



An
Bord
Pleanála

Inspector's Report ABP-315112-22

Development

(i) Demolition of dwelling and ancillary garage; (ii) construction of five storey (four storey with fifth floor setback) over basement build-to-rent later living facility comprising 39 apartments and all associated site works.

Location

45 Woodlands Park, Blackrock, Co. Dublin A94F248

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D22A/0202

Applicant(s)

Bartra Property Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission with conditions

Type of Appeal

Third Party

Appellant(s)

Patrick and Ann McMahon
Terence Hayden
Niall and Elaine Doyle

Denis and Aoife O'Connor

Nicholas Blake-Knox

Observers

Aine Sweeney

Mary Ursula and David Kelleher

Date of Site Inspection

23rd February 2024

Inspector

John Duffy

1.0 Site Location and Description

- 1.1. The site comprises a broadly rectangular shaped site with a stated area of 0.29 hectares located at a corner site at No. 45 Woodlands Park, Blackrock, in Co. Dublin. The site is accessed by way of a recessed gated entrance from Woodlands Park.
- 1.2. The site accommodates a large detached 2 storey house and ancillary garage (c 378 sqm in total) positioned proximate to the eastern boundary. The house which was constructed around 1948 is located c 36 metres from the public road. Large gardens surround the house to the front (west) and to its north and south sides.
- 1.3. The site is bound by houses to the east, west and south. The northern boundary adjoins a three storey apartment block, Villa Nova accessed from Mount Merrion Avenue. The Priory Stream runs along the eastern site boundary.
- 1.4. The appeal site is located c 500m from the N11 QBC served by the following buses: 7B and 7D to Mountjoy Square (peak services), 46A (Dun Laoghaire to Phoenix Park with high frequency), 46E (Blackrock DART Station to Mountjoy Square, peak service), 47 (Stepaside to Poolbeg Street, every 30 mins at peak times and every 60-75 mins outside peak), 116 (Whitechurch to Parnell Square, peak service), 118 (Kilternan to Eden Quay, peak service), 133 (Dublin city to Wicklow town, hourly outside peak times), 145 (Heuston Station to Southern Cross, every 10-20 minutes throughout the week), 155 (Bray DART Station to IKEA, every 20 mins throughout the week), 700 (Dublin Airport to Leopardstown, every 15-30 mins throughout the week).
- 1.5. Mount Merrion Avenue located c 200m to the north is served by the S6 (Tallaght to Blackrock DART Station, every 15 / 20 minutes up to 11.30 pm). Blackrock DART Station is located c 2.1 km from the appeal site. The 702 bus (Greystones to Dublin Airport) runs every 2 hours from 0410 to 20.00.

2.0 Proposed Development

The proposed development of this site, with a stated area of 0.29 hectares, consists of:

- The demolition of an existing two-storey dwelling and garage with a stated floor area of 378 sqm.
- The construction of a five storey (four storey with fifth floor set-back) Build to Rent (BTR) later living facility with a stated floor area of 3,701 sqm containing
 - 35 no. 1 bedroom units
 - 4 no. 2 bedroom units
 - Communal residential facilities at basement level to include a cinema, meeting room / family dining room, trackman room, library / reading room, gym, kitchen, hydrotherapy room, hairdressing room, massage room, storage areas, plant room and communal terrace at basement level.
 - Administrative office, foyer, reception and private members club room at ground floor level.
- The provision of communal outdoor amenity spaces including landscaped gardens, and a terrace with 2 no. hot tubs at 4th floor level.
- The provision of 26 no. car parking spaces including 2 no. mobility spaces and 2 no. car sharing spaces and 64 no. bicycle parking spaces at ground floor level.
- Alterations to the existing entrance off Woodlands Park to include removal of piers and entrance widening.
- All associated site and infrastructural works to facilitate the development.
- Site landscaping, boundary treatment, site drainage, bin stores, plant areas and all associated site works.

Following the receipt of further information, the total number of apartments was reduced to 38 and the total number of car parking spaces was decreased to 25.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of Clarification of Further Information, the Planning Authority decided to grant permission subject to 28 conditions.

Condition No. 2 confirms that the permitted development shall be for Build-to Rent (BTR) units only to operate in accordance with BTR developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020 and be used for long term rentals only; any proposed change to the definition of the BTR residential units require a separate planning consent.

Condition No. 4 requires that the permitted use of the development shall be BTR only for a minimum period of 15 years from the date of the occupation of the first apartments within the scheme, that the applicant shall notify the Planning Authority when the apartments are first occupied, and a revised deed of covenant to be submitted to and agreed in writing with the Planning Authority prior to the commencement of development on site.

Condition No. 5 notes that prior to the expiration of the 15 year period referred to in a proposed covenant, the owner shall submit for the written agreement of the Planning Authority, ownership details and management structure proposed for the continued operation of the entire development as a BTR. Any proposed amendment or deviation from the build to rent model as authorised shall be subject to a separate planning application.

Condition No. 6 requires the applicant to enter into a Section 47 agreement with the Planning Authority restricting the use of the development to later living as follows: The occupancy of the units shall permanently be restricted to persons 60 years of age or older.

Condition No. 7 requires the applicant to submit an Operational Management Plan (OMP) prior to commencement.

Condition No. 8 requires that prior to commencement the applicant demonstrates that the proposed green roof extents accord with the Council's Green Roof policy. Condition Nos. 9 and 10 relate to surface water and attenuation.

Condition Nos. 11, 12 and 14 relate to transport issues, **Condition No. 13** relates to provision of a Construction Management Plan (CMP). **Condition No. 17** relates to implementation of a Noise Management Plan, a Public Liaison Plan, a Materials Source and Management Plan and a Pest Control Plan. **Condition No. 19** is a Part V condition. **Condition Nos. 24 to 26** inclusive are financial contribution conditions, while **Condition No. 28** relates to lodgement of a bond with the Council in respect of the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Planning Report reflects the decision to grant permission subject to conditions.

A further information request dated 13th May 2022 raised several issues as follows, in summary:

- To indicate willingness to enter into a Section 47 Agreement with the Local Authority restricting the use of apartments to older persons.
- To demonstrate the proposal does not result in a proliferation of BTR accommodation within a 1km pedestrian catchment having regard to Policy Objective PHP28 of the Development Plan.
- Explore potential of providing a greater quantum of 2-bed units.
- Consider changes to the proposed material finishes of the building.
- Address identified issues of overlooking.
- Address identified issues to mitigate visual Impact of proposed development.
- To demonstrate how the proposal complies with dual aspect requirements in Development Plan (Section 12.3.5.1).
- To address the limited opportunities for informal gatherings within the outdoor areas and to submit cross sections of the eastern boundary and stream, and variations in site levels.

- Provide additional landscaping at identified areas and provide existing and proposed boundary details.
- AA Screening has not demonstrated sufficiently that there will be no significant impacts during construction phase. Applicant requested to address this matter.
- Acoustic design statement to be expanded as identified.
- To address drainage design issues identified.
- To comment on any potential flood risks, to submit details of safe overland flow routes.
- To submit a robust rationale of how the proposed deviation in car parking is appropriate with reference to Development Plan criteria (Section 12.4.5.2).
- To submit a Quality Audit which demonstrates appropriate consideration has been given to DMURS.
- To submit details and plans of, inter alia, proposed segregated ramped entry for cyclists and cars, radii at junction entrance to the proposed development, road signs and markings, motorcycle parking, electric charging facilities, cycle parking provision.

The applicant submitted detailed responses to a number of the further information items. The Planning Officer considered it necessary to seek clarification of further information on a number of matters, which issued to the applicant on 9th August 2022, as follows, in summary:

- To clarify the age profile of the intended residents.
- To demonstrate the proposed development does not result in a proliferation of BTR accommodation in the wider area.
- Clarity on whether one or two units have been omitted from the proposed development.
- Concern remains over the predominance of 1 bed units which should be addressed.

