



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315351-22

#### Development

Construction of 24 no. residential units consisting of 8 no. 2 bed apartments in single 4 storey block, 7 No. 3 bed houses and 9 No. 4 bed houses in a terrace of 3 storey houses; deconversion and change of use of 2-3 Durham Place (Protected Structures) into two separate dwellings and all associated works and infrastructure to facilitate the development.

#### Location

Land inclusive of and to the rear of 2-3 Durham Place, Tivoli Road, Monkstown, Dún Laoghaire, County Dublin.

#### Planning Authority

Dún Laoghaire Rathdown County Council.

#### Planning Authority Reg. Ref.

D21A/1050.

#### Applicant

Carrickreagh Developments Limited.

#### Type of Application

Permission.

**Planning Authority Decision**

Grant.

**Type of Appeal**

Third Party.

**Appellants**

Residents of Royal Terrace West (see section 6.0).

**Observers**

None.

**Date of Site Inspection**

18<sup>th</sup> October 2023.

**Inspector**

Terence McLellan

## 1.0 Site Location and Description

- 1.1. The appeal site refers to the 0.75 hectare plot which sits to the south of Tivoli Road, Monkstown, Dún Laoghaire. The subject site is linear/wedge shaped, orientated north south, and extends from Tivoli Road on the northern edge of the site to Fairway Drive at the southern end. The site is bounded to the east by 1 Durham Place and Royal Terrace Lane which has been zoned for Mews Lane development and also marks the boundary of the Royal Terrace West Architectural Conservation Area (ACA). The lane has a gated access onto Tivoli Road. The dwellings on Royal Terrace West, which bound the lane and the appeal site to the east, comprise three storey terraced dwellings with three storey rear returns and deep rear gardens. All of the dwellings on Royal Terrace West are located within the ACA and are designated as Protected Structures (PS). To the west of the site is St Joseph's National School, and an HSE Community Services Headquarters building which is two storeys in height.
- 1.2. A no-through access road runs for the northern two thirds of the length of the site along its western boundary, providing access to St Joseph's National School from Tivoli Road. This road also provides access to a dwelling known as 'The Lodge', a PS that sits to the west of the appeal site as well as some additional off street parking spaces for the HSE building. The southern third of the site benefits from a pedestrian route which links the access road to Fairway Drive. The access road is tree lined and marked by a stone wall on its eastern side, and a stone wall/hedgerow on its western side. There are numerous trees of varying quality and maturity dispersed throughout the site, with trees predominantly positioned along the access road and toward the southern end of the site.
- 1.3. The site incorporates the buildings and associated plots at 2-3 Durham Place which front onto Tivoli Road and form part of a terrace of three PSs along with 1 Durham Place. Nos. 2-3 Durham Place are two storey, three bay terraced dwellings dating from 1840 with two storey rear wings and single storey later additions. These buildings were previously combined into a single property and were formerly in use by a Religious Order as accommodation and a retreat centre. Additional buildings on the appeal site include 'The Cottage', a single dwelling with additional outbuildings which are located within the central portion of the site and share a boundary with Nos. 2-3 Durham Place.

- 1.4. Dún Laoghaire Town Centre is located approximately 650m to the north of the site. DART and mainline train services are available from Dún Laoghaire Station which is approximately 950 metres walk from the site and there are also high frequency bus services and a proposed Bus Connects Corridor on York Road which is approximately 500 metres walk to the west.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the redevelopment of the site to provide a total of 24 new homes and the alteration/change of use of 2-3 Durham Place to provide two family dwellings.
- 2.2. The works to 2-3 Durham Place include internal and external works to refurbish and separate the buildings back into two separate dwellings, the removal of the existing rear wings and later additions, and their replacement with modern part single/part two storey rear extensions to each dwelling, and alterations to the boundary treatment to create a new access. Each dwelling would be provided with two vehicular parking spaces within the respective front gardens.
- 2.3. The development entails the removal of the outbuildings to the south of 2-3 Durham Place, including 'The Cottage', which is a habitable dwelling. The rear garden boundary of 2-3 Durham Place would then be reduced in depth, enabling new residential development to take place on land to the south.
- 2.4. The new residential development would be in the form of a single terrace of 16 three storey dwellings (7 no. three bedroom dwellings and 9 no. four bedroom dwellings) aligned north/south along the existing access road. The dwellings would have rear gardens and two parking spaces to the front. A four storey apartment block accommodating 8 no. two bedroom apartments is proposed towards the southern end of the site. The apartment block would be provided with nine vehicular parking spaces (including two accessible bays). Alterations and improvements would take place to the access road and pedestrian path and public open space would be provided at the southern end of the site. The total schedule of accommodation proposed is set out below:

| <b>Unit Type</b>                                    | <b>No. of units</b> |
|---|---------------------|
| 3 Bed Terraced House                                | 7                   |
| 4 Bed Terraced House                                | 9                   |
| 2 Bed Apartments                                    | 8                   |
| <b>Sub Total</b>                                    | <b>24</b>           |
| Refurbished Existing 2-3 Durham Place (4 Bed House) | 2                   |
| <b>Total</b>  | <b>26</b>           |

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. Notification of the Decision to Grant Permission for the proposed development, subject to 27 conditions, was issued on 22<sup>nd</sup> November 2022. The conditions applied to the permission are generally standard. Conditions of note include:

- Condition 4: This condition requires that a conservation accredited architect oversee the proposed works to 2-3 Durham Place (PS).
- Condition 6: Requirement to carry out recommendations of the Road Safety Audit at the applicant's expense.
- Condition 17: Restrictions on first occupation of dwellings by corporate entities.
- Condition 18: Part V agreement.
- Condition 22: Restrictions on further development.

#### 3.2. Planning Authority Reports

3.2.1. The Planner's Report was issued on the 22<sup>nd</sup> November 2022 and forms the basis of the Council's assessment and decision. The report states that the principle of residential development on this site (including infill development) is acceptable in terms of zoning, unit mix, and height (terraced dwellings).

3.2.2. The Planning Authority raised no objections to the change of use of 2-3 Durham Place back to residential accommodation, nor were any objections raised to the demolition of the rear extensions of these properties. The demolition of 'The Cottage' was

considered acceptable given the re-provision of housing on the site at a higher density. The alterations, refurbishment and extension to 2-3 Durham Place, as well as the removal of the stone wall, are set out as acceptable in the report, taking into account the comments of the Conservation Officer regarding the requirement to retain a conservation accredited architect to oversee the works. This has been secured in conditions imposed on the permission.

3.2.3. Whilst the principle of residential development was considered acceptable, the Planning Authority raised the following concerns:

- Inadequate daylighting to some rooms.
- Issues regarding quantum and quality of private open space.
- Public open space unacceptable in terms of location, use and quantum.
- The apartment block would be visually overbearing and would result in overshadowing impacts.
- Concerns regarding massing, setbacks and integration with receiving environment.
- Overlooking and overbearing impacts on Durham Place.
- Overshadowing of rear gardens.
- Poor quality design of terraced dwellings.

3.2.4. The Planning Authority considered that these issues could be suitably addressed by way of Further Information which was requested on 31<sup>st</sup> January 2022. The applicant submitted a revised scheme to address the concerns of the Planning Authority on 22<sup>nd</sup> August 2022. Some additional clarifications on this information were subsequently sought by the Planning Authority to address remaining overlooking concerns. It was then considered that the revisions made by the applicant had suitably addressed the concerns raised and the development was then considered acceptable in terms of design, housing quality, amenity impacts and transport.

3.2.5. The revisions included:

- Omission of the four storey apartment block (8 units).

