



An
Bord
Pleanála

Inspector's Report

ABP-315449-23

Development

A) Construction of 32 apartments with all relevant associated site works including but not limited to basement parking, new vehicle and pedestrian entrance, landscaping, and screening workings (which boundary and curtilage partially meets the attendant grounds of 'Abingdon House', a Protected Structure). B) Demolition of the existing two storey dwelling house 'Conna', along with demolition of single storey corrugated metal roofed sheds at northwestern boundary, retaining existing access, as a pedestrian access onto Shanganagh Road.

Location

'Conna', Abingdon Park, Shanganagh Road, Shanganagh, Shankill, Co. Dublin, D18 WF54.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D21A/1082

Applicant(s)

Ian Ronayne.

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|------------------------------------|---|
| Type of Application | Planning Permission. |
| Planning Authority Decision | Grant with conditions. |
| Type of Appeal | Third Party. |
| Appellant(s) | Bernie & David Lowe. |
| Observer(s) | 1) Ann Curran & Others. 2) Roy Tobin & Others. 3) Mary Donegan & Others. 4) Trevor & Corinna Dolan. 5) Andrea & Kyle Borain, Jean Mac Donald, Marie-Therese & Marcus Duggan. 5) Carol Spain & Others. 6) Kate Matthews & Dave Scott. 7) Colin Arundel. |
| Date of Site Inspections | 11 th September, 2023, & 25 th April, 2024. |
| Inspector | Patricia-Marie Young. |

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1.0 Site Location and Description

- 1.1. The appeal site consists of an irregular shaped parcel of mainly overgrown land (Note: 0.338ha) with a sylvan character on which sits a detached mainly two storey in built form dwelling house with attached courtyard of outbuildings. The dwelling which is called 'Conna' is of a Neo-Tudor architectural style dating to the turn of the early twentieth century.
- 1.2. Historically this site formed part of the demesne of 'Abingdon' (Old Abingdon). 'Abingdon' is a detached five bay two storey country house of Queen Anne style dating to c1758, with it and its attached outbuildings now separated from the existing arrangement of buildings relating to 'Conna' by a similar in Neo Tudor period and style dwelling and its ancillary out buildings ('Liskilleen'). Additionally, part of the surviving formal landscaped garden area of 'Abingdon' adjoins part of the western boundary of the site. Of note 'Abingdon' is designated a Protected Structure (RPS Ref. No. 1782) and is listed in the NIAH Inventory (Ref. No. 60260119).
- 1.3. At the time of inspection, the main building of 'Conna' was in a poor state of repair and appeared to be occupied. The adjoining lands were unkempt with evidence of dumping thereon. The attached courtyard of outbuilding and sheds were in use for storage of mainly construction and other materials.
- 1.4. The ground levels of the site which show evidence of being previously formally landscaped contained several mature deciduous and coniferous trees. These mature trees are mainly located towards the southern, eastern, and northern boundaries of the site. These include specimen planting that as a result of their type and level of maturity may predate the subdivision of the 'Abingdon' and its original demesne. In places from the northern and eastern boundaries there are glimpses towards the adjoining residential schemes of Clifton Park and River Lane Grove.
- 1.5. Access to the site is via a restricted in width private cul-de-sac access laneway that connects to the Shanganagh Road c194m to the southwest of the site. This access is hard surfaced and serves five period in character detached dwellings including 'Conna'; 'Liskilleen'; 'Coolvalley'; 'Garryhill' and 'Derwent'. Like Conna these properties share the Neo Tudor architectural style. Adjoining the southern boundary of the site there is a large parcel of greenfield land that has an extant permission for 193 build to rent units under SHD appeal case ABP-308418-20. This open field

adjoins part of the southern boundary of the site. There is a dense boundary of trees and hedge planting in between and the site occupies higher sloping ground levels to where the dwelling of Conna is sited. The entrance serving the site is located at the easternmost end of a private cul-de-sac lane which is also referred to as 'Abingdon Park' in the documentation accompanying this application. Immediately to the east of this entrance there is a densely planted and overgrown driveway that opens up alongside the southern elevation of Conna. This entrance also serves the shed and outbuildings on site.

- 1.6. This appeal site is bound by the residential scheme of 'Clifton Park' on its easternmost side and part of the northern boundary of the site adjoins the residential scheme of 'River Lane Grove'. These adjoining residential schemes are predominantly characterised by groups of two-storey residential terraces. With one of Clifton Parks cul-de-sac estate road of Clifton Park terminating alongside part of the eastern boundary of this appeal site. At this point there is a section of tall solid dashed finished boundary wall addressing the said cul-de-sac but also running alongside of the side boundary of No. 24 Clifton Park and a modest in width overgrown gap between the rear boundary of No. 25 to 31 Clifton Park. Of note on the northern side elevation of No. 25 and the roadside boundary of No. 24 terminates two pedestrian concrete surfaced footpaths. An overgrown verge runs immediately alongside the said eastern boundary that addresses the cul-de-sac that ends alongside the site.
- 1.7. The north-eastern corner of the site is situated c81m to the south of Loughlinstown River and the westernmost point of the site lies c440m to the west of Irish Sea shoreline with the railway corridor located in between.
- 1.8. Whilst the site forms part of a collection of similar in style Neo-Tudor dwellings that were built on subdivisions of Abingdon's original demesne and accessed from its rear entrance driveway that provided a secondary entrance onto Shanganagh Road, the wider urban neighbourhood is characterised by its low to medium density suburban residential development.
- 1.9. The site itself is situated less than 1km walk from a dart station, c1.4km to the north of Shankill Village, c3km to the south the centre of Killiney and c15.3km to the southeast of Dublin's city centre as the bird would fly.

2.0 Proposed Development

2.1. Planning permission is sought for a development consisting of:

1) Demolition of existing two storey dwelling house 'Conna' with a floor area of 432m², and a height of 8.46-meters, along with demolition of single storey corrugated metal roofed sheds at northwestern boundary, retaining existing access, as a pedestrian access onto Shanganagh Road, which boundary and curtilage partially meets the attendant grounds of Abingdon House, a Protected Structure. Note: the gross floor area of existing dwelling is 363m² and the outbuildings is 69m².

2) Construction of 32 number apartments comprising of:

- 3 No. 3-bedroom, 14 No. 2-bedroom, 13 No. 1-bedroom and 2 No. studio units on three floors to rear with a floor area of 1,121.5m², with balconies on east, west and south sides and an overall height of 14.1m from basement level, connected to and along with four floors to front with a floor area of 1,563m², with balconies on west, east and south sides, with an overall height of 15.2m from basement level. Note: total gross floor area of the proposed development to be 3,556m².
- Ground floor car parking for No. 13 cars including one disabled space.
- Basement car parking with an overall floor area of 849.7m² consists of No. 24 car parking spaces to include No. 2 spaces for disabled and three electric charge points along with No. 2 motor bike spaces and No.17 bicycle spaces to include one cycle bicycle space.
- No. 26 bicycle spaces located at ground level.
- Bin storage with an area of 25m², located at basement level externally to north-east corner of site.
- Plant and services with a floor area of 21.9m² are located at roof level and meter services with a floor area of 15.3m² at basement level.
- Solar panels of the area of 40m² to be provided on west roof.
- New 5.0m. wide vehicular access and 1.2m. wide vehicular access and 1.2 m. wide pedestrian access are to be provided onto Clifton Park, with gates 2.0 meters high, all on a site area of 3,380m².

- The suite works include landscaping; screening, with common open space of 1,385.25m² along with new sewage and surface water drainage; an area of 7m² for siting 2m high heat pumps at north boundary; new water connection to be connected to existing services at Clifton Park; new 2m high wall to be provided along the south boundary and 2m high wall to be re-instated to east boundary of the site. All enabling and site development works, landscaping, boundary treatment, lighting, services and connections, waste management and all other ancillary works.

2.2. The applicant submitted their **further information response** on the 14th day of September, 2022. The further information response gave rise to a significant revision to the design and layout of the apartment component of the development sought and was accompanied by revised public notices. The key development statistics of the proposed development as revised are:

- The total gross floor area of the apartment component of the proposed development was reduced to 3,410.5m² with this consisting of 4 no. Studios & 10 No. 1-Bedroom apartment units (Note: 43.75%); 15 No. 2-Bedroom apartment units (Note: 46.87%); and, 3 No. 3-bedroom apartment units (Note: 9.375%). A revised Housing Quality Assessment is provided and is summarised in the following table below:

| Type of Unit | Bed Spaces | No. of Unit Type |
|--------------|------------|------------------|
| Studio | 1 | 4 |
| 1-Bedroom | 1 | 1 |
| 1-Bedroom | 2 | 9 |
| 2-Bedroom | 4 | 15 |
| 3-Bedroom | 5 | 3 |

* 15 No. of the Apartment Units are Dual Aspect.

- Basement Car Parking Area of 871.4m².
- Ground Floor Level of 775.1m².
- First Floor Level of 766.0m².
- Second Floor Level of 676.4m².
- Third Floor Level of 775.1m².

The revisions include revised setback of the apartment building from the existing properties bounding the site. This includes an increased distance between the northern side of the proposed building to the existing bounding River Lane Grove

properties and an increased distance from the western side of the proposed building to adjoining 'Liskilleen' property. The revised building design also includes:

- Single service core serving and a reduced parapet height to the rear (western side and side at closest proximity to the Protected Structure of 'Abingdon House').
- Bin Store Area of 25m² is relocated adjacent to the underground parking area.
- Heat Pump Area of 7m² is relocated to beside the relocated bin store.
- Open Space Area of 456m².
- Proposed car parking, cycle and motorbike spaces consists of a total:
 - 35 no. car parking spaces with 24 contained in the basement car park area with this including two disabled spaces, 8 no. car parking spaces for residents outside the basement level car parking area, 3 no. visitor car parking spaces in the southeast corner of the site opposite the site access with this including one disabled car parking space and one space for shared scheme. (Note: the further information response is also accompanied by a letter from Revenue & Growth Manager of GoCar setting out their intention to provide one shared GoCar vehicle at this development)
 - 68 no. bicycle spaces consisting of 42 spaces in the basement area, 16 no. sheltered cycle spaces outside at basement level and 10 sheltered spaces in the southwest corner of the development.
 - 2 no. motorbike spaces in the basement area.
- Improved screening on the eastern side and alongside the Clifton Park boundary.
- A letter of consent is provided from DLRCC confirming the inclusion of Council owned lands at Clifton Park. Of note this letter sets out the Councils consent for the use of these lands for the proposed vehicular and pedestrian access, subject to safeguards.
- Clarification in relation to use of the Abingdon Park right-of-way.
- The further information response is accompanied by the following documents:
 - Screening Report
 - Daylight/Sunlight Analysis
 - Revised Landscape Details

- Revised Access Arrangements with this now including a steel railed fence 1m high connecting to Clifton Park to the existing western access point to the site.
- Residential Travel Plan
- Construction Management Plan
- Lighting Scheme & Details
- Surface Water Management Details
- Water Supply Details
- Architectural Impact Report
- Archaeological Report
- Construction Environmental Management Plan
- Noise Impact Assessment Report
- Demolition Management Plan
- Part V Date of Purchase
- Waste Management Report.

2.6. The applicant submitted their **clarification of further information response** on the 3rd day of November, 2022. This included the following:

- The siting, the built form, and unit mix of the apartment building remains unchanged. A revised Housing Quality Assessment is however provided and for clarity purposes I note that this sets out: 4 No. Studios & 10 No. 1 Bedroom Apartment Units (Note: 43.75%); 15 No. 2-Bedroom Apartment Units (Note: 46.875%) and 3 No. 3-Bedroom Apartment (Note: 9.375%). It sets out that 10 of the apartment units have floor areas over 80m² (Note: 31.25%), 40.625% of the apartments exceed the minimum required floor area (Note: 13 no. units) and revisions to the internal layout of apartment building which gave rise to increase in dual aspect apartment units to 17 (Note: 53.125%). The building has a graduated built form with a maximum height of 15.2m.
- Proposed Communal Amenity Space: 456.8m².
- Basement Level is slightly enlarged at its south-western and north-western extents with a setback of 9m between the proposed basement and southwest of the subject site boundary and a minimum setback distance of 3.3m between the same and the northwest site boundary. Additionally, a minor alteration to the basement level alignment from that previously proposed at its southern extent.

- The Bin Store and Heat Pump are setback by a minimum of 4.7m from the northern boundary of the site from the nearest River Lane Grove properties.
- Letter from SSO Housing of DLRCC clarifying that the Council are willing to erect a 29m long 2.4m high wall between Clifton Park provided a contribution sum €1,500 is received.

The following additional documentation are included:

- A Lighting Report
- Outdoor Light Report.
- Letter of Consent for use of DLRCC lands.
- Clarification of landscaping details.
- Clarification on permeability with the adjoining lands to the south of the site.

3.0 Decision

3.1. By order dated the 30th day of November, 2022, the Planning Authority **granted** permission subject to 30 no. conditions. The following conditions are of note:

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| Condition No. 1: | Permits the development as revised by the FI received on the 14.09.2022 and the CFI received on the 03.11.22. |
| Condition No. 2: | Revised Northern Elevation/Section Drawing of Apartment Building clearly showing windows serving Apartments No.s 24 & 25 as per CFI submission requested. |
| Condition No. 5: | Surface Water Requirements. |
| Condition No. 6: | Drainage Requirements. |
| Condition No. 7: | Sub-condition 7(a) requires revised vehicular entrance layout & sub-condition 7(b) requires revised detailed scheme of road and pedestrian layout. |
| Condition No. 8: | Construction Management Plan. |
| Condition No. 9(a): | Construction traffic/activities requirements in relation to 'St. Patricks Avenue' & 'St. Patricks Avenue car park'. |
| Condition No. 9(c): | Implementation of the Residential Travel Plan measures. |
| Condition No. 10: | Pedestrian access point to SHD lands to be ungated. |

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| Condition No. 11: | Access arrangements onto Abingdon Park. |
| Condition No. 12: | Tree Protection. |
| Condition No. 13: | Section 48(2)(c) Levy. |
| Condition No. 14: | Final agreement of Public Lighting Scheme. |
| Condition No. 15: | Part 5 Agreement. |
| Condition No. 20: | Restriction of any further development above roof parapet. |
| Condition No. 21: | Restriction of access to roof areas. |
| Condition No. 29: | Bond. |
| Condition No. 30: | Restricts development until payment of all development contributions. |

3.2. Planning Authority Reports

3.2.1. Planning Reports

The **final Planning Officer's report** (30.11.2022) assesses the applicant's clarification of further information response and is the basis of the Planning Authority's decision. It includes the following comments:

- The revised floor layouts now submitted show that the individual storage for each of the apartment unit meets or exceeds the storage requirements for one-, two- and three-bedroom units.
- The increased number of dual aspect apartments is acceptable.
- They are satisfied that no undue overlooking or visual amenity impact arises.
- Documentation provided is missing a full suite of revised elevational drawings. This matter can be dealt with by way of condition.
- The revised location of the ESB substation is acceptable and at this location would not give rise to any undue amenity impact on existing properties in its vicinity.
- Requirements of the Environmental Health Officer should be imposed by way of condition.
- The revised Sunlight and Daylight Analysis accords with required standards.

- The revised landscaping plans, including but not limited to the measures to protect Tree No. 30 and to provide compensatory planting for the removal of Tree No. 31, are acceptable.
- It is accepted that the applicant does not propose to demolish or interfere with any Third-Party walls.
- The applicant has provided satisfactory detail in relation to the land that is within their ownership and consent for any works on land that is not.
- The revised landscape plan shows potential for possible future permeability with lands to the south of the subject site. This is deemed to be acceptable.
- The Transportation Planning's recommendations should be included by way of condition.
- Final lighting details can be confirmed by way of condition.
- The revised location of the bin store and heat pumps are deemed to be acceptable.
- Lack of public opens space can be dealt with by way of condition.
- No AA or EIA issues arise.
- Recommends a grant of permission subject to safeguards.

The **second Planning Officer's report** (10.10.2022) concluded with a request for clarification of further information on the following matters:

- | | |
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| Item No. 1: | Raised internal layout concerns in relation to the proposed apartment units. Specifically, the proposal failed to meet Section 12.3.5.1 of the Development Plan which required a minimum 50% dual aspect in apartment schemes. Additionally, it was considered that the apartment units provided an inadequate provision of internal storage and external storage. |
| Item No.2: | ESB substation location not deemed to be acceptable. |
| Item No. 3: | An updated Daylight, Sunlight and Overshadowing is sought. |
| Item No. 4: | Revised landscaping scheme was sought. |
| Item No. 5: | Clarification on ownership of lands affected by the scope of works. |

- Item No. 6: Permeability with the SHD scheme has not been addressed.
- Item No. 7: A revised vehicular entrance layout and changes to the internal road and footpath are sought.
- Item No. 8: A revised lighting scheme sought.

The **initial Planning Officers Report** (10.02.2022) concluded with a request for further information on the following matters:

- Item No. 1: Raises visual and residential amenity concerns in relation to the proximity of the three to four storeys over basement building to properties to the north, east and west of the site.
- Further concern is raised in relation to the fenestration detailing of the building and screening detailing for the upper floor level balconies.
- Revised design is sought.
- Item No. 2: Concerns are raised in regards to the refuse store & heat pumps locations.
- Item No. 3(a): Concerns are raised in relation to the Daylight/Sunlight analysis provided and the potential of the development to give rise to undue overshadowing of neighbouring properties.
- Item No. 3(b): Revised proposals are sought so that the amenity spaces meet required standards.
- Item No. 4: A revised landscaping plan is sought which is requested to include details in relation to the retention and/or removal of Tree No.s 30 and 31. It also raises concerns in relation to the impact on trees and woodlands on site.
- Item No. 5: Site boundary revisions sought.
- Item No. 6: Clarification of ownership of access serving the site.
- Item No. 7: Permeability with adjoining SHD development sought.
- Item No. 8: - Clarification sought on parking, access arrangements and mobility management to serve the proposed development sought.

- Further car sharing provision sought.
- Minimum provision of 68 bicycle spaces sought.
- Travel Plan sought.
- Revised access to Shanganagh Road sought.
- Construction Management Plan sought.
- Detailed drawings showing the individual vehicle movements of emergency/fire tender/refuse collection vehicles accessing and egressing arrangements sought.

Item No. 9: Clarification on lighting scheme sought.

Item No. 10: Clarification on surface water management details sought.

Item No. 11: Clarification on Water Supply details sought.

Item No. 12: Compliance with Part V sought.

Item No. 13: Architectural Impact Report sought.

Item No. 14: Archaeological Impact Assessment sought.

Item No. 15: Construction Environmental Management Plan and a Demolition Management Plan sought.

Item No. 16: Waste Management Plan, including an Operational Waste Management Plan sought.

3.2.2. Other Technical Reports

Transportation: Final Report dated the 23.11.2022 raised no objection to the proposed development, subject to safeguards.

Parks & Landscaping: Report dated the 30.11.2022 seeks that a monetary contribution be applied *in lieu* of provision of public open space. It indicates that this contribution would be used in the upgrade of Shanganagh Park, Phase 1.

Drainage: Report dated the 29.09.2022 raised no objection to the proposed development, subject to safeguards.

Environmental: Report dated the 20.09.2022 raised no objection to the proposed development, subject to safeguards.

Environmental Health Officer: Report dated the 27.09.2022 raised no objection to the proposed development, subject to safeguards.

Public Lighting: Report dated the 30.09.2022 seeks a redesign.

Housing: Report dated the 26.09.2022 raised no objection to the proposed development, subject to safeguards.

Conservation: Initial report dated the 27.01.2022 raised no objection to the removal of 'Conna' which it considered to be of no architectural merit. Of note, the final report (undated) indicates that the Conservation Officer is satisfied that the proposed development will not significantly impact the setting and amenity of Abingdon House and there is appropriate distance provided between it and the new building. It is also considered that the new building would not overpower the Protected Structure or overly encroach upon it. It is therefore concluded that the proposed development as revised would have a neutral impact on the Protected Structure.

3.3. Prescribed Bodies

3.3.1. **Irish Water:** No objection, subject to safeguards.

3.3.2. **An Taisce's** response, dated: 17th day of January 2022, can be summarised as follows:

- Concern that this application is not accompanied by an architectural impact report.
- This proposal would give rise to the loss of two grade A trees.
- Concerns raised in relation to the provision of high-density development accessed from what is described as the very narrow and twisting Shanganagh Road.

3.3.3. The Department of Housing, Local Government and Heritage's response, dated the 21st day of January 2022, can be summarised as follows:

- It is possible that the site contains unknown archaeological features/deposits.
- An archaeological impact assessment should be requested.
- A suggested archaeological condition is also provided.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 44 No. Third Party Observations with a number of these observers also providing further submissions to the applicant's further information and clarification of further information submissions. I consider that these submissions in general object to the proposed development on its potential to give rise to diminished residential and visual amenities. Further concerns are raised in relation to traffic hazard/road safety issues, built heritage diminishment, access concerns through to depreciation of property values and civil matters. Overall having read these submissions I consider that the substantive planning concerns raised in them correlate with those set out in the Third Party submissions received by the Board.

4.0 Planning History

4.1. Site

- 4.1.1. None.

4.2. Setting

- **ABP-308418-20 (SHD): Adjoining Site to the South**

Planning permission was **granted** for 193 No. Build to Rent apartments and associated site works. Decision date: 11.02.2021.

5.0 Policy Context

5.1. Local

- 5.1.1. The Dún Laoghaire Rathdown County Development Plan, 2022-2028, is the operative County Development Plan under which the site is subject to land use zoning 'A' which has the objective: "*to provide residential development and improve residential amenity while protecting the existing residential amenities*". 'Residential' development is permitted in principle under this land use zoning objective.
- 5.1.2. The site is also subject to an objective to "*protect and preserve Trees and Woodlands*". Section 12.8.11 of the Development Plan deals with the matter of existing trees and hedgerows which are subject to this objective and states that: "*new developments*

shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows”.

5.1.3. Shanganagh Road is included in Table 5.3 - 6 Year Road Objectives/Traffic Management/Active Travel Upgrades.

5.1.4. Section 12.3.7.7 - Infill

- In accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County.
- New infill development shall respect the height and massing of existing residential units.
- Infill development shall retain the physical character of the area.

5.1.5. Policy Objective PHP18 - Residential Density

- Seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Additionally, this policy objective seeks to encourage higher residential densities on the proviso proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

5.1.6. Policy Objective PHP20 - Protection of Existing Residential Amenity

- Seeks to ensure the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

5.1.7. Policy Objective PHP27 - Housing Mix

- Seeks to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future regional HNDA.

5.1.8. Policy Objective PHP42 - Building Design & Height

- Seeks to encourage high quality design of all new development.
- Seeks to ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 in a manner consistent with NPO 13 of the NPF.

5.1.9. Policy Objective PHP44 - Design Statements

- Requires all medium-to-large scale and complex planning applications (30+ residential units) submit a 'Design Statement'. Additionally, such developments shall demonstrate compliance with 'Urban Design Manual – A Best Practice Guide' and incorporate adaptability of units and / or space within the scheme.

5.1.10. Policy Objective BHS 1- Increased Height.

- Seeks to support the consideration of increased heights and also to consider taller buildings where appropriate in suitable areas such as those well served by public transport links (i.e. within 1000 metres/10 minute walk band of LUAS stop, DART stations or Core/Quality Bus Corridor, 500metres/5 minute walk band Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area in a manner consistent with NPO 35 and SPPR's 1 & 3).
- Having regard to the Building Height Guidelines and more specifically to apply SPPR 3 the Development Plan it sets out that there may be instances where an argument can be made for increased height and/or taller buildings in the areas mentioned above. In those instances, any such proposals must be assessed in accordance with the performance-based criteria set out in Table 5.1 which is contained in Section 5 of the Development Plan. This sets out that the onus will be on the applicant to demonstrate compliance with the criteria.
- Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

5.1.11. Table 5.1 of the Development Plan sets out the criteria for assessing proposals for increased height (defined as building or buildings taller than prevailing building heights in the surrounding urban areas) or taller buildings or for a building that is higher than

the parameters set out in any LAP, or any specific guidance set out in this County Development Plan.

5.1.12. Quantitative Standards for Residential Development include:

- *Habitable Rooms:* Shall comply with appropriate national guidelines/standards in operation at the date of application.
- *Residential Density:* The overarching objective is to optimise the density of development in response to type of site, location, and accessibility to public transport.
- *Separation Between Blocks:* All proposals for residential development, particularly apartment developments and those over 3 storeys high, shall provide for acceptable separation distances between blocks. A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. Where minimum separation distances are not met, a daylight availability analysis will be required.
- *Dual Aspect:* There shall generally be a minimum of 50% dual aspect apartments in a single scheme. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, Council may exercise discretion to consider dual aspect unit provision at a level lower than the 50% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.
- *Minimum Apartment Floor Areas:* All apartment developments shall accord with or exceed the minimum floor areas indicated in the Sustainable Urban Housing: Design Standards for New Apartments.
- *Transport:* Proposals are sought to provide for pedestrians and cyclists as part of the development management process with all new development required to maximise permeability and connectivity for pedestrians and cyclists and to create direct links to adjacent roads and public transport networks in accordance with the provisions of the: 'Urban Design Manual – A Best Practice Guide' (2009), 'Sustainable Urban Housing:

Design Standards for Apartments' (2018) and the 'Design Manual for Urban Roads and Streets' (DMURS, 2019).