- Concern remains regarding potential overlooking, and visual/overbearing impacts on adjacent sites to the east. Revised proposals required.
- Tree Groups 4 and 5 appear to be outside of application site; clarity required.
- Discrepancies in some drawings / details / CGI images submitted; clarity required.
- To quantify specific apartments which are 'fully' dual aspect and those which are not.
- To clarify existing and proposed boundary treatments and to revise proposals for eastern boundary.
- To submit a revised AA Screening document which considers the findings of the Technical Note submitted as part of the further information response.
- To clarify the threshold limit for construction noise (different thresholds given in acoustic design statement and CEMP).
- No reference made to rock breaking or piling in the response; this requires clarity.
- To clarify details and provide drawing of 2m high noise wall surrounding rooftop plant.
- To demonstrate the proposed green roof extents, comply with Council policy, to submit drawings in this regard and to provide maintenance and access arrangements.
- To provide drawings of permeable paving areas.
- To submit a drawing identifying and showing details of safe overland flow routes both within and outside the site.
- To address a number of transportation issues, inter alia, bicycle parking provision and design of associated parking facilities to accord with Development Plan standards, electric charging facilities, details of entrance to the residential car park to serve the proposed development.

The applicant submitted responses to a number of the further information items. Following assessment, permission was granted for the proposed development on 25th October 2022.

3.2.2. **Other Technical Reports**

Transportation Planning: Further information was recommended in relation to car parking (to be increased to 39 spaces), provision of a transport Quality Audit, details of a segregated ramped entry for bicycles and cars, details of radii at the junction entrance, provision of drawings showing road signs and markings, provision of plans / drawings of proposed gate to residential car park, provision of a cycle audit report, drawings showing motorcycle parking spaces and details of electric charging facilities.

Following receipt of further information, clarification of further information was recommended in relation to problem areas highlighted in the Quality Audit (relating to intervisibility between exiting drivers and pedestrians and the potential blocking of the pedestrian path when the vehicular gate is fully opened), plan and elevation of the proposed gate, revised drawings showing 38 no. car parking spaces, details of bike parking/storage and details of electric charging facilities.

Following receipt of clarification of further information, Transportation Planning recommended refusal of permission on the basis that the lack of off-street car parking may create inappropriate/illegal parking on adjoining roads which would endanger public safety, injure residential amenity, and set a precedent. Furthermore, concerns were raised in connection with the restricted access to the proposed development and the absence of a quality audit and cycle audit. The report includes conditions if a grant of permission is under consideration.

EHO: Further information recommended relating to submission of a Demolition Waste Management Plan, updating of the Operational Waste Management Plan and Construction Environmental Management Plan, and expansion of the Acoustic Design Statement.

Following receipt of further information proposal considered acceptable subject to the updated acoustic design statement and the CEMP showing the same threshold level (CEMP indicates 70dB limit, acoustic design statement indicates 65dB limit).

Drainage Planning – Municipal Services Department: Further information recommended in relation to discharge rate and attenuation volume, updating of attenuation calculations, compliance with the Council's green roof policy, permeable surfaces, surface water drainage, the possibility of tree protection barriers being required, the proposed underground attenuation system, details of the proposed basement drainage network, the relationship between the watercourse flowing along the western site boundary and the proposed development, to comment on flood risk, and to show details of safe overland routes within and outside the site.

Following receipt of further information, clarification of further information recommended in respect of the green roof extents, permeable paving cross sections and overland flow routes.

Following receipt of clarification of further information, the Drainage Planning Division reported no objection to the proposal subject to conditions.

Housing Department: Notes the applicant proposes to comply with Part V by way of the transfer of 4 no. units off-site for social housing which is considered acceptable.

Environment Section: Recommends planning conditions relating to environmental monitoring, noise management, liaison with the public, construction waste and pest control.

Biodiversity Officer: Screening for Appropriate Assessment (AA) has not demonstrated sufficiently that there will be no significant impacts during the construction stage.

Public Lighting: Bollards and low level mounted wall lighting are not recommended on health and safety grounds. Otherwise, the design is acceptable to the public lighting section.

3.2.3. **Prescribed Bodies**

Uisce Eireann (UE): Notes the presence of a watermain and combined sewer traversing the site which may be impacted by the proposed development. Applicant required to engage with UE.

The Board also sought comments from An Taisce, the Heritage Council and the Department of Housing, Local Government and Heritage, however no submissions were received.

3.2.4. Objections/ Observations

Many letters of objection/observation were received in respect of the original application.

Issues raised are as follows:

- Insufficient parking, proposal will lead to a traffic hazard
- Concerns regarding demolition and construction phases and impact of construction traffic
- Public transport insufficient to cater for proposed development
- Excessive scale and height of proposal
- Out of character with the area
- Adverse impact on existing trees
- Adverse impact on residential amenities by way of overlooking, overshadowing and overbearing impacts
- Proposal too close to boundaries
- Lack of public engagement / proposal will destroy sense of community in Woodlands Park
- Proposed mix of units not acceptable
- Excessive density of development / Overdevelopment
- Drainage related impacts
- Noise pollution arising from the proposal
- Concerns relating to waste management / refuse collections
- Communal open space unusable given the site topography
- Concerns relating to fire tender access
- Proposal may be used for social housing / student accommodation in the future
- Failure to include e-charging at odds with government policy
- Inappropriate location for a BTR development

- Proposal would materially contravene the Development Plan
- Depreciation of neighbouring properties
- 3D visualisations misleading / Discrepancies in submitted documentation
- Light spillage concerns
- Air pollution

Further objections / observations were received following the receipt of further information:

- Objections reiterated
- Submitted further information does not address concerns
- Facilities not reflective of later living profile
- Lack of facilities for carers
- Disproportionate no. of 1 bed units
- Insufficient open space
- Poor design
- Sylvan character of street eroded
- There should be an NIS for the proposal
- Proliferation of BTRs in area
- Proposal contrary to Development Plan objective BHS3.
- No segregated entrance is a matter of concern
- Questions acoustic impact statement
- Negative impacts arising from external hot tubs
- Negative impacts on ecology and trees

Further objections / observations were received following receipt of the clarification of further information:

- Process drawn out to assist developers
- Reiterate objections
- Traffic / parking concerns
- Residential amenity concerns remain
- Contradictory information submitted concerning age profile of intended residents

- 1.8m high screens will have negative impacts on future residents
- Failure to consider other BTR schemes in the area
- No NIS submitted

4.0 Planning History

Appeal site

ABP Ref. ABP-302926-18 / Planning Authority Ref. D18A/0799 refers to a July 2019 decision to grant permission for demolition of house and garage and construction of a part 3 to part 5 storey apartment development comprising 26 units (8 No. 1 bedroom and 18 No. 2 bedroom apartments).

Planning Authority Ref. D24A/0041/WEB refers to a current application for alterations to previously approved development under Reg. Ref. D18A/0799 and ABP Ref. ABP-302926-18, and Reg. Ref. D23A/0529. The alterations proposed consist of (i) the amalgamation of 1 no. one-bedroom and 1 no. two-bedroom apartment at third floor level (Unit Nos. 3.05 & 3.04) to provide for 1 no. three bed apartment at third floor level, and the connection of the two balconies to provide 1 no. balcony to serve the amalgamated apartment (41 sqm). This will result in a reduction in apartment numbers from 26 no. units to 25 no. units; (ii) relocation of bin store (iii) change of external material to front façade of apartment building; (iv) construction of two storey 4 bedroom mews dwelling in the north-western section of the site. An external terrace will be provided at first floor level; (v) addition of 2 no. car parking spaces to serve dwelling, resulting in a total provision of 28 no. car-parking spaces including 1 no. accessible parking space; (vi) provision of substation; and (vii) all associated site works necessary to facilitate the development.

