amount of direct sunlight received by the spaces in 5-minute intervals between 8am and 6pm on the 21st March over and the average is calculated.

The analysis determined that there is no significant impact on private amenity space to neighbouring properties as the west is an access road and surface car parking for the Shalimar apartments, the east is surface car parking for the IBIS hotel and to the north is a large public park which due to the scale will not have a reduction below 80% of its existing value. There are no areas of private amenity in the neighbouring dwellings that would be impacted by the proposed development.

Similarly, owing to the south and south/west facing aspects of the communal open spaces these areas will have over 2 hours sunlight on the 21st March. The proposed development meets the recommendations of the BRE guidelines.

While it is acknowledged that the proposed development would be visible from adjacent properties. Having regard to the information submitted, which is robust, and evidence based, it is my view that it would not result in any undue overshadowing of the adjacent properties. It is also noted that the PA raised no concerns regarding any potential overshadowing of adjacent properties.

10.4.9 Single and Dual Aspect

Concerns have been raised about the percentage of dual aspect units being insufficient. Section 3.17 and SPPR 4 of the Apartment Guidelines establish that it is a “*policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design...*”. The site falls into this category owing to the accessible site location close to good quality public transport.

The PA consider that apartment No. D.01.01 is not a dual aspect apartment. The secondary aspect is to an enclosed hallway in the apartment. This window is also located within an indent under the cantilevered accessway. I would agree with the PA rationale. Therefore, 46 no. apartments would be dual aspect, resulting in a dual aspect ratio of 40%. This is in line with the minimum of 33% dual aspect units required in more 'central and accessible urban locations', The PA would agree and does not consider that a higher dual aspect ratio should be sought given the standard of some of the north facing, single aspect apartments.

Regarding proposed single aspect apartments, the upper floor north facing single aspect apartments would be facing the open space to the north. However, the PA recommend that ground floor apartment facing north should be amended as given the ground level changes between the site and the open space to the north, these would have a limited view over the open space and the boundary treatments proposed along this boundary would block any view. The 2020 Apartment Guidelines state that north facing, single aspect apartments may be considered 'where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature'. Whilst I note the concerns of the PA, a balance needs to be struck when developing a tight infill site such as this. In my opinion, the raised level of the apartments ensures that the eye line of any occupant particularly when on the balcony will be in line with the proposed landscaping thereby ensuring a view from the apartment. I am satisfied that the provision of appropriate landscaping will improve the outlook of the occupants of the apartments on the ground floor north facing elevation, I am satisfied that this can be addressed by condition should the Board consider this appropriate.

Conclusion

The issues of layout, height, scale and massing of the proposal are inter-related. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the proposal. I note the concerns raised in the submissions; however, I consider that the development provides a modern development that is respectful of its surroundings through appropriate heights,

massing and scale. There is negligible impact on sunlight and daylighting as a result of the development and a degree of impact is acceptable on an infill site such as this. I consider the variation in height and design compliments the site and serves to reduce the scale and mass of the development, I note some concerns raised that the development will be monolithic and overbearing, however, the tiered building height design combined with the set back from adjoining development ensures the building will not have an overbearing appearance on the surrounding area and the scheme responds sufficiently to the location adjacent to the Red Cow interchange and would be visually acceptable at this location.

I note the policies and objectives within *Housing For All* and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site.

In conclusion, I have no objection in principle to the proposed design or layout of the scheme and consider that the form, massing and height of the blocks and the relationship between the blocks results in a high quality and coherent urban scheme that provides a clear hierarchy of spaces. It is also considered that this development results in wider planning benefits, such as the delivery of a significant quantum of housing and the comprehensive redevelopment of an underutilised urban site which would support the consolidation of the urban environment, which is welcomed.

10.5 Open Space

10.5.1 Public Open Space

Objective COS5 Objective 4 of the development plan requires *provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2*. Table 8.2 provides for a minimum of 2.4ha. per 1.000 population. The proposed development does not propose any public open space within the site. The applicants contend that the proposed site is an underutilised hardstanding site, which measures approximately 0.3 hectares (net) and to try to provide public open space within the site at the scale and quantum required

under the provisions of the development plan would simply make any form of residential development on the site to be unviable and that this is supported by Development Plan objective COS5 Objective 7 which state *'to require at the sole discretion of the Planning Authority a pro rata contribution in lieu of provision of public open space where, due to the small size, configuration or location of a particular development or on sites with less than three units it is not possible to provide functional public open space on site.* The applicants further address this matter in their material contravention statement which I will address in more details below.

Notwithstanding the above, the PA in their assessment state that in the absence of a supporting Development Contribution Scheme and having regard to Section 8.7.4 *Delivery of Public Open Space and Contributions in Lieu* and COS5 Objective 5-7, the Planning Authority refrains from implementing CDP provisions requiring 2.4ha of public open space per 1000 population.

Section 12.6.8 of the development plan sets out that *subject to appropriate safeguards to protect residential amenity, reduced public open space standards may be considered for infill development. Public open space provision will be examined in the context of the quality and quantum of private open space.* In this instance the site is situated just south of a large linear public open space, which stretches for approximately 1km along the M50. It is proposed to provide a new access from the development to this public space. The proposed pathway will serve a dual function in terms of facilitating access to open space provision to serve the development whilst also enhancing permeability by improving the existing residents at Monastery Gate Villas access to the Luas and bus services at Monastery Road. I note the Parks Department are not agreeable to this approach the CE Report considered that shared use of this amenity acceptable. I would agree.

In addition, the scheme provides for landscaping and pedestrian access around the entire development site through the provision of permeable paving and soft landscaping measures. The opening to the central courtyard along the eastern elevation is welcomed providing for permeability and activity at this point and linking the site to the green area to the north.

The Planning Authority has raised concerns with the interface of the eastern elevation of the proposed building and the existing hotel. This area comprises the proposed access to the underground basement car park and the shared access road serving the adjoining hotel and the proposed new ramped access to the open space to the north is also located on the eastern side of the development. Linked to this the CE Report also raised concerns that apartment C.00.03 is not considered to be afforded with sufficient privacy to habitable rooms and that the public realm along this part of the site could be further improved through pedestrian and cyclist infrastructure and further landscaping. I would agree and having particular regard to the site area extending further to the east at this location, I consider the ramp access should be relocated to the extreme east of the site as outlined in red and the ramp widened to provide for dual usage by pedestrian and cyclist. This would also allow for additional landscape screening to be provided to the west of the ramp, thereby affording enhanced amenity to apartment C.00.03.