- *Car Parking Provisions:* These are provided for under Policy Objective T18, Section 12.4.5 and Map T2.
- *Cycle Parking Provisions:* These are provided for under Section 12.4.6.

5.2. Regional

5.2.1. **Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regions.** This Strategy Document supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the region. The following regional policy objectives (RPOs) are considered relevant to this application:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city.
- RPO 4.3: Support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs. Additionally, seeks to ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure as well as public transport projects.
- According to the RSES, the site lies in the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP). It advocates sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within the built-up area of Dublin City and its suburbs.

5.3. National

5.3.1. **Project Ireland 2040 - National Planning Framework (NPF)**, 2018-2040, is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040 and within this framework Dublin is identified as one of five cities to support significant population and employment growth. The NPF supports the requirement set out in the Government's strategy for: 'Rebuilding Ireland: Action Plan for Housing and Homelessness', 2016, to ensure the provision of a social and affordable supply of housing in appropriate locations.

National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF and include the following:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 11 presumption in favour of development in existing settlements subject to safeguards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 32 targets the delivery of 550,000 additional households by 2040.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.3.2. Housing for All – A New Housing Plan for Ireland, 2021.

The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social, and environmental sustainability built into the system. The policy has four pathways to achieving housing for all:

- Supporting home ownership and increasing affordability.
- Eradicating homelessness, increasing social housing delivery & supporting social inclusion.
- Increasing new housing supply.
- Addressing vacancy and efficient use of existing stock.

5.3.3. Rebuilding Ireland – Action Plan for Housing and Homelessness, 2016.

Pillar 3 of this Plan relates to increasing the output of private housing to meet demand at affordable prices.

5.3.4. Climate Action Plan, 2024 (CAP 24).

The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan. The purpose of the Climate Action Plan is to lay out a roadmap of actions

which will ultimately lead to meeting the country's national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.3.5. National Sustainable Mobility Policy, 2022.

This policy aims to support this modal shift between now and 2030, through infrastructure and service improvements, as well as demand management and behavioural change measures. This is with a view to encouraging healthier mobility choices, relieving traffic congestion, improving urban environments, and helping to tackle the climate crisis. It also takes account of Ireland's commitment to a 51% reduction in our carbon emissions by 2030 and to reach net zero by 2050.

5.3.6. Places for People – the National Policy on Architecture, 2022: This policy document provides national policy on architecture and outlines ways to promote and embed quality in architecture and the built and natural environment over the coming years in Ireland.

5.3.7. 'Building for Everyone: A Universal Design Approach', Booklet 9 - Planning and policy, 2012, promotes the concept and philosophy of universal design and encourages developers, designers, builders and building managers to be innovative and think creatively about solutions that meet the needs of all building users.

5.3.8. Relevant Section 28 Ministerial Guidelines, include:

- Sustainable Residential Development & Compact Settlements Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023).
- Design Manual for Urban Roads & Streets (DMURS), (2019).
- Urban Development & Building Heights, Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection Guidelines for Planning Authorities, (2011).

5.4. Natural Heritage Designations

- 5.4.1. The site is not within a European site, and it is situated c2km to the southwest of the nearest such site. This is Rockabill to Dalkey Island SAC (Site Code: 003000).

5.5. EIA Screening

- 5.5.1. This is EIA screening is an overview and summary of the findings of Form 1 and 2 attached.
- 5.5.2. The proposed development comprises of the demolition of an existing dwelling and its associated outbuildings and the construction of 32 dwelling units together with all associated site works and services on a stated 0.338ha hectare site. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district. I note that in this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.
- 5.5.3. The number of dwelling units proposed at 32 is well below the threshold of 500 dwelling units noted above. The site itself is located within suburban Dublin and does not form part of a business district. The site is, therefore, materially below the applicable threshold of 10 hectares.
- 5.5.4. In addition to the proposed development falling within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended, Class 14 of Part 2 to Schedule 5 of the Planning Regulations is also in this case relevant. This provides that mandatory EIA is required for: • works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule, where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. In relation to the proposed dwelling of ‘Conna’ this is a Neo-Tudor design dating to the early twentieth century with it and its outbuildings having a stated 432m² area. It is not afforded any specific protection under the current Dún Laoghaire-Rathdown County Development Plan, 2022-2028.

- 5.5.5. This proposal is located on lands zoned Objective 'A' in the current Dún Laoghaire-Rathdown County Development Plan, 2022-2028, which seeks to protect and/or improve residential amenity.
- 5.5.6. The buildings on site, including 'Conna', are of limited to no conservation status and their removal could be undertaken in a reasonable and safe manner complying with a final Construction Environmental Management Plan (CEMP), Demolition Plan and Waste Management Plan for the project.
- 5.5.7. This serviced brownfield site itself is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The existing wastewater treatment plant serving this area has sufficient capacity to accommodate the scale of development proposed. The site is not within a European site, and it is situated c2km to the southwest of the nearest such site. This is Rockabill to Dalkey Island SAC (Site Code: 003000). At a further distance of c3.8km to the northeast is Dalkey Islands SPA (Site Code: 004172). I consider that the issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive.
- 5.5.8. The applicant submitted an environmental screening report which included assessment of the proposed development against the information set out in Schedule 7A of the Planning and Development Regulations, 2001 (as amended) to allow a screening for EIA in accordance with the criteria in Schedule 7 regarding the: Characteristics of Proposed Development the Location of Proposed Development; and, the Types and Characteristics of Potential Impacts.
- 5.5.9. Additionally, this application is accompanied by several other documentations including Surface Water Management Details; Foul Drainage Details; Construction Environmental Management Plan; Demolition Plan; Waste Management Plans through to Detailed Landscaping Scheme. These address the issues arising in terms of the sensitivities in the site, its location and the overall changes now sought under this proposed residential scheme.

5.5.10. I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7A information and other information which accompanied this application including all relevant information on file. I have also completed a screening assessment as set out in Appendices attached to this report. I recommend to the Board 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. The conclusion of this assessment is based on:

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Classes 14 of the Planning and Development Regulations 2001, as amended, and the existing dwelling of 'Conna' and its associated outbuildings are not designated for protection nor do they form part of an area or collection of buildings afforded any specific protection under the current Dún Laoghaire-Rathdown County Development Plan, 2022-2028, or otherwise.
- The location of the site on lands on residentially zoned lands (Note: Objective 'A') as provided for under the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, which seeks to protect and/or improve residential amenity.
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended).
- The results of the strategic environmental assessment of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, undertaken in accordance with the SEA Directive (2001/42/EC).
- The brownfield location of the site within an existing built-up suburban area, with the existing dwelling house on site served by public infrastructure.
- The availability of mains water and wastewater services to serve the additional quantum of development sought under this proposed development.

- The features and measures proposed by applicant to ensure no connectivity to any sensitive location.
- The existing pattern of residential development in the area.
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended).
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

I have concluded that by reason of the nature, scale and extent of the quantum of development sought, the location of the subject site in a serviced suburban landscape through to the lateral separation distance between it and the nearest European site, 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 in this case.

5.6. Wildlife

- 5.6.1. The basic designation for wildlife is the Natural Heritage Area (NHA). This is an area considered important for the habitats present or which holds species of plants and animals whose habitat needs protection. Under the Wildlife Amendment Act, (2000), NHAs are legally protected from damage from the date they are formally proposed for designation. I therefore note that the site is located c0.2km to the southeast of the proposed Natural Heritage Area of Loughlinstown Woods (Site Code: 001211) and 0.6km to the southwest of proposed Natural Heritage Area of Dalkey Coastal Zone and Killiney Hill (Site Code: 001206).

5.7. Built Heritage

- 5.7.1. The site adjoins the reduced curtilage of ‘Abingdon’ (also referred to as ‘Abingdon House’ or ‘Old Abingdon’), a Protected Structure (RPS Ref. No. 1782), that is described under the RPS as ‘house’. It is also listed under the NIAH (Ref. No. 60260119) under which it is rated as ‘Regional’ in its importance and its categories of special interest are given as ‘Architectural’, ‘Artistic’, ‘Historical’ and ‘Social’. The NIAH

dates this detached five-bay two-storey house to 1758 and indicates in its given appraisal as “*representing an integral component of the mid eighteenth-century domestic built heritage of south County Dublin*”.

- 5.7.2. The site lies 0.2km to the east of Recorded Monuments: ‘DU02280: Castle - tower house’ and ‘DU02281: Water mill – unclassified’. The site also lies within c0.2km to the west of Recorded Monument ‘DU02282: Enclosure’.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of this Third-Party appeal can be summarised as follows:

- The use of the private vehicle and pedestrian access that is known as Abingdon Park to serve the proposed development is objected to.
- There would be safer access to the existing public pathway to Shanganagh Road through the neighbouring Abingdon SHD permitted development and the scheme includes a separate vehicle and pedestrian access onto Clifton Park.
- The Planning Authority has ignored the fact that the avenue of Abingdon Park is privately owned. Further, any right of way that exists for the subject site relates to a single-family home of ‘Conna’ and not for a development of 32 apartment units.
- This avenue is unsuitable for pedestrian traffic, it has no footpath, and it is shared with vehicular traffic.
- The Residential Travel Plan does not address the serious danger for pedestrians and cyclists emptying out onto what is a very sharp corner on the busy Shanganagh Road via this private avenue.
- The owners of Conna have made no contribution to maintenance of this access over several decades. It is unclear who the Council are suggesting should be providing maintenance to it in the future having regard to the intensification of its use permitted under this grant of permission.

- If permeability for pedestrians is allowed through the Conna site for other adjoining lands developed and undeveloped this would further exacerbate safety concerns for existing users of the subject substandard avenue.
- There are existing difficulties for access on this lane by larger vehicles serving the existing properties along it.
- The fatal accident that occurred on the Shanganagh Road at the entrance to Hazelwood is not mentioned.

6.2. First Party Response

6.2.1. The First Party's response to the grounds of appeal can be summarised as follows:

- The former rear entrance to Abingdon House serves the site for access onto the public road network.
- Originally the proposed development sought a simple access serving the proposal via Clifton Park with a gate and use of the existing access serving 'Conna' for pedestrian use only. There was no proposed access onto the SHD lands. This situation changed and was complicated by the Planning Authority's objective to improve permeability during the progression of its consideration of this planning application.
- The appellants now seek a further variation to the proposed development by complete cessation of use of the existing access to 'Conna' to serve the proposed apartment development. This request is not reasonable nor legitimate.
- It is not practical to request direct access to the SHD lands as the implementation of this scheme is not certain and these lands remain in private ownership.
- The proposed development is desirable form of development in an appropriate location convenient to services and public transport.
- It is requested that the Board omit Condition No. 11 and restrict the existing access gateway serving Conna to pedestrian purposes only with access limited to the occupants of the apartment.
- It is not objected to maintaining the requirements of Condition No. 10 as this provides potential access through the SHD lands if they are developed.

- The Board will be aware of the limitations on a Planning Authority in relation to public rights of way in the absence of appropriate administrative and legal steps.

6.3. Planning Authority Response

- 6.3.1. The Planning Authority's response considers that the grounds of appeal raise no new issues that would justify a change in their attitude towards the proposed development.

6.4. Observations

- 6.4.1. Third Party Observations were received by the Board from:

- 1) Ann Curran & Others.
- 2) Roy Tobin & Others.
- 3) Mary Donegan & Others.
- 4) Trevor & Corinna Dolan.
- 5) Andrea & Kyle Borain, Jean Mac Donald, Marie-Therese & Marcus Duggan.
- 6) Carol Spain & Others.
- 7) Kate Matthews & Dave Scott.
- 8) Colin Arundel.

I have noted the contents of these submissions which are attached to file.

For clarity and to avoid repetition I have decided to summarise the main points of these submissions collectively under the broad headings below:

Road Safety Matters

- River Lane at its narrowest point is 4.63m and is unsuitable to accommodate the additional traffic this proposal would generate on. The proposed development alone and in combination with the SHD development would give rise to protracted traffic queues on this route increasing the likelihood of conflict, obstruction, and traffic hazard issues for its existing road users.
- Abingdon Lane has not been considered for vehicle traffic, yet it has a similar width as River Lane, and it already serves the site providing it access to Shanganagh Road. Its use for vehicle access would impact fewer properties.
- A reduced density of development would be more appropriate and would result in less adverse road traffic and safety issues for existing road users.

- A condition is provided on the matter of avoiding conflict with pedestrians and cyclists on St. Patricks Avenue and in St. Patricks Car Park, yet these are not in the vicinity of the 'Conna' site. No similar condition has been provided for the Clifton Park, Shanganagh Wood Road, River Lane Grove, or any of the roads in Rathsallagh.
- The local road network is not suitable to cater for the scale of development sought.
- There is no rationale for bringing traffic through Clifton Park to serve the proposed development. This is currently a quiet cul-de-sac and its character would be significantly changed by the proposed development.
- Proposal is premature pending the Shanganagh Road Improvement Scheme. Planning permission was refused under P.A. Ref. No. D07A/0709 on the opposite side of Shanganagh Road for one single reason that the development was premature pending the completion of this road scheme.

Suitability of the Development to its Setting

- Proposal would not provide community social or economic cohesion for its locality.
- The height of the proposed scheme is not compatible with the site context.
- The site occupies higher ground levels to that of Clifton Park and results in a difference of at one storey in comparison. As a result, the proposed building would be legible as if it were a five-storey building from this adjoining residential scheme.

Overdevelopment

- A medium density of 35 to 50 units per hectare would be preferable.
- This development is out of context with the pattern of development in its setting.
- The proposed development is for profit and not a response to the housing crisis.

Residential Amenity

- This development would give rise to undue overlooking and overshadowing.
- It is not accepted that the revised western elevation changes and setback at fourth floor level relative to the dwellings at River Lane Grove precludes any overlooking. Additionally, the tree planting will not overcome overlooking that would arise.

Further, the existing and proposed tree planting will only screen the apartment building during the months of May to September when they are in full leaf.

- It is more usual for this type of scheme to house bin storage in the basement level than outside where it is less likely to give rise to nuisance to adjoining properties.
- Location of ESB substation is objected to as it would negatively impact amenity.

Visual Amenity

- The proposed development would diminish the visual amenities of its setting.
- The outlook from River Lane would change from its current sylvan character.
- The difference in ground level of River Lane Grove, which is lower than the subject site, amplifies the excessive height of the four storeys proposed. The proposed apartment building will dwarf the existing River Lane Grove houses. This is not adequately shown in the submitted drawings.

Built Heritage

- The proposed development is out of context with the adjoining Protected Structure.
- The buildings and boundaries for which demolition is sought form part of the Protected Structures curtilage. With the buildings on the northern part of the site formed part of the original farm buildings of Abingdon.
- The proposed development would diminish the Protected Structure setting, its enjoyment of this property for its owners as well as well as would reduce its value.
- Continued erosion of local heritage is objected to.
- There are no measures for the underpinning of adjoining Abingdon outbuilding structures which share a party wall as well as party boundary structures.

Archaeology

- The Archaeology Reports findings are not accepted.

Devaluation of Property

Concern is raised by a number of observers that their property value would if the proposed development is permitted and implemented would be diminished.

Ownership

- The title to the avenue that gives Conna access to Shanganagh Road is privately held and the Council do not have legal capacity to appropriate it for public use.

Services

- The permitted development does not make it clear that Abingdon's sewerage access will be unaffected. Drainage serving this toilet is contended to currently run through the boundary wall.

6.4.2. Note: *The above is a summary of the comments made in the Third-Party submissions which I have read in full and these are attached to the accompanying file.*

7.0 Appropriate Assessment

7.1. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

7.2. This conclusion is based on:

- An examination of the findings and conclusion of the documentation titled 'The findings of the Appropriate Assessment Screening Report' submitted with this application. This report is a Stage 1 Appropriate Assessment of the proposed development. It examines NPWS sites and their conservation objectives for a 15km radius from the site. Within this radius are Rockabill to Dalkey Island SAC; Ballyman Glen SAC; Bray Head SAC; Knocksink Wood SAC; Wicklow Mountains SAC; South Dublin Bay SAC; Glen of the Downs SAC; Carriggower Bog SAC; The Murrough Wetlands SAC; North Dublin Bay SAC; Howth Head SAC; Dalkey Islands SPA; Wicklow Mountains SPA; South Dublin Bay & River Tolka Estuary SPA; North Bull Island & SPA Howth Head Coast SPA. This report considered that watercourses and surface runoff are the main potential vectors for impacts on European sites. It sets out that there is no direct hydrological connection from the proposed development site of Conna to any European sites site and that indirect pathways enter the marine

environment where significant dilution and mixing will occur prior to reaching any such site. This report concludes no significant effects on European sites are likely.

- The subject appeal site, with a site area of 0.388ha, is a suburban serviced site not directly located within, it does not adjoin or is it in close vicinity to a European Site. The list of European sites referred to in the aforementioned report above are reflective of the potential zone of influence and beyond.
- The nature, scale, and type of development. With this consisting of the demolition of existing buildings on site, excavation, and regrading of the site as part of accommodating the proposed apartment building which would include a basement level. The existing water supply connections to the site would be upgraded alongside landscaping, new vehicle access onto Clifton Park, a pedestrian access to Abingdon Park, new boundary treatments together with ancillary works will be carried out on site as part of the proposed development. A new connection to the foul sewer is also proposed. The existing septic tank was not evident due to the overgrown nature of the site at the time of inspection and is likely to be in situ for a significant period of time as well as is not suitable for the additional loading of 32 apartments in a manner that would accord with best practice at a location whereby connection to existing foul sewer is possible in close proximity to existing site boundaries and onto a foul drainage system that has capacity to absorb it.
- The documentation on file indicates that all necessary connections or diversions of sections of sewer lines running through the property would be able to be made following a connection and diversion agreement with Uisce Éireann, if so required. No likely significant in-combination effects are identified for the purposes of AA.
- The nearest European sites is situated c2km to the southwest (Note: Rockabill to Dalkey Island SAC (Site Code: 003000)) and at a further distance of c3.8km to the northeast is Dalkey Islands SPA (Site Code: 004172). None of the aforementioned European Sites are within the zone of influence of the proposed development or any other designated sites listed in the applicants Appropriate Assessment Screening Report which includes sites with more significant lateral separation distances from the development site.
- There is no evidence to support the presence of direct hydrological pathway or ecological connection between the subject site and any European Sites.

- All foul and surface water runoff from the development will be contained onsite and/or discharged to the public wastewater drainage system in a manner consistent with best practices for the type of development proposed.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- All potential impacts predicted from the proposed development are such that they would not affect the conservation objectives of any designated European site.
- The proposed development would not give rise to any likely significant effect, individually, or in combination with other plans or projects, on any designated European site. With regard had to the recent planning history of the site's setting.

8.0 Assessment

8.1. Preliminary Comment

- 8.1.1. For clarity this assessment is based on the proposed development as revised by the applicant's significant further information response and their clarification of further information response, as received on the 14th day of September, 2022, and the 3rd day of November, 2022, respectively by the Planning Authority. This is on the basis of the qualitative improvements that arose to the overall design and layout of this proposed residential development to accord with the proper planning and sustainable development of the area as provided for under local through to national planning policy provisions and guidance.
- 8.1.2. On this point, it is my considered opinion that the finalised amended design and layout as provided in the applicant's clarification of further information reduces the potential for adverse residential amenity impacts to arise on existing residential properties in the immediate vicinity of the proposed development alongside provides qualitative improvements to the residential amenities for future occupants. There are also improvements to permeability and linkage with the proposed development with its surroundings. Additionally, it provides needed clarity on several substantive planning matters including but not limited to archaeology, built heritage, surface water, transportation, landscaping, retention of protected mature trees on site including compensatory planting for the loss of two Grade A trees from the site, through to

pertinent to planning civil matters such as the extent of the applicant's legal interest of lands at this location and consents for proposed works impacting lands outside of the applicant's ownership. Collectively the suite of revisions and the additional information give rise to development that is in my view more consistent in terms of it according with local through to national planning policy provisions as well as guidance. Through to it provides more adequate information upon which an informed decision can be made on the proposed development sought for the subject site, particularly in terms of the visual, residential, and built heritage amenity of setting which are in the context of this site and its setting sensitive to change.

- 8.1.3. In addition, I note that in carrying out my assessment of the proposed development I have conducted inspections of the site and its surroundings, reviewed the application and appeal documentation, including all responses and submissions received. I have had regard to relevant local to national planning provisions and guidelines, including Section 28 guidelines, with these having evolved since this application was originally lodged with the Planning Authority on the 9th day of December, 2021.
- 8.1.4. I am also aware of the site's-built heritage sensitivities given its proximity to the Protected Structure of 'Abingdon House' with the site not only bounding this sensitive to change structure and setting but also, I am cognisant of the fact that the subject site once formed part of its original curtilage. The sensitivity of the site and its setting is also added to by this area's long history of human habitation with this fact reflected in the presence of a number of Recorded Monuments located in close proximity (See: Section 5 of the Report).
- 8.1.5. Additionally, I acknowledge that this urbanscape which forms part of the suburban area of Dublin is one that has seen over the last century increased densification. With this commencing at the turn of the 20th century with the subdivision of land within the curtilage of Abingdon House to accommodate a small group of neo-Tudor two storey detached dwellings on large garden plots. Through the mid to later 20th century further subdivision to accommodate the two-storey low to medium density residential schemes including Clifton Park and River Lane Grove. The capacity of the surrounding lands to accommodate further densification is one that as discussed below is recognised and provided for in local through to national planning context. Alongside this is reflected by the fact that the adjoining 1.4ha parcel of greenfield land to the south of the site has an extant permission for 193 Build-to-Rent units (ABP-

308418-20/SHD) at a density of 138 units per hectare accommodated in multi-residential unit four buildings ranging from five to eight storeys in height. I note to the Board that at the time of the last site inspection this grant of permission had yet to be implemented. There are notwithstanding within the wider area examples of high-density residential developments in taller multi-unit buildings on infill and brownfield lands that have been implemented in more recent times. With such developments benefitting from this areas accessible location through to the presence of a range of retail, educational, community and other services/amenities.

8.1.6. In light of the above considerations, it is my view that the key issues that arise in this appeal case, are those raised by the Third-Party Appellant and Observers. These I propose to address under the following broad headings:

- Civil Matters & Access Related Issues
- Principle of Proposed Development
- Principle of the Specifics of the Proposed Development & Planning Context
- Built Heritage Impact
- Residential Amenity Impact
- Visual Amenity Impact
- Other Matters Arising

8.1.7. I propose to address each of these issues in turn in my assessment below. I also note for clarity purposes that I am satisfied that the proposed development gives rise to no other substantive planning related concerns that would warrant in-depth consideration in my assessment below or are such that they could not be appropriately dealt with by way of standard in nature conditions. This includes matters such as internal qualitative standards of the proposed apartment units which generally accord with required local through to national design/layout/standards. I am also satisfied that matters such as drainage, landscaping, lighting, boundary treatments, demolition/construction and operational waste management, construction management plan details, restriction of additional structures at roof level and restriction of access to roof levels to maintenance purposes only, Part V details to the agreement of material treatments, finishes and the like have been successfully resolved as part of the further

information/clarification of further information responses and/or are matters that can also be dealt with by way of appropriately worded conditions.

- 8.1.8. Moreover, in relation to the matter of the missing elevation and section drawing of the final revised apartment building I concur with the Planning Authority that this can be dealt with by way of an appropriately worded condition. This conclusion is based on the details set out for the internal layout, the minor nature of the elevation changes that arose as part of the further clarification of additional information, the separation distance between this elevation and adjoining properties through to the amendments to the landscaping that include more robust screening. I therefore recommend that should the Board be minded to grant permission that they include Condition No. 2 of the Planning Authority's notification to grant permission to deal with this particular issue.
- 8.1.9. Further, in relation to any oversailing and encroachment on Third Party lands arising from the proposed development in the absence of Third Party consent and given that the site is by and large enclosed by lands in private Third Party control with this including existing natural and man-made boundary treatments, with this includes concerns raising that the proposed development works could interfere with structures bounding the western boundary of the site, as discussed below the applicant must be certain under civil law to ensure that they have all rights in relation to the land for which they intend to implement any grant of planning permission. That is to say any grant of permission for the subject proposal would not in itself confer any right over private property in the absence of necessary consents being in place. Alongside any instances of damage to, or interference with, the appellants' property attributable to the proposed development would essentially be a civil matter for resolution between the parties concerned and in this respect as a precaution I recommend that the Board should it be minded to grant permission to include an advisory note setting out Section 34(13) of the Planning and Development Act, 2000. This section of the PDA states that: *'a person shall not be entitled solely by reason of a permission under this section to carry out any development'* and, therefore, any grant of permission for the subject proposal would not in itself confer any right over private property.
- 8.1.10. On a further point of clarity in relation to relevant local planning policy provisions I note that the site area lies outside of the boundaries of the Woodbrook-Shanganagh Local

Area Plan, 2017-2023, (Note: as extended for a further period of 5 years from the 11th October 2022).