Planning Authority Ref. D23A/0529 refers to a November 2023 decision to grant permission for alterations to ABP Ref. ABP302926-18 / Planning Authority Ref. D18A/0799, consisting of an increase in the floor area of a 2-bedroom apartment

(Apartment No. 04-03) at 4th floor level by 11sq.m resulting in a 2-bedroom apartment of 109sq.m, a reduction in the size of external terrace area serving this unit from 53sqm to 41sqm and the addition of a privacy screen to the southern extent of this external terrace; and (ii) all associated works necessary to facilitate the development.

Neighbouring Site

Planning Authority Ref. D06A/0963 refers to a November 2006 decision to grant permission for an extension and alteration of existing dwelling, with new development consisting of 2 no. detached 5 bedroom houses, with 2 no. individual vehicular entrances from Woodland Park at No. 43 Woodlands Park.

Planning Authority Ref. D05A/1431 refers to a March 2006 decision to refuse permission for demolition and replacement of existing dwelling, with development consisting of 3 no. detached 5 bedroom houses, with individual vehicular and pedestrian access to each at No. 43 Woodlands Park. The decision was appealed (PL06D.217160) and the application was later declared withdrawn.

5.0 Policy and Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028, the subject site is zoned A ‘To provide residential development and improve residential amenity while protecting the existing residential amenities.’

In relation to the A zoned lands ‘Residential - Build to Rent’ is listed within the ‘Open for Consideration’ category of this zoning objective. Section 13.1.4 is relevant in this regard and states:

‘Open for Consideration’ are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and

would otherwise be consistent with the proper planning and sustainable development of the area.

The definition of 'Residential - Build to Rent' is set out in Chapter 13 of the Development Plan as follows:

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. (Definition taken from section 5.2 of the DHPLG Section 28 Guidelines, Sustainable Urban Housing: Design Standards for new Apartments" (2020).

Section 4.3.1.3 – Policy Objective PHP20: Protection of Existing Residential Amenity.
It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Section 4.3.2.4 - Policy Objective PHP28: Build-to Rent and Shared Accommodation / Co-living Developments

It is a Policy Objective to facilitate the provision of Build-to-Rent in suitable locations across the County and accord with the provisions of 'Sustainable Urban Housing: Design Standards for New Apartments', 2020 (and any amendment thereof). Proliferation of Built to rent should be avoided in any one area. As the HNDA does not support provision of shared accommodation there shall be a presumption against granting planning permission for shared accommodation/co-living development.

5.1.1. Section 12.3.8.1 relates to Age Friendly Housing

In accordance with the principles of the Policy Statement 'Housing Options for Our Ageing Population' 2019, the Planning Authority will advocate age-friendly thinking with respect to new developments in the County in particular at pre-planning stage. Developers should consider an Age-friendly approach, with facilities and materials inclusive of an age-friendly community/society in line with the above guidelines.

5.1.2. Chapter 2 – ‘Core Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028, includes section 2.6.2.1 (ii) ‘Brownfield and Infill Lands’ under the overall heading of ‘Active Land Management.’ It states, ‘Delivery of a compact growth agenda requires increased focus on re-using previously developed ‘brownfield’ land, supporting the appropriate development of infill sites, and the re-use or intensification of existing sites.’

5.1.3. Under 4.3.1.1 ‘Policy Objective PHP18: Residential Density’ it is policy to: ‘Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.’ I also note the following:

‘As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives ‘GB’, ‘G’ and ‘B’) shall be 35 units per hectare (net density). This density may not be appropriate in all instances but should be applied particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas. Higher density schemes should offer an exemplary quality of life for existing and future residents in terms of design and amenity.’

5.2. The Blackrock Local Area Plan (LAP) was adopted in March 2015 and in 2020 the life of the LAP was extended to March 2025. I note however that the appeal site is outside the boundary of this LAP.

5.3. **National Guidance**

- The National Planning Framework (NPF) has a very clear focus on achieving brownfield / infill development, which means encouraging more people, jobs and activity generally within existing built-up areas. The NPF notes that securing compact and sustainable growth requires a focus on the liveability of urban

places, continuous regeneration of existing built up areas, dealing with legacy issues such as concentrations of disadvantage in particular areas, and linking regeneration and redevelopment initiatives to climate action.

- The NPF includes a specific Chapter, No. 6 - *'People Homes and Communities'* which is relevant to this development. This chapter includes 12 National Policy Objectives (NPOs) and the following are applicable to this development:
 - NPO 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.'
 - NPO 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages'.
 - NPO 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.
 - NPO 35 seeks to 'Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.
- Design Manual for Urban Roads and Streets (DMURS).
- Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024).

Table 3.1 'Areas and Density Ranges Dublin and Cork City and Suburbs'

It is considered that the appeal site falls within the 'City – Urban Neighbourhoods' category where residential densities in the range 50 dph to 250 dph (net) shall generally be applied.

SPPR 3 relates to car parking; Part (i) states the following:

In city centres and urban neighbourhoods of the five cities, defined in Chapter 3 (Table 3.1 and Table 3.2), car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling.

SPPR 4 relates to cycle parking and notes that safe and secure storage facilities should be provided in a dedicated facility of permanent construction.

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHLGH, 2023).

Sections 5.10 and 5.11 relate to transitional arrangements for Build-To-Rent developments. Section 5.10 is applicable to this appeal and states the following:

All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that were subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8.

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DHLGH, 2020).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas. Section 5 relates to BTR developments. SPPR 7 and 8 apply and state the following:

Specific Planning Policy Requirement 7

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 of 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) Resident 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) Resident 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.

Specific Planning Policy Requirement 8

For proposals that qualify as specific BTR development in accordance with SPPR 7:

(i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;

(ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;

(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.

(iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;

(v) 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.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).

5.4. Natural Heritage Designations

The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay Special Area of Conservation, both located approximately 1.3 km to the north-east. South Dublin Bay proposed NHA is located c 1.3km to the north-east while Fitzsimons Wood proposed NHA is located c 3.85km to the south-west.

5.5. EIA Screening

See Form 1 and 2 below. Having regard to the nature of the proposed development comprising the demolition of a dwelling and ancillary garage and the development of an apartment development on a brownfield site, in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Five third party appeals have been submitted in respect of the proposed development. The grounds of appeal are grouped together under headings and are summarised as follows:

Design / Amenity issues

- Excessive height, scale and massing of proposed development which fails to comply with Development Plan standards relating to infill development and is out of character with existing 2 storey residential development in the area.
- Proposed development would destroy features including the existing gateway and boundary walls which form distinctive character features in this area.
- Design of proposed development not reflective of the needs of older people. For instance, 87% of the proposed apartments are 1 bed units, which is not conducive to age-friendly design.
- Design not mitigated to address the impact the proposed development would have on No. 44 Woodlands Park to the south of the site.
- The front garden of No.44 is the main private amenity space associated with that property; however, it will be overlooked by the hot tubs proposed for the communal area on the 4th floor, leading to a loss of privacy.
- Given the height of the proposal, a micro-climate study should have been submitted to assess potential impacts on the local climate.
- Proposal breaches Policy Objective BHS3 – Building Height in Residual Urban Areas and does not accord with Policy Objective PHP20 – Protection of Existing Residential Amenity.
- Proposed development does not comply with criteria set out under Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018), with reference made to SPPR 3(A). In this regard information / analysis has not been included indicating the site is served by suitably high capacity and frequent public transport, or that the development

would not impact upon telecommunication channels (as referenced in case law), it is considered that the proposal contravenes SPPR 3.