The proposed scheme also includes upgrade works and landscaping along Mount Talbot Road. These works are welcome.

10.5.2 Communal Open Space

The landscape Design and Rationale Report submitted identifies a total communal open space provision of 937.7sqm, 14% of the site area comprising 551sqm ground floor courtyard and 386.7sqm roof terrace. The courtyard will function as a circulation space and meeting space and include children's play area 67m², picnic tables and bench seating, a variety of native trees and plants. The second-floor roof terrace will provide a private space for residents and is located in the south-west part of the building. Section 12.6.7 *Residential Standards* of the Development Plan and Apartment Guidelines would require a minimum of 651sq.m for the proposed development. The combined contribution of the roof terrace courtyard amenities would be in excess of this requirement. The submitted Daylight and Sunlight Analysis Report finds that the communal areas would receive sufficient sunlight. I am satisfied that sufficient communal amenity space would be available in compliance with the Development Plan and Apartment Guidelines.

10.5.3 Private Open Space

In addition to the above, the Housing Quality Assessment indicates that all of the residential units have individual private open space in accordance with the standards set out in the Apartment Guidelines, 2020. I am also satisfied that the position of the balconies has been considered in order to maximum daylight and sunlight access to the units.

10.5.4 Microclimate Assessment

The applicant submitted a Wind Microclimate Assessment which indicates that the proposed development would not expect to generate any unpleasant wind conditions around the site or around nearby existing buildings or public spaces. The assessment indicates that design team have considered the effects of high-velocity wind impacting each façade and have used the building form and landscaping features to mitigate high velocity draughts.

The assessment did not provide a summary analysis of proposed balconies. However, the analysis relates to the proposed building complex and indicates that all balconies are within tolerable windspeeds (less than 2.6m/s) and therefore will tend to have wind conditions suitable for sitting throughout the year.

10.5.5 Ecology and Green Infrastructure

The subject site is located along a Primary Green Infrastructure Corridor, as identified in Figure 4.4: Green Infrastructure Strategy Map of the development plan. This is Strategic Corridor 2: M50 Corridor. Section 12.4.2 of the development plan states that at a minimum existing green infrastructure assets onsite should be protected and enhanced.

An Arboricultural Report, including a Tree Survey, Arboricultural Impact Assessment and an Ecological Impact Assessment Report and Bat Survey have been submitted. The Arboriculture Impact Assessment identifies the removal of the trees along the northern site boundary and some trees/hedgerow to the southwestern site boundary, 35 in total (8 category B, 24 category C and 3 category U). Their removal is required to facilitate the development. Mitigation measures have been provided for in the landscaping plan submitted to include replacement tree planting.

The Ecological Assessment determined the treelines along the northern and western boundaries to be of a low local value. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. There are no species listed as alien invasive as per SI 477 of 2011. There are no habitats of high biodiversity value and features are of limited value even for common and widespread species. Mitigation measures outlined in the EclA include the removal of vegetation outside of bird breeding season and passing surface water through a silt trap or detention basin before leaving the site. These conclusions are accepted, subject to the implementation of the proposed mitigation measures, given the limited biodiversity value of habitats present at the site.

I note also that the bat survey found no evidence for roosting bats and no foraging activity. Overall activity was noted to be very low. In terms of mitigation the report states that light spill should be minimised insofar as possible, and planting should include native species and night-scented plants where possible. A Public Lighting Report was submitted with the application. The report includes limited information with regards the entire site, although I am satisfied that this matter can be addressed by condition.

In addition, the applicant has submitted a proposed Green Infrastructure Plan including the Green Space Factor (GSF) Worksheet for the proposed development in accordance with GI5 Objective 4 of the Development Plan. This shows that the final GI score is 0.25. The minimum required GI score as set out in the Development Plan is 0.5. I note the Parks and Landscape Services/ Public Realm of SDCC recommend permission be refused noting the lack of public open space provision and the impacts of the proposed development. The CE Report recommends that additional GI be provided for on the site.

Whilst I agree with the principles of the Development Plan with respect to Urban Greening and protection of GI, the site is currently a hardstanding area devoid of planting & trees with the exception of the northern and eastern site boundaries and there is a palisade fence as it relates to Mount Talbot Road. I note the landscape plan submitted including proposals for replacement trees in addition to wider planting proposals. I further note Section 12.4.2 of the Development Plan sets out that where

a minimum GI score is not achieved the Council can engage with the applicant to determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements (for example, for infill development or certain brownfield sites) a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming. I am satisfied this matter can be addressed by condition to include the submission a Biodiversity Net Gain Report.

Conclusion

Overall, I have no objection to the quantum of open space proposed. Subject to compliance with recommended conditions, I consider the quality of open space also acceptable. The site benefits from proximity and is enhanced by the proposed connection to the linear public open space to the north, which stretches for approximately 1km along the M50. Additionally, there are several useable green spaces near the site including the Grand Canal Way and Ballymount Park.

It is also noted that the submitted Daylight and Sunlight Assessment indicates that all areas of communal open space would be well lit, and the Wind Microclimate Assessment indicates that the spaces would have conditions suitable for their intended activity.

10.6 Residential Amenity

10.6.1 Communal Facilities

Dedicated shared amenities in accordance with part (b) of SPPR7 specifically for residents are strategically located around the central courtyard and towards the road to help create the sense of a shared environment internally within the site, and to create an active frontage at ground floor level. In accordance with part (b) of SPPR7 the applicant has submitted details on resident support facilities and services and amenities, approx. 410sq.m total, including; Resident support facilities Shared lounges approx. 71sq.m and 54sq.m Meeting room approx. 23sq.m Games room approx.

44sq.m Conference/multi-purpose room approx. 75sq.m Gym approx. 61sq.m – envisaged will be available 15 hours a day 7am to 10pm. Exercise studio approx. 21sq.m – used for private exercise and resident exercise classes. In my opinion the development provides for a mix of amenities and the location of these uses a ground floor level addressing the courtyard in combination with proposed landscaping along the southern site (roadside) boundary would provide an appropriate active frontage which would support the creation of a destination / focal point for the scheme and surrounding area. Some concerns have been raised about the use of these amenities; I note the Operational Management Plan refers to their use by residents only.

10.6.2 Childcare Facility

The Elected Members and observers raised concerns about the failure to provide a childcare facility on site. The application was accompanied by a Childcare Provision Assessment. This report identifies 14 no. childcare facilities within 1-2km radius of the subject site, the report provides an indication of demographic profile of this area along with a projection of pre-school age population with regards to the Census 2011-2016 to estimate the emerging demand for childcare facilities in the area. Together with the anticipated demand arising from the proposed development, it is concluded that the current childcare facilities could sufficiently meet the emerging demand from future population growth of the area and the proposed scheme. I have reviewed the analysis and agree.