- 8.1.11. The matter of 'Appropriate Assessment' has been dealt with separately under Section 7 of this report above.

8.2. Access / Civil Matters

8.2.1. Overview

- 8.2.2. This proposed residential development of 32 apartment units and its associated works, which includes demolition of existing structures, would consist of the one vehicle entrance connecting to Clifton Park with this including a separate pedestrian access, a separate pedestrian/cyclist access onto Abingdon Park which would provide connection for pedestrians and cyclists to Shanganagh Road and a potential link to the adjoining SHD lands permitted by the Board under ABP-308418-20.
- 8.2.3. The subject site is and has historically been accessible by car, pedestrian, and cycle by the occupants of 'Conna' as well as its visitors to the public domain of Shanganagh Road via Abingdon Park. There are no other access points serving the site in its existing state including from its eastern boundary that runs alongside Clifton Park residential scheme or onto the SHD lands to the south.
- 8.2.4. The existing right-of-way is shown in the documents provided as terminating alongside the existing entrance serving 'Conna' which lies at Abingdon Parks easternmost end. At this point I observed an agricultural gate located to the south of this existing access that appears to provide access to the adjoining SHD plot of land. The lane at this location though widening out slightly in its width to accommodate the entrance serving Conna is notwithstanding restricted due to the side hedges being so overgrown. The agricultural access to the SHD plot itself does not appear to have been in recent use nor do these lands have the appearance of being actively used for farming or any other functional use in recent times. Both are overgrown and the section of lane preceding both access points is only suitable in its width for a standard in width vehicle to journey along it. The driveway inside the site was also overgrown and shows no evidence of recent upkeep. This is the case also with the dense planted boundary that separates the site from the adjoining lands to the south. Bounding the northern and western boundaries the property bounds privately owned land in residential use. With this including the Protected Structure of Abingdon and also the residential development of

River Lane Grove. There are a mixture of mature hedging and solid boundaries running along the eastern boundary that in proximity to its southern most end adjoins a cul-de-sac of Clifton Park. At this point there is a section of tall solid dashed wall, a centrally positioned lighting standard with mature evergreen tall trees providing a high degree of seclusion between this cul-de-sac and the properties it contains.

- 8.2.5. Having examined the appeal submission I consider that the primary concern raised by the Appellant relates to the proposed development as permitted scope of access over a private access cul-de-sac laneway that is referred to as 'Abingdon Park' to Shanganagh Road (Note: R119). This laneway is described by them as providing access to their property and four other dwellings (including 'Conna' the existing dwelling on site) as well as the adjoining parcel of greenfield land to the south of the subject site. Which as previously note has an extant permission for the construction of 193 Build to Rent apartment units and its design as permitted includes a pedestrian / cycle access onto this laneway.
- 8.2.6. In relation to this issue concern is raised by the Appellant that the grant of planning permission for the development sought under this planning application not only facilitates pedestrian and cyclist access generated by the proposed apartment scheme via a modified existing entrance. But also, through this modified entrance would as permitted provide for uncontrolled access through the site to the modified entrance for pedestrian and cyclist movements arising from Clifton Park and the adjoining SHD land to the south onto Abingdon Park, from which they would be able to access Shanganagh Road.
- 8.2.7. This they note is provided for under Condition No. 11 of the Planning Authority's notification to grant permission which reads: *"upon completion of the proposed development and post-occupation of same, the pedestrian access routes shall be fully accessible to the general public 7 days of the week and 24 hours of the day in order to maintain adequate permeability across the site (From Clifton Park to Shanganagh Road)."* With the stated reason for this condition reading: *"in the interest of proper planning and sustainable development"*. In addition to the provisions of Condition No. 7 which essentially requires revised drawings demonstrating an amended vehicular entrance layout which connects both existing footpaths on Clifton Park to the internal pedestrian route layout of the scheme. As well as the provisions of Condition No. 10 which requires the provision of a pedestrian access point on the southern boundary,

i.e. the boundary adjacent to the SHD lands associated with the grant of permission ABP-308418-20.

- 8.2.8. It is the Appellants view the permitted level of access goes beyond the scope of the development as originally proposed in this planning application and of concern there is no demonstrated consent from those with a legal interest in this private lane for the nature and type of uncontrolled access now permitted along it. With further concerns that the level of access permitted would erode its intrinsic character, would give rise to undue nuisances, through to as permitted place unfair burden on them for additional maintenance of this lane which would essentially become a public access and more heavily used lane. It is therefore sought that the requirements of Condition No. 11 in particular be omitted by the Board should it be minded to grant permission.
- 8.2.9. Other Third Parties in this appeal case, with I note given addresses of Clifton Park and River Lane, consider that as the subject site benefits from an existing entrance to Shanganagh Road over Abingdon Park that allows for vehicular access to the site from the public domain. With this being the case it is their contention that it is unreasonable for the proposed development to include a new entrance opening onto an existing cul-de-sac of Clifton Park through to for this new vehicle access point to be the sole vehicle entrance serving the site, particularly once operational. It is their contention that the access roads of Clifton Park and River Lane are substandard in their design and unsuitable to cater for the additional quantum of vehicle traffic the proposed development would give rise to from this new vehicular access. On this point, they consider that the additional traffic that would arise from the permitted development would give rise to undue additional congestion, obstructions through to increased traffic hazards for existing users.
- 8.2.10. It is also considered that the new access would adversely change the character of Clifton Park, in particular the cul-de-sac road the proposed new entrance would open onto. It is therefore sought that any grant of permission by the Board omit the provisions for a new access onto Clifton Park and that future development on the site be served by the existing entrance serving the site.
- 8.2.11. It is also a concern of Third Parties in this appeal case that the proposed development's entrance would be in addition to the new entrance serving the adjoining SHD lands to the south.

8.2.12. As permitted, I again note that ABP-308418-20 consists of 193 dwelling units with these served by 120 car parking spaces, 372 no. bicycle parking spaces and 6 no. motorcycle spaces with the new entrance onto Clifton Park accommodating vehicle access. This new entrance would be located onto the cul-de-sac to the south of the location of the proposed new entrance serving the proposed development sought under this application. Additionally, this permitted development includes a pedestrian and cycle access onto Abingdon Park.

8.2.13. The proposed development in tandem with this development, if implemented as permitted by the Planning Authority, would give rise to a significant level of additional vehicle and active traffic on what they contend is a substandard surrounding public road network. As well as would compound and exacerbate their road safety, traffic hazard, nuisance, and amenity diminishment concerns. Alongside would give rise to increased permeability for the wider locality including the existing estates of Rathsallagh and Shanganagh Woods.

8.2.14. Principle of Permeability of the Proposed Development with its Surroundings – Planning Context

The proposed development as revised and as permitted provides for one vehicle new vehicle entrance opening onto an adjoining Clifton Park cul-de-sac. With this entrance also linking to the existing pedestrian footpaths of this existing adjoining residential scheme. Additionally, the existing entrance serving the site would facilitate pedestrian and cyclist access only with provisions made for pedestrian permeability into the adjoining lands to the south should that be developed in future as per its extant permission ABP-308418-20 or otherwise. This level of linkage together with the pedestrian/cyclist routes being 24 hours 7 days of the week. Condition No.s 7, 10 and 11 of the Planning Authority's notification to grant permission in their various requirements supports this maximisation of permeability and linkage through the site to the surrounding public domain including via the private cul-de-sac lane of Abingdon Park.

In terms of the principle of achieving enhanced permeability and linkage as part of planning application at a national level NPO 27 and 64 of the National Planning Framework (NPF), which I note RPO 5.2 of RSES is consistent with, sets out that one of the ways to achieve a compact and connected development is by integrating land

use and transport policy. In so doing it promotes compact growth and ensures that people can easily access their homes, employment, education, and the services they require by means of sustainable transport.

Of relevance also at a national level is the Design Manual for Urban Roads and Streets, as amended. With Section 3.3 of this guidance document, on the matter of permeability and legibility, stating that: *“movement towards more integrated and sustainable forms of development will result in a shift away from dendritic street layouts to highly connected networks which maximise permeability”*. This document also sets out that streets should lead to other streets limiting the use of cul-de-sacs that provide no through access and instead maximise the number of walkable / cyclable routes between destinations.

In relation to vehicle permeability, Section 3.4.1 of this guidance document, sets out that permeable layouts that provide more frequent junctions. With this having a traffic calming effect as they give rise to drivers slowing down and showing greater levels of caution.

Additionally, it indicates that frequent entrances to a neighbourhood cell can reduce the potential for severance between communities and increase pedestrian/cyclist mobility as streets /junctions are more compact and easier to navigate. Further Section 3.4.3 of this document sets out that street networks are important to underpinning: *“the efficiency and sustainability of public transport and, consequently, the ability to facilitate higher densities along public transport in accordance with the objectives of Smarter Travel (2009)”*.

In terms of the National Sustainable Mobility Policy Goal 7 aims to support enhanced permeability and ensure that the universal design principle and hierarchy of road users' modes is used to support whole journey approach and prioritise sustainable mobility.

It also sets out that sustainable mobility should serve all sectors of society and peoples access to opportunities to work, get an education, or partake in other activities should for example not be compromised by the design of the walking and cycling infrastructure.

With this plan also acknowledging that there is a need for continued investment and support of walking and cycle as part of supporting localised travel and/or to provide enhanced connectivity.

This policy direction is also supported by the Climate Action Plan, 2021, which similarly seeks prioritising of walking and cycling. Alongside enhanced permeability for safer active travel routes as part of reducing private car usage and in turn reducing emissions as part of decarbonisation and ensuring more climate resilient development.

At a regional level, I note that the applicable RSES supports the 10-minute settlement concept. This I note is consistent with the principle of at a local level the prioritisation of walking, cycling as well as public transport by maximising the number of people living within walking and cycling distance of their neighbourhood or district centres, public transport services, and other services at the local level such as schools which this document supports.

At a local level I note that Section 5.6 of the Development Plan sets out that as part of the development management process, that new development will be required to maximise permeability and connectivity for pedestrians and cyclists. Policy Objective T11 of the Development Plan aligns with this by way of seeking improved permeability as part of placemaking.

Of further note is Section 12.3.1.1 of the Development Plan sets out the design criteria that focuses on achieving high standards of design and layout as part of creating liveable neighbourhoods. It indicates the criteria that will be considered when assessing this type of application includes but is not limited to achieving quality of linkage, walking, and cycling permeability to adjacent neighbourhoods as well as facilities. It also indicates that walking and cycling permeability shall be maximised at every opportunity.

Additionally, Section 12.4.1 of the Development Plan, requires all new developments to maximise permeability and connectivity for pedestrians and cyclists including by way of the creation of direct links to adjacent roads and public transport networks in a manner that accords with DMURS, the guidance document referenced above.

Further, the Development Plan also acknowledges that increased permeability also aligns with the Climate Action Plan through to the National Sustainability Mobility Action Policy. As better integrated/people focused/ safe and green mobility, alongside

densification at appropriate locations where sustainable trips and modal share are achievable allows for greater efficiencies and improvements to sustainable public transport services. With these aligning with the various provisions of the Development Plan that seek to achieve more climate resilient outcomes, including achieving improved levels of decarbonisation through the spatial planning process in a manner that is consistent with higher level national guidance and provisions.

In terms of actual improvements to the road network in the vicinity of the site it is of note that under Table 5.3 of the Development Plan it sets out 6-year road proposals that is indicated would primarily consist of safety as well as facilities improvements for pedestrians and cyclist with all road projects including all modes in accordance with DMURS and the National Cycle Manual. The locations identified for these road improvements includes Shanganagh Road. Improvement to Shanganagh Road is also identified in the Council's Road Maintenance Programme, 2023-2025, and in 2022 footpath and road improvements were completed in Clifton Park which is indicated to have improved its accessibility.

The maximisation of permeability options given the opportunity for linkage with existing public domain on the adjoining cul-de-sac of Clifton Park and the fact that the adjoining lands to the south being residentially zoned, having no evident current functional use through to having an extant permission for residential development with a public open space located immediately alongside the shared boundary, provides for shorter distances to travel for example to access existing sustainable transport mode options in this locality, i.e. the Shankill Dart Station to the south, the existing bus stops on Shanganagh Road and the existing bus stops within reach of the site at Shanganagh Cliffs, Dublin Road and N11. It also provides for shorter distances to travel to existing services, amenities and other synergistic to residential development land uses in this locality.

There is also the recent planning precedent by the Board for the provision of a similar vehicular with separated pedestrian linkage onto another cul-de-sac of Clifton Park located to the south of this site as part of the permitted access arrangement for the residential scheme permitted by the Board under ABP-308418-20. This land also benefits from an existing right-of-way over the lane of 'Abingdon Park' and with the permitted scheme including a separate pedestrian access onto this lane.

In the intervening time since the Board granted permission for ABP-308418-20 local through to national planning provisions as well as guidance have evolved and now provide more robust support as well as nuanced guidance for achieving sustainable neighbourhoods and qualitative placemaking in part by maximising permeability, connectivity, and linkage.

Moreover, it is generally accepted in the design of built-up areas, often including the design of residential schemes of various types, that subject to safeguards, existing cul-de-sacs, including those that serve adjoining residential schemes, can have the latent potential for linkage and extension as part of future redevelopment of adjoining lands.

With this offering benefits not only for the proposed development but for existing residential schemes by improving their linkage to their neighbouring environment which can like in this case reduce distances to reach sustainable transport modes through to other amenities, services, and the like in this locality.

Furthermore, I am not convinced that there is anything unique or of intrinsic merit in the design of Clifton Park that would warrant safeguarding the cul-de-sac from any new entrance opening onto it from the redevelopment of the subject site.

Additionally, there is no objection from the Council who are owners of these public lands for this opening.

There is also no objection on file from any party with an interest in the adjoining lands to the south for the potential creation of a future pedestrian access. With the works associated with this potential access being confined to within the red line area as are the works for the modifications to the existing entrance serving the site to facilitate pedestrian and cycle access.

Conclusion: On the basis of the above considerations, I am satisfied that local through to national planning policy provisions as well as guidance encourages and promotes maximising qualitative permeability, connectivity, and linkage, particularly for active and sustainable transport modes as part of sustainable placemaking for residential developments in a mature but evolving mainly residential in character built up area of south Dublin city. As such I consider that the principle of maximising the site's potential permeability with its surrounding neighbourhood context is consistent with the proper planning and sustainable development of the area, subject to appropriate safeguards.

8.2.15. Abingdon Park – Access & Civil Related Matters

The applicant's interest in the 'Conna' site is indicated as owner in the planning application form. The accompanying documentation provided by them appears to support that they purchased the site in October, 2019. With this including a letter from a legal firm operating on their behalf which states that the site: "*benefits from a specific grant of right of way for all purposes over the private road or avenue leading from the front gate to the premises to the public road shown on the attached map coloured yellow*".

However, I note that a full copy of the deeds, title maps, through to any written easements or fetters relating to the subject site have not been provided.

The documentation provided does not appear to support that this private right-of-way has been registered on foot of the changes to the law of easements and rights of way that occurred in 2009 that made it a requirement that such rights be registered.

Similarly, I note that the same clarity is not provided by any of the other Third Parties in this appeal case with similar right of way benefits over the Abingdon Park lane.

Moreover, no clarity has been provided by any of the parties to this appeal case or otherwise on who the current actual owner (or owners) of the Abingdon Park lane is.

Furthermore, there is no evidence to support an established access through the subject site from its entrance that links to Abingdon Park to the lands associated with Clifton Park and the adjoining lands to the south exist.

In relation to Abingdon Park, at the time of my site inspections I observed one car journeying along it. On my first inspection I encountered two separate occupants of properties along the lane accessing their properties on foot over this lane. On my second inspection I encountered no vehicles, pedestrians or cyclists using Abingdon Park and I noted that no development works had commenced on the adjoining lands to the south. This land was in a greenfield state.

In terms of the conditions of this laneway I observed that for the most part that its hard surface carriage was in a good state of repair. The width of the lane for the most part was restricted in its width and only suitable for one vehicle to journey safely along it. Further, its meandering nature resulted in points where views of on-going traffic, if there had been any encountered.

I also observed that sections of the lane's width, particularly towards its easternmost end were encroached upon by mature mainly hedge planting. This existing planting together with the presence of many mature trees in its vicinity results in a strong sylvan, secluded, and tranquil character. The presence of such dense and tall planting also, however, impedes light penetration to the lane itself which is heavily overshadowed.

Abingdon Park lane does not contain any lighting scheme along it and though it does contain a section roughly midway along it where it has a more expanded width at this point it is not cohesively surfaced. Nonetheless at this point there is an opportunity for two vehicles to pass one another. Beyond this point to the east and west the passage of two vehicles by one another is reliant on entrances serving properties along it.

I also observed during my site inspection that Abingdon Park's entrance onto Shanganagh Road is suitable in width for one vehicle to move through it at any one time. This entrance is defined by two tall period stone piers with the name of 'Abingdon' visible on the northern one and 'Park' on the southern one. These pillars have an attached cast iron gate that were in an open position at the time of both my inspections. Together they contribute to the visual interest along this stretch of Shanganagh Road.

The entrance itself has a splayed layout between where the pillars are setback from the public road carriage of Shanganagh Road. There is space in this setback for a standard vehicle to wait should another vehicle be encountered. The sightlines in either direction for vehicles accessing from this entrance onto Shanganagh Road I observed are substandard in both directions with traffic journeying along this stretch of road at speed that appeared to exceed the posted speed limit of 50kmph with the road carriageway in both directions containing the words slow painted thereon.

Additionally, I observed that running along the eastern side of this stretch of Shanganagh Road there is a restricted in width, poorly surfaced and kerbed pedestrian footpath. There is no pedestrian footpath on the opposite side of this stretch of Shanganagh Road (Note: western side). Further there is no dedicated cycle, bus lanes or substantive grass verge on Shanganagh Road which in the vicinity of the entrance to Abingdon Park accommodates a carriage width of c6m for the two-way traffic it caters for.

It is also raised as a concern that the adjoining stretch of Shanganagh Road that Abingdon Park opens onto has a history of road safety incidents and as such it is not a suitable road to cater for any additional pedestrian and cyclist movements onto it arising from the proposed development. With it being noted that in the past this included a fatal collision that occurred near the entrance of Hazelwood estate between a vehicle and pedestrian in close proximity to the south of the Abingdon Park Shanganagh Road entrance. I note that available information supports that this collision did occur at the referred to location in 2017.

I also note that this incident is not indicated in Figure 3.2 of the Traffic and Transport Assessment (TTA) provided with this application. According to the information in this file Figure 3.2 and the collision data it contains relates to a time period of 2005 to 2016.

I acknowledge that this is despite the application being lodged with the Planning Authority on the 9th day of December, 2021.

I do note, however, during my inspections of the site and its setting I observed no pedestrian and cycle movements in the immediate vicinity of Abingdon Parks entrance onto Shanganagh Road. I did observe one cyclist at the junction of Commons Road, River Lane and Shanganagh Road journeying in a southerly direction and the main volume of pedestrian movements were in the vicinity of the Dart Station and the public road networks in its immediate vicinity as well as a small number of pedestrians in the green spaces around Clifton Park as well as River Lane.

Though the TTA accompanying this application is out of date it does provide a description of the existing public road conditions and excludes private road conditions of Abingdon Park which have not been subject to any significant changes.

I am also cognisant that this report was prepared and finalised during a period of when Ireland was in Level 3 Covid restrictions. A time where people worked from home unless it was absolutely necessary to attend work in person. It is generally accepted that traffic patterns during this time would not be representative of normal times nor an accurate base point upon which to anticipate traffic growth.

Additionally, having regard to the nature of the proposed development and the thresholds set out in the Traffic Infrastructure Irelands Traffic and Transport Guidelines (2014) as well as any similar guidance on the matter in the Development Plan the

proposed development is one that does not meet or exceed the threshold for a full TTA.

Further, the authors of the accompanying TTA indicate that the purpose of providing this document was to provide a picture of the impacts associated with the proposed development. With I note other documents submitted by the applicant during the Planning Authority's determination of this application by way of further information and clarification of further information responses. These included a Residential Travel Plan. Alongside design changes included revisions to the proposed internal and external access arrangements of the proposed scheme for vehicle and vulnerable road users. Additionally, improvements included potential for future pedestrian linkage with the adjoining SHD lands to the south; a reduction in car parking spaces to 35 and an increase in bicycle parking to 68 spaces.

In relation to the use of 'Abingdon Park' lane on the basis of the information before me I am satisfied that the site has an established right-of-way over it. That is to say I am satisfied that the applicant has demonstrated the right to access and egress over it from the Conna entrance gate to the public road of Shanganagh Road. With this right of way therefore extending along c188m to where access onto the public domain is achieved for the owners of Conna.

In terms of the use of Abingdon Park lane the proposed development does not seek to maintain vehicle access over this lane with the design and layout from what was originally lodged with the Planning Authority to that permitted accepting the unsuitability of this lane and the entrance onto Shanganagh Road for any additional traffic generation the proposed development would give rise to.

On this point I also note that the proposed development as permitted does not include works to the private laneway of Abingdon Park or its entrance onto Shanganagh Road and the entrance serving the site.

I also concur with the Planning Authority that it would be appropriate that traffic generated during the demolition, excavation and construction phase be managed as part of a detailed site-specific construction management plan that includes appropriate measures to safeguard its setting including the public domain by way of condition. Such a plan and the measures it contains could be subject to the written agreement

of the Planning Authority and are a standard requirement for this nature of development sought under this application.

In this regard given the substandard nature of Abingdon Park lane and its entrance onto Shanganagh Road it would, in my view, be appropriate that the entrance onto the adjoining cul-de-sac of Clifton Park be part of the first works carried out on site as this would provide safer access to the public road network for vehicles generated during these phases of development. With this I note including it being one where it has a low-speed environment, capacity for two-way traffic through to a public domain that includes segregated pedestrian footpaths. It would also be prudent that measures are included to restrict parking along this lane during these phases of development given the potential for such parking to give rise to obstruction to other road users including potential to interfere with established rights of way over it. This could be achieved through a suitably worded condition should the Board be minded to grant permission.

In relation to the occupation phase of the proposed development, the proposed development would result in the existing entrance and southwestern boundaries of the site being modified to accommodate pedestrian/cyclist movements only. As said the proposed scheme includes 32 apartment units and Abingdon Park would provide the most direct access to Shanganagh Road for occupants of the scheme. Notwithstanding, the requirement of Condition No. 11 of the Planning Authority's grant of permission requires this entrance point to be fully accessible to the general public 7 days of the week.

With this condition when taken together with the other conditions noted that seek to ensure that the permitted development when completed achieves optimised permeability and linkage with its surrounding context effectively requiring it to be fully accessible to the general public 7 days of the week and 24 hours of the day in order to maintain permeability across the site from Clifton Park to Shanganagh Road. With I note the proposed entrance to Clifton Park being similarly accessible as would be the pedestrian access on the southern boundary of the site onto the SHD land (Note: Condition No. 11 of the Planning Authority's notification to grant permission).

In relation to the resulting outcome for Abingdon Park lane, the final revised scheme and the requirements of the Planning Authority's grant of permission give rise in my view to a number of concerns given that the proposed development never sought any

material or functional change to this laneway and its entrance onto Shanganagh Road. Both of which are located outside of the red line area of the site and relate to land for which the applicant has demonstrated no legal consent for any changes to them.

On this point I note that Section 7.3 of the Development Management Guidelines for Planning Authorities, 2007, sets out that the basic criteria for conditions are as follows: 'Necessary'; 'Relevant to Planning'; 'Relevant to the Development to be Permitted'; 'Enforceable'; 'Precise'; and 'Reasonable'. I also note that Section 7.9 of the said Guidelines advise that conditions requiring matters to be agreed where matters involved are of a fundamental nature or such that third parties could be affected should be avoided.

As discussed previously, encouraging and supporting permeability as well as connectivity by active travel means is an important element in the placemaking of high quality compact neighbourhoods. With this provided for in local through to national planning provisions and guidance. As such ensuring that the redevelopment of this site maximises potential connectivity within its neighbourhood context is reasonable expectation on the basis that it accords with proper planning and sustainable development of the area as well as is a fundamental part of creating neighbourhoods that are more climate resilient by reducing reliance on private car use.

Notwithstanding, I am not convinced that the requirements particularly of Condition No. 11 of the Planning Authority's grant of permission can be made effective in the absence of the agreement and necessary consents of all those who have a legal interest in the private lane of Abingdon Park and its entrance onto Shanganagh Road.