- Proposed development is incongruous to the surrounding built environment and will dominate the streetscape.
- The scale and massing is not carefully modulated and will impact on light levels to No. 44 and will cause overshadowing impacts.
- Overlooking impacts leading to a loss of privacy from elevated positions on the eastern / rear elevation onto the rear garden of Gleneevin at Grove Avenue. Overlooking will occur from windows serving habitable rooms in 14 no. units at 1st to 4th floor levels.
- There are 16 no. 1.8m high opaque screens serving balconies proposed on the rear elevation. This compromises the residential amenity of the scheme.
- Concern regarding loss of trees at eastern and southern site boundaries.
- Devaluation of property in the vicinity of proposed development.
- Substandard residential environment for future occupants. Majority of communal amenities located at basement level, providing inappropriate amenity space.
- Provision of opaque screens would have an unacceptable and detrimental impact on the amenity value of balconies and living spaces. Daylight and sunlight assessment not updated to include the opaque screens.
- Proposal does not provide minimum number of dual aspect units.

Access and Transport

- Proposed access is unsuitable and is located at a dangerous bend in the road. There is insufficient width to provide a secure means of access for segregation of cyclists, pedestrians, and vehicles.
- No dedicated pedestrian access provided; this is a health and safety issue.
- Reference made to reports from Transportation Planning Section which recommended refusal.

- Lack of visibility of approaching traffic when future occupants turn into the site from the south. The minimum required forward visibility is not available. Not possible to see approaching traffic turning right into the site.
- Inadequate / inappropriate level of car parking proposed. There should be no deviation from parking standards. This contravenes the Development Plan.
- The lack of car parking and visitor parking will endanger public safety. There will be an overflow of cars from the proposed development parked on the public road, compromising the line of sight and creating hazardous conditions for cyclists and pedestrians. Risk of injury or death to cyclists or pedestrians. Woodlands Park is part of the Sea to Mountains Cycle Route.
- Reasonable to expect that future residents will have cars; DART is too far away while the QBC at the N11 is not an attractive mode of transport.
- No Quality Audit or Cycle Audit was provided.
- No information provided on the capacity of public transport routes and accessibility for older / disabled persons.
- Proposal seeks to maximise unit numbers without having regard to health and safety risks.
- Failure to provide safe access for emergency / service vehicles.

Density

- Overdevelopment of the subject site
- Excessive density of development at c 131 ph; density is c 50% above the development granted under Reg. Ref. D18A/0799.
- Proposed density contravenes the Development Plan, specifically Policy Objectives PHP18 – Residential Density and PHP20 – Protection of Existing Residential Amenity.
- The proposal does not ensure a balance between the existing established residential character of the area and the need to provide higher densities.

Other

- Unclear which age-group the proposal is intended to serve.

- Unsuitable location for older persons; remote from Stillorgan and Blackrock villages.
- Proposal would set an undesirable precedent.
- Proposal would materially contravene the zoning objective of the site.
- The extant permission on the subject site is an example of bad planning.
- It is not understood how Conditions 4(a) and 6 will be monitored.
- The proposed development is only open for consideration on 'A' zoned lands.
- Low provision of 2 bed units is profit driven.
- There is an over-concentration of BTR schemes within 1 km of the site. The proposal contravenes Policy Objective PHP28 relating to BTR.
- Proposed demolition of the existing dwelling will materially contravene Policy Objectives HER 20 - Buildings of Vernacular and Heritage Interest and HER 21 - Nineteenth and Twentieth Century Buildings, Estates and Features.
- Inadequate outdoor space / facilities to cater for future occupants.
- The highly sensitive ecological area comprising the stream at the eastern site boundary will be impacted by construction and the density of people walking at that location.

6.2. Planning Authority Response

The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

6.3. Responses from third parties to other appeals

Terence Hayden:

- Substandard car parking provision not justified and is a material contravention of the Development Plan
- Proposal constitutes overdevelopment

- Any results of a recent traffic survey provided as part of a response to the appeals should be discounted in the context of extreme cold weather conditions.

Niall and Elaine Doyle

- Support the content of other third-party appeals

Denis and Aoife O'Connor

- A traffic measuring device was located outside No. 47 on 14th or 15th December 2022 and removed on 19th December 2022. Given the low traffic volumes arising from the extreme cold weather conditions from 12th December to 17th December 2022 any results of a recent traffic survey provided as part of a response to the appeals should be discounted. Furthermore December 17th-18th 2022 fell on a weekend when road traffic is less than during the week.
- Express serious concerns in relation to the proposal.

6.4. Observations

2 no. observations were received in connection with the proposed development. Issues raised are summarised as follows:

- Road safety concerns
- Overlooking impacts
- Excessive number of apartments
- Narrow configuration of the entrance

6.5. Applicant's Responses to appeals

The applicant's agent made 2 no. submissions in response to the appeals, the first in respect to the appeal submitted by Patrick and Ann McMahon and the second in respect of appeals submitted by Nicholas Blake-Knox, Terence Hayden, Denis and

Aoife O'Connor and Niall and Elaine Doyle. A summary of the applicant's responses to the third-party appeals are set out as follows:

Contravention of Development Plan

- Proposal falls within the scope of an assisted living development and is therefore permitted in principle given the 'A' zoning of the subject site.
- Rebuts the assertion that the proposal contravenes Policy Objectives PHP18, PHP20, HER20 and HER21.

Height and Massing:

- Complies with NPF and Height Guidelines in addition to Policy Objective PHP19 - Existing Housing Stock – Adaptation, and BHS 1. The proposal balances the need for increased densities with the need to protect visual and residential amenities.
- Extant permission also provides for a 5-storey building on the site.
- The proposed building steps down gradually towards the southern boundary with the part of the building beside that boundary being of 3 storey design (9.3m high), in comparison to the adjoining property to the south which is 7.8m high. Recessed 3rd and 4th floors are stepped back from the property to the south by 16m.
- Having regard to the corner nature of the site, mature planting and trees along the street and the size of the site the effects of the proposed building on the streetscape will be imperceivable with regards to height and massing.
- The massing of the proposed development is reduced when compared to the permitted development under PA Ref. D18A/0799 / ABP-302926-18.

Impact on residential and visual amenity

- Generous separation distances are proposed between the new building and adjoining dwellings to prevent undue impacts in terms of overlooking or overshadowing.

- Mature trees at the northern site boundary which adjoins the Villa Nova apartment complex are to be retained and the separation distance exceeds 28m.
- A separation distance of 9.8m between the new building and the house to the south (No.44) from ground to 2nd floor is proposed. From 3rd to 4th floor the proposed building has been set back allowing a separation distance of 16.9m, greater than the previous application relating to the subject site.
- An extensive stand of trees (Tree Group 06) providing substantial screening will be maintained along the eastern boundary and there are extensive separation distances between the proposed development and houses on Grove Avenue. Drone photography demonstrates that views from proposed balconies on the eastern elevation will not impact on the privacy or visual amenity of houses to the east.

Traffic and Access

- The Traffic Assessment Report concludes that the proposed development will have a negligible and unnoticeable impact on local vehicular traffic conditions. No concerns were raised relating to the impact of traffic numbers by the Transportation Planning Section.
- A Quality Audit was included in Appendix H of the Traffic Assessment; concerns raised at further information and clarification of further information stages relating to the audit were addressed.
- In terms of access the proposed entrance is located on a corner with clear views of approach roads and more than adequate sightlines for vehicles emerging from the proposed development. There are also adequate sightlines from the driveway entrance to the approaching footpaths on either side of the entrance and in line with TII DN-GEO-03060 Section 5.6.3.7.
- While there is not a strict separation for pedestrians and cyclists, the proposed access arrangement is not a hazard; vehicles entering and exiting the site will be driving at low speeds given the nature of the street, reducing potential hazards. The proposed access arrangements are largely similar to the previously approved development on the subject site.