10.6.3 Anti-social behavior

Observers have raised concerns regarding the suitability of the proposed BTR tenure and at this location. Concerns range from anti-social behavior, transient nature of the occupancy, lack of integration with the local community and lack of suitable housing in the area to cater for local demands. While I acknowledge the concerns raised, I have no reason to believe that this would be an issue. Any matters relating to law enforcement are a matter for An Garda Siochana, outside the remit of this planning appeal. The Management Plan accompanying the application refers to the existence of caretaker and residential managers, which I consider sufficient management of the site.

10.6.4 Noise

Concerns have been raised about noise from the apartments and the basement access shutter door. A Noise Impact Assessment report has been prepared. The assessment considered the potential noise impact of construction and operation of the proposed development on the surrounding area and concluded that there will be no significant adverse construction or operational phase noise impacts associated with the proposed development. The location of the basement access doorway on the eastern elevation removed from residential development and set back from the hotel will ensure any noise impacts are reduced/eliminated by virtue of separation distance.

The assessment also considered the impact of the area on the internal noise levels in the proposed residential units. I have reviewed the document and I am satisfied that the design internal noise goals for the proposed residential units can easily be achieved. The assessment has also shown that the target noise levels can be achieved in the external amenity areas.

I further note that the H.S.E. Environmental Health Officer (EHO) has provided a report on the proposed development. Noting the site's location relative to the M50 junction, the EHO states that the acoustic report confirms that the internal noise goals for this development can be achieved providing the recommendations set out within the report are adhered to. I am satisfied that these matters can be addressed by condition.

Conclusion

I consider that the internal and external communal spaces within the development have a high standard of design and layout and will adequately serve as amenities for residents of the development. The proposed quantitative and qualitative provision of residents' services and amenities is therefore satisfactory, and I consider that the development complies with SPPR 7 (b) of the Apartment Guidelines, which requires applications for BTR development to comprise residents support facilities and resident services and amenities.

10.7 Traffic and Transport

Vehicular access to the site is from Monastery Road (via the existing access road to the IBIS Hotel) with pedestrian access from Monastery Road and Monastery Gate.

The PA are broadly satisfied with these access arrangements and recommend some technical adjustments should permission be granted. A Traffic and Transport Assessment accompanied the planning application. The TTA includes a Residential Travel Plan, Public Transport Capacity Assessment, Public Transport Capacity Assessment, Parking Management Plan, Swept Path Analysis, and Road Safety Audit prepared by Transport Insights.

The scheme provides the following enhancements to Mount Talbot:

- provision of a new 1.8 metres wide footpath to the south of the road carriageway;
- reduced road width of 5.0 metres – This would favour lower vehicle speeds and foster a friendlier environment for pedestrians and cyclists;
- provision of 2 no. raised crossing areas on Mount Talbot – These enhance pedestrian accessibility and result in lower vehicle speeds; and
- provision of a new pedestrian ramp and footsteps from the southern side of Mount Talbot to/ from the footpath to the north of Monastery Road – resulting in enhanced pedestrian connectivity to/ from the nearby bus stop, as well as to/ from the Luas Red Cow to the south of the site.

The Elected Members and observers all raise concerns about the impact of the additional traffic generated by the development and the lack of car parking proposed.

10.7.1 Car Parking

Section 12.7.4 Car Parking Standards of the Development Plan establish that the proposed development lands are considered to be Zone 2 (Residential): *More restrictive rates for application within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high-quality public transport service (includes a train station, Luas station or bus stop with a high-quality service).* The maximum parking requirement set out in the Development Plan for the proposed development is 98.25 space. It is proposed to provide 48 (including 4 no. car share).

The applicant argues that car parking provision must be considered in conjunction with the Traffic & Transport Assessment submitted and it is important to note the subject site is strategically located within Dublin City and Suburbs and is readily served by and accessible to a range of employment areas and is within walking distance from high frequency public transport including bus (Dublin Bus 13, 68, 69 & TFI L54); and also, Luas Red Cow. I note also that the application has been supported by a range of transportation studies and assessments, which confirms that there is suitable capacity and frequency of existing public transportation to facilitate the development.

Section 12.7.4 of the Development Plan establishes maximum standards for car parking, but states that car parking standards for apartments may be reduced in certain instances. Page 496 & 497 of the Development Plan states that proposals for lower rate of parking can may be acceptable subject to:

- The proximity of the site to public transport and the quality of the transport service it provides.
- The proximity of the development to services that fulfil occasional and day to day needs,
- The existence of a robust and achievable Workforce Management or Mobility Management Plan for the development,
- The ability of people to fulfil multiple needs in a single journey,
- The levels of car dependency generated by particular uses within the development,
- The ability of residents to live in close proximity to the workplace,
- Peak hours of demand and the ability to share spaces between different uses,
- Uses for which parking rates can be accumulated, and
- The ability of the surrounding road network to cater for an increase in traffic.

This is consistent also with SPPR8 of the 2020 Apartment Guidelines which state (iii) *‘There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures.’* Section 4.18 of the apartment guidelines also allow for the provision of reduced car parking standards at ‘Central

and/or Accessible Urban Locations’, section 4.19 states *‘in larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.’*

The proposed development site fulfils a multitude of the Development Plan criteria for reduced car parking owing to the location of the proposed development near Clondalkin village, proximity to the Luas and a high-frequency and capacity bus network. I further note that a Residential Travel Plan forms part of the TTA, this includes the appointment of a Travel Plan Coordination and a set of Framework Travel Plan Actions Plan including each Apartment being issued with a sustainable travel information pack. I am satisfied having regard to the site location that the proposed 48 no. car parking space are acceptable in this instance. I note the CE report raised no concerns in this regard and similarly the Roads Department of SDCC also finds the car parking provision acceptable.

In addition to the above, the proposed development would remove 123 no. car parking spaces for the existing hotel. A total of 51 no. surface spaces will be retained for hotel use. The Roads Department of SDCC recommend that 80 no. car parking spaces are retained for the hotel, between a Zone 1 and 2 provision as required by the Development Plan. However, the CE report considers the 51 no. car parking spaces acceptable given the proximity of the site to public transport and subject to management/controls put in place to ensure that the hotel car parking spaces are used for the hotel only. I would agree.