In this regard, I am not convinced that it is within the applicant's power to fulfil the requirements of Condition No. 11. Whereas this I consider is a different matter in terms of providing such permeability with Clifton Park. Which I note that the applicant has demonstrated that they have the required consent of the Council for the provision of a vehicle and pedestrian access over its lands. The written consent from the Council is attached to file as well as the fetters for such consent.

In terms of the permeability to the SHD lands to the south the works associated with this would be confined to inside the red line area and therefore it leaves the future potential for this connection to occur subject to safeguards including securing the necessary consent of its private landowner or in time the Planning Authority if ABP-

308418-20 was implemented and taken in charge. The general principle of maximising permeability, linkage and connectivity as said is consistent with proper planning and sustainable climate resilient development of an area.

While I am cognisant that matters relating to right of way, including arguably any material change in use by parties benefitting from an established right of way over Abingdon Park lane, like in this case, are considered to be a civil matter outside the remit of this planning appeal and are matters that can only be resolved by agreement between the parties. Notwithstanding, I am not satisfied that the requirements of Condition No. 11 meet the basic criteria for conditions particularly in terms of it requiring uncontrolled 24 hour 7 days a week public access over a private laneway and entrance on the basis that it is not enforceable, reasonable or rational to impose an obligation on those with a legal interest in this private lane without any evidence of their consent to the same.

I also consider that there are parallels in this obligation being placed on private landowners for a material change in use and function of a private lane with the subject matter of *Ashbourne Holdings Ltd – V – An Bord Pleanála & the County Council of the County of Cork* Supreme Court Case.

This case examined the validity of planning conditions imposed on privately owned lands providing for public access over them, where there were uncertainties regarding ownership and control of the impacted land and considered that the conditions requiring public access to be unreasonable and void.

As a final comment I note to the Board that there is no indication on file in my view that would substantiate that the Planning Authority have an intention of or that they would be willing to take Abingdon Park lane in charge together with the burdens that would arise from the same where it the case that this was amenable to those with a legal interest in it.

Conclusion: While I am satisfied that there are obvious planning merits in maximising permeability and linkage as part of creating sustainable neighbours in consistent manner with local through to national planning provisions. Notwithstanding, the Planning Authority in this case in relation to the requirements of Condition No. 11 in my view imposed an unreasonable, unenforceable, and irrational obligation on Third Parties with a legal interest in Abingdon Park lane and its entrance onto Shanganagh

Road in the absence of their consent with the basis of this requirements given as being in the interests of proper planning and development.

The impacted Third Parties have also no legal interest in the red line area of the subject site and the proposed development thereon sought under this planning application.

As such the requirement of this condition imposed by the Planning Authority in this case falls short of meeting the basic criteria for conditions as set out in the Development Management Guidelines as set out in my assessment above. I am not satisfied that they cannot be overcome in this instance by simply dealing with this material change in the established nature, function, and use of this lane by concluding it to be a civil matter. Given that it is clear that the applicant in this case has demonstrated insufficient legal interest to carry out the development in manner that can meet the requirements of Condition No. 11 and in turn effectively changing Abingdon Park into a lane with unfettered public access along it.

I do not therefore consider that the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development if attached as an advisory note is sufficient to overcome the substantive concerns in relation to the requirements that Condition No. 11 impose as part of the Planning Authority's notification to grant permission. Though in saying this as part of other considerations arising in this appeal case in relation to the proposed development it would be advisable for the Board in my view to include this section of the PDA as a precaution as an advisory note as part of any grant of permission for the development sought under this application.

Therefore, should the Board be minded to grant permission I recommend that in the absence of consent that they ensure that access to Shanganagh Road via Abingdon Park cul-de-sac private lane from the revised entrance in the southwestern corner of the site be gated and the level of access be wholly restricted to occupants of the proposed residential scheme.

I also consider that given that this development would be served by a main entrance with vehicle, pedestrian, and cycle permeability onto Clifton Park. Additionally, it would be served by the proposed development including provisions that would allow for the potential future provision of a pedestrian as well as cycle ungated access to the

adjoining SHD lands for which the grant of permission ABP-308418-20 relates. With this subject to safeguards, including demonstration of relevant consents being obtained.

It is my view that the additional access points proposed as part of this development, particularly that linking to Clifton Park for which the principal of it has been agreed and subject to the amendments required under Condition No. 7(a) which requires revisions so that the proposed pedestrian footpaths connects to the existing adjoining footpaths of Clifton Park would provide options for more direct and safer access to services, amenities through to sustainable transport modes within this locality that are within easy reach of the site by active travel modes.

These considerations are alongside the information provided in the TTA accompanying this application which considers that a slightly higher levels of movements generated from the site once occupied would be via active travel means due to the easy accessibility to locations that have land uses that would be a draw for active travel movements. Through to the development providing within it qualitative sheltered parking provision for 68 no. cycle spaces as well as by way of the revised layout that includes qualitative and linked dedicated pathways for active travel movements to the site's immediate surrounds.

Further, in my view I consider that it is unlikely that this proposed scheme of 32 apartments, of which 43.75% consist of one bedroom/studio units; 46.875% are two-bedroom units and only 9.375% are three-bedroom units would give rise to a significant additional volume of pedestrian and cyclist movements onto Abingdon Park lane and at its entrance onto Shanganagh Road. This is due to this routes design and layout deficiencies and with the Clifton Park link as well as in time potentially the pedestrian link on the southern boundary to the SHD land offering safer more direct routes to destinations that are likely to draw pedestrians and cyclists.

This proposal seeks to maintain the benefits of its established and in long time use private right-of-way but with the additional pedestrian and cycle movements off set by the omission of vehicle movements which is not an insubstantial in floor area existing dwelling together with a collection of outbuildings. The use of Abingdon Park for a pedestrian and cycle linkage for occupants of the proposed development is in my view consistent with local through to national planning provisions as set out above.

I am also satisfied that the pedestrian and cycle movements generated by the proposed scheme when operational would not be likely to give rise to serious interference with the function and character of Abingdon Park's lane as well as its entrance onto Shanganagh Road. Though I am of the view that design improvements could be made to this private cul-de-sac lane and its entrance to improve pedestrian/cycle comfort and safety through to how they interface with the modest volume of traffic arising from its existing users. I am also of the view that when taken together with the potential for the SHD pedestrian access point proposed onto this lane which would give rise to a more significant volume of likely pedestrians and cyclists using this lane that such improvements would be desirable but are outside of the scope of the proposed development sought under this application to provide and would require collective consultation and agreement of all relevant parties with a legal interest in this private cul-de-sac lane.

In summary I am not satisfied that the pedestrian and cycle movements generated by the proposed development, if permitted, would give rise to any significant additional road safety as well as traffic hazard risks for the existing users of Abingdon Park. I am also of the view that the nuisances arising have been offset by the omission of vehicle movements onto Abingdon Park and that maintenance matters as well as operational matters relating to the use of this lane through to any security measures or concerns arising from the gated access onto Shanganagh Road are matters that would require agreement between those with a legal interest in this private lane. Further the traffic movements generated during the demolition, excavation and construction phases would be interim in nature and are matters that it is standard practice to deal with as part of the details and measures included in Demolition and Construction Management Plans as well as Waste Management Plans. Moreover, it is unclear whether or if any residential development will progress in relation to the adjoining land to the south.

8.2.16. Adjoining Lands to the South - Access / Civil Matters

In terms of the future development of the adjoining lands to the south, this land is residentially zoned and there is no apparent use of these green field lands evident when I carried out my inspections. With the entrance serving these lands being overgrown and not showing any evidence of recent use. As mentioned above, these lands have the benefit of an extant permission for 193 build to rent apartment units

(Note: ABP-308418-20) and with the public open space located alongside the southern boundary of the site. The documentation provided with the subject application included details that no consent was established with the current owners of this SHD land to the south. Additionally, it would appear to suggest that they are unclear as to who the owners were.

Notwithstanding, whilst the applicant raised concerns over the practicalities of providing this link their revised design and layout included the amendments required by the Planning Authority for a pedestrian access point in the southern boundary of the site.

This provision is shown in Drawing No. 21144_LP_H and Condition No. 10 of the Planning Authority's notification to grant permission requires that prior to first occupation of the proposed development that this pedestrian access point be provided and that this access shall not be gated. The given reason for this condition reads: *"in the interest of proper planning and sustainable development"*.

I note that the applicants in their submission to the Board raise no objection to the requirements of this condition or to the potential through movement such an opening would generate through their site, including in terms of generating pedestrian and cycle movements to the public domain of Clifton Park or to the private domain of Abingdon Park, to access the public domain of Shanganagh Road.

In relation to the general principle of maximising permeability, linkage and connectivity for pedestrians / cyclists through the provision of an access on the southern boundary of the site so that it could align with the permitted development on this land in terms of pedestrian access routes accords with the proper planning and sustainable development of this suburban locality.

As such this would future proof the permeability of this proposed residential scheme to its surrounding neighbourhood alongside any future redevelopment of the adjoining lands to the south.

Particularly given that these adjoining lands would provide more direct and arguably safer access to various locations, services, amenities, community facilities and the like that would be within easy reach by active travel modes. As well as would reduce the distance to the sustainable transport options. Including for example the bus stops of

Shanganagh Road located to the southwest, Shanganagh Cliffs located to the southeast and Shankill Dart Station located to the south of the site.

I note that the Planning Authority and the Board in their determination of this appeal case received no submission on file that would indicate that the owners of the adjoining SHD lands to the south of the site object to the provision of this potential pedestrian access point or for this to be an ungated access to a development, if implemented, will likely remain not taken in charge given the requirements of Condition No. 8 of the Boards grant of permission for ABP-308418-20 which sets out that the private management of scheme for a minimum specified period of time.

I therefore consider creating a new right of way onto what is private land is to be a civil matter. That is to say outside of the remit of this planning appeal. This is on the basis that in the absence of the SHD grant of permission being implemented or any other residential development thereon there is no potential for qualitative linkage and no relevant consent for this linkage into privately owned land.

Moreover, the requests of other Third Parties in this appeal case that seek to omit any access onto Clifton Park in preference for the existing access and an access onto the adjoining SHD lands would not accord with local through to national planning policy provisions which seek to maximise permeability, linkage, connections as part of healthy placemaking of sustainable neighbourhoods where the reliance of private car usage is reduced, particularly it supports and encourages active travel modes and improved as well as expanded infrastructure for it. As said there is no certainty as to when or if the development permitted by the Board under ABP-308418-20 will be implemented.

Conclusion

While I am satisfied that based on the information provided on file that the applicant has demonstrated they have sufficient legal interest to make the provision for a pedestrian access within the red line area of the site. An access that would have the potential to link in future to the redevelopment of the adjoining lands to the south, subject to safeguards and all necessary consents being in place. This outcome would be consistent with the local through to national planning policy provisions and guidance outlined above.

I therefore consider that whilst the provision of this pedestrian access point will not be effective until some point in time where the adjoining lands are synergistically developed and agreements being formalised with all relevant parties. I am notwithstanding, satisfied that the requirements of Condition No. 10 of the Planning Authority's grant of permission are within the scope of the applicant's powers within the red line area of the site to provide. With this provision leaving the southern boundary having a feasible but untapped latent potential for permeability, linkage, and connectivity of both parcels of land integrating them into a more sustainable neighbourhood setting. In particular with the wider public domain that contains active travel routes.

I also again refer to the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, which I have outlined previously in my assessment above. The considerations above reinforce in my view that the provisions of this section of the PDA be set out as a precaution as part of a grant of permission.

8.2.17. Clifton Park – Access / Civil Matters

The proposed development seeks a new entrance onto an existing Clifton Park cul-de-sac that adjoins the eastern boundary of the site and forms part of the public domain and public road network. Alongside as discussed above this proposed new entrance onto Clifton Park would be the sole entrance serving vehicle movements generated by the proposed development once operational. With I note the road network that serves Clifton Park forming part of this locality's suburbanisation and which cul-de-sacs like that for which the proposed entrance opens providing opportunities for linkage as well as extension between existing and proposed developments access routes. And in turn reducing the isolation of residential schemes through to providing reduced distances to travel to active transport draws as well as sustainable transport provisions within a locality. As such I am satisfied that this component of the proposed development is consistent with local through to national planning policy provisions and guidance, subject to safeguards.

I also note to the Board that the design and layout included this entrance in its original application submitted to the Planning Authority, with the principle of this entrance not giving rise to any substantive concerns in terms of road safety, traffic hazard through to residential and visual amenity. The applicant has demonstrated that they have the

consent of the Planning Authority for the proposed new entrance as originally sought and as revised, including the associated amendments required to the boundaries of what would be a segregated vehicle and pedestrian access opening onto Clifton Park. With these works not appearing to impact on any Third-Party lands.

In saying this, however, I am cognisant that Condition No. 7(a) requires revisions to this entrance prior to commencement of any development on site so that it demonstrates to the Planning Authority's satisfaction that the internal pedestrian route layout of the proposed scheme connects with both footpaths present in the subject cul-de-sac. Further sub condition 7(b) also seeks that both the vehicle and pedestrian treatments, including their raised table at the vehicle entrance are also revised and detailed for their agreement. With the stated reason being in the interest of orderly development.

It is the case that subject to safeguards and the revisions set out in the grant of permission that the Planning Authority, including having had regard to their Transportation Department reports, were generally satisfied that the proposed entrance component gave rise to no substantive issues that could not be addressed by way of condition.

Notwithstanding, the Third-Party submissions received by the Board consider that the Planning Authority have not overcome their concerns in relation to the proposed entrance onto Clifton Park and the public road network that it provides connection to.

With their concerns including but not being limited to the contention that Clifton Park via River Lane to Shanganagh Road route as well Clifton Parks entrance public road access journeying in a southerly direction towards Shankill Dart station and onwards to Shanganagh Road are substandard in their design and layout, in particular in terms of its substandard widths with no dedicated cycle lanes. Thus, the public road network is in their view unable to safely cater for the additional traffic this development would generate alongside that of its existing road users. With they contending that the road safety and traffic hazards likely to be further compounded by the additional vehicle movements having the potential to give rise to more obstruction and congestion on the surrounding local roads that provide connection to Shanganagh Road. Alongside the in combination significant traffic that would be generated by the development permitted under ABP-308418-20, if implemented in future.

This development I note includes a new entrance, which includes provision for vehicle access, onto the public domain of an existing Clifton Park cul-de-sac to the south and with this adjoining scheme having provision for 120 car parking spaces.

Additional concerns are raised that the entrance would diminish adverse the character of Clifton Park, including the tranquil character of the cul-de-sac impacted by the proposed development. Alongside it would in their view give rise to a variety of nuisances that would injure the amenities of Clifton Park properties.

In relation to the traffic generated during the demolition, excavation, and construction phase of the 32 apartment units whilst highly probable to give rise to higher volumes of traffic including a more varied vehicle type than that of the proposed development once completed and occupied. It would be of an interim nature and as said it is standard as well as best practice for them to be required to be carried out in compliance with standard codes of practice alongside measures that seek to minimise such impacts.

I note that the Traffic and Transport Assessment (TTA) provided with the original application acknowledges that during the construction phase that there will be impacts arising.

It identifies potential impacts as including transportation of site machinery, noise, mud dragged onto the road by construction traffic and the like. Whilst the identified potential impacts are identified as having moderate effect for the surrounding environment it notes that these would be temporary in nature.

This document also indicates that during this phase of development that they propose to put a number of measures in place to reduce impact on the surrounding environment. The measures include for example the provision of a temporary car parking facility for construction workers within the site and the surface of the car park to be prepared as well as finished to standard sufficient to avoid mud spillage onto adjoining roads, signage through to wheel cleaning. It also considers that the level of traffic increase during the construction phase as not likely to have any adverse transport related environmental effects in terms of noise, air quality, vibrations and the like. It considers that the impacts would be short term, neutral and not significant in nature.

I concur with the Planning Authority that it would be appropriate that traffic generated during the demolition, excavation and construction phase be managed as part of a detailed site-specific construction management plan that includes appropriate measures to safeguard its setting including the public domain by way of condition.

Such a plan and the measures it contains could be subject to the written agreement of the Planning Authority and are a standard requirement to be imposed for this nature and scale of development if permitted. In this regard, I note that under Condition No. 8 of the Planning Authority's notification to grant permission it requires under subsection (a) a site-specific detailed construction management plan.

I also note that Condition No. 9(a) of the Planning Authority's notification to grant permission appears to deal with the matter of ensuring no overspill of parking in the immediate vicinity of the site. But in error it refers to roads and car parking not in the vicinity of the site.

Given that overspilling of car parking during the construction phases of the development could give rise to obstructions on both the public and private road network in the vicinity of the site it would in my view be reasonable for the Board to attach a condition to deal with this matter.

I also consider that having regard to the substandard nature of Abingdon Park lane and its entrance onto Shanganagh Road it would, in my view, be appropriate that the entrance to Clifton Park be part of the first works carried out on site if the proposed development were permitted and implemented.

This is on the basis that this entrance would provide a much safer access to the public domain for vehicles generated during this phase of development. For example, it is a low-speed environment, has the capacity for two-way traffic through to it contains segregated from the vehicle carriageways pedestrian footpaths and street lighting. It would also be appropriate and reasonable that similar measures are included by way of condition to restrict parking along Abingdon Park given the potential for such parking to give rise to obstruction of this substandard cul-de-sac private lane.

There are also sustainable transport modes that could be used by construction workers where feasible living in the surrounding and wider area given the sites accessible to public transport location.

In relation to the occupational phase of the proposed development I note that TTA provided is based on the application has submitted and therefore the 32 apartment units served by 37 no. car parking bays, 43 no. cycle parking spaces and 2 no. motorcycle spaces.

It provides an overview of existing local road network of Clifton Park, Commons Road/River Lane and Shanganagh Road. It also sets out the existing public transport with a summary of the bus stops of Shanganagh Bridge, St. Columcille Hospital, and the Shankill Dart Station. I note it also sets out in Table 3.1 the Dublin bus routes for these stops (Note: 7B, 45A/B, 84/A, 84X, 111, 145 and 155), the frequency of peak hour service (Note: ranging from 10minutes (7B – route Mountjoy Square/Shankill) with the least frequent being 111 – route Brides Glen/Dun Laoghaire/Dalkey at 60 minutes), the distance in metres and walk time to the stops from the site. Additionally, this table indicates that the Dart has a frequency of 10 minutes for its Bray/Dalkey/Greystones/Malahide/Howth in a northerly direction and in a southerly direction Rosslare Euro port.

It sets out that the proposed developments daily trip generation under Table 4.1. This indicates 37 trips in and 36 trips out between the hours of 07:00 and 21:00. With these figures based on the TRICs Database for 03 Residential/Flats Privately Owner' land use category which is detailed in Appendix A of this document.

In terms of impacts associated with the proposed development during the operational phase based on its findings it considers that it would be low traffic generating development whose impact would be long-term, neutral, and imperceptible. It also considers given the scale of the development it would not generate a significant additional volume of vehicular traffic and the increase in traffic is not likely to have any transport related environmental effects in terms of noise, air quality, vibrations and the like. As such it considers that there is no necessity for any modifications to the road network in the vicinity of the site based on the findings of this report but that active modes would be encouraged in the operational phase. With measures set out in this document including the sheltered cycle parking provision at ground level, dropped kerbs for easier access through to internal road markings to highlight pedestrian routes.

In relation to the 193 dwelling units permitted on the adjoining land to the south of the site under ABP-308418-20 and also proposing a vehicle entrance opening onto a Clifton Park cul-de-sac located to the south. I note that its accompanying TTA indicates that this development would result in an increase of 23% traffic flow at the two main junctions beside the site (Commons Road/ Shanganagh Road and Shanganagh Wood Road/ Shanganagh Road) and would therefore have marginal impacts in terms of traffic. The transport modelling also provided with this application notes the impact on the Clifton Park Access will be “satisfactory” during peak times in future design scenarios (year 2039).

Additionally, Transport Infrastructure Ireland and the Planning Authority’s Transportation Department raised no objection to the use of Clifton Park to serve this development subject to the improvements set out in the accompanying TTA being provided by the applicant at their expense.

I note that the Planning Authority’s Transportation Department initial report raised no objection to the findings of the TTA or to the general principle of the sole vehicle entrance serving the site to be via the new entrance proposed onto Clifton Park. It was also considered that the link to Shanganagh Road from the existing private lane be maintained for future use of residents for the proposed development in accordance with the Development Plan provisions (Note: Policy UD1 of the previous Development Plan). In relation to this link, they noted that it would reduce the required distance for pedestrians to access bus services on Shanganagh Road.

During the course of the Planning Authority’s determination of this application the apartment scheme though maintaining the 32-apartment unit number under the revisions made as part of the applicant’s further information response and clarification of further information results in a reduction in car parking space provision to 35.

One of which I note would accommodate a dedicated ‘GoCar@’ that would be provided on site.

The revisions also included a significant increase in the number of cycle spaces to 68, the basement level was revised to provide dedicated storage areas for bulky goods, the electric charging points/spaces were increased to accord with required standards and the pedestrian/cycle infrastructure for access within the site and at the proposed entrances serving the site were also improved.

In relation to the basement storage most of these individual units are of a size and dimensions that could also accommodate bike storage alongside other bulky goods securely. I note that the number of motorbike spaces remain the same.

Additionally, as part of the documents provided during these responses the applicant provided a Residential Travel Plan.

I note that this further updated the details of the TTA provided in terms of sustainable travel modes and their accessibility through to frequency of these services. With this document also setting out measures to support sustainable transport modes. The various measures included but were not limited to the appointment of a Travel Plan Coordinator through to the provision of cycle maps and information on public transport within a 1km to residents and the like. It is estimated that the measures would result in increased mode share of active and sustainable transport modes over that currently documented for this locality.

With this document estimating that daily use of public transport by occupants of the proposed scheme at 38%; walking at 15% and cycling at 5%. With it indicating that these findings based on the availability and proximity of public transport in this locality alongside the site's proximity to shops as well as other amenities.

It also sets out these figures are anticipated to improve as public transport, permeability through to connectivity in this area improves. With this being further aided by the number of continued measures that would be adopted from the Residential Travel Plan.

I note that the design and layout of Clifton Park's public domain which is now taken in charge by the Council is one that has been formally designed to cater for two-way vehicular traffic together with separation of pedestrian movements along its interior roads.

In addition, its entrance onto the public domain whether journeying towards Shanganagh Road via River Lane or in a southerly direction which provides a less direct route to the wider public road network but provides access to the coast; other neighbouring residential schemes including Rathsallagh, Shanganagh Cliffs and Shanganagh Woods; Shankill Dart Station; a Convenience Store (Note: Centra); Scoil Mhuire Catholic Primary School is similar in that it provides separated pedestrian and vehicle routes to Shanganagh Road.

I also concur with the Planning Authority and their Transportation Department that the revised proposed entrance opening onto the adjoining Clifton Park cul-de-sac, is one that is suitable for vehicular access arrangements subject to safeguards accords with the required standards and would not give rise to any road safety and/or traffic issue for existing road users.

This conclusion is as said not the case for Abingdon Park and its entrance onto Shanganagh Road for the reasons already discussed above despite the much fewer number of properties that are served by this existing vehicular access arrangement.

The Clifton Park entrance also can connect to an existing pedestrian footpath on either side with this public domain irrespective of which route a pedestrian / cyclist journeys with this route also having street lighting.

It is also a route that has more robust levels of passive surveillance. Thus, together improving its safety and comfort during dusk and nighttime use as opposed to Abingdon Park lane.

I am also cognisant that according to publicly available information in 2022 footpath and road improvements were completed in Clifton Park. With these works improving accessibility for its users.

Additionally, as previously noted Shanganagh Road is included in Table 5.3 of the Development Plan which sets out the Councils 6-Year Road Objective/Traffic Management/Active Travel Upgrades and this regional road is as said included in the Council's Road Maintenance Programme, 2023-2025.

Also, I note that The Bray and Environs Transport Study, 2019, which was produced by the National Transport Authority (NTA) in collaboration with Transport Infrastructure Ireland (TII) included the site and its setting within its study area and it indicates that it envisages a high frequency bus connection and Dart expansion programme for Shankill. These measures together with those advocated in documents like National Development Plan, National Sustainable Mobility Policy, 2022, through to the Climate Action Plan will support a future potential mode split towards public transport as well as improved active and sustainable transport infrastructure in this locality. With this in turn likely to result in further reduction in car reliance for common daily journeys.

I also observed that the shortest route for vehicles using the proposed new entrance to the wider public road network via the regional road R119 (Shanganagh Road), would be in a southerly direction via the Clifton Park estate and River Lane to where River Lane terminates at the junction with the R119 and Commons Road. The distance of which is c465m with pedestrian footpath provision along this length and along sections there are pedestrian footpaths on both sides, including at pinch point on the eastern side of the said junction to immediate west of the entrance to Shanganagh Drive.