- Attached report from NRB Consulting Engineers (Appendix B) which includes a survey of traffic speeds and volumes concludes that traffic speeds are low and as such it is very unlikely that any significant traffic accidents could or will occur. There was no frost, ice or snow on 18th and 19th December 2022 when it was found that the 85th percentile traffic speed was at or less than c 25 k/ph.

Parking

- The proposal includes 25 no. parking spaces, 2 of which will be dedicated car-sharing spaces. Research was conducted of similar later living developments which found car ownership is reduced amongst residents.
- The proposal seeks to promote active and sustainable travel modes.
- The subject site is located near the N11 QBC and therefore has access to high-frequency bus services.
- BTR is subject to lower parking requirements as set out in the Apartment Guidelines 2020.
- Reduction in car parking was approved under ABP-302926-18 relating to the previous application on the subject site

Purpose of the proposed development

- Condition 6 of the permission requires the developer to enter into a section 47 agreement to restrict the age profile of the future residents to those aged 60 and above. The proposal will be operated by Vico Later Living.

Location

- The site is located c 1.8 km from Blackrock village and c 1.2 km from Stillorgan Village SC, with multiple options available for travelling to these destinations including by way of high frequency bus routes.
- The subject site is an ideal location for older persons accommodation given its quiet nature, proximity to amenities, services and public transport.

Unit Mix

- SPPR 8 of the Apartment Guidelines 2020 note that no restrictions on dwelling mix will apply.

- The proposal is a unique type of residential development targeted at older people only who will mostly require 1 bedroom. Demand for 2 bed apartments among the age cohort is low.

Tree Removal

- Reference made to the Tree Survey and Protection Plan and Landscape Plan submitted with the application
- Considered that the removal of trees does not impact the residential amenity of adjoining dwellings and that replanting regime will strengthen the tree line along the southern and eastern boundary.

BTR Apartments

- Proposal is fundamentally different to the standard BTR units aimed at younger people. It is targeted to older people wishing to downsize, with the operator specialising in providing residential accommodation to this cohort.
- A revised listing of BTR units (approved and pending) is submitted which shows 1205 units equating to 1205 BTR units in the area; 732 of those units are before the Board and have yet to receive permission.
- The proposed development of 38 no. later living units does not constitute a proliferation of BTR units in the area.

Monitoring of Condition Nos. 4 (a) and 6

- Condition No. 4 requires a revised deed of covenant to be submitted and agreed with the planning authority prior to commencement of development. It is in the applicant's interest to comply with Condition 4, otherwise the development cannot be constructed.
- In relation to Condition No. 6 the applicant undertook to limit the development to people aged 60 years and older and suggested entering into a Section 47 agreement in this regard. The condition requires this agreement prior to commencement of development.

Density / Overdevelopment

- Increased densities are supported by the Development Plan (PHP18), the NPF and the Urban Development and Building Height Guidelines for Planning Authorities, with SPPRs 1, 3 and 4 applicable to the proposed development.
- Proposed density of 131 dph is appropriate at the site. Site is well served with public transport and close to Blackrock DART station.

Quality of accommodation

- Proposal complies with Apartment Guidelines (2020)
- A new analysis of daylight and sunlight is provided in order to address concerns raised regarding potential reduced daylight arising from proposed provision of 1.8m high screens to balconies of some apartments. The analysis concludes that the introduction of screens will not have a material negative impact on the levels of daylight received within the applicable units.

Quality of outdoor amenity space

- Site located in Flood Zone C
- Ecological Impact Statement did not record any mammals on site other than bats passing through
- AA Screening Report concluded that there would be no significant effects from the proposed development on any Natura 2000 site
- Construction Management Plan and Tree Protection Plan outline measures to protect the stream as well as existing trees
- The proposal is providing more than 890 sqm of landscaped gardens

The applicant's response to the appeals lodged by Nicholas Blake-Knox, Terence Hayden, Denis and Aoife O'Connor and Niall and Elaine Doyle included the following reports / documentation:

- Report by NRB Consulting Engineers and associated survey
- NRB Drawing AP-001 – Sightline and Stopping Sight Distance
- Daylight and Sunlight Analysis Report prepared by 3D Design Bureau
- Architectural Drawing in respect of universal design approach prepared by HA Design Studio

This response was circulated to the parties having regard to section 131 of the Planning and Development Act 2000 as amended. Submissions were received from the following:

Planning Authority:

No additional comment.

Denis and Aoife O'Connor:

- Inaccurate and misleading information in applicant's response to the appeals
- No segregated pedestrian entrance provided
- Disagree that adequate sightlines are provided when under-provision of car parking will create parking over-spill on Woodlands Park
- Submitted NRB Consultants traffic survey report is misleading and inaccurate
- Reiterate safety concerns relating to the proposal

Terence Hayden

- Rebuttal of applicant's response to third party appeals
- Reiterates grounds of appeal

Patrick and Ann McMahon:

- The Daylight and Sunlight Assessment Report has not been substantiated by any independent report. It does not deal with the submitted objections.

Niall and Elaine Doyle:

- Rebuttal of applicant's response to third party appeals
- Reiterates grounds of appeal

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Land-use and nature of the proposed development
- Design and Impact on Adjoining Properties

- Landscaping
- Residential Amenity for future occupants
- Transportation and Access
- Other issues
- Appropriate Assessment Screening

7.2. Land-use and nature of the proposed development

- 7.2.1. The subject site is zoned 'A' for residential development. 'Residential-Build to Rent' is 'open for consideration' within the 'A' zoning objective. I am satisfied that the proposed development would be compatible with the policies and objectives for the zoning objective, that it would not lead to undesirable effects and would be in accordance with the proper planning and sustainable development of the area. As such, in my opinion, the proposal does not contravene the 'A' zoning objective of the subject site.
- 7.2.2. The appellants contend that the proposed development is excessive in terms of density and that it constitutes overdevelopment of the site. The proposal as amended in the further information response entails 38 apartments (a reduction of 1 unit compared to the original number proposed) on a site of 0.29 ha, equating to a density of approximately 131 dpha.
- 7.2.3. Local planning policy as set out in the Dun Laoghaire Rathdown Development Plan seeks to increase densities where this is appropriate. I note that Policy Objective PHP18 Residential Density seeks to promote compact urban growth by way of consolidation and re-intensification of infill / brownfield sites. The minimum default density for new residential developments in the Development Plan is given as 35 units per hectare, although it is noted that this density is not appropriate in all instances but is particularly relevant to greenfield and larger 'A' zoned sites.
- 7.2.4. In my opinion, having regard to the residential zoning of this brownfield well-located site c 500m from the N11 QBC served by multiple bus routes as set out above, the density of development as proposed is appropriate. In this regard I note that Table 3.1 of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities' (2024) confirm that residential densities in the

range up to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork. The density of this proposal accords with this requirement. I consider the design and scale of the proposed development appropriate for this major town centre site and in my view the proposal constitutes an efficient use of residential zoned lands.

- 7.2.5. The applicant's response to the appeals includes a revised listing of apartment developments, totalling 2,230 units within 1 km of the subject site. 1,205 of these are stated to be BTR apartments, however it is noted that this number includes 732 units relating to two SHD applications which have not been decided to date (Reference Nos. TA06D.313266 and TA29S.313252 refer). Based on the information provided it is apparent that 473 BTR apartments have been granted permission in the vicinity (1 km) of the appeal site. In my view this does not constitute a proliferation of BTR in the area and I am satisfied that the proposed development does not materially contravene Policy Objective PHP28 of the Development Plan.
- 7.2.6. A number of appellants consider that the existing structures on site comprising a 2 storey detached house and ancillary garage should be retained and that their demolition would materially contravene Development Plan Policy Objectives HER 20 and HER 21 relating to buildings of vernacular/heritage interest and 19th and 20th Century buildings respectively.
- 7.2.7. I note that the subject house is not a protected structure and that the appeal site is not located within an Architectural Conservation Area. Having visited the subject site, in my opinion the house, while attractive in terms of design, is not of significant architectural merit. As such I do not consider the existing structures on site worthy of retention or incorporation into any redevelopment of the site. In my opinion the proposed demolition of these structures would not materially contravene Policy Objectives HER 20 and HER 21.