Cycling Infrastructure

A total of 224 no. bicycle parking spaces are proposed, 64 no. at basement level and 160 no. ground floor level. At ground floor level 140 no. bicycle parking spaces would be provided within an internal store and 20 no. Sheffield spaces would be provided in the central courtyard. I note the CE Report raised no concerns in this regard. Of relevance, I note there are a number of key cycling corridors identified in Figure 3.10 (pg. 42) of the TTA which are accessible from the site further improving the accessibility.

10.7.2 Connections

The proposed layout will plug into the existing street addressing Mount Talbot and will provide public realm improvements including new paving and streetscape planting works. Access is provided through the central courtyard to the proposed pedestrian link between the liner open space to the north and the bus stops on Monastery Road to the south. This will allow residents at Monastery Gate Villas access to the bus stop – thus enhancing local permeability and better assimilating the proposed development into the receiving environment. The connection to the opens space to the north has previously been discussed and measures to address the integration of a pedestrian and cycle link highlighted. This connection constitutes a positive urban design response to the local context and contributes to placemaking and the identity of an area.

The CE report and TII submission raise the addition of a pedestrian crossing at Monastery Road connecting Mount Talbot Road to the southern side of Monastery Road. This would improve accessibility from the site to the Red Cow Luas stop. This part of Monastery Road is within the control of TII, so any works would have to be agreed with TII and the Planning Authority. In their submission TII has state that the proposed pedestrian access onto Monastery Road should be reviewed to include measures to avoid inadvertent access by foot to the M50 and this access be maintained and designed to include adequate lighting and bin facilities and that they should be consulted regarding any works that affect Monastery Road (within TII's control). Site inspection indicated that the site would benefit form a formal pedestrian crossing at this point. I recommend a suitable condition be attached to any grant of planning permission in this respect.

Conclusion

On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities. The site is within walking distance of high frequency transport including the Red Cow Luas and Dublin Bus services 13, 68, 69 & TFI L54. The Development Plan contains policies and objectives which promote measures that have the potential to reduce the climate impact of transport by

encouraging a shift from private motorised transport to walking, cycling and public transport. There are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that the components are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of proposed permeability proposals, a mobility management plan and car parking strategy to be submitted by the applicant.

10.8 Infrastructure (Water, Wastewater, SuDS)

10.8.1 Water

The water connection would be via Monastery Road. Uisce Eireann (formally Irish Water) have provided observations on the proposed development stating that in order to accommodate the proposed water connections, site-specific local upgrade works are required. Uisce Eireann establish that the upgrade works, which are expected to take place within the public domain, are not currently on Irish Waters investment plan and therefore the applicant will be required to fund these local network upgrades. I note the CE report raised no concerns regarding water connection subject to compliance with Uisce Eireann requirements.

10.8.2 Wastewater

The site boundary extends to the north of the development site, across the open space, to provide for a wastewater connection at Monastery Gate Close. Wastewater from the development will drain to a basement level pumping station, from where a rising main will convey flow to a discharge manhole chamber within the site. The Uisce Eireann submission sets out that the construction of a new 450mm sewer for approximately 295m from Woodford Downs to the 1200mm trunk sewer in Woodford Park will be required to facilitate the development. Uisce Eireann establish that these upgrade works, which are expected to take place within the public domain, are not currently on Irish Waters investment plan and therefore the applicant will be required to fund these local network upgrades. I note the CE report raised no concerns

regarding wastewater connection subject to compliance with Uisce Eireann requirements.

10.8.3 SuDs

Section 12.11.1 Water Management (iii) of the Development Plan requires Sustainable Urban Drainage System (SuDS). In general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS). This section also establishes appropriate SuDS measures to be considered in any development,

The Drainage Strategy Report submitted with the application sets out that Surface water run-off from the site will be managed in line with a SuDS drainage hierarchy, as follows at will incorporate the following:

- Water saving devices will be incorporated within the building.
- The roof at Level 06 and the roof at Level 07 are proposed to be used as a green roof. This has a combined plan area of 818m². It is proposed to install an extensive green roof at this location with a minimum substrate depth of 100mm, which is intended to contain approximately 75% of rainfall events, thus preventing surface water run-off into the main drainage network.
- Section 2.3 of the report highlights that there are several private drains and public sewers in the vicinity. It is considered that connection to the existing surface water drain is feasible.

I note, the applicant states that the sub-soils are not conducive to infiltration of surface water and on this basis, it would be inadvisable to discharge the surface water from site to an infiltration system.

The Water Service department of SDCC have reviewed the proposed development and consider that there is insufficient SuDS (Sustainable Drainage Systems) proposed for the development and the proposed attenuation is undersized by a factor of 2. The Water Services department are seeking revised proposal for surface water attenuation by way of SuDS where possible and if this is insufficient then alternative surface water attenuation can be considered. I have reviewed the Drainage Strategy Report and I agree with the Water Services department and while SuDS mitigation measures have

been proposed the application does not consider alternative SuDS measures such as swales, tree pits, permeable paving, green area detention basins, grasscrete etc. I consider this matter can be addressed by way of condition.

10.8.4 Flooding

Section 3.4 of the Drainage Strategy Report states that the development is at risk of flooding from surface water sources, primarily due to the existing site drainage network inability to adequately drain the car park. Subject to addressing appropriate SuDS on site, I am satisfied that the site will not be at risk of flooding. I note the CE report raises no concerns in this regard.

Conclusion

The site can be defined as a strategic Tier 1 serviced and zoned land adjacent to established infrastructure including road and footpath access, public lighting, foul sewer drainage, surface water drainage and water. Subject, to appropriate and required infrastructural upgrades, I consider the development acceptable.

10.9 Material Contravention Statement

The applicants Material Contravention Statement considered that the proposed development would materially contravention of the South Dublin County Development Plan 2022-2028 in relation to Public Open Space Provision, Car Parking Standards, Building Heights and Density and Green Space Factor (GSF).

Public Open Space Provision

Objective COS5 Objective 4 of the South Dublin Development Plan that it is an objective of the Council:

To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Council has the discretion for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, to allow for the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, subject to the open space or facilities meeting the open space

'accessibility from homes' standards for each public open space type set out in Table 8.1.

In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion for the remaining open space requirement to allow provision or upgrade of Regional Parks, to achieve the overall standard of 2.4 ha per 1,000 population, subject to the Regional Park meeting the open space 'accessibility from homes' standard set out in Table 8.1.

Objective COS5 Objective 5 of the South Dublin Development Plan states that it is an objective of the Council:

To require the provision of public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Council has the discretion to accept a financial contribution in lieu of any remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 8.1.