During both inspections I observed that this route was not heavily trafficked. I note that my first inspection occurred during peak hours. Nor did I observe vehicles journeying at high speed along this route.

I observed that the junction of River Lane and the R119 is a signalised vehicle and pedestrian junction. With a yellow junction box also present in a central position of the R119 separating the routes of Commons Road and River Lane.

As such vehicular access and pedestrian/cyclist crossing arising from River Lane's junction is controlled with the signalised controls including pedestrian crossing traffic light buttons.

I also note to the Board that Clifton Park contains c52 dwellings and the other existing residential developments opening onto River Lane i.e. River Lane Grove (Note: c10 dwellings), Shanganagh Drive (Note: 4 dwellings) and the detached dwelling of 'Connogue'. These properties in my considered opinion are likely to be the main users of this route. This is on the basis that there is a safer access to the Dart Station, the nearby schools, and the convenience store for vehicles for example at the Shanganagh Roads / Rathsallagh junction for the properties located to the south of Clifton Parks principal entrance. I also note that the Protected Structure of Abingdon is served by a separate entrance onto Shanganagh Road to the north of the Abingdon Park entrance.

Conclusion: Having regards to the above considerations I am inclined to concur with the Planning Authority that the proposed development, does not warrant refusal on the basis of traffic hazard or road safety issues that would arise from the provision of an entrance onto Clifton Park and the additional quantum of traffic the development of this nature and scale would be likely to generate once operational.

I also concur with the Planning Authority that the potential nuisances that would arise during the construction and operational phases can be appropriately dealt with by way of condition.

Further, the site is located in a built-up area of Dublin that has evolved particularly over the last century to being characterised by its suburbanisation. Mainly in the form of low density and low scale housing schemes. While I accept that this has resulted in highly land locked parcels of land having been developed in the past untapping the latent potential of this site to achieve maximise permeability, linkage and connection to an evolving setting for a higher density residential development accords with local through to national planning policy provisions and guidance.

Moreover, the site and its setting forms part of a well-connected locality with a wide provision of educational, community, social, amenity and other infrastructure synergistic to areas that are predominantly residential in character.

Further, subject to safeguards discussed the proposed development I am satisfied that the proposed development would not give rise to traffic congestion or endanger public safety by reason of traffic hazard or road safety nuisance for the surrounding public road network users.

8.3. Principle of Proposed Development: Planning Context

- 8.3.1. The subject site forms part of a larger parcel of suburban lands that are zoned 'Objective A' (Residential), in the Development Plan. The stated objective for such lands is *"to provide residential development and improve residential amenity while protecting the existing residential amenities"* and specifically *"to protect and preserve Trees and Woodlands"*.
- 8.3.2. The proposed development as revised is for demolition of existing buildings and the construction of 32 apartment units together with associated services. Residential use is permitted under this zoning objective subject to safeguards including but not limited to the protection and preservation of the trees of merit on the southern and northeastern boundaries of this site.
- 8.3.3. Further, Section 4.3.1.1 Policy Objective PHP18 of the Development Plan sets out that it is a policy objective to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard

to proximity and accessibility considerations, as well as the development management criteria set out in Chapter 12.

- 8.3.4. Moreover, the site is located in an area which Figure 2.9: Core Strategy Map indicates as being suitable for the development of new residential communities with this being consistent with the Dublin Metropolitan Area Strategic Plan which sets out the strategic planning and investment framework for the growth of the Dublin Metropolitan area over a 12-to-20-year horizon. Including identifying strategic corridors based on their capacity to achieve compact sustainable and sequential growth along key public transport corridors.
- 8.3.5. Additionally, Policy Objective CS11 – Compact Growth to deliver 100% of all new homes, that pertain to Dublin City and Suburbs, within or contiguous to its geographic boundary. This policy objective is consistent with RPO 3.2 of the RSES, and it also seeks to encourage the development of underutilised and brownfield sites, with a view to consolidating and adding vitality to existing centres and ensuring the efficient use of urban lands.
- 8.3.6. Moreover, Section 4.3.1.2 Policy Objective PHP19 of the Development Plan sets out that it is a policy objective to “*densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods*”.
- 8.3.7. Conclusion:

Having regard to the above, I am satisfied that the principle of the proposed development is acceptable, subject to its compliance with all other relevant development plan policies and standard.

8.4. Planning Context Compliance of the Proposed Development

8.4.1. Overview:

The proposed development as revised is detailed in Section 2 of this report above and I consider that its main components can be summarised as comprising of demolition of existing structures on site and the construction of a residential apartment building with basement level alongside all associated works and services. I propose in this section of my assessment to deal with the proposed developments compliance with relevant planning policy provisions and guidance.

8.4.2. Demolition and Excavation Works:

According to the documentation provided with this application permission is sought for the demolition of an existing period dwelling house on site. This building is referred to as 'Conna' in the accompanying documentation. Permission is also sought for the demolition of all its outbuilding and shed structures on site. With these structures located alongside the western and central portions of this 0.338ha site and with the main collection of outbuildings as well as shed structures forming an attached courtyard that bounds not only 'Conna' but also the neighbouring property to the west. The given floor area of demolition arising from the proposed development is 432m².

It is also sought to lower the existing ground levels by circa 3m with this relating to an area of 871.4m² on site as part of accommodating the construction of 32 apartment unit with single basement level which would mainly function as a parking area for residents of the scheme. The excavation would occur on the higher levels of the site, i.e. the western side of the site on which currently accommodate the existing buildings on site and in close proximity to two neighbouring properties one of which is the Protected Structure of Abingdon.

The buildings on the site for which demolition are sought are not afforded any specific built heritage or other specific protection.

I acknowledge that this in itself gives rise to concern for some of the Third Parties in this appeal case on the basis that the subject site formed part of the curtilage of 'Abingdon', a Protected Structure (Note: RPS Ref. No. 1782) and with the site situated immediately adjacent to it as well as including 'Conna' a neo-Tudor in style dwelling house constructed on a subdivision of these lands in the early twentieth century. It is also contended by the Third-Party in this appeal case that the outbuildings for which demolition is sought as part of this application contain remnants of the farm buildings associated with the Protected Structure.

I note that the possibility for this is indicated in the Archaeological, Architectural and Cultural Impact Assessment of the Proposed Development document provided by the applicant in their suite of further information documentation provided to the Planning Authority during the course of its determination of the proposed development.

It would also appear from an examination of historical maps relating to the site and Abingdon Park as well as inspection of the site which would support that part of the outbuilding complex adjoining Conna could include structures of period character.

This site is also situated within c0.2km to the east of the Recorded Monuments: 'DU02280: Castle - tower house' and 'DU02281: Water mill – unclassified' as well as situated c0.2km to the west is Recorded Monument 'DU02282: Enclosure'.

As such the proposed demolition and the excavation elements of the proposed development would I acknowledge undoubtedly give rise to a loss of historic built layers associated with the Protected Structure of Abingdon House and that are part of its evolution to the current day where it occupies in comparison to its original context which included farmland to its now reduced curtilage with its farmland lost overtime to suburbanisation.

Alongside this the substantive excavation works are proposed in order to accommodate the basement level of the apartment building. These works and removal of excavated material has the potential to result in the loss of any undiscovered archaeological materials of merit that may exist below ground.

In this regard I note that the Archaeological Impact Assessment of the proposed development accompanying this application is not informed by archaeological testing that would have had the potential of identifying any archaeological deposits or features on locations of the site if present. However, carrying out such excavation was not possible on the basis that the excavation area mainly to be impacted by the footprint of the proposed apartment with basement level is mainly covered with buildings currently. With this including the outbuildings which appear to be used for storage. Moreover, the house itself appeared to be occupied at the time of site inspection.

This assessment notwithstanding indicates that all ground reduction works, and excavation will be subject to archaeological monitoring by a suitably qualified archaeologist. It also indicates that the removal of any surviving archaeological material and any earlier masonry features associated with the range of buildings and structures to the east of Abingdon House or any other archaeological material encountered will be investigated and fully recorded in a manner that accords with required best practice and standards. Further to this it indicates that a report will be

prepared detailing the results of all the archaeological work undertaken during these phases of the proposed development.

I note that these measures were deemed to be acceptable to the Planning Authority's Conservation Officer who I also note in their initial report raised no objection to the removal of 'Conna' or any of the outbuildings on site. This was on the basis that they considered these structures to be of no architectural or other merit. Moreover, I note that the Planning Authority's Conservation Officer's final report considered that the proposed development in totality to be acceptable, subject to safeguards.

I am also cognisant that the measures set out in the assessment of built heritage impact accord with the submission made to the Planning Authority from the DAU which also set out measures for dealing with potential archaeological impacts.

This submission whilst highlighting their concerns that the initial planning application was not accompanied by an archaeological impact assessment on the proposed development, did not raise any objection to the scope of development sought under this application. With this conclusion given on the basis that a detailed assessment of impact be provided by way of further information alongside the provision of an appropriately worded archaeological condition in the event of permission being granted. I note that the DAU's submission gave rise to the built heritage impact report referred to above. No further submissions were received from the DAU on foot of the provision of the built heritage impact assessment to them during the Planning Authority's determination of this application.

In relation to the matter of archaeology I consider the inclusion of such a site-specific archaeological condition to appropriately deal with the matter of any potential unknown sites, features, and objects of archaeological interest to be reasonable requirement given the built heritage and archaeological sensitivity of the site.

It is also consistent with the provisions set out in the Development Plan including Section 11.3.1 and Policy Objective HER2. With this stated policy objective seeking the preservation in situ or where this is not possible or appropriate, as a minimum, preservation by record of previously unknown sites, features and objects of archaeological interest that become revealed through development activity.

Further, it is also consistent with the National Monuments Act, as amended, the 'Archaeology & Development: Guidelines for Good Practice for Developers', Heritage

Council, and the Government's 'Frameworks and Principles for the Protection of the Archaeological Heritage'.

Whilst I note that the Planning Authority did not attach such a condition in their notification to grant permission given the sensitivity of the site and its location as set out above. I do not concur with the lack of a suitably worded archaeological condition in this context and I recommend that the Board on the basis of local through to national planning provisions on such matters alongside the given sensitivities of this site that a condition requiring archaeological testing, surveying, monitoring, and recording, should be set out as a requirement of any grant of permission with such works be carried out by a qualified archaeologist and in a manner that accords with best accepted practices.

In relation to the excavation required to facilitate the provision of a single level basement which would mainly accommodate the main car parking provision serving this multi-unit residential building proposed the site is elevated in comparison to the adjoining lands, particularly to the north and east.

I consider that this allows for the more efficient use of this residentially zoned and serviced site as well as allows for the protection of a greater number of mature trees on a site where such natural features are of biodiversity through to visual merit and interest. This is in my view reflected by the specific protection identified for them in the Development Plan maps. The provision of car parking and other residential services below grade of the apartment building in this regard allows for larger areas of deep soil to remain undisturbed around the trees to be retained under this application.

As such this supports the retention of the sites sylvan character with the landscaping scheme as revised including the addition of compensatory planting where mature trees have to be removed in time further reinforcing this.

The protection of the sites' mature trees is as said important to the biodiversity of the site as well as its setting, they also provide an important function of carbon capture and improve air quality through to the provide a visual buffer between existing development on site and potentially future development on site subject to them informing the design and layout of future development on this site.

I also note that the site is not prone to flooding nor has it a history of any flooding events.

This fact is supported by the OPW flooding maps relating to this area and as said the site appears to occupy high point in the rolling topography of its surrounding setting. Particularly relative to the lands to the north, east and south.

The only other concerns arising from the excavation of the site relates to the treatment of excavated material, i.e. that it is used as part of regrading of this sloping in topography site or that is removed off site in accordance with best practice.

It is standard for such matters to be dealt with as part of construction management plans through waste and demolition management plans required by way of condition as part of a grant of permission for a development of this nature.

I note that the Planning Authority as part of their grant of permission included such conditions under Condition No.s 8, 23 and 24 of their notification to grant permission. I recommend that similar conditions be included as part of any grant of permission by the Board. This is on the basis that such conditions and their requirements are consistent with Section 10.3, Policy EI12, Sections 12.9.4 and 12.9.5 of the Development Plan.

In relation to the basement level structure itself I note that the Development Plan under Section 12.4.9 of the Development Plan sets out the general requirements for them. With this including a requirement that these structures accord with the UK's Institution of Structural Engineers booklet entitled 'Design Recommendations for Multi Storey and Underground Car Park Fourth Edition' (2011) and any subsequent updates. Together with other set design and layout requirements like being universally accessible, having sufficient headroom clearance, well lit, fitted out with CCTV for personal safety and security through to access for cyclists and high mobility vehicles for mobility impaired.

I therefore consider that subject to a condition setting out adherence with this section of the Development Plan as well including appropriate conditions that seek to mitigate noise, dust through to the protection of the trees of merit on site for which the landscaping plans indicate are being retained as a precaution that the proposed basement level gives rise to no substantive concerns. Including in terms of the construction phases that these measures to deal with the potential impacts and nuisances through short term in nature do not give rise to any undue diminishment of the residential amenity of properties in its vicinity.

8.4.3. Principle of Demolition of a Period Dwelling House

In relation to the demolition of the existing buildings on site which would precede excavation works previously discussed and would facilitate the proposed apartment scheme of 32 units I am cognisant that Section 12.3.9 of the Development Plan sets out a preference for as well as promotes the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant.

In this case as said the demolition would facilitate multiple units and in such situations this section of the Development Plan sets out that the replacement numbers will be weighed against other factors.

This section of the Development Plan also sets out that: *“better alternatives to comprehensive demolition of, for example, a distinctive detached dwelling and its landscaped gardens, may be to construct structures around the established dwelling and seek to retain characteristic site elements”* and that the Planning Authority will encourage the retention of exemplar nineteenth and twentieth century dwellings on sites in excess of 0.4 hectares.

The Neo-Tudor two storey dwelling of ‘Conna’ and its single storey courtyard of outbuildings are not identified as part of any specific building layers of interest associated with the Protected Structure of ‘Abingdon’.

I accept that this is despite the site once forming part of its original curtilage and that it as well as the other Neo Tudor dwellings built on large garden plots along what was formerly the rear lane serving this historic country house and demesne was a development carried out by its owners in the early twentieth century.

I also acknowledge that the existing buildings on this subject site are despite the visual merits of this Neo-Tudor dwelling house as part of a small group of similarly designed and laid out dwellings each with their own distinctive intrinsic character. Notwithstanding they are a surviving modest group of early twentieth residential scheme on garden plots that as a result of their unity of architectural design, built form, layout, use of materials and finishes have a strong unifying character that positively contributes to the unique sense of identity and place of properties at Abingdon Park.

However, there is also no specific protection that affords protection to this group. Nor would I consider that there is any evidence to support that such special interest has been overlooked in the past by the Planning Authority in their preparation of their Record of Protected Structures.

Further, 'Conna' as a dwelling though despite attractive and appearing externally at least to be highly intact irrespective of its current dilapidated state, is not an exemplar of its type. Additionally, the site in terms of its area falls slightly short of the 0.4ha area identified under Section 12.3.9 of the Development Plan where there is some leverage for its retention to be encouraged as opposed to demolition as part of a design of redevelopment scheme.

This is also coupled with the unkempt condition and lack of upkeep of its ancillary structures and the spaces within its curtilage. I also observed at the time of my inspections, that the main dwelling appeared to be in *ad hoc* habitable use and the overgrown garden area contained dumped materials thereon.

The site in its existing state benefits from an existing public water infrastructure connection and it is in proximity to the public foul sewer at Clifton Park. It is also within easy reach by foot, cycle, and sustainable transport modes to a wide array of amenities, social and community infrastructure. In the wider area urban area there are a wide variety of employment opportunities. I note that the proposed design and layout seeks to consolidate the proposed new apartment building in the western area of the site as one measure in safeguarding as many of the sites existing mature trees of merit. The design whilst proposing a sympathetic and overly complicated palette of materials seeks to employ architectural resolutions that is of its time. But also seek to provide a graduated three to four-storey built form that also has regard to existing two storey character of existing residential properties in its setting. Additionally it provides a stepping up of height that has regard to the nearest building approved under the grant of permission ABP-308418-20 to the south which, if implemented, would be five storeys in its overall height.

The site is located in an established residential suburban area, which is characterised by considerable pressure for development, in particular further residential development.

The prevailing character of this area is low rise and low to medium density predominantly residential development.

Whereas as discussed local through to national planning provisions recommends compact and sustainable towns/cities, brownfield development and densification of urban sites.

This is also echoed in the new Compact Settlement Guidelines which advocate for better integration of development with existing infrastructure and public transport as well as more efficient use of land. With this to be achieved by taller and denser buildings that also show regard and sympathy to their existing setting.

In this regard, the site itself is located less than 850m by foot from Shankill Dart Station from the proposed entrance onto Clifton Park. I note that this distance would be further reduced should the adjoining SHD land be developed which would provide more direct permeability. There are also several bus stops within easy walking distance of the site. This includes Hazelwood (Stop 3553 and 3541) which is located c320m to the southwest by foot from the existing entrance serving the site. With these stops serving Dublin Bus Routes 7B, 7E, 45A & 45B. These Dublin Bus Routes are also served from Shanganagh Bridge (Stop 3540 and 3554) which is located c460m to the northwest of the site's existing entrance. I note that these stops also serve Dublin Bus Routes 7B, 7E, 45A & 45B.

In addition, Rathsallagh Drive (Stop 3551 and 3547) is located 560m by foot from the proposed entrance onto Clifton Park. With these stops serving Dublin Bus Route 45B.

At further distance by foot are Kentfield (Stops 3142 and 3136) which is located c860m by foot from the existing entrance serving the site. With these stops serving Dublin Bus Route 84, 84A, 145 & 155). Of note these bus routes journey northwards and southwards along the N11 Quality Bus Corridor.

These existing bus and rail services offer a wide range of connectivity beyond this south Dublin city suburban locality as well as examination of them support that they offer a good frequency of services.

As already mentioned, there are improvements to sustainable transport modes in this area, to those already noted there is also the improvements proposed to the N11 QBC. There are also improvements to active travel infrastructure on existing public land

through to those that could arise with future developments. Including the redevelopment of the greenfield underutilised site to the immediate south.

Moreover, Section 1.5.2.2 of the Development Plan sets out an asset-based approach to growth as per the growth strategy set out under RSES.

In this regard, key enablers of compact sustainable growth include the sequential and sustainable development of urban areas by promoting the active land management and better use of under-utilised and brownfield lands.

This is further supported under the Development Plans core strategy under Section 2.6.2.1(ii) which states: *“the delivery of a compact growth agenda requires increased focus on re-using previously developed ‘brownfield’ land, supporting the appropriate development of infill sites, and the re-use or intensification of existing sites”*. It also states that: *“the extent to which we prioritise brownfield/infill over greenfield development will reduce the rate of land use change and urban sprawl, delivering increased efficiencies in land management and support the Core Strategy objective for a transition to a low carbon society. Furthermore, it can bring enhanced vitality and footfall to an area, contribute to the viability of services, shops and public transport, and enable more people to be closer to employment and recreational opportunities, as well as to walk or cycle more and use the car less”*.

The Core Strategy Approach for brownfield and infill sites is consistent with the growth targets set out in the NPF for cities and metropolitan areas to 2040. The strategy for all cities is to support consolidation and intensification within as well as close to the existing built-up footprint of the city and suburbs area and metropolitan towns.

Conclusion

Having regard to the above, I concur with the Planning Authority that there are no substantive concerns arising from the demolition of the existing buildings on site through to the excavation of a basement level subject to site specific appropriate safeguards, that would warrant a refusal of permission. This is on the basis that the removal of the existing buildings on site unlocks the latent potential of what is a well-connected serviced residentially zoned site. In so doing it provides for an opportunity to achieve more compact and dense residential development in a high accessible well served suburban area of south Dublin.

8.4.4. Density of the Proposed Apartment Scheme

Concerns are raised by a number of Third-Party parties in this appeal case that the proposed development would give rise to overdevelopment, excessive and out of character density with the site's setting. The documentation provided with this application indicate that the proposed development for this site would result in a density of 96 units per hectare.

The Development Plan does not set out an upward limit on residential densities with Policy Objective PHP 18 which deals with the matter of residential density seeking to increase housing supply, including apartments, and also promotes compact urban growth through the consolidation and re-intensification of infill/brownfield sites. This is subject to safeguards including proximity and accessibility as well as design and layout considerations. I also note that the Development Plan does not prescribe a maximum density standard for the area but supports minimum densities of 50 units per hectare in central/accessible locations and 35 units per hectare throughout the county.

Overall, the core strategy of the Development Plan indicates that residential development will be concentrated in the built-up footprint of the County in order to achieve compact and more sustainable patterns of growth as well as increased efficiencies in services, infrastructure and the like.

The Development Plans strategy aligns with that of relevant regional and national planning policy documents as well as guidance.

In this regard I note that the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of particular relevance are NPOs 13, 33 and 35 of the NPF, which prioritise the provision of new homes at increased densities through a range of measures including increased building heights and more compact sustainable urban development within the existing urban envelope.

Of further relevance at a national planning context are the New Apartments Guidelines, the Compact Settlements Guidelines, and the Building Heights Guidelines. In a consistent manner these guidelines are supportive of increased densities at appropriate locations in order to ensure the efficient use of zoned and serviced land as well as for increased efficiencies in critical infrastructure like public transport.

The Apartment Guidelines indicate that increased housing supply must include a dramatic increase in the provision of apartment developments as part of supporting population growth and a shift towards smaller average household sizes serving both an ageing and more diverse population with greater labour mobility through to a higher proportion of households in the rented sector. These guidelines indicate that suitable locations for increased densities include those within an urban area with good accessibility to public transport.

Further, the Compact Settlements Guidelines echo the Government objectives of promoting increased residential densities in appropriate locations. These Guidelines refine the assessment of location and set recommended density ranges. Under the Guidelines, the appeal site would be categorised as a suburban/urban extension where densities in the range of 40–80 dwelling units per hectare shall be applied. Notwithstanding this guidance document also provides that densities of up to 150 dwelling units per hectare shall be open to consideration at accessible suburban/urban extension locations (as defined in Table 3.8). In this regard the site would in my view fall under the category of an ‘Intermediate’ location. Such locations are considered to be lands within 500-1,000 metres (10–12-minute walk) of existing or planned high frequency (i.e. 10-minute peak hour frequency) urban bus services; and lands within 500 metres (i.e. 6-minute walk) of a reasonably frequent (minimum 15-minute peak hour frequency) urban bus service. Further in relation to Table 3.8 I note that the site is located less than 1km walking distance from Shankill Dart Station and it is located within 500m of a number of bus stops that provide 10-minute peak hour frequency with access to these stops reducing in distance as permeability in this area improves. Additionally, the site is within 1km walking distance of the N11 Quality Bus Corridor.

Moreover, 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, subject to safeguards.

At a regional planning context, the applicable RSES for the metropolitan area of Dublin further supports consolidated growth and higher densities. It similarly to the NPF promotes compact urban growth by making more efficient use of under-used land within the existing built-up urban footprint.

In this case I concur with the Planning Authority that the density proposals of 96 dwelling units per hectare whilst higher than that of the prevailing existing immediate surrounding context and lower than the adjoining SHD lands extant permission density of 138 dwelling units in my view achieves an appropriate balance between local through to national policy whilst maximising the potential of this residentially zoned land. Alongside balancing it with a setting that is evolving in terms of its suburbanisation, due in part by its accessibility to Dublin city centre, employment hubs, amenities, services, and uses that are synergistic to residential development.

Conclusion

I consider that the proposed density of 96 units per hectare accords with the proper planning and sustainable climate resilient development of the area.

8.4.5. **Height, Massing and Scale**

A number of concerns are raised by Third-Party parties in this appeal case that the height of the apartment building is excessive and out of context with the prevailing pattern of development in this locality as well as in the context of the Protected Structure, Abingdon House. With this including concerns from the current owners and occupants of Abingdon House that the setting of this Protected Structure would be diminished but also the views and their enjoyment of this historic property.

Further concerns are raised by Third Parties with Clifton Park and River Lane addresses. A number of properties within these residential schemes bound the site and are therefore located in close proximity to the northern and eastern boundary of the site. The concerns raised also include the contention that the height, mass, scale together with the lack of adequate separation distance would give rise to visual overbearance and overlooking. With the difference in ground levels being such that effective the apartment building would in the visual context of their properties have the appearance of a five-storey building. With the removal of mature trees and planting on site giving rise to diminishment of privacy and the sylvan quality of this area.

As previously described the subject site forms part of a modest group of five Neo-Tudor/Tudor Revival two storey dwelling on large garden plots on land that before their construction formed part of the grounds associated with the two-storey 18th Century Abingdon House.

The adjoining residential schemes of River Lane Grove and Clifton Park are also two storeys in their modest in scale building form. These existing residential developments represent a densification of greenfield land in the setting of the site during the mid to later 20th Century on land that formerly formed part of the grounds of Abingdon House. These adjoining residential schemes also occupy lower ground levels in comparison to the site and indeed the Protected Structure of Abingdon.