7.3. Design and Impact on Adjoining Properties

- 7.3.1. The third-party appeals raise concerns relating to the scale, height and massing of the proposed building and that it would be out of character in this area where the predominant housing typology comprises 2 storey suburban housing.
- 7.3.2. I accept that the prevailing character of the area is low rise suburban housing, however there are apartment development in the vicinity including the 3 storey Villa

Nova scheme which adjoins the site to the north, and The Elms residential scheme, also of 3 storey design, located off Mount Merrion Avenue. The Sustainable and Compact Settlements – Guidelines for Planning Authorities (2024) note that in order to achieve compact growth more intensive use of previously developed land and infill sites will need to be supported, in addition to the development of sites in locations served by existing facilities and public transport. Furthermore, Section 3.4 of the Urban Development and Building Heights – Guidelines for Planning Authorities (2018) advises that apartment developments in suburban areas, such as the subject location, be of 4 storey design and upwards and that such developments will address the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends.

- 7.3.3. Policy Objective BHS 3 of the Development Plan notes that taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area. Having regard to this and the nature of the proposed development comprising a 5 storey apartment building (with the 5th storey recessed) and given that the appeal site is located within a suburban location it is apparent that Policy Objective BHS 3 pertains to the site and therefore increased building height could potentially apply in this case subject to protection of existing amenities and the established character of the area.
- 7.3.4. Policy Objective BHS 3 requires that the height of the proposed building is assessed against the performance-based criteria outlined in Appendix 5, Table 5.1 for increased height. In this regard I note that the planning authority undertook a comprehensive analysis of the proposal relative to the performance-based criteria set out in Table 5.1, which consider the protection of residential amenities, the protection of built and natural heritage and the promotion of compact growth in suitable locations throughout the County.
- 7.3.5. Following review of the analysis, I concur with the findings of the planning authority that the proposed height, layout and location of the development would accord with Development Plan policy relating to building height., and that the proposed development would not materially contravene Policy Objective BHS 3. In this regard I note particularly that:

- The subject site is located in the suburban area of Blackrock, within walking distance of good quality public transport infrastructure in the context of the nearby N11.
- Given the location of the site in the context of the streetscape and siting of the proposed development, a part 5 storey development can be successfully absorbed at this location.
- Proposal of this nature can provide a positive contribution to the mix of typologies within the surrounding area.

7.3.6. In terms of visual impact, the proposed development will have no potential negative impacts for the area in terms of impacts on the views or prospects to be preserved as set out in the Development Plan.

7.3.7. Together with the site inspection, I have considered the Design Statements submitted during the planning application process along with the CGIs on the appeal file. It is my opinion that the proposed development would not seriously injure the visual amenity of the area. In my view the proposed apartment building is a well-designed contemporary development with high quality finishes and as such I am satisfied that it would visually integrate in the receiving landscape.

7.3.8. An appellant contends that the proposal does not comply with Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and related SPPR 3 due to the absence of information relating to transport services serving the site and confirmation that the proposal would not impact on telecommunication channels.

7.3.9. I note that the Planning Report submitted on behalf of the applicant does in fact detail the transport services and associated transport infrastructure serving the site. In terms of potential impact on telecommunication channels arising from the proposal, given the location of the site, along with the scale and height of the proposed development I concur with the planning authority's assessment that the proposal would not result in any significant impact on telecommunications infrastructure.

- 7.3.10. The third party appeals and observations raise concerns in relation to overshadowing, overlooking and overbearing impacts arising from the proposed development, specifically to the east and the south.
- 7.3.11. In terms of overshadowing a Daylight and Sunlight Assessment Report was submitted with the application, while an updated Assessment Report produced under the BRE Guidelines 3rd Edition (June 2022) was provided in response to the planning appeals, which considers the proposed installation of privacy screens to balconies and also the revised design of the proposal as reflected in the further information response. Having examined the shadowing diagrams for June 21st and December 21st in the updated Assessment Report, it demonstrates the proposed development would not result in any additional shadowing impacts. The shadowing diagrams for March 21st show there are very marginal overshadowing impacts at the end of the garden associated with 'Gleneevin' on Grove Avenue (east of the appeal site) from 4pm to 5pm. Importantly, there is no additional overshadowing onto the rear elevation of this dwelling. I am satisfied that the proposed development would not unduly impact the amenities of adjoining properties in terms of overshadowing impacts.
- 7.3.12. In relation to overlooking impacts on to 'Gleneevin' at Grove Avenue I note the separation distance of approximately 54m between the upper floor of this property and the proposed development. I consider this separation distance appropriate and sufficient to prevent undue overlooking and overbearing impacts arising.
- 7.3.13. As indicated in Drawing CFI_200 submitted as part of the response to the clarification of further information request, the applicant proposes to erect 1.8m high privacy screens (comprising 800mm of clear glass at the bottom and 1000mm of opaque glazing at the top) to all east (rear) facing balconies to prevent undue overlooking to the east. In my view, this measure coupled with the c 2m setback of the top floor penthouse units would protect against undue overlooking of the rear gardens on Grove Avenue.
- 7.3.14. I note the planning authority raised concerns in respect of the siting of the proposed development relative to the adjoining dwelling to the south (No. 44 Woodlands Park) and its private amenity area. As part of the further information response a modified design was submitted which provides a more graduated building height proximate to

the boundary with No.44. The height of the proposed building has been stepped down from 4 storeys to 3 storeys at the southern boundary with No. 44. The separation distance between the southern side of the proposed building and the side of No. 44 Woodlands Park is 9.8m at its closest point. A separation distance of 16.9m is evident between the four storey part of the proposed building and the side of No. 44 applicant. The aforementioned design changes and separation distances, in my view, are appropriate and acceptable, and address concerns relating to overbearing impacts arising from the proposal.

- 7.3.15. In relation to overlooking impacts on to the private amenity space of No. 44, I note the provision of 1.8m high opaque glazing above finished floor level serving all balconies on the southern elevation of the proposed development, in addition to provision of an opaque privacy screen 1.5m high surrounding the third floor terrace area. In my opinion such measures would prevent undue overlooking of the private amenity area associated with No. 44.
- 7.3.16. Having regard to the foregoing, the design of the proposed building and its position on the site relative to boundaries I consider that the proposed development does not contravene Policy Objective PHP20 – Protection of Existing Residential Amenity.

7.4. Landscaping

- 7.4.1. The appeals express concern in respect of the loss of trees on the site, particularly along the eastern and southern site boundaries.
- 7.4.2. It is apparent from the submitted plans and documentation that the proposal would result in removal of vegetation across the site to facilitate the proposed apartment building. This matter was raised by the planning authority in the requests for further information, with specific reference made to both the eastern and southern site boundaries.
- 7.4.3. In terms of the eastern site boundary, the Tree Protection Plan (Drawing No. 075421_TP_01F) indicates that the extensive stand of trees (Tree Group 06) is to be retained. While the Tree, Hedgerow and Vegetation Survey / Assessment notes this tree group has little arboricultural value, it acknowledges that this stand of trees offers screening to the residential properties located east of the subject site.
- 7.4.4. While the applicant provided aerial/drone images taken of this site boundary in both the further information response and in their response to the appeals, these images

only show potential views when the trees are in foliage. Notwithstanding, given the subsequent proposal to install balcony screens as referred to in Section 7.3 above, along with the significant separation distances to housing located east of the appeal site, I do not anticipate undue overlooking impacts as mentioned previously.