- Removal of two terraced dwellings (H15 and H16).
- Provision of eight duplex apartments in a three storey block as a continuation of the terrace.
- Set back of second floor of house H1 to reduce impact on Durham Place.
- Car parking for houses reduced to one space per dwelling.
- Western pavement width increased to 2.5 metres.
- Rear of house H1-H5 amended to prevent overlooking to 1 Durham Place.

3.2.6. Issues raised by the Transport Planning and Drainage Teams are set out in detail below and were considered to be suitably addressed by Further Information. Whilst there is no report from the Biodiversity/Ecology Department, it is noted in the Planner's Report that Further Information was requested for a Bat Survey of the subject site and buildings, details of mitigation measures to minimise the effects of lighting on bats, and the provision of an Ecological Impact Assessment. This information was submitted and subsequently assessed by the Planning Authority as being acceptable. On the basis of the Further Information submitted, the Planning Authority recommended that permission be granted subject to the conditions referred to in section 3.1 above.

3.2.7. Taking into account the various amendments sought during the course of the application, the scheme now before the Board is for a single terrace of 14 no. three storey dwellings (7 no. three bedroom dwellings and 7 no. four bedroom dwellings) aligned north/south along the existing access road which will be upgraded. The public open space to the south is increased in size. The dwellings would have rear gardens and a single vehicular parking space to the front. Four ground floor apartments (2 no. two bedroom and 2 no. one bedroom) and four duplex apartments (4 no. two bedroom) would be provided in a three storey block as a continuation of the terrace southwards. The apartments/duplexes would be provided with eight vehicular parking spaces and an additional visitor space. The remainder of the proposed development, including works to 2-3 Durham Place remain as originally proposed. The total schedule of accommodation proposed is set out below:

| <b>Unit Type</b>                                       | <b>No. of units</b> |
|--|---------------------|
| 3 Bed Terraced House                                   | 7                   |
| 4 Bed Terraced House                                   | 7                   |
| 1 Bed Apartment  | 2                   |
| 2 Bed Apartment  | 2                   |
| 2 Bed Duplex   | 4                   |
| <b>Sub Total</b>                                       | <b>22</b>           |
| Refurbished Existing 2-3<br>Durham Place (4 Bed House) | 2                   |
| <b>Total</b>   | <b>24</b>           |

### 3.2.8. Other Technical Reports

3.2.9. **Conservation Division (26.01.2022):** No objections subject to a condition requiring a Conservation Accredited Architect to oversee the works to 2-3 Durham Place. The Conservation Division consider the works to the PSs to be acceptable, raise no objection to the removal of 'The Cottage' or parts of the rubble stone wall, and consider that the ACA would remain largely unaffected by the development.

3.2.10. **Drainage Planning (11.01.2022, 13.09.2022, and 18.11.2022):** Further Information was requested in order to address concerns raised by the Drainage Planning Team regarding attenuation/outflow, provision of SuDS measures, clarity on calculations, completion of a Site Investigation Report and infiltration tests, and the provision of other technical information to address further drainage and flood risk issues identified.

3.2.11. The applicant submitted Further Information to address the detailed issues raised by the Drainage Team. This information was received on 22nd August 2022 and outstanding matters identified by the Drainage Team were sought to be addressed by way of Clarification of Further Information. Following this, the Drainage Team remained concerned that a number of issues had not been satisfactorily addressed. However, they were satisfied that these issues could be overcome subject to pre-commencement conditions requiring the outstanding drainage issues to be addressed at an early stage. On that basis the Drainage Team raised no objections to the development subject to conditions regarding a drainage network analysis, SuDs provisions (including interception proposals), details of rainwater harvesting, final details of the attenuation system, and details of green roofs.



- 3.2.12. **Environmental Enforcement (26.08.2022):** No objection subject to conditions. The relevant conditions relate to monitoring, Construction Waste Plan, Public Liaison Plan, Operational Waste Management Plan, Noise Management Plan, and Pest Control Plan.
- 3.2.13. **Environmental Health Officer (13.01.2022 and 09.09.2022):** Request a Construction Environmental Management Plan (CEMP), noise assessment and mitigation, a plan for liaising with the community regarding potential complaints, and approvals for out of hours activities and deliveries. These items can be suitably addressed by condition.
- 3.2.14. **Environmental Section (12.01.2022):** No objections subject to conditions. The recommended conditions are the same as those requested by Environmental Enforcement detailed above.
- 3.2.15. **Housing Department (05.01.2022 and 02.09.2022):** Indicative unit costs exceed the Council's cost threshold, however it is acknowledged that the costs are indicative and cannot be quantified at this stage. Should the costs exceed the cost threshold then an alternative compliance option will be sought. A Part V condition is therefore recommended.
- 3.2.16. **Parks and Landscaping (25.01.2022):** Recommend that the application be refused due to unacceptable open space and loss of trees. There are no comments on file regarding the revised scheme following receipt of Further Information.
- 3.2.17. **Public Lighting (23.12.2021 and 15.09.2022):** Originally raised concerns that while the proposed lighting design is acceptable, there are a number of locations where the existing and proposed trees would block the light from reaching the road and footpath surface. This matter was addressed through Further Information and the public lighting design was then considered acceptable.
- 3.2.18. **Transportation Planning (24.01.2022 and 13.09.2022):** The Transportation Planning Team raised concerns regarding:
- Specifications of the car parking spaces (including size and visibility), provision of electric vehicle charging points, and the provision of set down spaces for delivery/maintenance vehicles.

- Provision of visitor cycle parking, details of cargo bike parking, and issues regarding cycle parking specifications (including the use of double stackers).
- Proposed footpath layouts and potential conflict points, issues regarding the pedestrian connection to Cualanor/Fairway Drive which does not adequately cater for interactions between the various users.
- Requirement for a revised quality audit for the access route due to issues arising from its design. A detailed street design audit is also considered necessary in accordance with DMURS.
- Additional information on vehicle movements, demonstrating various access and egress standards.
- Submission of a detailed Construction Management Plan.

3.2.19. The Transportation Planning Team set out a detailed list of requests for Further Information in order to overcome the various issues raised. Further Information was submitted on 22<sup>nd</sup> August 2022 and the Transportation Planning Team responded confirming that there were no objections, subject to conditions.

### 3.3. Prescribed Bodies

- 3.3.1. **Irish Water:** No response on file, however the Planner's Report confirms that Irish Water responded on 11.01.2022 stating no objection, subject to consent to a connection notice.
- 3.3.2. **Transport Infrastructure Ireland (TII) (11.01.2022):** No observations.

### 3.4. Third Party Observations

- 3.4.1. A total of 68 observations were made on the planning application by third parties, local groups, and elected representatives. Two observations in support of the proposal have also been received. The observations made include:

#### *Trees and Ecology*

- Insufficient information has been provided on trees and the removal of so many trees is unacceptable.

- The proposed gardens and public open spaces are inadequate.
- The tree report states that some trees have a fungal disease, the report is more than a year old, the trees should be treated and not felled.
- The loss of trees will result in the loss of much needed shade in the summer months. The thoroughfare should be redesigned to keep the trees on the east side.
- No consideration has been given to climate change.
- Any trees being removed should be replaced with mature trees, not saplings.
- The development would have an adverse impact on ecology and biodiversity and the buildings proposed for demolition are bat roosts.