In this regard, I note that the accompanying drawings show that the site at its lowest point is 11.933m AOD in the north easternmost corner. With the opposite end of the northern boundary rising in a westerly direction to 16.16m.

Additionally, there is a rise in the height of the ground levels from the eastern boundary from its northeastern most corner to its south easternmost corner where the ground levels are indicated at 13.55m AOD.

In general, the ground levels along the western portion of the site rise from the north westernmost corner towards the south westernmost portion of the site where the grounds levels are indicated as 17.6m AOD with the site entrance levels indicated as 17.22m AOD. Its highest point in the vicinity of the western boundary of the site in the location of the courtyard area the ground levels are indicated to be 17.9m AOD. The drawings show that there is a lesser variation of change in the southern portion of the site ground levels with the entrance serving the site indicated as 17.22m AOD and the southeastern corner of the site. Whereas from inspection of the site and its setting I observed from the northern and eastern perimeters of the site that the direct outlook was to the first-floor rear elevation of the adjoining properties. The surrounding ground levels of the adjoining land is not significantly clarified in my view in the documents provided with this application.

Within the site context, the proposed development seeks to demolish an existing two storey dwelling and single storey outbuildings located on the western portion of the site. Which as said are located on the higher levels of this sloping mainly in an east and north easterly direction site.

In their place a graduated 3 to 4 storey apartment building with maximum height of 15.2m with basement storage level is proposed. This would also be located in the western portion of the site nearest to the site boundary with the adjoining two storey detached dwelling of 'Liskilleen'. With this Neo-Tudor dwelling and its associated

single storey outbuildings located between the western boundary of the site and the Protected Structure of Abingdon, which is located less than 30m from this boundary.

In relation to the north and western portion of the proposed building relative to the existing structures in 'Liskilleen' and 'Abingdon', the parapet height of the apartment building would be c2.26 meters higher than the ridge height of the adjoining courtyard structures that bound and extend in westerly direction away from this boundary to where they meet the mainly two-storey dwelling of 'Liskilleen'. I additionally note that the nearest two storey section of 'Liskilleen' is modestly higher (Note:c0.109m) with this section being subservient to its main two-storey built form and with the cross sections showing that its tallest ridge height is slightly below that of 'Abingdon'.

In relation to the nearest structure in the curtilage of 'Abingdon', which appears to be an ancillary single storey outbuilding, the difference in height is c2.87m. The difference between the ridge height of this Protected Structure is c2.88m between it and the three-storey western portion of the building and the ridge height of the Protected Structure remains above that of the tallest portion of the proposed apartment building by c0.78m.

With the ground levels of the site as said sloping away from this boundary and with the tallest portion of the building positioned on much lower ground levels in the centre of the site which would as said also be subject to excavation. Where the proposed building would have a maximum height of 14m but would be positioned at noticeable lower ground levels and at a more significant distance from these sensitive to change boundaries.

In this regard, the design includes achieving the maximum separation distance between the proposed apartment building and both residential structures of 'Liskilleen' and 'Abingdon' required under Section 12.3.5.2 of the Development Plan.

This I note sets out a general requirement of a minimum clearance distance of circa 22 metres, between opposing windows, in the case of apartments up to three storeys in height. I note that the Compact Settlement Guidelines has a lesser distance of 16 under SPPR 1.

This guidance document also note sets out that: *"in all cases, the obligation will be on the project proposer to demonstrate to the satisfaction of the planning authority or An Bord Pleanála that residents will enjoy a high standard of amenity and that the*

proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties”.

I also note that the landscaping scheme includes hedging and new trees on the inside of these boundaries as well as tree planting is included as part of the landscaping treatments in the open space located to the west of the apartment building. Additional qualitative compensatory tree planting is also proposed for the loss of two Grade A trees.

Additionally, design measures have been included to ensure no undue overlooking occurs from the western and north-western elevations that deal with matters as limiting potential overlooking through to as said the use of a palette of materials for the contemporary of its time building that harmonises with these as well as surrounding existing buildings.

Moreover, the built form has a contemporary flat roof treatment that also reduces the overall height of the proposed apartment building and in turn it reduces overshadowing potential. The proposal also includes new solid boundaries in the northwestern corner of the site is positioned inside the red line area as well as is solid and of a standard 2m height. This will also improve the privacy between the proposed development and adjoining residential properties on this boundary as well as other boundaries that this proposal seeks to reinforce through planting and/or new solid 2m boundary treatments.

I therefore concur with the Planning Authority that the proposed apartment building in relation to the adjoining and neighbouring properties of ‘Liskilleen’ and ‘Abingdon’ would not give rise to any significant residential and visual amenity impact or diminishment that would be out of context with this suburban setting or that is of sufficient weight that would warrant a grant of permission. With this including the fact that the proposed apartment building, its associated spaces, and structures have been designed to harmonise at this location between the two-storey height of ‘Liskilleen’ and ‘Abingdon’ and are not significantly higher than the single storey outbuildings on the grounds of these properties.

Further, the scheme has been designed to limit any adverse potential arising to these properties in terms of overlooking, overshadowing, not be visually overbearing in built form and appearance with these existing buildings. With this including opaque window

glazed units on the western façade through to timber louvre screening of balconies to deal with the matter of overlooking.

Moreover, the landscaping scheme provides a satisfactory level of visual softening that would in time further add to the sylvan character of the site along the north and northwestern boundaries where existing planting is of poor quality as well as provides limited visual buffering. The more qualitative existing planting to the south and north of the existing building are being largely retained and added to. These provide not only a strong sylvan character but also provide robust screening and visual softening of the proposed apartment building which is essentially broken into two connected blocks that has an irregular L-shaped form. As such the existing mature planting to the south and north would break the more significant length of this building when viewed from surrounding properties.

Alongside this the original curtilage and setting of 'Abingdon', like other surviving period buildings of note in this area, have been subject to changes associated with the suburbanisation of the Shankill area. This has eroded what was once a more rural location to the south of Dublin and to the north of Shankill village. With this development being consistent with precedents for more compact, taller buildings of more significant mass, volume, and scale like the five to eight storey buildings permitted under ABP-308418-20 site to the south.

In relation to the adjoining residential schemes of Clifton Park and River Lane Grove the difference in height between the apartment building and these existing properties which are shown to have lower ground levels to the eastern and northern portions of the site would be c5.39m and c7.74m respectively.

River Lane Grove bounds the northern boundary of the site with I note the first-floor level is setback 8.36mm from the northern boundary at its nearest point which adjoins the rear garden area of River Lane Grove properties and the apartment building at this northern elevation at first floor level is c15.5m in length.

This elevation contains no transparent glazed window openings opposing that of the first-floor level River Lane Grove properties and there are significant trees of merit located along the western side of the northern boundary which are to retained in their grouped form with new tree planting, hedging through to in the location where there

would be less deep soil due mainly to the provision of car parking woodland with nature hedge mixture proposed.

I also note that the first-floor levels western, northern, and eastern balconies that could potentially give rise to overlooking have been considerably set back into the main building envelope thus minimising their forward projection as part of the measures to reduce potential undue overlooking of properties in their vicinity have been proposed including appropriate screening. This together with the planting and meeting the general separation distance set out in the Development Plan of 22m alongside the existing and proposed planting results in significant reduced levels of potential overlooking. I also note that where solid boundaries are present or are to be added inside the red line area these are of the standard 2m height and as a result of the difference in ground levels they would in effect be taller relative to the private amenity space of River Lane Grove as well as adjoining Clifton Park properties to the east.

Additionally, above first floor level the built form sets back from the northern boundary by an additional 6.5m. Thus, increasing the separation distance between the existing River Lane Grove properties and the proposed apartment building.

The drawings indicate no window openings opposing the rear elevation of the existing River Lane properties and in terms of the nearest western elevation of this block that would have angled views to a number of River Lane Grove properties.

Additionally, the third-floor level maintains the second-floor level setback and includes no windows on the northernmost elevation. The balconies that would face onto the northern boundary arising from the western, the setback in a southerly direction northern elevation, and eastern elevation include being setback into the main envelope of the main envelope with limited projections and/ or include screening to minimise potential overlooking. I also note that the windows present in these elevations from the first floor level and above though oblique in their placement relative to windows at first floor level of River Lane Grove exceed the Development Plans general minimum opposing distance.

As such while I accept that the proposed development will give rise to a change in context for the adjoining River Lane properties; notwithstanding, the proposed development has been designed in a manner that seeks to minimise any adverse impacts on these properties. With I note setting back the building appropriately from

these properties using design measures to ensure no undue overlooking, overbearing, through to overshadowing occurs. Alongside working with and adding to natural features of merit that are to be retained and providing compensatory as well as additional hedge as well as tree planting to retain the sylvan character of the site. Thus, the landscaping scheme will contribute positively to the visual screening as well as softening of the proposed development in its context and in time both the screening and softening will become more robust as the planting matures.

In terms of the adjoining Clifton Park properties bounding the eastern boundary of the site I note that the opposing first floor level window lateral separation distance exceeds the Development Plan standards. Which are more generous than that indicated in SPPR 1 of the Compact Settlement Guidelines. The finished floor level of the easternmost portion of the apartment building has a finished floor level of 15.5m which in terms of the cross sections of the site, the details provided in relation to the site's ground levels and having visited site would I accept be relative to the first-floor level of the adjoining Clifton terrace two storey properties.

The apartment building at easternmost end has graduated from four storeys to three storeys. With this resulting in a difference between the ridge height of the adjoining terrace Clifton Park properties would range from c3.29 to c4.56m.

A number of mature trees would be retained between the easternmost elevation including a group that would be located to the immediate north of the new entrance into Clifton Park. An additional tree would be planted into this group alongside a row of specimen trees planted along the north easternmost and southeastern most portion of the apartment building. Together these alongside the proposed solid 2m render wall boundary and the fact that the separation distance between opposing windows exceeds that generally sought by the Development Plan in this locational circumstance. And again, I reiterate this is more generous than that provided for under SPPR 1 of the Compact Settlement Guidelines.

Further, the design includes measures to mitigate the level of overlooking that would arise from windows and balconies on the eastern elevation but also the southern elevation. With the planting and retention of trees along the southern portion of the site providing further visual buffering of the proposed development, particularly in terms of the should the adjoining lands to the south be developed in future.

Overall, having regard to the proposed design, the separation distances, the retention of mature planting through to additional planting as well as provision of revised boundary treatments result it is my view of no residential amenity impacts that could be considered as being exceptional in their nature for this suburban locality that they would give rise to serious residential amenity impacts for the adjoining and neighbouring properties of Clifton Park. Additionally, the additional height results in a graduation of building heights that responds to the existing two storey character of the area, including the Protected Structure of Abingdon Park, but also provides a respectful graduation to the taller buildings permitted on the adjoining land to the south. With the nearest building permitted under ABP-308418-20 being five storeys in height and with the buildings permitted rising to eight storeys in height. Further a level of overlooking is to be expected in suburban settings and the building is appropriately setback from the eastern boundary of the site and the Clifton Park properties that it would not give rise to any undue overshadowing.

Further, replicating the pattern of development that characterises for example Clifton Park, River Lane Grove through to Shanganagh Drive, would not be consistent with local, regional and/or national planning guidance as this form of residential development does achieve compact and sustainable patterns of climate resilient development that achieve efficiencies of scale.

In terms of national policy, the 'Urban Development and Building Heights Guidelines' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the said Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. These Guidelines also sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights under Section 3.2. I have therefore undertaken an assessment of the proposed development against the Section 3.2 criteria below:

- *At the scale of the relevant city or town:*
 - *The site is well served by public transport with high capacity, frequent service, and good links to other modes of public transport.*

As discussed in this report the site is serviced with high capacity, frequent and well-connected public transport. With improvements to the same to be expected in future. The subject site is in an urban and accessible location located c850m from the Shankill Dart Station, which operates a commuter service, with potential as said for improvements to this route.

It is also located to a number of bus stops that provides connection to the city centre, other higher level transport hubs, employment hubs, services, educational, recreational through to retail opportunities.

I am satisfied that the site is therefore suitable for a higher density, more compact and taller buildings, in accordance with the principles local through to national planning policy provisions and guidance, subject to standard safeguards.

- *Proposals, including proposals in architecturally sensitive areas, to successfully integrate into and enhance the character and public realm of the area, with a landscape and visual assessment to be undertaken.*

This site is located to the west of 'Abingdon', a Protected Structure, which the site formally formed part of its original curtilage. The proposed buildings on site subject to safeguards discussed above would not warrant refusal for the proposed development sought under this application which essentially seeks a part three storey part four storey over basement building set in a landscaped setting that seeks to maintain of the mature trees of merit on this site together with add additional qualitative trees, hedging and planting that is sympathetic to retaining its sylvan character.

The proposed apartment building has a staggered height and though situated on the portion of the site with the higher ground levels, ground levels that correspond with that of the land to the west of it, does not exceed the height of Abingdon or the Neo-Tudor property of 'Liskilleen' which appears to maintain a high degree of its original character and integrity.

The proposed contemporary architectural approach with its simplicity and angularity alongside the proposed use of a qualitative simple palette of materials that is sympathetic to the Protected Structure of Abingdon, as well as the surrounding areas. The treatments chosen would require little maintenance

provides and their level of harmonisation with their immediate setting is apparent in the visual aids through to photomontages provided with this application.

Moreover, the further information includes an assessment of architectural and archaeological impact as assessed above that have aided my conclusion that the proposed development subject to safeguards, would not result in any significant adverse impact on the character and setting of the Protected Structure of 'Abingdon'.

I further note that the visual impact assessment and photomontages provided show the impact on the surrounding context and appear to show that whilst there would be a change of context, the apartment building in terms of its overall height, built form, mass, volume and scale together with qualitative landscaping, lighting and boundary treatments would not be visually overbearing despite the building being one that is a break from the pattern of buildings that characterise its surrounding setting.

- *On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.*

I refer to the section of this assessment above that examines in detail that the proposed design and layout is one that seeks to maximise permeability, linkage and connection in a manner that is consistent with healthy and sustainable placemaking. I have also discussed that the three to four-storey built form, the massing, scale through to volume of the proposed apartment building is one that optimises the latent potential of this site to accommodate a scale of residential development that can be positively absorb in this locality. Further, the site is within M50 ring of Dublin city and is within an area designated for consolidation of the gateway adjacent to a Commuter Dart station of Shankill.

The proposed development uses an appropriate of its time high quality architectural response that is of its time but has had regard to its setting and achieving an appropriate balance of development with existing properties in its setting. The proposed building is an appropriate urban design response for this

site and its setting as well as is one that accords with the proper planning and sustainable climate resilient development of the area as provided for under relevant planning provisions.

- *At the scale of district/ neighbourhood/street*
- *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*

Though there is a loss of two Grade A trees qualitative compensatory planting of additional trees are proposed as well as maximising deep soil on site for the other trees of merit for which retention is indicated in the submitted plans.

Additionally, the proposed apartment building is located on the portion of the site that is currently mainly occupied by the existing dwelling house, its associated outbuildings through to adjoining circulation spaces. Thus, limiting the potential for disturbance and loss of trees of merit on this site.

As such the proposed design and layout is one that seeks to respond to the natural features of this site and their positive contribution to the sylvan character of development at Abingdon Park.

I am satisfied that this proposal responds to the sylvan character by maximising the retention of many of the existing mature trees of merit on site. This accords with the specific objective pertaining to this site which seeks to: *“protect and preserve Trees and Woodlands”* and also the requirements of Section 12.8.11 of the Development Plan which requires that: *“new developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows”*.

The proposed building is a modulated three to four storey building that put forwards a simple contemporary architectural solution for this site and incorporates a qualitative palette as well as use of external materials, treatments, finishes and colours that are respectful and harmonious of existing and permitted buildings in their setting.

Though I acknowledge the proposed apartment building is more substantive in its overall scale, mass and volume of its built form when compared to the mainly two storey built forms in its surrounding setting. Notwithstanding, its built form together

with its three to four storey height would in my view be appropriately softened by the qualitative landscaping and boundary treatments. With this including lowering of the boundary treatments on the southern boundary so that the building appropriately addresses the proposed open space area that would bound this site, if ABP-308418-20 is this permitted residential scheme is implemented in the future. This would also result in improved passive surveillance within the site and for this proposed open space amenity.

I also consider that the three to four storey building height with its angular flat shaped roof is an appropriate graduation in height between the existing mainly two storey buildings that prevail in the site's surrounding context together with the taller five to eight storey buildings permitted by the Board under ABP-308418-20 on the adjoining land to the south.

I therefore consider the proposed apartment building, its proposed natural and built interventions within the confines of the site and its perimeter when viewed from the private as well as public domain would harmonise but also add visual interest to its setting in a manner that accords with the proper planning and sustainable development of the area.

- *The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*

The proposed apartment building is designed to be a building in the round and as such its southern, eastern, western, and northern elevations which are set in a qualitatively landscaped site are articulated with solid to void openings, balconies through to varying external palette treatments to add interest. This building is also designed to sit back from its boundaries in a qualitatively landscaped setting that is accessible, provides visual softening as well as includes a passive and recreational amenity space for its future users. The building also as said has a graduated building height but also an interesting built form which essentially merges a block that has a north south axis with a slightly smaller block that has a west east axis.

I am satisfied that the proposed building is not monolithic and is a building that is considered against its existing and potential future setting which includes a number

of buildings ranging in five to eight storeys in height on the adjoining land to the south with an open space bounding the southern boundary of the site.

- *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.*

As discussed above, the proposed design is one that seeks to maximise legibility and permeability of the site with its surroundings.

- *The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.*

The proposed development includes a mix of apartment units, particularly one- and two-bedroom units, which would add to the dwelling typologies of a prevailing site context where the prevailing dwelling type are 2-storey detached, semi-detached and terrace dwellings which are likely to be mainly three and four bedroom dwelling units.

- *At the scale of the site/building*
 - *The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*
 - *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight.*

The daylight analysis of the impact on the rooms as well as a daylight and sunlight analysis of the impact on surrounding area submitted with this application indicates that the proposed development as revised by the clarification of further information accords with current requirements of 'Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice (2022 Third Edition)' and 'BS EN17037:2018 Daylight in buildings'.

I note to the Board that the properties of No.s 25 to 32 Clifton Park which bound the eastern/northeastern boundary of the site, No.s 5 to 10 River Lane Grove which bound the northern boundary of the site and 'Liskilleen' which bounds the western boundary of the site were specifically addressed.

I also note that the revised design included the revised positioning of the communal open space area to the western area of the site. Further, the revisions to the scheme have resulted in the proposed development exceeding the minimum 50% dual aspect requirement. The latter being required under SPPR 4 of the apartment guidelines.

The assessments provided indicate that 91.11% of the public open space within the scheme would achieve at least 2 hours of sunlight on March 21st and with 77% of private amenity spaces serving the apartments to receiving this minimum requirement of sunlight. The assessment indicates that areas not meeting the 2-hour minimum requirement are located to the north of the proposed development.

The assessment provided also states that Sunlight Exposure test demonstrates that 87% of the spaces meet the recommendations of the relevant BRE guidance.

I am satisfied having regard to the documentation provided on file, including the aforementioned assessment, the built form of the proposed apartment building, the lateral separation distance between it and sensitive to change properties and their private open space amenity, the orientation of the site, the topography of the site and the site levels relative to surrounding adjoining as well as neighbouring properties that the proposed development if permitted would not give rise to any exceptional diminishment of daylight, sunlight or additional overshadowing in a manner that would be inconsistent with best accepted practice, standards and guidance on such matters.

- **Site Specific Assessment**

The applicant submitted a number of site-specific assessments with this application and during the course of its determination with the Planning Authority. Having regard to the proposed development as revised by way of the further information and clarification of further information I consider it to be consistent with relevant local through to national planning policy provisions including Section 3.2 of the Building Height Guidelines.

I note in relation the Sustainable Urban Housing: Design Standards for New Apartments under Section 2.23 it notes that NPF: *“signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance-based standards to ensure well-designed high-quality outcomes. In*

particular, general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location" and it refers to separate guidance set out under the Building Height Guidelines on height.

Moreover the Compact Settlement Guidelines for Planning Authorities under Section 1.3.2 sets out to achieve compact growth it will "*be necessary to increase the scale of new buildings in all parts of our cities and towns, with highest densities at most central and accessible urban locations*" and that higher densities and taller buildings that exceed the traditional scale will be encouraged in the most central and accessible parts of our cities, subject to safeguard including that the scale and form of development is appropriate to the receiving environment.

Additionally, under Section 4.4(v)(b) it states that: "*new development should respond in a positive way to the established pattern and form of development and to the wider scale of development in the surrounding area. The height, scale, and massing of development in particular should respond positively to and enhance the established pattern of development (including streets and spaces)*".

At a local Policy Objective PHP42: Building Design & Height of the Development Plan seeks to encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF). In addition, Section 4.4 of the Development Plan sets out that its building height strategy was prepared in the context of the Urban Development and Building Height Guidelines for Planning Authorities and in a consistent manner it acknowledges that building heights must be generally increased in appropriate urban areas.

In relation to Appendix 5, I note that it has cognisance to relevant Ministerial Section 28 Guidance documents, including but not limited to Section 3.2 of the Building Height Guidelines. Under Section 2.1.1 it defines '*high buildings*' or '*higher buildings*' as buildings which are higher than the overall building height in any given area. Whilst '*tall buildings*' it defines as being significantly higher than their surroundings and/or considerable impact on the skyline.

I note that the proposed development does not exceed the height of 'Abingdon', the two storey Protected Structure in close proximity to the west and northwestern

boundary of the site and it is only marginally different in height from that of 'Liskilleen' also located to the west. In this context I consider it would not result in any significant additional building height that would significantly impact on the skyline when compared with the existing situation.

Notwithstanding as discussed as a result of the change in ground levels the part three and part four storey building would be higher than the adjoining properties of River Lane Grove and Clifton Park.

However, there is a substantial two-storey building on site that occupies higher ground levels with the proposed design seeking to settle the proposed building into the site by way of excavation and modulation of the ground through to retention of as many of the trees as possible. Alongside additional tree planting. The part three and part four storey building whilst resulting in a change in context is not of a significant difference in ridge height that it could be considered in its context as being a 'tall building'.

Nor could it be considered in my view as a building that has failed to take into context with its height and built form graduating in a manner that seeks to avoid it being overbearing in its context. But yet harmonising with the change of this location with the permitted heights of residential buildings on the lands to the south ranging from five to eight stories in their overall height.

I also note that the taller portion of the building occupies the lower ground levels of the site and together with exceeding the lateral separation distance between opposing windows through to the visual screening and buffering arising from existing as well as proposed natural features minimise the potential for adverse visual or residential amenity impacts to arise.

Moreover, I consider that the part three and part four storey height of the proposed apartment building is necessary to achieve an appropriate density and scale of development on this serviced residential zoned site in a accessible and well served location.

Section 3.7 of Appendix 5 in relation to 'Suburban Infill' sets out that there has been a discernible pattern of gradually increasing residential densities in 'infill sites' within the built-up area of the County over the last 20 years with many having a higher density and taller building height profile than the prevailing local low-rise

context. It sets out that this pattern of development is supported by the Building Height Strategy for the County which seeks to allow for increases in height at appropriate locations.

Additionally, Section 4.3.2 of Appendix 5 sets out that new developments should respond to local character as well as protect and enhance the built heritage, including not have an adverse effect on a Protected Structure in terms of scale, height, massing, alignment, and materials. With this being one of the considerations set out under Section 5 which sets out the performance-based criteria for increased height.

It is of note that the site is not identified as a location for increased height and in such locations Appendix 5 sets out that Policy Objective BH3 (Building Height in Residual Suburban Areas) is applicable. This states that in general the building heights of 3 to 4 storeys coupled with appropriate density will be promoted subject to ensuring that developments achieve a reasonable balance between the protection of existing amenities, the established character of the area and the new development.

Having regard to the height and the considerations of this assessment collectively the proposed height of the apartment building accords with this policy objective of the Development Plans Building Height Strategy.

Also having regard to the performance-based criteria set out under Section 5 of Appendix 5 I consider that these correlate with the considerations set out for Section 3.2 of the Building Height Guidelines above. This is on the basis that they similarly assess the proposed developments increased height at a site level and at a district/neighbourhood/street level. But also, at a county and national policy specific level in a manner that aligns with the National Planning Framework which seeks to target development on sites like 'brownfield' and infill sites like this. Including where the site is well served by public transport. That is to say, "*within 1000 metres/10-minute walk band of Dart Stations*".

Through to the design seeks to successfully integrate into and enhance the character of its setting through to it does not adversely affect the skyline or detract from key elements.

Moreover, there are no concerns raised that there are no infrastructural capacity issues to absorb the proposed development.

Furthermore, this type of development aligns with the Development Plans Core Strategy whilst also being a type of development that would make a positive contribution to place making in this area including by way of increased linkage and permeability with adjoining existing potentially future public realm.