- 7.4.5. In terms of the southern site boundary a revised Landscape Plan provided at further information stage shows a total of approximately 15 no. retained and new tree proposals along or proximate to the southern site boundary, which I consider to be acceptable. Boundary elevations outside the site are depicted on Drawing No. 075421_DD_01 and show all boundaries at planting stage and 10 years after planting. In my view the proposed landscaping scheme is appropriate and acceptable.

7.5. Residential Amenity for future occupants

- 7.5.1. The proposed development provides for floor areas above the minimum set out in SPPR 3 of the Apartment Guidelines 2020. All units either meet or exceed minimum storage areas and private amenity spaces in the form of balconies/terraces as set out in the Guidelines. In terms of floor to ceiling heights, c 3m is provided at ground floor level, with c 2.7m provided at upper floor levels. As such the proposal complies with SPPR 5. A significant quantum of communal open space (over 800 sqm) is available at ground level and a secondary area is provided at roof level on the third floor. No public open space is provided for.
- 7.5.2. A surface car park provides for 25 no. parking spaces including 2 no. fully accessible parking spaces and 2 no. club car spaces. A central stairwell and 2 lifts provide access to the basement and upper floors; a maximum of nine units per floor are served by the lifts. Bicycle storage is provided for mainly along the northern and western perimeters of the site, along with 2 no. motorcycle spaces.
- 7.5.3. 19 units / 50% of units are dual aspect as demonstrated in the Design Statement submitted with the clarification of further information response. The remaining 19 / 50% are single aspect, which this is acceptable in terms of the Apartment Guidelines.
- 7.5.4. In my opinion the proposed development offers a very good standard of communal and recreational amenities including landscaped outdoor areas, a gym, cinema, library / reading room, trackman room, hairdresser room and roof terrace. As such

the proposal complies with SPPR 7 of the Apartment Guidelines 2020. I consider the location of the proposed internal amenities/facilities to be acceptable.

- 7.5.5. The applicant has submitted a revised Daylight and Sunlight Assessment Report prepared by 3D Design Bureau. The various analysis generally demonstrate compliance with the BRE Guidelines (BRE 209).
- 7.5.6. The Planning Authority conditioned that the non-amenity roof areas are not accessible except for maintenance purposes. I agree with this and a similar condition should be attached to any recommended grant of permission.

7.6. Transportation and Access

- 7.6.1. Concerns are expressed in the third party appeals that inadequate parking provision is made for the proposed development leading to over-spill car parking along the public road outside the site and resulting in the generation of hazardous conditions for cyclists, pedestrians and other road users, in addition to negatively impacting upon the amenity of the area.
- 7.6.2. 25 no. car parking spaces are proposed in total. These include 2 no. accessible spaces and 2 no. 'club car' spaces. 2 no. motorbike spaces are also proposed along with 64 no. bicycle spaces.
- 7.6.3. I note that the appeal site is within Parking Zone 2 of the Dun Laoghaire Rathdown County Development Plan 2022-2028, as set out in Table 12.5 and displayed on Map T2. Provision of 1 parking space is standard for 1 and 2 bedroom apartments in Zone 2 although reduced provision may be acceptable having regard to Section 12.4.5.2 which notes that small infill residential schemes (up to 0.25 ha) or brownfield refurbishment residential schemes in Zones 1 and 2, such as the proposed development, are likely to meet the criteria.
- 7.6.4. Having regard to particular criteria set out in Section 12.4.5.2 including proximity to public transport services and the level of service availability, walking and cycling accessibility, and availability of car-sharing facilities I consider that a reduced quantum of car parking is appropriate at this location. In my opinion 25 no. car parking spaces is reasonable given the nature of the proposed development. The apartment to car ratio would be 0.66 apartments for every car space.

- 7.6.5. In this regard I note that reduced car parking is supported by policy including SPPR 3 (Car Parking) of the 'Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities' (2024), which states that in accessible locations, such as the subject site, car parking provision should be substantially reduced to a maximum rate of 1.5 no. spaces per dwelling, where such provision is justified.
- 7.6.6. I do not foresee that the proposed development will result in significant increase in traffic volumes or car parking along Woodlands Park or in the wider area. The development accommodates a maximum of 25 cars including 2 'club car' spaces, 2 motorcycle spaces and 64 bike spaces. In my view traffic flow to and from this proposed development is likely to be dispersed over the course of the day. Should the Board be minded to grant permission I recommend inclusion of a condition requiring the developer/operator to inform prospective occupiers of the reduced car parking provision for the scheme.
- 7.6.7. Having inspected the site and the surrounding road network I am of the opinion that there is sufficient capacity to cater for the quantum of traffic likely to be generated by the proposed development. In this regard I note the findings of the Traffic Assessment Report prepared by NRB Consulting Engineers and submitted with the application which undertook traffic surveys of the adjacent road network, concluding that the adjoining roads and the proposed access junction arrangement is more than adequate to accommodate the worst case traffic scenario associated with the proposal and also that the full occupation of the development will have a negligible impact upon the operation of the adjacent road network.
- 7.6.8. While further traffic surveys were undertaken in December 2022 as set out in Appendix B of the applicant's response to the third party appeals which contains survey data from NRB Consulting, I note there is incomplete data provided relating to the traffic / tube survey as data relating to Monday 19th December 2022 is omitted. I have not therefore had regard to this information in my assessment.
- 7.6.9. The proposed access is located at a corner bend in the road approximately 70m to the north of the junction of Priory Avenue and Woodlands Park, where the road width is approximately 6m. The road has a posted speed limit of 50km/h. In accordance with Table 4.2 of the 'Design Manual for Urban Roads and Streets' (2019) relating to

Stopping Sight Distances (SSDs) Standards, 45m of forward visibility is required. As indicated on Drawing No. NRB-TA-002 sightlines of 45m are available in both directions at the proposed access.

- 7.6.10. In response to a clarification of further information request the applicant provided a plan (Drawing No. NRB-CFI-001) of the proposed entrance showing the vehicular gates set back c 6.4m from the edge of the public footpath in order to ensure the roadway/footpath being obstructed while the gate is opening. This drawing also indicates sightlines from the driveway entrance to the footpaths on either side of the entrance when emerging from the site.
- 7.6.11. I note that Drawing No. NRB-CFI-001 proposes provision of a pedestrian access gate c 5 metres north of the public path, however the proposed access arrangement does not provide segregation between vehicles and pedestrians/cyclists. In my opinion segregated access to the proposed development should be provided in the interest of traffic safety. In this regard I note that Condition No. 11 (c) of the planning authority's decision required the applicant to demonstrate this through submission of a detailed plan and drawings. Having regard to this, should the Board be minded to grant permission for the proposed development I recommend inclusion of a similarly worded condition relating to the new site entrance.

7.7. Other Issues

- 7.7.1. Condition 6 of the planning authority's decision requires the applicant to enter into a section 47 agreement restricting the occupancy of the development to persons aged 60 years or older. In my opinion this is discriminatory and on this basis I do not recommend inclusion of such a condition should the Board be minded to grant permission for the proposed development.
- 7.7.2. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.7.3. Having regard to the 5 storey height of the proposed apartment building I am satisfied that a microclimate assessment is not warranted in respect of the proposal.