### *Transport*

- The access road is poorly designed, it should be adapted to limit speed. A shared surface should be provided.
- The access road will lead to traffic problems and conflict between vehicles, pedestrians and cyclists. This would impact on safety.
- Pedestrian rights of way should be maintained in good order and be retained with no changes.
- No provision is made for school drop off.
- All works should be undertaken within the boundary of the site.
- Excessive parking is being proposed and the spaces are insufficient in size.
- No construction traffic or workers should access the site via the Cualanor Estate.
- Upgraded footpaths are only being resurfaced and will not improve the traffic problem.
- It is not clear how the site can be developed whilst maintaining a safe access for vehicles, pedestrians and cyclists.
- The development will increase traffic in the area, will impact on air pollution, and will impact on emergency service reaction times.
- The plans fail to accommodate the link to the greenway.
- A bike lane should be provided.
- The junction with Tivoli Road is unsafe.

- The application would have a negative impact on DLRCC good work towards active travel and the 15 minute city.
- Fast food delivery vehicles should be minimised and bikes should be used instead.
- A Road Safety Audit should be put in place and vehicles should be prevented from idling their engines while waiting at or adjacent to the site.
- Articulated trucks should be restricted and fixed body should be used instead.
- Construction workers should arrive by shared transport and no deliveries should take place during school opening or closing times.

### *Amenity and Design*

- The development would have impacts on surrounding dwellings and gardens in terms of daylight, privacy, overlooking, noise, visual amenity and property values.
- The development would dominate surrounding homes, the laneway running along the east boundary of the site and the Royal Terrace West Architectural Conservation Area.
- Light pollution would affect the character and setting of the Protected Structures, the laneway and surrounding homes.
- The laneway is unique and its character will be entirely changed by the proposal.
- The development is contrary to the Council's policy on backland development.
- The high timber fencing would impact on privacy.
- The proposed flat roofs could be converted to roof gardens and this would have amenity impacts.
- There are issues with water pressure in the area.
- The site is constrained and narrow. The development is excessive in terms of height, scale, massing, proximity, and intensity and would be overdevelopment.
- Services are already stretched, and no information is given on how this would be addressed.
- The proposal falls below the CDP required density.

- The area has already been under significant development at the expense of green open spaces. The erosion of remaining open spaces is not good for the mental health of the community.
- The removal of a habitable house and outbuildings raises concerns regarding loss of viable/potentially viable buildings and their embodied carbon.
- Part V costings are incorrect and the construction cost per unit should be clarified.

### *Heritage*

- The development and the apartments in particular are out of character with the surrounding area and the Architectural Conservation Area.
- The scale and massing of the development would overwhelm Royal Terrace West, Royal Terrace Square, and the ACA, and would be visible above the rooftops.
- The loss of the historic granite wall and demolition of outbuildings such as Durham Cottage is unacceptable and there has been no consultation with the local community.
- The proposed gardens for the Durham Place PSs are too small and should align with the gardens of Carlisle Terrace.
- The development would impact on the character and curtilage of the Royal Terrace West ACA and the PSs.
- The structure of the retained portion of granite wall could be compromised.

3.4.2. Following publication of Significant Further Information on 22<sup>nd</sup> August 2022, a further 16 observations were made. These largely reiterated the previous observations and new substantive observations are set out below:

- The Daylight and Sunlight Report strengthens the concerns regarding loss of light and overshadowing. Some gardens/dwellings would fail to meet BRE requirements and both private and public open space remains deficient.
- The development could result in damage to tree roots, including trees on adjacent sites.
- Terraces are not a substitute for a garden.

- The development would constrain the ability to develop mews housing on Royal Terrace Lane and as such would reduce property values.
- The design interventions to prevent overlooking such as louvres and opaque glazing are unattractive and unlikely to be effective.
- The proposed duplex units are too close to Royal Terrace Lane.
- If planning is granted, then restrictions should be put on individual leases to prevent changes to the mitigation such as the opaque glazing etc.
- The proposed amendments would further reduce the separation distance from houses 1-5 to 1 Durham Place and would continue to be overbearing with a loss of privacy, particularly from the home office space at second floor level.
- There is insufficient surveillance of the public open space.

## 4.0 Planning History

### *Subject Site*

- 4.1.1. There is no planning history of note for the subject site.

### *Adjacent Sites*

- 4.1.2. Of specific relevance to the proposed development is the redevelopment of the former Dún Laoghaire Golf Club immediately to the south of the site, known as the Cualanor development. Further details are set out below:
- 4.1.3. **ABP Ref ABP-Planning Authority Ref D09A/0908:** Permission was granted by the Board in March 2011 for the redevelopment of the former Dún Laoghaire Golf Club (northern site, Phase 2B) to provide 384 new homes with associated site works and ancillary development. This development has been completed and forms the southern boundary of the appeal site.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Dún Laoghaire-Rathdown County Development Plan 2022-2028**

- 5.1.1. The Dún Laoghaire-Rathdown County Development Plan 2022–2028 (CDP), categorises the site as zoning objective ‘A’, which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities. The site is also located within the boundary of the proposed Dún Laoghaire Local Area plan.
- 5.1.2. Chapter 3: Climate Action, sets out the detailed policy objectives in relation to climate and the role of planning in climate change mitigation, climate change adaptation and the transition towards a more climate resilient County.
- 5.1.3. Chapter 4: Neighbourhood – People, Homes and Place, sets out the policy objectives for residential development, community development and placemaking, to deliver sustainable and liveable communities and neighbourhoods. The relevant policy objectives from this chapter are:
- PHP18: Residential Density
  - PHP20: Protection of Existing Residential Amenity
  - PHP27: Housing Mix
  - PHP35: Healthy Placemaking
- 5.1.4. Chapter 5: Transport and Mobility, seeks the creation of a compact and connected County, promoting compact growth and ensuring that people can easily access their homes, employment, education and the services they require by means of sustainable transport. The relevant policy objectives from this chapter include:
- T11: Walking and Cycling
  - T19: Car Parking Standards
- 5.1.5. Chapter 8: Green Infrastructure and Biodiversity includes policies for the protection, creation, and management of this resource in an integrated manner by focusing on key themes within GI such as: landscape and the coast; access; biodiversity; and parks. The relevant policies from this chapter include:
- GIB2: Landscape Character Areas
- 5.1.6. Chapter 9: Open Space, Parks and Recreation recognises that having safe and easy access to a network of open space and parks, means that the recreational needs of

residents are met, while enhancing their health and well-being. The relevant policies from this chapter include:

- OSR4: Public Open Space Standards

5.1.7. Chapter 10: Environmental Infrastructure and Flood Risk recognises the critical importance of high quality infrastructure networks and environmental services in creating sustainable, healthy and attractive places to live and work. The relevant policies from this chapter include:

- EI1: Sustainable Management of Water
- EI6: Sustainable Drainage Systems
- EI15: Light Pollution

5.1.8. Chapter 11: Heritage and Conservation includes specific objectives and guidance relating to the protection of the County's heritage including architectural heritage. The relevant policies from this chapter include:

- HER7: Record of Protected Structures
- HER8: Work to Protected Structures
- HER13: Architectural Conservation Areas

5.1.9. Chapter 12: Development Management, contains the detailed development management objectives and standards that are to be applied to proposed developments. The relevant sections of this chapter include:

- 12.3.3.1: Residential Size and Mix
- 12.3.3.2: Residential Density
- 12.3.4.2: Habitable Rooms
- 12.3.5: Apartment Development
- 12.3.7.7: Infill
- 12.3.9: Demolition and Replacement Dwellings
- 12.4.5.1: Car Parking Standards
- 12.4.6: Cycle Parking
- 12.4.8: Vehicular Entrances and Hardstanding Areas



- 12.4.8.4: ACAs/Protected Structures
- 12.8.3: Open Space Quantity for Residential Development
- 12.8.3.1: Public Open Space
- 12.8.3.3 (i): Private Open Space for Houses
- 12.8.7.1: Separation Distances
- 12.8.7.2: Boundaries
- 12.8.8: Financial Contributions in Lieu of open Space
- 12.8.11: Existing Trees and Hedgerows

## 5.2. **Regional Policy**

### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031**

- 5.3. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

## 5.4. **National Policy**

### **The National Planning Framework - Project Ireland 2040**

- 5.4.1. The NPF addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places. Relevant Policy Objectives include:

- National Policy Objective 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.
- National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 5.5. Section 28 Ministerial Guidelines

5.5.1. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018). The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to

the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2023).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2023).
- Architectural Heritage Protection, Guidelines for Planning Authorities (October 2011). Guidance is provided in terms of the criteria and other considerations to be taken into account in the assessment of proposals affecting Protected Structures. The guidelines seek to encourage the sympathetic maintenance, adaptation, and re-use of buildings of architectural heritage. Chapter 13 deals with curtilage and attendant grounds whilst Section 13.8 of the guidelines relates to development affecting the setting of a Protected Structure or an architectural conservation area.