Conclusion

Having regards to the above, I am satisfied that the proposed apartment building in terms of its height, mass, and scale accord with relevant local through to national planning provisions. Additionally, I consider that the increased height allows for appropriate densities to be achieved at this accessible serviced and in proximity to a number of existing educational, community, amenity, retail, services and the like. Alongside the overall design and layout which includes increased permeability visually and physically with public realm allows for qualitative place making that would also positively contribute to its neighbourhood. Including existing adjoining residential schemes like Clifton Park through to proposed schemes like that permitted on the adjoining land to the south under ABP-308418-20.

8.4.6. **Housing Demand/Mix of Tenure**

The proposed apartment building contains 32 apartment units. These units can be summarised as 4 No. Studios, 10 No. 1 Bedroom Apartment Units, 15 No. 2-Bedroom Apartment Units and 3 No. 3-Bedroom Apartment. As such the main unit type are the studio/1-bedroom units at 43.75% and the 2-bedroom units at 46.875%.

I note that Appendix 2 of the Development Plan deals with the matter of housing need and demands within the County. It does not include any location/area based specific examination but during the lifetime of the plan it proposes to carry out more detailed area-based examination of it. In relation to the County overall it is projected that its population will continue to significantly expand up to 2031 and beyond. It also projects that in manner consistent with more recent trends it is expected that the average size of households in the County is to decline, resulting in a higher rate of household formation. Moreover, it is also expected that there will be a greater percentage of older and retired people than in other counties in the Dublin region and that the area will

continue to be a destination county as more people from both elsewhere move to live here, from both abroad as well as from other counties.

Overall, it envisages additional housing for a greater number of smaller households will be necessitated with this also reflecting the price of housing tied to this area.

It sets out that it is policy objective to ensure that there is an adequate mix on the size/type of units being provided in schemes so as to match supply with demand but also there is a need to avoid the delivery of large-scale monotype schemes as well as a need to ensure the delivery of liveable, mixed, and sustainable neighbourhoods.

Of concern under Table 2.9.1 it sets out that in schemes of up to 50 units in existing built-up areas that apartment developments may include up to 80% studio, one- and two-bedroom units. This scheme exceeds this with the studio, one bedroom and two-bedroom units accounting for 93.575% of the proposed development.

During the course of the Planning Authority's determination of this application the current Development Plan was adopted.

The final mix of apartment units were not considered to raise any substantive concerns to the Planning Authority who concludes with a grant of permission for the scheme as revised by the further information and by the clarification of further information.

I am also cognisant that SPPR 1 of the Apartment Guidelines sets out that housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.

It also sets out that "*statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)*".

In this regard as set out the county housing need and demand assessment sets out a need for smaller units, I therefore consider that the mix of studio, one- and two-bedroom as provided for in this scheme accords with Appendix 2 of the Development Plan. Moreover, the prevailing character of housing in this immediate locality does not include a significant provision of such smaller sized dwelling units in what is a highly accessible location.

Conclusion:

I concur with the Planning Authority that the proposed mix of units accords with the proper planning and sustainable climate resilient development of the area.

8.4.7. Residential Standards

Having examined the proposed development I concur with the Planning Authority that the residential standards for future occupants of the proposed 32 apartment units on foot of the revisions made by the applicant in their further information response and their clarification of further information response are now consistent with their relevant standards set out in local through to national planning policy provisions and standards. In particular those set out under the Apartment Guidelines, in terms of floor areas, floor to ceiling heights, storage, private amenity space provision, car parking, bicycle space and the like.

Further the revisions result in an improved number of apartments being dual aspect (Note: 53.125%), having qualitative levels of daylight penetration and natural ventilation. I also note that 40.625% (i.e. 13%) of the apartments exceed the minimum required floor area.

Additionally, the separation distances between opposing first floor windows exceed the minimum separation distances of 22m set out in Section 12.8.7 of the Development Plan and the lesser separation distances of 16m set out under SPPR 1 of the Sustainable and Compact Settlements Guidelines.

In relation to the provision of public open space the Development Plan in a manner that is consistent with SPPR 3 of the Sustainable and Compact Settlements Guidelines provides for flexibility to include a financial contribution in lieu of its provision within the application site.

The matter of public open space is dealt with in more detail under Other Matters Arising below. But in general, I consider the feasibility of providing open space on this site is limited and the design as well as layout takes into the account the potential future use of the immediate area adjoining the southern boundary of the site to be developed into such space should extant permission ABP-308418-20 be implemented.

It could also be considered that the measures set out in the applicants accompanying Residential Travel Plan would also improve the residential amenity quality of the

proposed scheme in a number of ways including not only be a scheme that would include a dedicated 'Go-Car' on site for its occupants, pedestrian and cycle linkage on the western, southern and eastern side of the site, provide information on sustainable transport modes in 1km reach of the site through to provide sufficient car parking and qualitative sheltered cycle spaces for its future occupants.

I also note that there are no substantive concerns raised in relation to residential amenity standard of the proposed apartment scheme sought under this application for future occupants by the Planning Authority or other Parties in this appeal case.

Conclusion

Whilst I note as a precaution that clarity is needed on the proposed northern elevation of the proposed apartment building as revised, a matter for which I note the Planning Authority considered could be resolved by way of an appropriately worded condition (Note: Condition No.2 of the Planning Authority's notification to grant permission) there is otherwise sufficient information to conclude that the residential standard of amenity for future occupants of the proposed development as finally revised, if granted and implemented, would accord with the proper planning and sustainable climate resilient development of the area.

8.4.8. Residential Amenity – Properties in the Vicinity

The site setting is zoned 'A' under the applicable Development Plan whose land use objective seeks to balance the provision as well as improvement of residential development and protecting existing residential amenities. It is also a policy of the Development Plan under Policy PHP20 to ensure that the residential amenity of existing homes in the Built-Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

The site is surrounded by low density and low scale residential development to the north, east and west. With this comprising of a mixture of detached dwellings in the case of Abingdon Park but mainly more modest terrace dwellings in the case of the development to the north and east. With the taller and denser development on the land to the south yet to be implemented.

The Third Parties in this appeal case raise concerns that the proposed development would give rise to a diminished residential amenity, if permitted, in the form proposed.

In this regard they object to the change of context that would arise from the proposed development due to it being out of character with the prevailing pattern of development in this area. They also consider a lower density scheme through to retaining the existing dwelling house on site would give rise to a more acceptable pattern and layout of residential development on this site.

As discussed previously the replication of the existing patterns of development such as those of Clifton Park, River Lane Grove ,and the more lower density development along Abingdon Park would not in my view be consistent with local through to national planning policy provisions and guidance for brownfield and infill development on residentially zoned serviced and accessible sites within the built-up area of metropolitan Dublin. Nor would it make efficient use of this residentially zoned site to accommodate more compact and higher density residential development in a manner that corresponds with more recent permitted development in its immediate and wider setting or that which would accord with relevant planning provisions on such matters.

Further, concerns are raised that the residential amenity of these adjoining and neighbouring development would be unduly impacted as a result of the apartment buildings height, mass, and volume through to its proximity to the curtilages of existing properties in its vicinity. With the majority of these properties occupying lower ground levels and with their rear elevations as well as private amenity open space backing onto the perimeters of the site.

Whilst I accept that there would be a change in context for residential properties in the vicinity of the proposed development if it were permitted and implemented. Notwithstanding this change of context is not one that could in my view be considered to give rise to unreasonable and undue burden of residential amenity diminishment. With the design measures, separation distances through to planting ensuring that no undue overlooking; the building form being positioned and modulates so that it would not give rise to undue diminishment of daylight and sunlight penetration to existing residential properties. Through to the built form also not giving rise to a level of overshadowing that could be considered as significant within what is an evolving suburban context forming part of the built up area of metropolitan south Dublin city on well-established residential setting and on residentially zoned as well as serviced lands.

It is also to be expected in a suburban area that there would be some level of overlooking and/or overshadowing arising from development of adjoining lands through to a level of established overlooking through to overshadowing. In this context I consider that the impacts arising are not exceptional for their context and are within accepted design standards set out in relevant local through to national planning provisions as well as guidance.

In this regard having examined the daylight, sunlight and shadow analysis provided, in particular that submitted with the applicant's clarification of further information response which included an updated analysis that took account of the changes made to the design but also to the changed standards and guidance for examining impacts.

This assessment included an analysis of the existing and proposed context sunlight/daylight performance of the neighbouring properties of Liskilleen House to the west, No.s 5 to 10 River Lane Grove to the north and No.s 25 to 32 Clifton Park to the east. This included an examination of their vertical sky component through to a shadow analysis. The examination of these properties is set out under Table 4, 5 and 6 of this document. With these showing that these existing buildings would enjoy similar levels of daylight and sunlight after the development was built. Alongside that the levels of daylight and sunlight met the required parameters.

Further, the examination of overshadowing of these properties neighbouring gardens shows that there will be a greater amount of sunlight penetration than their existing value. With the values showing an 80% increase over their existing value. Alongside clarifying that they exceed the recommendation of 2 hours sunlight on at least 50% of its former values.

Whilst I acknowledge that the existing context is one where the site has changing ground levels and with its changing ground levels varying greatly from the southern boundary of the site for example which is at 17.24mOD Malin to for example 12.5mOD Malin along the northern boundaries of the site. With the existing substantial building of Conna occupying the high point of the site through to outside of the adjoining shed and outbuildings in proximity to the western boundary of the site. The remainder of the site contains many tall natural features of both a deciduous and coniferous that result in diminishment in light penetration through to overshadowing of these neighbouring properties, particularly during the winter months when shadow lengths are longer.

However, as said a number of the mature natural features on site are deciduous trees whose canopies would not be in leaf during this period. The proposed development will result in the loss of some of these mature natural features alongside would result in the removal of the *ad hoc* not maintained hedging and trees that are prevalent on site, particularly alongside its boundaries. Compensatory planting and a more formalised targeted placement of new trees and hedgerows are proposed.

Against this context, when an examination of the existing and proposed built context is had, excluding the natural features noted, I am satisfied that the proposed development will not significantly detract from the level of amenity in terms of daylight, sunlight and overshadowing for neighbouring properties.

With this largely arising from the appropriate lateral separation proposed between the apartment building and the existing neighbouring buildings. Together with the careful modulating and graduation of the proposed building. With its highest four storey element positioned centrally, at lower ground levels and with adequate lateral separation distance between it and neighbouring properties, in particular Clifton Park to the east and River Lane Grove to the north.

Further, in relation to the lateral separation distances between first floor opposing windows and the like meet the Planning Development standards in this regard and significantly exceed the 16m separation distance set out under SPPR 1 of the Compact Settlement Guidelines in the case of opposing windows serving habitable rooms at the rear and side of houses. Where there are window openings that do not meet this requirement, the drawings show that these would be fitted with obscure glazing, there are design measures to reduce potential for overlooking of balconies and as said the applicant proposes to not only settle the apartment building into the site but also to reinforce its sylvan character with additional planting of trees and hedging along the site boundaries to add to the level of visual screening. With the landscaping in time providing more robust buffering between existing development and the proposed apartment building. Including in terms of existing and proposed amenity spaces serving occupants of existing and proposed dwelling units.

I also note that local and national planning provisions do not include specified minimum separation distance at ground level for this type of residential development in this type of established mainly residential in character setting.

In relation to overbearing impact as discussed, the height of the proposed apartment building would sit below that of the Protected Structure of 'Abingdon'. With the building having a graduated height that at its maximum height it is four storeys and with this four-storey element setback between 16.45m and 16.8m from the eastern boundary of the site. As well as the ground floor level setback 7.9m from the northern boundary with the setback increasing by c6.4m on the floor levels above.

Additionally, the proposed building is setback c13.34m from the western boundaries with both the nearest western elevation to Liskilleen House and the nearest northern elevation to River Lane Grove not containing any clear glazed window openings.

The placement of the building including its tallest elements seek to correspond with the varying ground levels of the site includes the placement of the tallest portion of the building centrally within the site where ground levels are lower and with as said generous lateral separation distance from the eastern boundary. The landscaping scheme as discussed seeks to retain as many of the tall trees as possible. Additional natural and man-made features are proposed along the boundaries. As said the building has been set back from the sensitive to change boundaries and the building height graduated as well as the overall apartments built form to minimise potential for adverse impact on its setting. The proposed building also as discussed is subservient to the height of 'Abingdon', the Protected Structure, but also responding to the evolving nature of taller and more compact buildings deemed permissible at this location with cognisant had to the development permitted by the Board under ABP-308418-20 on the lands to the south. With, as said, the nearest permitted building on these adjoining lands being five storeys in height.

In relation to other potential nuisances, I note that the final revised design responded to concerns including but not limited to odour, noise through lighting. With this including but not limited to revised locations of waste storage through to heat pumps through to requiring agreement of the final lighting scheme.

Additionally, I note that the Further information response includes a Noise Impact Report which examines the existing noise context of the site and its setting through to sets out measures to limit undue noise impacts during the course of the construction phase of development. This report sets out that when operational the apartment

scheme would not result in any undue or exceptional noise impacts on residential properties in its vicinity.

Further concerns are to be expected for properties in the vicinity arising from demolition, excavation and construction works. Though nuisances at these stages are of an interim in nature it is standard practice that standard conditions are imposed to mitigate against any undue nuisances that are likely to arise. With for example measures included in the Noise Impact Report provided but also in other documentation accompanying this application including the Construction Management Plan, Construction Environmental Management Plan, Waste Management Plan, Demolition Plan through to Outdoor Lighting Reports.

Further, I consider that the number of car parking spaces accords with Section 12.4.5 and Table 12.5 of the Development Plan which ensures no undue overspilling of car parking in the vicinity of the development.

Additionally, this proposal includes measures to manage car parking for residents by providing additional secure bicycle parking that exceeds Development Plan requirements as set out under Section 12.4.6. Alongside in its accompanying Residential Travel Plan it promotes and provides various measures that support future occupants modal shift away from private car parking use. With measures to support and encourage use of public transport, active travel through to the provision of a dedicated 'Go Car' car and dedicated parking space within the scheme. This latter measure accords with Section 5.7.3 Policy Objective T18 of the Development. The site is as discussed well served by bus and rail with the public as well as active travel network in this area subject to future improvements.

Further, the design and layout include maintaining the existing entrance for pedestrian/cyclist movements alongside providing a new entrance that includes vehicle access on its eastern boundary linking to the public domain of Clifton Park. It also proposes future pedestrian/cyclist linkage to the adjoining permitted residential development to the south. As such, this modest scheme provides a number of potential access points to link it to the public road network in its vicinity and the volume of traffic vehicle, pedestrian and cyclist through to sundry movements generated by the proposed development would not be significant, out of context or exceptional in a

suburban locality like this to conclude that it would give rise to any undue diminishment of adjoining amenities of properties in its vicinity.

Moreover, it is standard practice for conditions to include measures to deal with traffic generated during the course of construction works so that during this phase there is no overspilling arising that could if no measures were implemented give rise to obstruction and other associated nuisances for existing road users.

I am therefore satisfied that the design and layout of the proposed apartment building and its ancillary works would not give rise in any undue diminishment to residential amenities of properties in its setting, particularly in terms of overlooking, loss of sunlight/daylight, increased overshadowing through to visual overbearance. I am also satisfied that the relocation of the bin storage and ESB substation further reduces the potential for adverse nuisance from noise, odour, vibration and other associated nuisances that can arise from such on site utilities.

Conclusion:

I am satisfied that the proposed development would not give rise to any unduly adverse or serious diminishment of residential amenities that would warrant or sustain a refusal of permission. I am also satisfied on this matter that the proposed development accords with the proper planning and sustainable climate resilient development of this suburban accessible through to serviced residentially zoned land.

8.4.9. Landscaping

As previously mentioned, the subject site is subject to a specific objective to: “*protect and preserve Trees and Woodlands*” with Section 12.8.11 of the Development Plan requiring new developments to be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerows.

The Arboricultural Assessment & Impact Report accompanying this application sets out that the original lands that formed part of the ‘Conna’ site have been substantially reduced over time by land sales for housing and describes the site as “*essentially a large garden surrounding the house*”. As described in this report the trees on the site and as observed on site the trees present on the site are concentrated on the boundaries of the site with a linear strip of scrub located centrally as well as due to neglect scrub vegetation dominates the undergrowth. The report sets out that the

majority of the trees present are large mature specimens likely to date to the early 1900s and they include deodar cedar and Atlantic blue cedars on the southern boundaries through to myrtle and the kōhūhū towards the western area of the site near the entrance. With the condition of these trees generally described as good and having good future potential within an appropriate environment.

A number of other trees are identified as of interest including a large Monterey cypress on the eastern boundary, a large false acacia on the northern boundary as well as paperbark maple, laburnum, bay laurel and cherry with the trees, their location on site as well as their areas of constraint identified in Drawing No. TCON005 101.

Overall, the condition of the trees on site is described as mixed despite little or no management undertaken to them in recent times.

Table 2 of the Arboricultural Assessment & Impact Report sets out that 35% of the trees will be removed from site with this including 2 No. Category A trees, 4 No. Category B trees, 1 Category C tree and 5 Category U trees. The 5 category U trees are described as being of very low value due to their poor condition.

The report notes that one of the key drivers of the design was the retention of the high value large Lebanese Deodar and the Atlantic cedars on site, though their retention presented challenges for their integration into the design but also during the construction works.

Additionally, the design is said to have sought the retention of the well-developed cherry and two large kōhūhū trees on the eastern boundary as part of a small green space that would also provide maturity and screening to the scheme upon completion.

There is a need to remove a high value Monterey cypress and a high-quality birch on the eastern boundary of the site to facilitate access and car parking but despite their loss the overall loss of trees. The loss of trees, however, would be mitigated against by new tree planting. With the landscaping scheme provided by the applicant's landscape architects including a range of native and exotic species and cultivars which if managed appropriately have the potential to provide a new generation of trees on the site that would add to its character as well as provide visual softening and screening of the proposed development.

This report is accompanied by a Tree Protection Strategy which includes a range of mitigation measures for the protection of the trees to be retained on site.

It is of note that the placement of the building is set back from the mature trees on site largely reflecting the current locations of built structures on site.

It is also of further note that the further information and clarification of further information requests resulted in qualitative improvements to the landscaping scheme with the final landscaping plan showing a high retention of mature trees of merit and interest on the site. The scheme also includes qualitative compensatory and additional tree as well as hedge planting set in a considered space with a mixture of permeable surfaces through to wildflower meadow type planting.

Moreover, the landscaping scheme together with the boundary treatments also seek to positively address and open onto the open space permitted on the adjoining land to the south.

Additionally, the landscaping scheme seeks to provide visual buffering and screening of the proposed scheme to existing residential developments to the west, north and east. In time as the planting scheme matures it will further enhance and contribute to this subject site's sylvan character.

There is also scope that the compensatory planting and additional planting along sensitive to change boundaries include pleached evergreen tree species to ensure further year-round visual buffering/screening of the apartment building.

On this point, I consider that the pleached tree planting that is indicated on the western boundary should be evergreen species but should also be provided on the northern boundary particularly towards its eastern end which bounds the modest rear garden spaces of River Lane Grove properties that occupy lower ground levels.

Similarly, I consider that the pleached tree planting should also be considered for the gaps in the western boundary bounding part of the surviving formal landscaped grounds of 'Abingdon' (Protected Structure) and the gaps along the eastern boundary facing into Clifton Park.

In terms of the later whilst I note that the final landscaping scheme indicates tree planting on the northern end of this boundary it is my view that consideration should be given to evergreen species as such species would not only provide year round

screening but also given the character of the planting on the site it would harmonise with the mature green species that would be retained but also lost as part of the proposed development.

I also consider that the final landscaping scheme would contribute positively to the visual interest of the final scheme as viewed from its surroundings.

Overall, the final landscaping scheme when taken together with the Arboricultural measures proposed is consistent with the Development Plan provisions including Section 12.8.11, Policy Objective GIB18 and Policy Objective OSR7.

Conclusion

I concur with the Planning Authority that the proposed development has demonstrated a significant retention of trees/planting on site as well as a qualitative landscaping scheme for the site and its boundaries which also includes site appropriate compensatory planting. Notwithstanding, as a precaution I consider that appropriately worded condition should be included as part of any grant of permission that would provide further clarity during demolition, excavation, and construction to ensure that the trees and planting of merit that are being retained are safeguarded and protected from damage and/or loss. I note that Condition No. 12 of the Planning Authority's notification to grant permission such measures. Furthermore, the Board could also consider imposing a condition that required additional evergreen species along boundaries sensitive to change due to their proximity to existing residential development.

8.5. Other Matters Arising

8.5.1. Open Space

The proposed scheme meets and exceeds the requirements set out in the Development Plan for private and communal open space. Given the restricted size of the site together with the high density of development sought (Note: given 96 units per hectare) and the specific protection for the mature trees on the site the potential to provide qualitative as well as quantitative public open space in a manner that accords with Section 9.2.1.4 Policy Objective OSR4: Public Open Space Standards and the public open space standards generally sought to accord with relevant Government guidance documents is not achievable.

I am cognisant that both local and national planning provisions provide flexibility where this is the case.

In this regard Section 12.8.3.1 of the Development Plan states: *“it is acknowledged that in certain instances it may not be possible to provide the above 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 these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended. The contribution in lieu to be paid for any shortfall in the quantum of public open space to be provided will be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same”*.

The Planning Authority consider that a special contribution towards the cost of the provision of public open space appropriate in this case. This I note is included in Condition No. 13 of the Planning Authority’s notification to grant permission. With this condition setting out that this levy would be used to cover specific landscaping works which benefit the proposed development. In particular the upgrading of the existing open space of Shanganagh Park, Phase 1. I note that this Park is situated c1.5km from the site as the bird would fly and is a sizeable area of passive and active recreational amenity as well as provides a number of other synergistic uses, including but not limited to a GAA, cricket, and baseball grounds. It also includes a recycling centre.

I note that the Sustainable and Compact Settlement Guidelines for Planning Authorities under Section 5.3.3 sets out the public open spaces in residential schemes form part of the public realm but are distinct from a public park providing space for active and passive recreation, nature conservation through to providing an important visual break between streets and buildings. It indicates that all residential developments are required to make provision for a reasonable quantum of public open space and there is a need to focus on overall quality, amenity value and biodiversity value of such spaces.

The said Guidelines under Policy and Objective 5.1 sets out a requirement of not less than a minimum of 10% of the net site area shall be provided for public open space, notwithstanding, it also states that: *“in some circumstances a planning authority might decide to set aside (in part of whole) the public open space requirement arising under the development plan”*.

The examples provided include where it is considered by the Planning Authority that it might not be feasible due to site constraints or other factors to locate all of the open space on site through to where they may consider that the needs of the population would be better served by a new park or an upgrade or enhancement of an existing public open space or amenity. In such cases it sets out that the planning authority can seek a financial contribution within the terms of Section 48 of the PDA, 2000, as amended, in lieu of provision within an application site.

Conclusion

I concur with the Planning Authority that the proposed development is one that would benefit upon its occupation from the upgrading of the existing open space of Shanganagh Park. This is on the basis of the modest size of the site and the constraints of the site which include maximising the retention of trees of merit thereon. I therefore recommend that the Board include a similar condition to Condition No. 13 of the Planning Authority’s notification to grant permission as such a condition is consistent with local through to national planning policy provisions as well as guidance on such matters.

8.5.2. Drainage

The Engineering documents accompany this application indicate that the existing dwelling house on site is served by a septic tank which would be decommissioned as part of the ancillary works sought under this application. The documents indicate that the decommissioning works would be carried out in accordance with all environmental and best practice guidelines for such works.

The proposed development seeks to connect to the 225mm foul sewer serving the adjoining Clifton Park residential scheme that adjoins the eastern boundary of the site. The details on file indicate that this connects to an existing foul network routes to a 525mm diameter trunk main running alongside the railway line which it assumes outfalls to the Shanganagh Treatment Works.

The documents indicate that it is proposed to make the connection adjacent to the front garden of No. 25 Clifton Park at manhole FS-EX-02 which is located in the public domain and that the internal foul drainage mains would extend to the basement area. Where they would connect to the drainage stacks that will serve the dwelling units in the floor levels over. The sizing of pipework is compliant with current requirements. With the connection agreement made to Irish Water.

The submitted Engineering Report indicates that the SuDs and surface water management plan for the proposed development is based on the Greater Dublin Strategic Drainage Study, the Recommendations for Site Development Works for Housing Areas and with all installations in line with the 'Greater Dublin Regional Code for Practice for Drainage Works where applicable.

It also sets out the works will include regularising the site profile inside the proposed entrance to facilitate the parking area and basement with this cut into the upward slope of the site.

It is further indicated that no detailed investigation has been carried out of the natural drainage of the site but based on experience in the locality it is considered by the authors of the Engineering report that the site is unsuitable for use as infiltration as part of the drainage system. They therefore indicate that the stormwater drainage system has been designed on this basis.