- 7.7.4. An Ecological Impact Statement was submitted with the application and notes potential possible impacts arising from the proposed development. I note the on-site survey undertaken found no evidence of badger activity. I consider that the Statement demonstrates the proposed development would not have a significant impact on flora and fauna. I consider that the appropriate landscaping of this site may have benefits for biodiversity into the future.
- 7.7.5. A Site-Specific Flood Risk Assessment was submitted with the application and concluded that the subject site is located within Flood Zone C.
- 7.7.6. I note that the Transportation Assessment Report prepared by NRB Consulting Engineers and submitted with the application includes autotracks of a large refuse vehicle and a fire tender entering and exiting the proposed development.

7.8. Appropriate Assessment Screening

- 7.8.1. The applicant has engaged the services of Openfield Ecological Services to carry out an Appropriate Assessment Screening of the site. The proposed development is not located within or adjacent to any Natura 2000 site. The Priory Stream flows along the eastern boundary of the subject site. It is a small watercourse that is extensively culverted before entering Dublin Bay at Blackrock. All Natura 2000 sites within 15km of the subject site are included in the analysis and are reflected in Table 11 of the assessment.
- 7.8.2. The assessment notes that the Priory Stream provides a direct hydrological connection from the development site to Dublin Bay and finds that the following Natura 2000 sites lie within the zone of influence of the proposed development: South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC, North Bull Island SPA and Poulaphouca Reservoir SPA.
- 7.8.3. The development site is located c 1.2km from the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA. In terms of habitat loss, the assessment notes the intervening land is occupied by urban development and having regard to the separation distance between these Natura 2000 sites and the subject site there is no pathway for loss or disturbance of habitats in any Natura 2000 site and therefore no significant effects are likely to arise in respect of the Natura 2000 sites. Furthermore, the development site provides no suitable habitat for wintering, wetland or wading birds. As such no ex-situ impacts will arise.

- 7.8.4. The assessment notes there is a pathway from the subject site to Dublin Bay via the Ringsend wastewater treatment plant during operation and via the Priory Stream. A new drainage network is proposed in compliance with SuDS principles and this will ensure no change to the quantity or quality of run-off during the operational phase. The report notes that SuDS are standard measures in all development projects and in this case such measures are not mitigation measures in an AA context. Run-off will enter the combined foul sewer. The report finds that no significant effects are likely to arise in relation to Natura 2000 sites from this source.
- 7.8.5. The report considers that additional loading to the Ringsend Wastewater Treatment Plant from the proposed development will not be significant and as such no significant effects are likely to arise in relation to Natura 2000 sites from this source.
- 7.8.6. In terms of the construction phase while the report notes that some sediment may become entrained in run-off, the Priory Stream is not of high fisheries value as it is extensively culverted and given the relatively small size of the stream, the distance to the coast is too great for large quantities of sediment to be carried to Dublin Bay. Furthermore, sediment is not a pollutant in coastal habitats. Any harmful substances will dissipate within a short distance of the development site and as such no significant effects are likely to arise in relation to Natura 2000 sites from this source.
- 7.8.7. The report confirms there are no projects in combination with the proposed development which give rise to significant effects on Natura 2000 sites within the zone of influence. In conclusion the report notes that no significant effects will arise from the proposal on any Natura 2000 site. The report confirms that no mitigation measures were considered in carrying out the AA Screening.
- 7.8.8. The planning authority agreed with the conclusion of the AA Screening and that the proposed development would not significantly impact upon a European site.
- 7.8.9. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area, the separation distance to the European sites and the nature of the Priory Stream, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

- 9.1. The proposed development, located in an established urban area within walking distance of public transport, accords with the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028. It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area, would not constitute overdevelopment of the subject site, would not result in traffic hazard, would not cause a proliferation of BTR developments in the area and would offer a good standard of accommodation to future residents. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 22nd of March 2022 and as amended by the further plans and particulars submitted on the 13th of July 2022 and the 28th September 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This grant of planning permission permits 38 no. apartments units comprising 33 no. 1 bedroom units and 5 no. 2 bedroom units.</p>

	Reason: In the interest of clarity.
3.	<p>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.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.</p>
4.	<p>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.</p> <p>Reason: In the interests of proper planning and sustainable development of the area.</p>
5.	<p>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.</p> <p>Reason: In the interests of orderly development and clarity.</p>
6.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless</p>

	<p>otherwise agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
7.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the Planning Authority a drawing and associated details which demonstrate that the proposed green roof extents are designed in accordance with the Council's current Green Roof Policy.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
8.	<p>(a) 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.</p> <p>(b) The non-amenity roof areas shall not be accessible except for maintenance purposes only.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<p>a) The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, and the junction with the public road to the shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>b) Prior to commencement of development the applicant shall submit for the written agreement of the planning authority a detailed plan and elevation drawing of a proposed segregated access for cyclists and motor vehicles with treatment for pedestrian priority at the redesigned entrance to the proposed development.</p>

	<p>c) A total of 25 car parking spaces shall be provided, two to be fully accessible, two for use by a 'car club' and the remaining 21 to be for resident parking.</p> <p>d) 10% of all car parking spaces shall 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. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.</p> <p>e) 2 motorcycle parking spaces shall be provided.</p> <p>Reason: In the interests of amenity, traffic and pedestrian safety, sustainable transportation and to provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
10.	<p>The developer / operator shall ensure that the reduced level of car parking is highlighted to prospective future residents.</p> <p>Reason: In the interests of proper planning and sustainable development of the area.</p>
11.	<p>Prior to commencement of development the applicant shall submit for the written agreement of the planning authority a detailed drawing(s) of the layout and marking demarcation of all bicycle spaces. All cycle parking shall be secure and easily accessible. All long term cycle parking shall be covered while 50% of visitor cycle parking shall be covered. E-Bike and Cargo bike provision shall make up 10% respectively of total cycle parking provision.</p>

	<p>Reason: To ensure the availability of high quality bicycle parking provision to serve the proposed development and in the interest of sustainable transportation.</p>
12.	<p>Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs and apartment unit numbers shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
13.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
14.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
15.	<p>The landscaping proposals as prepared by Austen Associates, as submitted to the Planning Authority with the planning application on the 22nd of March 2022 and as amended by the further plans and particulars submitted on the 13th of July 2022 and the 28th September 2022, shall be carried out within the first planting season following substantial completion</p>

	<p>of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
16.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment unit.</p> <p>Reason: In the interest of public safety.</p>
17.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
18.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p>

	<p>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>(b) Location of areas for construction site offices and staff facilities;</p> <p>(c) Details of site security fencing and hoardings;</p> <p>(d) Details of on-site car parking facilities for site workers during the course of construction;</p> <p>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p>
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	Reason: In the interest of amenities, public health and safety.
19.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
20.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
21.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
22.	<p>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</p>

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

	<p>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.</p> <p>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.</p>
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I confirm that this report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

John Duffy
Planning Inspector

14th March 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315112-22		
Proposed Development Summary	Construction of an apartment building comprising 38 no. apartment units and associated site works.		
Development Address	45 Woodlands Park, Blackrock, Co. Dublin.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 10 (500 DHS)		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315112-22	
Proposed Development Summary	Construction of an apartment building comprising 38 no. apartment units and associated site works.	
Development Address	45 Woodlands Park, Blackrock, Co. Dublin	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>The site is located on residential zoned lands. The proposed development is not exceptional in the context of the existing environment. There are apartment developments in the vicinity of the site.</p> <p>Construction waste can be managed through standard Waste Management Planning. Localised construction impacts will be temporary.</p>	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?	No. The total site area is c 0.29 ha.	No

Are there significant cumulative considerations having regard to other existing and/or permitted projects?	No.	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No. The nearest European sites are South Dublin Bay SPA and South Dublin Bay SAC, located c 1.3 km north east of the appeal site. South Dublin Bay pNHA is also located c 1.3 km north-east of the site. The proposal includes standard best practices methodologies for the control and management of surface water on site.</p> <p>No.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		