## **5.6. Natural Heritage Designations**

- 5.6.1. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the Dalkey Island SPA (Site Code 004172), the Rockabill to Dalkey Island SAC (Site Code 003000), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the South Dublin Bay SAC (Site Code 000210).

## **5.7. EIA Screening**

- 5.7.1. The development is within the class of development described at paragraph 10(b)(i)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). An Environmental Impact Assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or development involving an area of greater than 10 hectares. The site is zoned for residential use. The proposal for 24 homes on a site of 0.75 hectares is significantly below the mandatory threshold for EIA outside of a business district. The proposed development is therefore sub-threshold for the purposes of EIA.

- 5.7.2. The application addresses the issue of EIA within an EIA Screening Report that contains information provided in line with Schedule 7A of the Planning Regulations. The information provided in the application EIA Screening Report identifies and describes adequately the effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted, the Board must carry out a screening determination in line with the requirements of Article 109(2B)(a)(b) of the Planning and Development Regulations, therefore, it cannot screen out the need for EIA at preliminary examination.
- 5.7.3. The reports submitted with the application address a variety of environmental issues and the environmental impacts of the proposed development. In addition, the applicant has provided a statement indicating how the results of other relevant assessments have been taken into account in determining the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive in line with the requirements of Article 103(1A)(a) of the Regulations.
- 5.7.4. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix 2 to this report. Having regard to:
- The nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001 (as amended).
  - The location of the proposed development on lands zoned objective 'A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities, and the results of the Strategic Environmental Assessment of the DLR County Development Plan.

- The nature of the existing site and the pattern of development in the surrounding area.
- The availability of mains water and wastewater services to serve the proposed development.
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v)(I-VII) of the Planning and Development Regulations 2001, as revised.
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003).
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and.
- The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the Construction Management Plan, Operational Waste Management Plan, Ecological Impact Assessment, Engineering Services Report, Sustainability and Energy Report, and Flood Risk Assessment.

5.7.5. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. An appeal has been submitted by Armstrong Planning Limited of 12 Clarinda Park North, Dún Laoghaire, County Dublin, for and on behalf of residents of Royal Terrace West, Monkstown, Dún Laoghaire, County Dublin. The following parties are represented in the appeal:

- Norman Noonan and Madeline Hallinan of 1 Royal Terrace West.
- Lesley and Jonathan Light of 2 Royal Terrace West.

- Eleanor Smithwick of 9 Royal Terrace West.
- Hugh and Janet O'Donoghue of 11 Royal Terrace West.
- Barbara Wood of 13 Royal Terrace West.
- Gillian Hughes and Conor Dempsey of 15 Royal Terrace West.
- Niesje Van der Grijn of 16 Royal Terrace West.
- Melanie McGrane of 18 Royal Terrace West.
- Maurice and Wendy Gavigan of 19 Royal Terrace West.
- Craig McKee and Gabriel Ryan of 21 Royal Terrace West.
- Conor and Helen Hoey of 22 Royal Terrace West.
- Conor Smith and Claire Lemass of 23 Royal Terrace West.
- Mariena and Dúncan Kelly-Lyth of 24 Royal Terrace West.

6.1.2. The grounds of appeal can be summarised as follows:

- The development would be contrary to the principles of good planning and sustainable development and should be considered contrary to the Zone A zoning objective.
- This is a constrained site and a cramped form of development.
- The proposed public space is both quantitatively and qualitatively deficient and fails to comply with CDP standards which require 15% of the site area as public open space. The proposed open space at 752sqm is just 10% of the site area and much of the space is given to cycle parking and paving.
- The public open space is adjacent to Royal Terrace Lane, it is insufficiently overlooked with inadequate levels of passive surveillance, will encourage anti-social behaviour and would be contrary to the CDP.
- The development would have an impact on PSs as well as the character and setting of the ACA.

- The development would result in a significant amount of light pollution that would impact residential amenity and alter the character and setting of the ACA as well as the PSs.
- The proposed development would be overbearing on the laneway, the rear gardens, and the setting of the ACA as a result of the massing and positioning of the duplex apartments at the southern end of the site where three storey development within 3 metres of the lane would be inappropriate and unacceptable.
- The proposed layout is incompatible with the established pattern of development in the area.
- Height, massing, and proximity is excessive.
- The development would be visually dominant from the laneway.
- The removal of the duplex apartments should be considered or at least reduced to two storeys.
- The duplex apartments would result in overlooking and loss of privacy to the dwellings and gardens of Royal Terrace West due to height, positioning, proximity and orientation of the fenestration.
- The development would prejudice the development potential of a future mews development at the back of Royal Terrace West where the land is zoned for mews development. This would also impact on property values on Royal Terrace West.
- Separation distances are insufficient, with the development being just 1.5 metres from the laneway at ground level.

## 6.2. Applicant Response

6.2.1. A response to the third party appeal was received from John Spain Associates of 39 Fitzwilliam Place, Dublin 2. The main points raised are summarised below:

### 6.2.2. Open Space

- A total of 752sqm public open space is provided which equates to 10% provision. Given site constraints, the proposed open space provision is suitable when balancing the need to provide a development of suitable density.
- The applicant is willing to make a financial contribution in lieu of any shortfall of public open space.
- Public and communal open space have been located to ensure good levels of accessibility and enjoyment.
- The proposed duplex apartments, the dwellings on Fairway Drive and users of the pedestrian path/cyclists will all contribute to passive surveillance of this space.
- The proposed development includes a linkage between Tivoli Road and Fairway Drive, formalising and improving the existing path for pedestrian and cycle use and creating a route that is safe, convenient, and accessible.
- Development of a high quality residential development on a brownfield site is an opportunity for increased densities in accordance with the NPF.
- The development is close to Dún Laoghaire Town Centre and public transport. The site is underutilised and is a key opportunity for residential development.

### 6.2.3. Design and Density

- The density and height of the development are appropriate for the location of the site, the availability of public transport, and is compliant with the NPF.
- The development seeks a balance between appropriate increased density and optimal use of the land and integrating with the urban context. The public open space is therefore appropriate in this location.
- Increased housing supply must include an increase in apartments, the scale and extent of which should increase in relation to locational factors.
- The NPF prioritises the provision of new homes at locations that can support increased densities including public transport nodes, close to employment areas and close to urban amenities.
- The proposed density of 31.0 uph (35 uph when excluding 2-3 Durham Place) is appropriate given the context and relevant guidance.