In exceptional circumstances where the provision or upgrade of small parks, local parks and neighbourhood parks is not achievable, the Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 8.1.

Where the Council accepts financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space.

The proposed development in this instance does not propose any public open space with the site. The proposed site is an underutilised hardstanding site situated at a

strategic location and accessible to high-frequency and high-capacity public transport. The site measures approximately 0.3 hectares (net) with limited capacity to accommodate public open space. However, a large public open space is located to the immediate north of the site and the application includes a proposed direct connection to this open space. In this regard, I note Objective COS5 Objective 7 of the County Development Plan, which states: *To require at the sole discretion of the Planning Authority a pro rata contribution in lieu of provision of public open space where, due to the small size, configuration or location of a particular development or on sites with less than three units it is not possible to provide functional public open space on site.* Furthermore, Section 12.6.8 of the Development Plan sets out that *“subject to appropriate safeguards to protect residential amenity, reduced public open space standards may be considered for infill development. Public open space provision will be examined in the context of the quality and quantum of private open space...”*

Accordingly, COS5 Objective 4, COS5 Objective 5 Objective and COS7 Objective 7, reinforced by Section 12.6.8 provides for circumstances where development can be facilitated in lieu of public open space provision. I am satisfied that the proposed development is not a material contravention Objective COS5 Objective 4 or Objective COS5 Objective 5 of the South Dublin County Development Plan 2022-2028

Car Parking Standards

Car Parking standards are set out in Section 12.7.3 of the development plan. The proposed development lands are considered to be Zone 2 (Residential): *More restrictive rates for application within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high-quality public transport service (includes a train station, Luas station or bus stop with a high-quality service).* The maximum parking requirement set out in table 12.26: Maximum Parking Rates (Residential Development) of the development plan is 98.25 space. It is proposed to provide 48 (including 4 no. car share).

I note section 12.7.4 establishes that the number of spaces provided for any particular development should not exceed the maximum provision and that the maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to specific criteria including proximity to public transport services, proximity to workplace, ability of the surrounding road network to cater for an increase in traffic.

The site is strategically situated off the Red Cow Interchange, 1.3km from Clondalkin Main Steet and in close proximity to the Luas and a high-frequency and capacity bus network all of which allow for car parking provision standards to be minimised, substantially reduced or eliminated in certain circumstances, in accordance with section 12.7.4 of the development plan. Therefore, I consider that the proposed development is consistent with the aforementioned standards. It is also noted that the car parking standards do not relate to a policy of the plan. I am satisfied that the proposed quantum of car parking is not a material contravention of the development plan.

Build Height and Density

Section 5.2.7 of the South Dublin County Development Plan states the following in relation to building height and density: *...In response to such policy provisions and guidelines, in particular SPPR1, this plan is accompanied by South Dublin County's Building Height and Density Guide (Appendix 10).*

The Building Height and Density Guide (BHDG) for South Dublin County forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. The guide contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height.

The BHDG has regard to and is informed by all relevant Ministerial Guidance documents (and any amendments thereof) and Specific Planning Policy Requirements contained therein, most notably the Urban Development and Building Heights Guidelines for Planning Authorities (2018). The premise of these guidelines is not

intended to introduce height for the sake of height, but to introduce and consider increased heights and densities as a means of accommodating greater residential populations within the County's serviced and zoned land banks in particular where public transport, employment and other services are proximate to a development proposal in line with the principals of compact growth."

The South Dublin County Development Plan 2022-2028 incorporating *Building Height and Density Guide (Appendix 10)* recognises that there should be no blanket numerical limitations on building heights. The approach to increased building heights and density in South Dublin County Development Plan is a context driven approach as established under Policy QDP9: *High Quality Design - Building Height and Density: Apply a context driven approach to building heights in South Dublin, as supported by South Dublin's Building Heights and Density Guide.*

The proposed development has considered the above items and the proposed height range of 2-8 storeys above basement level is in line with the prevailing height of the area, given that there are apartment and hotel developments in the area that range from 4-9 storeys. I note that there are no sensitive site constraints such as, Protected Views or Aspects, Architectural Conservation Areas or Protected Structures that might otherwise affect the site and place a potential restriction on building height. Therefore, I am satisfied that the proposed development is not a material contravention Policy QDP9: *High Quality Design - Building Height and Density* of the South Dublin County Development Plan 2022-2028.

GI5 Objective 4

GI5 Objective 4: *"To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2)."*

In accordance with the Development Plan requirement the proposed development requires a GSF of 0.5 but is achieving a score of 0.26. Notwithstanding, the provisions of section 12.4.2 *Green Infrastructure and Development Management* are provided for in GI5 Objective 4, Section 12.4.2 establishes that where the minimum score is not achieved the Council can engage with the applicant *“to help determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements (for example, for infill development or certain brownfield sites) a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming...”* Having regard to the wording of GI5 Objective 4 and section 12.4.2, I am satisfied that the proposed scheme would not be a material contravention of GI5 Objective 4.

Conclusion

I am satisfied that the proposed development does not materially contravene the South Dublin Development Plan 2022-2028 with regard Public Open Space Provision, Car Parking Standards, Building Heights and Density and Green Space Factor (GSF).

I note also that the Planning Authority does not consider the development to be a material contravention of the development plan.

10.10 Other Matters

Fire Access

An observation was raised with respect to fire tender access to the north and west side of the building. In this regard I note the building has pedestrian access provided for on all sides. I further note that the development will be subject to a separate Fire Safety Certificate application.

Aviation Safety

The site has been identified as overlapping with the following aviation layers, Bird Hazards, Outer Horizontal Surface for Dublin, and Conical Surface for Casement. In this regard, I note the Department of Defence in their submission set out that given the

proximity to Casement Aerodrome, the operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before use and the developer should implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations. I am satisfied that these matters can be addressed by condition.

10.11 Chief Executives Report Recommendation

As previously referred to in this report the PA are recommending a grant of planning permission subject to conditions. I have addressed issues raised in the Chief Executive Report in my assessment above. I note the conditions recommended; I consider these broadly acceptable subject to minor amendments.

11.0 EIA Screening

The applicant submitted an Environmental Impact Assessment Screening Report and a Statement in Accordance with Article 299(1)(b)(ii)(II)(c). I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere

It is proposed to construct 115 no. residential units on a site with a stated area of c. 0.67 ha gross (0.312 ha net). The site is located in the urban area (other parts of a built-up area). The site is, therefore, below the applicable threshold of 10ha. There are limited excavation works proposed to construct the basement level. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and South Dublin County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. Sections 3, 4 and 5 of the EIAR Screening Report addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report and submitted documentation to determine whether the development would or would not be likely to have a significant effect on the environment.

Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the

proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Statement of Consistency with Planning Policy
- Material Contravention Statement
- Statement of Response to An Bord Pleanála Pre-Application Consultation Opinion Planning Statement
- EIA Screening Report & Statement
- Childcare Provision Assessment Report
- Community & Social Infrastructure Audit
- Architectural drawings and documentation including:
 - Building Lifecycle Report,
 - Materials Report,
 - Architectural/Urban Design Statement
 - Housing Quality Assessment Schedule
- Build To Rent Justification Report
- Build To Rent Management Plan
- Operational Waste Management Plan
- Construction & Demolition Waste Management Plan
- Construction Environmental Management Plan
- Air Quality Report
- Noise Assessment
- Wind & Microclimate Report
- Bat Survey
- Ecological Impact Assessment
- AA Screening Report
- Daylight and Sunlight Analysis
- Photomontages Booklet

- Traffic And Transport Assessment including:
 - Residential Travel Plan
 - Public Transport Capacity Assessment
 - Public Transport Capacity Assessment
 - Parking Management Plan
 - Swept Path Analysis
 - Road Safety Audit
- Engineering drawings & Documentation
- Landscape Architectural drawings
- Energy Report
- Public Lighting Plan and Report
- Arboriculture report, drawings and documentation

With regard to the requirements of Section 299B (1)(b)(ii)(II)(C), the applicant submitted a standalone statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I would note that the following assessments / reports have been taken into account:

- Appropriate Assessment Screening Report, the Ecological Assessment and the Bat Survey have had regard to the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- Air Quality and Noise Assessment.
- A Construction Demolition and Waste Management Plan and a Construction Environmental Management Plan.

I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note SEA has been undertaken as part of the South Dublin County Development Plan 2022-202.

I have completed an EIA Screening Assessment as set out in Appendix 1 of this report. Thus, having regard to:

(a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 10 (b) and Class 13 of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended);

(b) the location of the development on land zoned Objective 'RES': *To protect and/or improve residential amenity*;

(c) the pattern of development on the lands in the surrounding area;

(d) the availability of mains water and wastewater services to serve the development.

(e) the location of the development outside any sensitive location specified in Article 299(c)(1)(v) of the Planning and Development Regulations, 2001 (as amended);

(f) 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);

(g) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended),

I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

12.0 AA Screening

This assessment has regard to the submitted AA Screening Report dated September 2022, the site visit, the submissions of the planning authority and prescribed bodies and the documentation on file. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used. The information contained is considered sufficient to allow me to undertake an Appropriate Assessment of the proposed development.

12.1 The Project and Its Characteristics

A description of the project is provided in Section 4.0 of the Screening Report. The proposed development is also summarised in Section 3 of my report. In summary, the proposed development comprises the construction of 115 no. Build to Rent apartments blocks ranging in height from 2 storeys over basement to 8 storeys over basement on a 0.67 ha gross (0.312 ha net). site on lands at the IBIS Hotel and Monastery Gate, Monastery Road, Clondalkin. The surrounding area is urban in nature with a mix of residential and commercial uses in the immediate vicinity of the site. The site is serviced by public water supply and foul drainage networks. Foul effluent and surface water will drain to the existing combined public sewer to the north of the site. The development site is located in a heavily urbanised environment close to noise and artificial lighting. The site is currently a hardstanding car park. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

12.2 The Development Site and Receiving Environment

See site description in section 2.0 above and summary of EclA in section 10.5.5 above. There are no designated sites within or immediately adjacent to the development. No Annex I habitats for which European Sites within 15 km have been designated were recorded within the development site or in the immediate vicinity.

12.3 Stage I Appropriate Assessment

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). There are no designated sites within or immediately adjacent to the development. The applicant's Stage I screening assessment identifies the following designated sites within 15 km of the development:

European Site (code)	Distance to Development	Qualifying Interests/ Conservation Objectives
SAC		
South Dublin Bay SAC (000210)	10.9km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats, as defined by specific attributes and targets:</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>Embryonic shifting dunes [2110]</p>
North Dublin Bay SAC (000206)	11.3km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</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 [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p>

		<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Wicklow Mountains SAC (002122)	9.16km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and</p>

		<p>submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>
Glenasmole Valley SAC (001209)	6.8km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>
SPA		
Wicklow Mountains SPA	9.1km	The conservation objectives for the SPA relate to the maintenance of the bird species listed as

		<p>Special Conservation Interests for the SPA:</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
<p>South Dublin Bay and River Tolka Estuary SPA 12.4.32. (004024)</p>	<p>11.3km</p>	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</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> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Bull Island SPA (004006)</p>	<p>15.6km</p>	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and</p>

		<p>Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</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> <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>
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Poulaphouca Reservoir SPA (004063)	16.9km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Greylag Goose (<i>Anser anser</i>) [A043] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]
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I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site. I have therefore excluded them from the remainder of this AA screening:

- Glenasmole Valley SAC (001209)
- Wicklow Mountains SAC (002122)
- Wicklow Mountains SPA (004040)
- Poulaphouca Reservoir SPA (004063)

Having regard to the significant separation distances from Natura 2000 sites, I consider that that any potential for significant effects is limited to the question of surface water and wastewater emissions and their potential downstream impacts on the receiving environment in Dublin Bay. My screening assessment will therefore focus on the impact of the proposal on the conservation objectives of the Natura 2000 sites around Dublin Bay and their qualifying interests. I am satisfied that no other European Sites fall within the possible zone of influence. I have therefore excluded them from the remainder of this AA screening.

Potential Effects on Designated Sites

Having regard to the potential zone of influence and the submitted AA document, the following Natura 2000 sites are identified as lying within the potential zone of influence of the development due to potential indirect hydrological connections between the development and the European Sites in Dublin Bay via the surface water sewer network and the foul sewer network:

- North Dublin Bay SAC (000206)
- South Dublin Bay SAC (000210)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)

Screening Assessment

The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are outlined in the table above.

Consideration of Impacts

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

A new surface water drainage system will be installed for the development in accordance with the Greater Dublin Strategic Drainage Study (GDSDS). Rain run-off will be separated from the foul drain and will ultimately enter the Camac River system. New SUDS techniques to be installed include permeable paving and green roofs, along with attenuation storage prior to discharge to the public surface water sewer.