- The scale and layout of the development has been guided and influenced by the surrounding area.
- Architecturally the development will employ high quality materials that will complement the adjacent developments and will ensure a consistent architectural language is created.
- Relevant policy and guidance has been considered. The proposed development respects the existing character, context and urban form and seeks to protect existing and future residential amenity.
- Scale and massing have been varied to create buildings that do not dominate the local context.

#### 6.2.4. Overbearing Impact on Royal Terrace Lane and Royal Terrace West

- The separation distance between the development and the rear gardens of Royal Terrace West is reasonable, with Royal Terrace West gardens at least 30m in depth and the laneway being between 5.7m and 6m in width.
- The development would maintain at least 9m separation distance from the frontage of any proposed mews development on the laneway, as recognised in the CDP.
- Windows in the development are designed to minimise overlooking such as angled windows and use of opaque glass.
- 100% of neighbouring gardens assessed for sun would comply with the BRE guidance.
- The proposal is lower in height than Royal Terrace West and this together with the separation distances will ensure that the development would not be overbearing.

#### 6.2.5. Impact on Protected Structures

- Significant efforts will be made to restore and refurbish the PSs at 2-3 Durham Place.
- This will create two large family homes and a viable future for the buildings through sensitive adaptation.

- The works to the PSs combined with a well designed, high quality housing development will preserve and enhance the historic fabric of Durham Place and make a positive contribution to the urban context.
- The development respects the ACA and does not affect any other PSs.
- The scale and orientation of the development is such that it won't encroach visually or impact the streetscape of the ACA and maintains the historic built form.
- The application documents demonstrate that no impact on the adjacent ACA or PS is likely.
- No excessive light pollution will occur due to the layout and orientation of the units.

#### 6.2.6. Overlooking of Royal Terrace West

- The development is not significantly higher than adjacent buildings and has been designed to prevent overlooking and loss of amenity.
- The daylight and sunlight assessment demonstrates no loss of amenity.
- Significant revisions have taken place to reduce potential impacts and ensure overlooking/overshadowing is avoided.

#### 6.2.7. Prejudice of Future Mews Development

- The development is set back a reasonable distance from the mews lane to allow future development. Separation distance is 9 metres, and the design of the development would mitigate against potential overlooking.
- If the gardens on Royal Terrace West are sufficiently long to accommodate mews development, then they are sufficiently long to accommodate the proposed development.

### 6.3. **Planning Authority Response**

- 6.3.1. The Planning Authority do not consider that the grounds of appeal raise any new issues which would justify a change in attitude to the proposal.

## 6.4. Observations

6.4.1. None.

## 6.5. Further Responses

6.5.1. A response to the applicant's appeal submission has been received from the appellants. This response reiterates the concerns that the appellants have with the proposed development, but does not raise any new substantive points.

## 7.0 Assessment

7.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Zoning
- Open Space
- Heritage
- Design
- Amenity
- Future Development Potential
- Appropriate Assessment

## 7.2. Zoning

7.2.1. The appellants consider that the development would be contrary to the principles of good planning and sustainable development and should be considered contrary to the Zone A zoning objective. The zoning objective has the stated aim to provide residential development and improve residential amenity while protecting the existing residential

amenities. The proposal for residential development is therefore compliant with the zoning objective on a land use basis. I will address amenity issues later in this report.

### **7.3. Open Space**

- 7.3.1. Concerns are raised that the proposed public open space is both quantitatively and qualitatively deficient and that it fails to comply with the CDP which requires 15% of the site area as public open space. The Planning Authority considered the proposed public open space at 752sqm (10% of the site area) to be acceptable.
- 7.3.2. Section 12.8.3.1: Public Open Space of the CDP recognises that in certain instances it may not be possible to provide the required standards of public open space. High density urban schemes and/or smaller urban infill schemes, for example, may provide adequate communal open space but no actual public open space. In instances where the required percentage of public open space is not provided, the CDP states that a financial contribution will be required. Acknowledging that the required quantum of open space increased during the course of the application when the new CDP was adopted, and taking cognisance of the constraints with developing this infill site, I am satisfied that the 5% shortfall can be suitably addressed by way of a financial contribution secured by condition.
- 7.3.3. In terms of qualitative issues with the open space, the appellants have stated in the grounds of appeal that much of the space is given to cycle parking and paving. I acknowledge that there is some visitor cycle stands located within the open space, but this is for the benefit of users of the open space. The path to the south, linking Tivoli Road to Fairway Drive is retained and, in my opinion, has limited impact on the quality, attractiveness and usability of the public open space. The majority of the public open space is soft landscaped with tree planting/retention and the provision of play equipment. It is located appropriately within the site, adjacent to the school and the closest neighbouring dwellings. I am therefore satisfied that the open space is of an acceptable quality.

### **7.4. Heritage**

- 7.4.1. It is argued that the development would have an impact on PSs as well as the character and setting of the Royal Terrace West ACA. In terms of works to the PSs at 2-3 Durham Place, the information submitted with the application clarifies that the

buildings have been much altered over the years internally. The proposed internal and external refurbishment works seek to retain those elements that are of historic significance whilst upgrading and improving the accommodation. Given the level of previous internal alterations that have taken place, I am satisfied that the internal works that are proposed would have limited impact on the PSs and would assist with bringing these historic buildings into long term sustainable use as two family homes.

- 7.4.2. Externally, I consider the proposed works to 2-3 Durham Place to be beneficial and they would assist in preserving and enhancing the PSs and their setting. PVC windows and rainwater goods would be replaced with timber sash and case windows and aluminium pipes respectively. The front doors and steps would be refurbished, facades repaired and repainted, rooflights replaced with heritage rooflights, and slates repaired as required. The existing rear additions would be removed and replaced with modern part two/part single storey extensions. The rear extensions would be contemporary additions that would complement the host buildings without overwhelming them or diminishing their historic character and setting.
- 7.4.3. Part of the works to the PSs involve reducing the depth of the gardens of 2-3 Durham Place in order to enable the development of new housing on the land to the south. I consider this element of the development to be acceptable as the rear gardens do not make any special contribution to the PSs, either in their form, layout or character.
- 7.4.4. The majority of the rubble stone wall would be removed. Primarily, this is to enable the development of housing on the site, to create a new access to 2-3 Durham Place from the access road that traverses the site, and to redefine the subdivided garden of 2-3 Durham Place. The wall currently defines the boundary of 2-3 Durham Place and extends further southward along the access road. Where it marks the boundary of 2-3 Durham Place, I would consider the wall to form part of the PS, although this is contrary to the view of the Council's Conservation Officer, who states that the wall is not considered to form the curtilage of the PS.
- 7.4.5. Notwithstanding, I am of the view that whilst the loss of large sections of the wall would be unfortunate, it would ultimately have a very limited negative impact on the built heritage and townscape of the area. The wall has been significantly altered over the years, particularly around 2-3 Durham Place. Additionally, the majority of the wall is

located on a no-through access road, at a remove from the main streetscene and as such makes a limited contribution to the historic townscape, heritage and character of the wider area. Consequently, I consider the removal of sections of the rubble stone wall to be acceptable, particularly when balanced against the benefits of unlocking the site to bring forward much needed housing.

- 7.4.6. Additional demolitions are proposed, including the building known as 'The Cottage' and its outbuildings. These buildings sit adjacent to, but outside the boundary of 2-3 Durham Place, and I do not consider that they are located within the curtilage of the PSs. The Cottage dates from approximately 1840 and the Conservation Report submitted with the appeal demonstrates, through cartographic evidence, that the cottage has been subject to several reconfigurations over the years. Due to the previous works, the remaining building retains few original features and the Planning Authority do not consider it to be an exemplary example of its type such as to warrant any protection.
- 7.4.7. Whilst I acknowledge the age of the building, I would agree with the findings of the Conservation Report, and it is clear that the building is not of any exceptional architectural or heritage merit. The removal of 'The Cottage' and outbuildings would not have any significant adverse impact on the architectural heritage of the area, and whilst the loss of existing dwellings should be avoided, in this instance the removal would enable further residential development to be provided on the site.
- 7.4.8. The Royal Terrace West ACA lies to the east of the site, with the boundary of the ACA marked by Royal Terrace Lane. The proposed development would not be highly visible from any public vantage points within the Royal Terrace West Conservation Area. The only public vantage points where the development would clearly be viewed within the context of the ACA, are the approach eastwards on Tivoli Road, from within the site itself, and from Fairway Drive. In each of these instances, views of the ACA would essentially be of the rear of the dwellings on Royal Terrace West which sit at least 30 metres away from the site boundary, ensuring that the general scale of the proposal would not overwhelm the wider ACA, although I will specifically address height later in this report. As such, I am satisfied that the development would have no adverse impact on the character, setting or heritage of the Royal Terrace West ACA.

## 7.5. Design and Amenity

- 7.5.1. The appellants consider that the height, massing and proximity of the development is excessive and that it would be visually dominant from the laneway. It is suggested that the removal of the duplex apartments should be considered or at least reduced to two storeys. I have considered the development in the context of the Building Height Strategy of the CDP (Appendix 5) and the Building Height Guidelines.

### *Height and Massing*

- 7.5.2. The proposed dwellings are between 9.51m and 9.59m in height and are not significantly taller than prevailing heights in the immediate area, such as the dwellings on Royal Terrace West. The central portion of the terrace (Houses 5-14) is acceptable in terms of height, scale, massing and design, and would largely be consistent with the height of the dwellings on Royal Terrace West which are located to the east. Houses 5-14 have sufficient separation from the plot boundaries to not be overbearing, either on the lane, rear garden ground or indeed the ACA, and no design interventions are required to protect adjacent properties from overlooking. I am satisfied that these dwellings would have no significant amenity impacts on any of the adjacent dwellings or garden ground, including Royal Terrace Lane.
- 7.5.3. Houses 1-4 lie at the northern end of the appeal site close to Tivoli Road and share a boundary with nos. 1 and 2-3 Durham Place, which are all PSs. These houses rise to three storeys in height and have a separation from the boundary of 1 Durham Place of between 7m and 5m. The rear garden of 1 Durham Place is particularly deep, extending approximately 49 metres from the rear wall of the main dwellinghouse, perpendicular to Houses 1-4.
- 7.5.4. The interface between the rear gardens of Houses 1-4 and 1 Durham Place begins approximately 16m south of the main dwellinghouse and I am satisfied that this, in combination with the height at 9.51m is sufficient to ensure there would be no overbearing impact on the dwelling. Although Houses 1-4 would be highly visible from the lower part of the garden, I do not consider that this would be particularly overbearing. Whilst there would be some overshadowing in the late afternoon, this would be limited to the lower reaches of the garden and the garden itself would remain

BRE compliant. I am therefore satisfied that the development would not detrimentally harm amenity or the usability of the garden ground.

- 7.5.5. The relationship between the flank elevation of House 1 and the rear garden of 2-3 Durham Place is acceptable in design and amenity terms, reflecting a typical relationship between sets of terraced dwellings and I do not consider that House 1 would be overbearing on the garden ground or the PSs, taking into account the reduced mass of the top floor and its position at the midpoint between the two gardens.
- 7.5.6. The eight duplex units located at the southern end of the site rise to approximately 9.59m in height and would be located between 1.5m and 3m from Royal Terrace Lane at ground floor level, and between 3m and 7 m at first and second floor level. I would agree with the appellants that this would represent an overbearing relationship at what is one of the more constrained parts of the site. Whilst I do not consider that this would be overbearing on the ACA or indeed the rear gardens of the dwellings on Royal Terrace West, it would be overbearing on the lane and could potentially interfere with the ability to deliver a mews development in the future, acknowledging the lane's specific mews zoning objective.
- 7.5.7. I am of the opinion that two storey development could be acceptable on this part of the site, with increased setbacks from the lane to provide additional relief and the provision of more appropriate rear garden ground to serve future residential units. However, I consider that this amendment would be outside the scope of an amending condition and as such I would advise that Board that, in my opinion, the duplex units should be omitted from the permission, thereby allowing a separate planning application to be submitted in the future to secure a more appropriate form of development on this part of the site.

#### *Overlooking*

- 7.5.8. I note concerns that the development would result in overlooking. As part of the Further Information submission made at the request of the Planning Authority, various design interventions have been incorporated to prevent overlooking. In terms of Houses 1-5, this includes providing angled pop out windows, use of obscure glazing and concealing windows behind angled louvres which direct views to the southeast whilst allowing light to penetrate and sufficient outlook. I am satisfied that these design elements are



sufficient to ensure there would be no overlooking of the rear garden ground of 1 Durham Place, whilst also providing enough visual interest on the rear elevations to ensure an acceptable standard of design.

- 7.5.9. I acknowledge that House 5 does not benefit from an angled pop out window and as such the rear elevation has a higher solid to void ratio on the uppermost floor. However, this dwelling is set well within the terrace and views of the dwelling are limited from public areas. I am therefore satisfied that on balance, this is acceptable in design terms.
- 7.5.10. Regarding the duplex units, similar design interventions have been employed which also, in my view, overcome issues regarding overlooking. However, I note that the southernmost duplex unit has no pop out angled window, largely as a result of the proximity of this unit to Royal Terrace Lane and the rear gardens of Royal Terrace West. This results in a large blank elevation at first and second floor level, save for a single obscure glazed window. In my opinion this is not a suitable design response and is symptomatic of the amenity issues raised as a result of the proximity of these units to the site boundary referred to earlier in my report. Given that I propose that the duplex units be omitted from the permission, I am satisfied that this issue can be addressed as part of a future application to develop this part of the site.

#### *Overdevelopment and Pattern of Development*

- 7.5.11. The grounds of appeal state that this is a constrained site and a cramped form of development where the proposed layout is incompatible with the established pattern of development in the area. Whilst I acknowledge that the site is somewhat constrained, particularly to the south, development in the form of a long terrace of dwellings is, in my opinion, entirely consistent with the pattern of development in the area, including Royal Terrace West which itself is characterised by a long terrace of dwellings.
- 7.5.12. I acknowledge that some parts of the site do propose a cramped form of development, specifically the duplex units to the south. However, as set out in section 7.5.6 above, I consider it appropriate to omit the duplex units from the permission in lieu of a future application for a more appropriate and considered form of development on this part of the site. Regarding the remainder of the development, I do not consider it to be

cramped or overly intensive. The proposed density is 31.9 units per hectare (uph) when including 2-3 Durham Place and 35uph when excluding Durham Place, both of which are well below the 50 units per hectare set out in the CDP for sites with good access to high frequency public transport. I consider this lower density to be appropriate taking into account the constraints posed not just by the site itself but the proximity to PSs and the ACA. I am therefore satisfied that the proposal would not represent overdevelopment and sufficiently balances the need to provide higher densities on urban sites whilst respecting local character and preserving amenity.