The site lies within the catchment of the Camac River, a tributary of which, the Ballymount Stream, flows approximately 735m to the south of the site boundary at its nearest point. The stream is culverted under the nearby M50 motorway. The Camac system remains highly modified, although open for long stretches, further downstream.

The habitats and species of Natura 2000 sites in Dublin Bay are between 10km and 11.4km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay via the River Camac drainage network.

During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or fail, I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note the development is located on serviced lands in an urban area, which is currently a tarmacadamed surfed car park. I note the concerns raised by the Water Department of SDCC regarding SuDS measures proposed and that misconnections in older parts of the city result in large volumes of rainwater being diverted to the wastewater treatment plant at Ringsend. Whilst not factored mitigation measures I note SuDs measures on site will be an enhance quantity and quality of surface water run-off.

The foul discharge from the proposed development would drain, via the public sewer to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is

potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway.

The subject site is identified for development through the land use policies of the South Dublin Development Plan 2022-2028. This statutory plan was adopted in June 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 115 no. units, on serviced lands in an urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development subject to local upgrades.

The Site Specific Outline Construction and Environmental Management Plan, the Site Specific Construction and Demolition Waste and By-Product Management Plan and the Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.

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

It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving

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

In Combination Effects

The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

AA Screening Conclusion

In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA

(004024) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Conclusion and Recommendation

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area, and I recommend that permission is GRANTED, under section 9(4) of the Act subject to conditions set out below.

14.0 Reasons and Considerations

Having regard to:

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the South Dublin County Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;

l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;

m. Chief Executive's Report; and

n. 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.

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

15.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

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 27th September 2022 by Propiteer Ibis Red Cow Limited.

Proposed Development:

Planning permission for a strategic housing development at this site of c. 0.67 ha on lands at the IBIS Hotel and Monastery Gate, Monastery Road, Clondalkin, Dublin 22.

The development will consist of:

The construction of a 'Build to Rent' residential development comprising of 115 no. apartments (10 no. studio units, 62 no. 1-bed units, 38 no. 2-bed units and 5 no. 3-bed units) in 1 no. block, ranging in height from 2 storeys to 8 storeys over basement level with private balconies/terraces. The proposed development will also comprise of residential amenity facilities and services at ground floor level consisting of a gym, lounges, games room, conference room, meeting room, studio, concierge, bin store, and bike stores (140 no. spaces). A total of 48 no. car parking spaces at basement level with a drop-off/service lay by at ground level, 224 no. bicycle parking spaces across basement, ground floor and surface levels. Landscaping including 1 no. communal roof terrace at 2nd floor level and a landscaped courtyard at ground floor level, public realm works including a new pedestrian path from the public open space at Monastery Gate to the north and along the southern site boundary with a pedestrian connection to Monastery Road to the south, public lighting, boundary treatments. 2 no. ESB substations at ground floor level, plant at basement and roof levels and all associated site development and infrastructure works including foul and surface water drainage, necessary to facilitate the development. Vehicular access to the site is from Monastery Road (via the existing access road to the IBIS Hotel) with pedestrian access from Monastery Road and Monastery Gate. The development also provides for all associated site clearance works.

Decision:

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

Matters Considered

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

- a. The site's location on lands with a zoning objective for residential development;

- b. The policies and objectives in the South Dublin County Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. Chief Executive's Report;
- n. Inspector's Report; and
- o. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and

pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment:

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

Environmental Impact Assessment

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

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(i) and 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity.

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003).
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the, Appropriate Assessment Screening Report, Operational Waste Management Plan, Construction & Demolition Waste Management Plan , Construction Environmental Management Plan, Air Quality Report, Noise Assessment , Wind & Microclimate Report , Bat Survey, Ecological Impact Assessment and Arboriculture Impact Assessment

In conclusion, having regard to the absence of any significant environmental sensitivity in the vicinity and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this highly accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority.

16.0 Conditions

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

Reason: In the interest of clarity

2. The proposed development shall be amended as follows:
 - i. The ramp access to the open space to the north shall be relocated to the extreme eastern boundary of the site.
 - ii. The ramp shall be widened to facilitate dual usage by both pedestrians and cyclists.
 - iii. Additional landscaping screening shall be provided on the western side of the ramp. This is required to enhance amenity to apartment C.00.03.

Revised drawings showing compliance with the above requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development. In the default of agreement, the matter(s) in dispute shall be referred to an Bord Pleanála for determination.

Reason: In the interest of pedestrian/cyclist and traffic safety and in the interest of residential and visual amenity.

3. (a) Prior to the commencement of development, the developer shall submit, for the written agreement of Transport Infrastructure Ireland and the Planning Authority:
 - i. Submit proposals for a new pedestrian access onto Monastery Road to include measures to avoid inadvertent access by foot to the M50. The

proposed pedestrian access onto Monastery Road shall be maintained by the developer and be designed to include adequate lighting for surveillance without causing distraction to drivers and include installation of rubbish receptacles to avoid litter on public roads.

(b) The proposed development shall be undertaken in accordance with the recommendations of the Traffic and Transport Assessment and Road Safety Audit submitted.

Reason: In the interest of pedestrian/cyclist and traffic safety

4. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short-term lettings.

Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.

5. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme. This covenant or legal agreement shall also highlight the reduced level of car parking available to future residents.

Reason: In the interests of proper planning and sustainable development of the area.

6. Prior to expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

7. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority/An Bord Pleanála 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

8. Access to the development shall be permanent, open 24 hours a day, with no gates or security barriers along the roads.

Reason: In the interest of residential amenity and social inclusion and to secure the integrity of the proposed development including open spaces.

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

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

10. 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.

11. Prior to commencement of the development, the developer shall submit a Biodiversity Gain Plan. This Biodiversity net gain (BNG) assessment shall

establish the current biodiversity metrics on site and identify ways the development will contribute to the recovery and enhancement of nature while developing the site.

Reason: To reduce fragmentation, protect and enhance the biodiversity and ecological value of the site.

12. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping proposal shall have particular regard to the northern site boundary and the future outlook of residents of the ground floor apartments. Sufficient planting depths in the raised planters shall be agreed with the planning authority for all podium and roof level planting. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

13. The mitigation measures outlined in the Ecology Impact Assessment and Bat Survey Report submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment and in the interest of wildlife protection.