#### *Surveillance of Open Space*

- 7.5.13. It is stated in the appeal that the public open space is insufficiently overlooked, with inadequate levels of passive surveillance that will encourage anti-social behaviour. The proposed open space would be directly overlooked by the dwellings on Fairway Drive and the duplex units. I acknowledge that my recommendation is that the duplex units be omitted from the permission in their current form. However, I remain satisfied that the open space would still be sufficiently overlooked by the dwellings on Fairway Drive. Additionally, a future application to develop amended units on the duplex site would provide further opportunities for overlooking and surveillance of this space.

#### *Light Pollution*

- 7.5.14. The appellants consider that the development would result in a significant amount of light pollution that would impact residential amenity and alter the character and setting of the ACA as well as the PSs. I do not consider that the level of light spillage from the development would be beyond that typically experienced in residential areas. In terms of Houses 1-5, this would be further mitigated by the design measures employed to prevent overlooking, as these measures would further restrict light spillage. I am therefore satisfied that there would be no injurious residential amenity impacts or impacts on the character and setting of the ACA or PSs on this matter.

#### *Prejudicial Development*

- 7.5.15. The appeal states that the development would prejudice the development potential of a future mews development at the back of Royal Terrace West where the land is zoned for mews development. As stated previously, I consider that the duplex units would have an overbearing relationship on Royal Terrace Lane by reason of their height and

proximity to the site boundary. It is my view that the duplex units could interfere with the delivery of a future mews development on this section of the lane as a result of the overbearing nature of this part of the development. Given that the duplex units would be omitted from the permission, I am satisfied that the remainder of the development (Houses 1-14) would have no impact on the deliverability of a future mews development as sufficient set backs are provided in line with CDP recommendations. I note the appellants claim that the development and its impact on the ability to deliver mews houses on the lane would result in reduced property values, but for the reasons set out above, including the omission of the duplex units in their current form, I do not consider this to be the case.

## **7.6. Other Matters**

- 7.6.1. Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021), should apply to developments comprising five or more houses or duplex units. The purpose of these guidelines is to ensure that own-door housing units and duplex units in lower density housing developments are not bulk purchased for market rental purposes by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost rental housing. Should the Board be minded to grant permission for the proposed development, I recommend that 'Condition RCIIH1', as per the wording provided in the Guidelines, is used as it enables the developer to carry out any enabling or preparatory site works whilst providing the necessary safeguards required by the guidance.

## **7.7. Appropriate Assessment Screening**

- 7.7.1. The applicant has submitted an Appropriate Assessment Report (August 2022). The report identifies the nearest European sites and assesses the potential for the development to have impacts on these sites. Having regard to the nature of the development, its location in a serviced urban area, the lack of any direct hydrological pathways, the lack of any biodiversity corridor linking directly to conservation sites, the minimal additional loading of the development on the Ringsend Waste Water Treatment Plant, dilution capacity, and the separation distance to the nearest European sites, it is concluded that no appropriate assessment issues arise as the

proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

8.1. From my assessment above, I recommend that the Board should uphold the decision of the Planning Authority and grant planning permission for the proposed development, with the omission of the duplex units, based on the reasons and considerations set out below.

## 9.0 Reasons and Considerations

9.1. Having regard to the zoning objective relating to the site and the nature and extent of the proposed development, it is considered that the proposal, subject to the conditions set out below, would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health or the environment and would generally be acceptable in terms of design, heritage, traffic safety and amenity.

## 10.0 Conditions

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| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application [as amended by the further plans and particulars submitted on the 22 <sup>nd</sup> day of August 2022 and by the clarifications submitted on 27 <sup>th</sup> day of October 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.<br><br><b>Reason:</b> In the interest of clarity. |
| 2. | The proposed development shall be amended as follows:  |

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|    | <p>(a) The duplex units (annotated D1-8 on the submitted plans) shall be omitted from the development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>   |
| 3. | <p>No demolition shall be undertaken other than that shown on the approved plans and a Conservation Accredited Architect shall be retained to oversee the proposed works to Nos. 2 and 3 Durham Place (Protected Structures).</p> <p><b>Reason:</b> In order to safeguard the special architectural and historic interest of the building.</p>   |
| 4. | <p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings; and details of paving, play equipment and seating for the open space, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>   |
| 5. | <p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, with details submitted and approved in writing prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>   |
| 6. | <p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.</p> <p><b>Reason:</b> In the interests of public health.</p>   |
| 7. | <p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how to how the RWMP will be measured and monitored for effectiveness; these</p> |

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|    | <p>details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the Planning Authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Response:</b> In the interests of sustainable waste management.</p>   |
| 8. | <p>The construction of the development shall be managed in accordance with a Construction and Environmental 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 hours of working, noise and dust management measures, waste management and recycling of materials, environmental protection measures, welfare facilities, site deliveries, complaints procedure, pest control and traffic management arrangements.</p> <p><b>Reason:</b> In the interest of public safety, environmental protection, and residential amenity.</p>                              |
| 9. | <p>The developer shall comply with the transport requirements of the Planning Authority in terms of:</p> <p>(a) Undertaking the recommendations of the Stage 1 Road Safety Audit.</p> <p>(b) Detailed drawings shall be submitted for written approval prior to the commencement of development demonstrating that the internal access road has been designed to meet the requirements of DLRCC 'Taking in Charge Policy Document (May 2022)'.</p> <p>(c) Submission of a Stage 2 Quality Audit (detailed design, including a walking and cycling audit to address potential conflict between pedestrians, cyclist and vehicles). This shall be submitted for written approval prior to commencement prior to the commencement of development.</p> |

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|     | <p>(d) Submission of a Post Construction Stage 3 Quality Audit (to include Road Safety Audit, Access Audit, Walking and Cyclin Audit). This shall be submitted for written approval within 12 months of practical completion.</p> <p><b>Reason:</b> In the interest of public safety and orderly development.</p>  |
| 10. | <p>Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.</p> <p><b>Reason:</b> In the interest of residential amenity and to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.</p>  |
| 11. | <p>Prior to commencement of development, the applicant shall submit to and agree in writing with the Planning Authority full details, including relevant areas, for the proposed Taking in Charge of the development, which shall be carried out and completed at least to the construction standards set out in the DLRCC 'Taking in Charge Policy Document (May 2022). Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p> |
| 12. | <p>The management and maintenance of the proposed development (all areas not intended to be taken in charge), following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>   |

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|-----|---|
|     | <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>  |
| 13. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>   |
| 14. | <p>Proposals for an estate/street name, house numbering scheme and associated signage (in Irish and English) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house 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><b>Reason:</b> In the interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p> |
| 15. | <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 social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.</p>   |



|     |  |
|-----|--|
|     | <p><b>Reason:</b> 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 for the area.</p>  |
| 16. | <p>a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and</p> |

|     |   |
|-----|---|
|     | supply of housing, including affordable housing, in the interests of the common good.   |
| 17. | <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 of roads, footpaths, watermains, drains, 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 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><b>Reason:</b> To ensure the satisfactory completion of the development.</p>   |
| 18. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities (including the shortfall in open space provision) 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000 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> |

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

---

Terence McLellan  
Senior Planning Inspector

4<sup>th</sup> January 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

|   |  |                  |   |
|---|--|------------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP-315351-22  |                  |   |
| <b>Proposed Development<br/>Summary</b>   | Construction of 24 no. residential units consisting of 8 no. 2 bed apartments in single 4 storey block, 7 No. 3 bed houses and 9 No. 4 bed houses in a terrace of 3 storey houses; deconversion and change of use of 2-3 Durham Place into two separate dwellings and all associated works and infrastructure to facilitate the development. |                  |   |
| <b>Development Address</b>  | Land inclusive of and to the rear of 2-3 Durham Place, Tivoli Road, Monkstown, Dún Laoghaire, County Dublin.   |                  |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |  | <b>Yes</b>       | X   |
|   |  | <b>No</b>        | No further action required                  |
| <b>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?</b>   |  |                  |   |
| <b>Yes</b>  |  |                  | EIA Mandatory EIAR required                 |
| <b>No</b>   | X  |                  | Proceed to Q.3                              |
| <b>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]?</b> |  |                  |   |
|   |  | <b>Threshold</b> | <b>Comment<br/>(if relevant)</b>            |
| <b>No</b>   |  | N/A              | No EIAR or Preliminary Examination required |

|            |   |   |  |                |
|------------|---|---|--|----------------|
| <b>Yes</b> | X | 10(b)(iv) - Infrastructure Projects.<br>Threshold >10 hectares. |  | Proceed to Q.4 |
|------------|---|---|--|----------------|

|   |   |   |
|---|---|---|
| <b>4. Has Schedule 7A information been submitted?</b> |   |   |
| <b>No</b>   |   | <b>Preliminary Examination required</b> |
| <b>Yes</b>  | X | <b>Screening Determination required</b> |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## A. CASE DETAILS

|  |  |  |
|--|--|--|
| <b>An Bord Pleanála Case Reference</b>   | ABP-315351-22  |  |
| <b>Development Summary</b>   | Construction of 24 no. residential units consisting of 8 no. 2 bed apartments in single 4 storey block, 7 No. 3 bed houses and 9 No. 4 bed houses in a terrace of 3 storey houses; deconversion and change of use of 2-3 Durham Place into two separate dwellings and all associated works and infrastructure to facilitate the development. |  |
|  | Yes / No / N/A   |  |
| <b>1. Was a Screening Determination carried out by the PA?</b>   | No.  | The Planning Authority concluded that there would be no real likelihood of significant effects on the environment as a result of the proposed development. |
| <b>2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>  | No   |  |
| <b>3. Has Schedule 7A information been submitted?</b>  | Yes  | The applicant has submitted Schedule 7A information in the Environmental Impact Assessment Screening Report (January 2023).                                |
| <b>4. Has an AA screening report or NIS been submitted?</b>  | Yes  | An Appropriate Assessment Screening Report was submitted with the application.   |
| <b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b> | Yes  | SEA and AA were undertaken in respect of the DLRCC CDP 2022-2028.  |

| <b>B. EXAMINATION</b>   | <p>Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>  | <p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p> |
|---|--|--|
| <p><b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b></p>                                      |  |  |
| <p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>  | <p>The site is surrounded on its northern, eastern and southern boundaries by residential development ranging in height from two to three storeys. The proposal is for three storey residential. There is therefore a clear consistency in the nature and scale of development in the surrounding area. The proposed development would provide residential development in a built up urban area that is not regarded as being of a scale or character significantly at odds with the immediate surrounding pattern of development.</p> | <p><b>No</b></p>   |
| <p><b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p> | <p>The proposed development would result in the site being wholly residential. The site is brownfield in nature, being zoned as objective A, residential. As such the development would result in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality. Level changes are minimal with a slight reduction</p>   | <p><b>No</b></p>   |



|  |  |           |
|--|--|-----------|
|  | in levels moving northwards and no significant topographical issues are evident.   |           |
| <b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply? | Construction materials will be typical for an urban residential development of this nature and scale.  | <b>No</b> |
| <b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?  | Construction activities will require the use of potentially harmful materials, such as fuels and other such substances which are typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in a Construction Environmental Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.   | <b>No</b> |
| <b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?   | Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in a Construction Environmental Management Plan would satisfactorily mitigate the potential impacts. | <b>No</b> |
| <b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?                  | Implementation of measures secured in a Construction Environmental Management Plan will satisfactorily mitigate emissions from potential spillages during construction and operation. The operational development will connect to mains services and   | <b>No</b> |

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|   | discharge surface waters. Surface water drainage will be separate to foul services within the site as required by DLR County Council.   |           |
| <b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?     | There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in a Construction Environmental Management Plan.  | <b>No</b> |
| <b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?              | Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a Construction Environmental Management Plan would satisfactorily address potential risks on human health, including dust monitoring, suppression, and abatement. No significant operational impacts are anticipated for the piped water supplies in the area. | <b>No</b> |
| <b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?                   | No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.  | <b>No</b> |
| <b>1.10</b> Will the project affect the social environment (population, employment)                                       | Development of this site would result in an increase in the population in this area. The overall population increase would be modest.   | <b>No</b> |
| <b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment? | <b>No</b>   | <b>No</b> |

## 2. Location of proposed development

|   |  |                  |
|---|--|------------------|
| <p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>a) European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> <li>d) Designated refuge for flora or fauna</li> <li>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul> | <p>The nearest European sites are the Dalkey Island SPA (Site Code 004172), the Rockabill to Dalkey Island SAC (Site Code 003000), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) and the South Dublin Bay SAC (Site Code 000210). The proposed development would not result in significant impacts to any protected sites.</p>   | <p><b>No</b></p> |
| <p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>   | <p>The proposed development would not result in significant impacts to protected, important or sensitive species.</p>  | <p><b>No</b></p> |
| <p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>   | <p>The site includes two protected structures (2-3 Durham place) and is adjacent to several other protected structures and an Architectural Conservation Area (Royal Terrace West). Works to the protected structures are considered acceptable and would not have any significant negative effects. It is not considered that the development would have any significant effects on the adjacent Protected Structures of the ACA.</p> | <p><b>No</b></p> |
| <p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>  | <p>No such features are in this inner urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure.</p>  | <p><b>No</b></p> |

|   |  |                  |
|---|--|------------------|
| <p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p> | <p>The development will implement SUDS measures to control surface water run-off as required by condition. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates.</p>   | <p><b>No</b></p> |
| <p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>   | <p><b>No</b></p>   | <p><b>No</b></p> |
| <p><b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>      | <p>The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.</p>  | <p><b>No</b></p> |
| <p><b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>   | <p>There is a school (St Joseph's National School) and an HSE building to the west of the site. The development is not likely to result in significant effects to these facilities once operational. There is the potential for some impacts/disturbance during the construction phase however these impacts can be appropriately managed and mitigated by way of conditions and the implementation of a Construction Environmental Management Plan.</p> | <p><b>No</b></p> |
| <p><b>3. Any other factors that should be considered which could lead to environmental impacts</b></p>  |  |                  |
| <p><b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>  | <p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. This includes the completed Cualanor development to the south.</p>  | <p><b>No</b></p> |
| <p><b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?</p>  | <p><b>No</b></p>   | <p><b>No</b></p> |

|  |    |    |
|--|----|----|
| 3.3 Are there any other relevant considerations? | No | No |
|--|----|----|

**C. CONCLUSION**

|   |        |                              |                   |
|---|--------|------------------------------|-------------------|
| No real likelihood of significant effects on the environment. | Agreed | <input type="checkbox"/> Yes | EIAR Not Required |
| Real likelihood of significant effects on the environment.    |        | <input type="checkbox"/>     |                   |

**D. MAIN REASONS AND CONSIDERATIONS**

Having regard to

- The nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- The location of the proposed development on lands zoned objective 'A', which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities, and the results of the Strategic Environmental Assessment of the DLR County Development Plan.
- The nature of the existing site and the pattern of development in the surrounding area;
- The availability of mains water and wastewater services to serve the proposed development;
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v)(I-VII) of the Planning and Development Regulations 2001, as revised;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the Construction Management Plan, Operational Waste Management Plan, Ecological Impact Assessment, Engineering Services Report, Sustainability and Energy Report, and Flood Risk Assessment. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_