14. In the interest of residential and visual amenity a schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

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

15. Prior to the commencement of any work on site, the developer:

i) shall engage the services of an independent, qualified arborist, for the entire period of construction activity.

ii) shall inform the planning authority in writing of the appointment and name of the consultant. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the revised tree reports and plans, once agreed.

iii) shall ensure the protection of trees to be retained

iv) submit photographs and confirmation that fencing for retained trees meets BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" for the written agreement of the Planning Authority.

v) All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

vi) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

vii) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.

viii) A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.

ix) The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

Reason: To ensure the retention, protection and sustainability of trees during and after construction of the permitted development

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such

other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site

17. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartments. The lighting scheme shall form an integral part of landscaping of the site.

Reason: In the interests of protection of bats, public safety and amenity, to prevent light pollution.

18. 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

19. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking 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 have not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

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

20. The internal road network serving the site (as outlined in red), including set down areas, footpaths and kerbs, adjoining hotel and the underground car park and ramps to same shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. Details of signage in relation to cycle parking and safe access to same should also be submitted for agreement 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 amenity and of traffic and pedestrian safety.

21. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy. The Mobility Management Strategy shall also incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and units over time and shall include a strategy for the community use and any car-share parking.

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

22. The construction of the development shall be managed in accordance with a Construction Management Plan and Environmental Management Construction Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide

details of intended construction practice for the development, including hours of working, noise and dust management measures, traffic management arrangements/ measures and off-site disposal of construction/demolition waste. It shall also address the operation of cranes as raised in the submission of the Department of Defence.

Reason: In the interests of public safety.

23. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan and construction environmental 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 for the preparation of resource & waste management plans for construction & demolition projects' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

24. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the detailed requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority within the meaning of Part II of the Building Control Regulations 1997:

i) Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as rain gardens, filter drains, permeable paving, green roofs that are green, i.e. planted, but ideally blue/green roofs.

ii) Rainwater harvesting for use in basement water tank

iii) Underground tanks should be avoided as they will only be considered as a last resort after the full extent of sustainable natural solutions have been explored.

iv) Street trees along Mount Talbot Road shall have bioretention in SuDS Tree pits or linear trenches and rain gardens/bioretention features. Additional Street

trees with SuDS bioretention features to be planted on the opposite side to match those proposed.

v) Detailed design of SUDS features showing how they work.

vi) A comprehensive SUDS management Plan shall be submitted and agreed in writing by SDCC Public Realm Section to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage.

vii) A maintenance plan shall also be included as a demonstration of how the system will function following implementation.

viii) The applicant shall demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development. ix) Landscape and drainage proposals to be consistent in SuDS proposals.

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

(d) A maintenance policy to include regular operational inspection and maintenance of the SUDS infrastructure and the petrol/oil interceptors should be submitted to and agreed in writing with the planning authority prior to occupation of proposed dwelling units and shall be implemented in accordance with that agreement.

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

25. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.

Reason: In the interest of public health

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management

company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

27. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

28. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

29. 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.

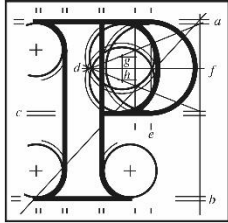
Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

30. 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.

Irené McCormack
Senior Planning Inspector

31st May 2023



An
Bord
Pleanála

Appendix 1:

EIA - Screening Determination for Strategic Housing Development Application

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-314701-22
Development Summary		115 no. Build to Rent apartments and associated site works
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<ul style="list-style-type: none"> • The Appropriate Assessment Screening Report, the Ecological Impact Assessment, Tree Report and Survey and Architectural Design Statement had regard to the Habitats Directive (92/43/EEC). • The Appropriate Assessment Screening Report and the Ecological Impact Assessment, had regard to the Water Framework Directive (WFD) 2000/60/EC.

	<ul style="list-style-type: none"> • The EIA Screening Report and Section 299B Statement, the Planning Report and Statement of Consistency had regard to Directive 2001/42/EC, SEA Directive. • The Noise Impact Assessment had regard to Directive 2002/49/EC, Environmental Noise Directive. • Traffic Impact Assessment and the Construction and Environmental Management Plan had regard to Directive 2008/50/EC. • The Strategic Environmental Assessment (SEA) for the South Dublin County Development Plan 2022 – 2028.
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant)	Is this likely to result in significant effects on the environment?
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		<p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the construction of residential units on lands zoned for residential development. From an environmental perspective the nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.</p>	<p>No</p>

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposed development is located in a built-up urban area. It is intended to provide a basement level. From an environmental perspective this issue is minor in nature.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development. Development of this site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No</p>	<p>No</p>

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

		Operational waste will be managed via a Waste Management Plan, significant operational impacts are not anticipated.	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Any noise and vibration emissions would be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. The construction works shall be managed through the use of construction noise limits as detailed above which the appointed contractor will work within. Best practice control measures, including choice of plant, scheduling of works on-site, on-site noise monitoring and other measures, will be employed in order to ensure noise limits are not exceeded.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
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<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No</p>

<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>
<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>This is a stand-alone development and is not part of a wider large scale change.</p> <p>Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	<p>No</p>

2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an 	<p>No</p>	<p>No European sites located on the site.</p> <p>An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites.</p> <p>This site does not host any species of conservation interest.</p> <p>The site is located adjacent to a Primary Green Infrastructure Corridor. The application will provide enhanced connectivity to this corridor. No negative</p>	<p>No</p>

<p>objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>impacts are anticipated. Please refer to Section 10.4 – Open Space in my planning assessment.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, overwintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated. Please refer to Section 10.5.5 – Ecology and Green Infrastructure in my planning assessment.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No such features arise at this location.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the</p>	<p>No</p>	<p>No such features arise in this location.</p>	<p>No</p>

<p>project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>			
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>There are no watercourses on site. The River Camac can be found c.1km to the north, where it is culverted under M50 motorway. The direction of flow of is towards the north and east, where it enters the River Liffey in Dublin City Centre. To the south, the Coolfan Stream flows c. 530m from the development site.</p> <p>The development will implement SUDS measures including attenuation of surface water, to control run-off. The subject site is located in a flood zone and there is no risk of flooding within or adjacent to the site.</p>	<p>No</p>

<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site located at a significant transport interchange. There are sustainable transport options available to future residents in terms of the proximity to the Luas Red Cow, bus, 48 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>No. The development would not be likely to generate significant additional demands on educational or community facilities in the area.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.</p> <p>Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No trans boundary considerations arise</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>No</p>	<p>No</p>	<p>No</p>

C. CONCLUSION

No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required
Real likelihood of significant effects on the environment.	No		

Irené McCormack
Senior Planning Inspector

31st May 2023