Section 4.5 of the Engineering Report sets out the Implementation of Sustainable Drainage Systems and the Surface Water Management Strategy. With this including source control measures including permeable paving infiltration and storage, green roofs, and site control measures including on site attenuation storage with a storage volume of 96m³ with the outflow from the attenuation storage system controlled by a hydro brake prior to discharge into the public drainage system outside of the development site.

On foot of the Planning Authority's further information request revisions were made to the proposed surface water management details. This included showing the provision of a green roof area over the apartment block which the Planning Authority's Drainage Division considered alongside the other clarity provided with the applicant's further information response satisfactorily addressed their concerns and that they raised no objection to the proposed development as revised subject to safeguards.

I note that the PA and Irish Water have no objection to the proposed drainage arrangements of the proposed development as revised by the further information and by the clarification of further information, subject to safeguards. With I note these being set out in detail under Conditions No. 5 and 6 of the Planning Authority's notification to grant permission. I also note other details such as the management of stormwater during the construction stage being a matter generally addressed through a Construction Environmental Management Plan. This matter can be addressed by a comprehensive CEMP condition.

Conclusion

I am satisfied that the proposed development can be adequately serviced in terms of drainage and that the design includes adequate surface water management measures and solutions which would assist in alleviating demands on the public drainage system that serves this locality.

8.5.3. **Water**

The proposed development seeks to decommission the existing water connection serving 'Conna' and remove its physical infrastructure as part of the ancillary works sought under this application. This removal work will be undertaken in accordance with Irish Water requirements and all environmental and best practice guidelines. The documentation indicates that at location of the proposed new entrance from Clifton Park there is an existing 4inch UPVC watermain and Fire Hydrant noted on the public record drawings.

It is proposed to connect to the said existing watermain to service the proposed development with a bulk water meter situated in the public area.

It is also indicated that the existing hydrant in the public area outside the proposed new entrance has been assessed and deemed to be sited suitably in accordance with Part B of the Building Regulations for the purpose of firefighting. No additional hydrants are proposed. It is further noted that the proposed development is subject to agreement with the fire consultant and local fire officer. Moreover, it notes that a connection agreement/application will be made to Irish Water in due course with all water supply elements designed in accordance with '*Irish Water Code of Practice for Wastewater Infrastructure - Connections and Developer Services - Design and*

Construction Requirements for Self-Lay Developments' (Document Ref: IW-CDS-5030-03).

I note that neither the planning authority nor Irish Water have expressed any objections to the proposal, subject to safeguards.

Conclusion

I am satisfied that the proposed development can be appropriately served by the public water supply infrastructure of this locality subject to standard safeguards.

8.5.4. **Flood Risk**

The accompanying Engineering Report includes a Flood Risk Assessment under which it sets out the identified risk of flooding in the study area is not due to pluvial flooding but from large overland flows primarily associated with the future drainage networks to service the proposed development.

In this regard though the site is indicated as being in a 'Flood Zone C' area it indicates that the drainage system has the potential to cause local flooding unless it is designed in accordance with current regulations including the Greater Dublin Strategic Drainage Study (GDSDS) and to take account of flood for 100-year storm returns plus 20% allowance for climate change.

Further it sets out that proper operation and maintenance of the drainage system should be implemented to reduce the pluvial risk due to human and/or mechanical error.

As such it includes a proposed operation and maintenance plan for the drainage system in the development and subject to this together with the site being located within 'Flood Zone C' lands it is concluded that the proposed development would not be at any risk of flooding with this added to by the topography of the site.

It also concludes that the proposed works also do not raise any significant flooding issues and that the restricted surface water discharge from the site would not adversely affect or increase the flood risk to adjacent or downstream sites.

I note that the Planning Authority and the Parties to this appeal case have not raised concerns in relation to drainage and flooding matters.

Further, I have no information before me to believe that the existing mains drainage system does not have capacity to deal with the scale of the proposal put forward under this application as finally revised, i.e. an additional 32 dwelling units, or that the proposal would lead to increased flooding in the vicinity of the site. I have also examined the OPW www.floodmaps.ie for the site and its setting in my examination of this matter.

Though there is a history of flooding in the wider setting including in the Loughlinstown and Commons Road area, notwithstanding, the site and its immediate setting show no record of the site flooding in the past.

The site also occupies higher ground levels, there are no rivers in the vicinity of the site and the site as well as its immediate setting is located within 'Flood Zone C' lands. In this circumstance I am satisfied that the proposed development is therefore considered 'appropriate', and a 'Justification Test' is not required. In addition, I have no information before me to believe that the proposal would be prejudicial to public health.

Conclusion

I am satisfied that the potential risks have been adequately considered and addressed in accordance with the requirements of the Flood Risk Management Guidelines.

8.5.5. Transport

The further information and clarification of further information fails to show that the modified internal layout does not appear to demonstrate direct connection between the existing footpath of Clifton Park and the internal pedestrian routes. The Planning Authority's Transportation final report recommended that this concern be addressed by way of a condition.

I note to the Board that this requirement is imposed under Condition No. 7 of the Planning Authority's notification to grant permission which under subsection (a) requires "*revised drawings demonstrating a revised vehicular entrance layout which connects both existing footpaths on Clifton Park to the internal pedestrian route layout of the scheme*".

Additionally, subsection (b) requires plans that demonstrate the proposed footpath treatment through to section drawings for this connection. With the requirements of

Condition No. 7 to be agreed in writing prior to the commencement of Development and with the stated reason given as being in the interests of orderly development.

I consider that this is a reasonable imposition on the notification to grant permission given that achieving maximum qualitative permeability and linkage as discussed previously in this assessment is sought under the provisions of the Development Plan for this type of development including Policy Objective PHP35 which deals with the matter of healthy placemaking. It sets out that it is a policy objective of connectivity through to deliver permeability in a manner consistent with DMURS.

I am also satisfied that the scale of development sought under this application would not give rise to an additional burden on the adjoining public road network that can not be safely accommodated or that would give rise to any substantive traffic hazard for its existing road users.

I note that the Planning Authority, including its Transportation Division raised no substantive transportation issues in relation to the proposed development as revised during the course their determination.

Conclusion

I concur with the Planning Authority that outstanding traffic through to access matters are of a minor nature and can be dealt with by way of standard conditions similar to those set out in the Planning Authority's notification to grant permission which I note includes provisions for traffic management during construction. Subject to standard safeguards I am satisfied that the proposed development would not give rise to any undue road safety and/or traffic hazard issues.

8.5.6. **Noise**

Should the Board be minded to grant permission I recommend that it impose a condition requiring compliance with the recommendations and mitigation measures set out in Section 10 of the Noise Impact Report in the interest of protecting the residential amenity of properties in the vicinity from undue noise nuisance.

8.5.7. **Bats**

As noted in my assessment the site and its setting have a strong sylvan character with the adjoining land to the south being greenfield. Additionally, the majority of the

structures on site have some age and the site in general is overgrown lacking general upkeep.

Against this context I note to the Board that this application is accompanied by a document titled 'Bat Fauna Impact Assessment for the Proposed Development at Shankill, Co. Dublin'. In this regard I note that all Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also).

Upon review of the Bat Fauna Impact Assessment submitted with the application I note that bat surveys were carried out on the 23rd of September 2021, during which the buildings including outbuildings (internally and externally) and the proposed development site were searched for bat use or presence. It is also indicated that a bat emergent/detector survey was also carried out. This survey found no evidence of roosting, but a single foraging Soprano Pipestrelle and a Leisler's bat were noted. The assessment also had regard to the loss of natural features from site including Category A, B and C trees with a total of seven trees to be lost from the site of these categories thus 35% of the total trees on site. It also had regard to the lighting scheme for the proposed development. As part of the impact assessment, it outlines a series of mitigation measures, including the carrying out of a pre-construction survey for bats and the adoption of a sensitive lighting design. It concludes that following the implementation of mitigation measures outlined in its report that the development would not give rise to any significant effects.

Whilst I am cognisant that the Planning Authority did not raise any concerns regarding the proposed development's impact in terms bats and imposed a series of more generalised conditions regarding mitigation measures and the like during construction and operational phase should permission was granted, I raise a concern that recent best practice for surveying bats recommends for example a minimum of three emergence surveys between the months of May and September. With one of which recommended to be undertaken in June or July.

To this I also note that it is generally accepted that the most effective detector survey period is June, July, and August.

As this will provide information on maternity roosts. Earlier studies for example in April and May as well as later studies in the month of September will provide some

information on alternative roosts and mating roosts. With Autumn months the time that bats may establish mating roosts in trees, comprising a male bat and several females.

These roosts may not be recorded during summer survey work, when maternity roosts are most easily identified.

Of further concern is the fact that bats could have taken up residence between the date of the survey, i.e. 23rd of September 2021, and the time in which this report is being prepared through to the time when construction activities which includes demolition and removal of 35% of the trees on site should permission be granted. Considerable time has past since this survey was carried out and it would appear in examining photographs the site has become more overgrown and unkempt.

I am not therefore satisfied that the bat survey provided particularly having regard to the built and natural attributes of the site as well as its setting are sufficiently robust, and I am further of the view that the assessment of the impact on bats as a protected species is significantly out of date.

Moreover, I do not concur with the Planning Authority that generalised measures for construction and operational phases of the proposed development, if permitted, are sufficiently precautionary to ensure no adverse impact results to bats who may be using this site for roosting, foraging through to commuting.

I therefore recommend that the Board should it be minded to grant permission to require an updated bat survey including updated detailed measures in relation to the protection of bats as well as limit the felling of trees on site to late summer or autumn with the details of the same to be agreed in writing with the Planning Authority in the interest of wildlife protection and nature conservation.

Further, the final lighting scheme should have regard to the minimises adverse impact on bats for the same given reasons as well as to ensure that the proposed development accords with Section 12.7.2 of the Development Plan.

Conclusion:

Subject to the inclusion of the above safeguards as part of a grant of permission I am satisfied that the proposed development would not give rise to any adverse impact on bat roosting, foraging and/or commuting activities at this site.

8.5.8. Lighting

I note that during the course of the Planning Authority's determination of this application that revised lighting scheme was submitted and that Condition No. 14 of the Planning Authority's notification to grant permission required the final lighting specification to be agreed, including that such a scheme did not conflict with the retention of any trees on site.

Given the sensitivity of the mature trees on site for which retention is indicated in the finalised scheme and given the concerns raised in relation to bat's, with these protected species being particular sensitive to inappropriate lighting schemes, I recommend that the Board should it be minded to grant permission to require by way of condition written agreement of the final lightings scheme with this scheme having cognisance of the findings of an updated bat survey of the site.

Further, it is generally sought for such schemes that lighting schemes also clarify the final lighting solutions for internal shared spaces of the apartment building.

Conclusion

Should the Board be minded to grant permission subject to the safeguard measures discussed being imposed by way of appropriately worded conditions I am satisfied that the lighting of this scheme, internally and externally, is unlikely to give rise to any substantive concerns.

8.5.9. Climate Resilient Development

The Development Plan sets out that one of its five strategic outcomes is the creation of a Climate Resilient County (Note: Table 1.4) and with this interwoven with the policy provisions that support the transition to a low carbon and climate resilient County through the implementation of a compact low carbon development in a manner that is consistent with Climate Action Plan 2021 Securing Our Future'.

I note to the Board that Chapter 3 of the Development Plan dealing specifically with this matter and under Section 3.2.1 Policy Objective CA1 it sets out that it is a policy objective to support the implementation of International and National Objectives on climate change. With Section 3.4 sets out how the Development Plan will seek to achieve Sustainable Planning Outcome with Section 3.4.1.1 Policy Objective CA5: Energy Performance in Buildings supporting "*high levels of energy conservation,*

energy efficiency and the use of renewable energy sources in existing"; Section 3.4.1.3 Policy Objective CA7 which supports the use of structural materials in the construction industry that have low to zero embodied energy and CO2 emissions through to Section 3.4.2.1 Policy Objective CA10: Renewable Energy which encourages the development and use of renewable energy sources as a means of transitioning to a low carbon climate resilient County in line with national renewable energy targets.

Whilst I note that the design of this development includes measures such as pv panels, vehicle charging points for electric vehicles, green roof, internal design and layout of apartment units that seek to achieve qualitative penetration of daylight/sunlight through to qualitative natural ventilation, a durable palette of materials that requires limited maintenance, permeable surfaces through to wildflower meadow planting as opposed to lawn planting I recommend that the Board should it be minded to grant permission to seek by way of condition an up to date Climate Action and Energy Statement for written agreement with the Planning Authority. I consider that such a condition would accord with local through to national planning provisions that have considerably evolved on such matters since the making of this application.

Conclusion

Having regard to the above whilst I consider that it is apparent that climate resilient measures have been incorporated into the design of this apartment scheme, notwithstanding, I consider that a Climate Action and Energy Statement necessary to ensure compliance with the aforementioned policy objectives of the Development Plan. With these policy objectives according with regional, national, and international planning provisions and best practice. In turn, such a condition would therefore be consistent with proper planning and sustainable development.

8.5.10. **New Perimeter Boundaries**

I am satisfied that the new perimeter boundaries proposed are positioned within the red line area of the site and do not encroach onto Third Party properties. I am also satisfied that they are of a standard height and construction for perimeter boundaries normally associated with suburban settings like this and would not give rise to any undue visual and/or residential amenity for properties in the vicinity. Additionally, the main entrance boundaries serving the proposed development onto Clifton Park details

of which are subject to the agreement with the Planning Authority due to the works impacting on public owned land. Notwithstanding given the concerns raised by Third Parties as already recommended above I recommend that as a precaution an advisory note setting out Section 34(13) of the Planning and Development Act, 2000, as amended be provided as part of any grant of permission.

8.5.11. Roof Access

Should the Board be minded to grant permission for the proposed development given the substantive areas of flat roof over the proposed apartment building, the difference in height between it and neighbouring buildings through to the significant changes in topography between it and existing buildings, I recommend that a condition be imposed that restricts access to the roof for maintenance purposes only on the basis of protecting the residential amenity of properties in the vicinity from undue additional overlooking and other nuisances that could arise from the use of such spaces as ancillary open space amenity. In this regard, I note that the Planning Authority included such a restriction under Condition No. 21 as part of its notification to grant permission.

Conclusion

Having regards to the above together with having regard to the land use zoning objectives of the site and its setting alongside Section 4.3.1.3 Policy Objective PHP20 which seeks to ensure the residential amenity of existing homes in built-up areas is protected where adjacent to proposed higher density and greater height infill developments I consider that the imposition of a condition like Condition No. 21 of the Planning Authority's notification is reasonable on the basis of protecting residential amenity from undue overlooking. I therefore recommend that the Board include a similar worded condition should they be minded to grant permission for the proposed development.

8.5.12. Construction Management, Hours of Construction and Operational Waste

These matters are provided for under Sections 12.9.4, 12.9.5 and 12.9.6 of the Development Plan respectively. It is standard for this type of development if permitted to have conditions imposed dealing with such matters. I therefore recommend that the Board should it be minded to grant permission include appropriate worded conditions to deal with such matters in the interest of orderly development.

8.5.13. **Devaluation of Property**

Concerns are raised that the proposed development if permitted would give rise to a devaluation of property value for neighbouring properties. I have no supporting evidence from an expert in this field that sets out this would be the case and on what basis such an evidence based determination of value of adjoining properties in the vicinity of the development could objectively be concluded upon.

Whilst I acknowledge that the proposed development would give rise to a change in context for neighbouring and adjoining properties, I am generally satisfied having regard to the proposed scheme that adequate measures have been included in its design and layout, to ensure that a reasonable balance is reached between protecting existing residential amenities and providing residential development in a manner that accords with Policy PHP20 of the County Development Plan.

With this Development Plan policy as said seeking to ensure the residential amenity of existing homes in the built-up area is protected where they are adjacent to proposed higher density and greater height infill developments.

As discussed in my assessment above I am satisfied that the proposed development as revised by way of further information and clarification of further information would not result in any significant loss of amenity to adjoining properties and is not therefore considered to be a bad neighbour in this context.

Accordingly, I am satisfied that this matter is not material to the consideration of this appeal in this instance.

8.5.14. **Contributions**

The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

8.5.15. **Bond**

I note to the Board that Section 12.3.4.6 of the Development Plan requires the payment of bonds to: *“ensure the satisfactory completion of development works, such as roads, surface water drainage, public lighting and open space, including the protection of*

trees, on a site which has been the subject of a grant of permission, a bond or cash lodgement may be required until the development has been satisfactorily completed". This section of the Development Plan also states that a "*bond or cash lodgement may be sequestered in part or in its entirety at the discretion of the Planning Authority where the development has not been satisfactorily completed. The amount of such bond or cash lodgement will be determined by the Planning Authority*" and I note that Condition No. 29 sets out the sum. The stated reason for the Bond as provided for in the Planning Authority decision notification is: "*to ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development*".

The Board may decide to impose such a condition in accordance with the provisions of the Development Plan should they be minded to grant permission for the same given reasons and to ensure a satisfactory completion of the development for future occupants.

9.0 Recommendation

- 9.1. I recommend that planning permission be GRANTED for the proposed development as revised by the further information and as further revised by the clarification of further information responses received by the Planning Authority for the following reasons and considerations, and subject to the conditions set out below.

10.0 Reasons and Considerations

Having regard to the residential zoning of the site in the Dún Laoghaire-Rathdown Development Plan, 2022-2028, the local through to national planning policy provisions which in a collective manner support the redevelopment of serviced brownfield infill sites and support the compact denser taller residential buildings in accessible locations. Alongside having regard to the existing as well as permitted pattern of residential development that characterises the site's surrounding context, the sylvan character of the site due to the presence of many mature trees of merit, the built

heritage constraints of the site's location arising from the site's proximity of the site to a Protected Structure ('Abingdon' - RPS Ref. No. 1782) and its historical relationship with this historic property, the topographical constraints of the site relative to adjoining and neighbouring land, the remote setting of the site relative to its existing connection to the public domain via a restricted in width private access cul-de-sac lane (Abingdon Park).

In this context it is considered that the design, height, built form, layout, landscaping through to the level of retention of natural features of merit of the proposed development would appropriately intensify the residential use of this suitable brownfield infill site whilst maintaining and adding to its sylvan character. It would also constitute an acceptable quantum, density and mix of residential development in this accessible urban location.

It is further considered that its overall design and layout would be respectful of the architectural heritage as well as residential character of the area with the scheme maximising potential permeability and connectivity with its surroundings.

It is therefore considered that, subject to compliance with the conditions set out below, the proposed development would not cause serious injury to the residential or visual amenities of property in the vicinity, it would be acceptable in terms of pedestrian, cyclist, traffic safety and convenience. The proposed development would for these reasons accord with the proper planning and sustainable development of the area.

11.0 Conditions

1. a) 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 received by the Planning Authority on the 14th day of September 2022, and the 3rd day of November, 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.

b) For the avoidance of doubt, a total number of 32 residential units are hereby permitted in this development, comprising 4 No. Studios, 10 No. 1 Bedroom, 15 No. 2-Bedroom and 3 No. Bedroom apartments.

c) Each permitted apartment unit shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: In the interest of clarity and to prevent unauthorised development.

2. Revised plans indicating:

a) The proposed northern elevation of the apartment building.

b) Cross section drawings of the apartment building.

c) Vehicular entrance layout which connects to both existing footpaths on Clifton Park to the internal pedestrian route layout of the scheme. In this regard the revised vehicular and pedestrian entrance onto Clifton Park shall demonstrate the proposed surface treatment as well as the revised levels to accommodate safe and convenient access for its future users.

d) Controlled gated pedestrian entrance layout arrangement for occupants of the scheme to access to Shanganagh Road from the cul-de-sac of Abingdon Park.

e) Provision of additional evergreen pleached tree planting along the northern, western, and eastern boundary demonstrating more robust year-round visual screening of the apartment building from adjoining existing sensitive to change properties.

Shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity, in the interest of orderly development and in the interest of residential amenity of future occupants as well as of property in the vicinity.

3. Details of the materials, colours, and textures of all external finishes to the proposed development shall be as submitted with the application, unless otherwise

agreed in writing with the planning authority prior to commencement of development.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

4. Surface water drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

5. a) The developer shall comply with all requirements of the planning authority in relation to transport and traffic matters.

b) The internal road serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of pedestrian and traffic safety and the proper planning and development of the area.

6. A finalised landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
 - a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing, and road surfaces within the development.
 - b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.
 - c) Details of all lighting fixtures and seating. With the external lighting scheme having regards to the updated Bat Survey and its recommended measures.

- d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials, and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 7. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

- a) Soil and subsoil cross-sections.
- b) Plans and sections showing the proposed grading and mounding of land, including the levels and contours to be formed.
- c) The relationship of earthwork to existing vegetation to be retained on site and adjoining houses on the lands to the west, east and north of the site.

Development, including landscaping, shall be carried out in accordance with the approved earthworks plan.

Reason: In the interest of residential and visual amenity.

- 8. a) Excavations in preparation for foundations, drainage, ancillary ground works and all works above ground level in the immediate vicinity of trees indicated for protection, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are retained.
- b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of trees, together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority. Any excavation within the tree protection areas shall be carried out using non-mechanised hand tools only.

Reason: To ensure that the trees indicated for retention are not damaged or otherwise adversely affected by building operation.

8. a) No additional development, to that indicated and hereby permitted, shall take place above roof level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.
- b) Access to non-amenity roof areas shall be restricted for the purpose of maintenance works only.

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

9. Prior to the first occupation of the proposed development, the pedestrian access point to the southern boundary treatment (to the adjacent SHD lands to the south) shall be constructed as per submitted Landscape Plan, dated October 2022, Drawing No. 21144_LP_H.

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

10. A minimum of 10% of the proposed car parking spaces in on-surface and at basement level shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

11. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Eireann.

Reason: In the interest of public health.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:

- a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
- b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works.
- c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. a) Prior to the commencement of any development works on the site, the applicant shall undertake a bat survey by a competent qualified person or consultancy to ascertain the presence of any bat activity on the site in relation to roosting and foraging and an assessment of any potential impact on the species arising from the proposed development. The nature and methodology of this survey shall be agreed with the planning authority prior to the commencement of the survey. No building, feature or vegetation shall be altered or removed prior to this survey and assessment. Full details of the survey and assessment shall be submitted to the planning authority in advance of any development works on the site. Such the presence of bats be established on the site no development shall occur until the necessary permission/ derogation licence has been obtained from the appropriate statutory body.

b) Trees to be removed on site shall be felled in late summer or autumn. Any disturbance to bats on site shall be managed in a manner to be agreed in writing with the planning authority on the advice of a qualified ecologist.

Reason: In the interest of bat protection and to provide for the preservation and conservation of this species.

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of sustainable waste management.

16. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - b) Location of areas for construction site offices and staff facilities.
 - c) Details of site security fencing and hoardings.

- d) Details of on-site car parking facilities for site workers during the course of construction.
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- j) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

17. a) A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation, and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for this apartment scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

18. a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

b) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

19. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, spaces, and entrances to the scheme. Details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

20. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

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

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

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

22. Prior to the occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking. The mobility strategy shall be prepared and implemented by the management company for all units within this development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

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

23. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority an up-to-date Climate Action and Energy Statement.

Reason: In the interest of proper planning, sustainable and climate resilient development.

24. Proposals for naming, numbering and associated signage of this residential scheme 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(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall

be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

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

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

26. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of public open space within the site, as provided for in Section 12.8.3.1 of the Dún Laoghaire-Rathdown Development Plan, 2022-2028, which benefits the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer, or in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

27. Prior to the commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act, 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended.

Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies, may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended.

The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.

Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter

shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Advisory Note:

Section 34(13) of the Planning and Development Act 2000 (as amended) states that 'a person shall not be entitled solely by reason of a permission under section 37(g) to carry out any development'.

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.

Patricia-Marie Young
Planning Inspector

5th day of June, 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | | |
|---|---|---|----------------------------------|---|
| An Bord Pleanála Case Reference | ABP-315449-23 | | | |
| Proposed Development Summary | A) Construction of 32 apartments with all relevant associated site works including but not limited to basement parking, new vehicle and pedestrian entrance, landscaping, and screening workings (which boundary and curtilage partially meets the attendant grounds of 'Abingdon House', a Protected Structure). B) Demolition of the existing two storey dwelling house 'Conna', along with demolition of single storey corrugated metal roofed sheds at northwestern boundary, retaining existing access, as a pedestrian access onto Shanganagh Road. | | | |
| Development Address | 'Conna', Abingdon Park, Shanganagh Road, Shanganagh, Shankill, Co. Dublin. | | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | ✓ | |
| | | No | No further action required | |
| 2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | | |
| Yes | | Is of a class but does not exceed the relevant quantity, area or limit of that class. | EIA Mandatory EIAR required | |
| No | ✓ | | Proceed to Q.3 | |
| 3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]? | | | | |
| | | Threshold | Comment (if relevant) | Conclusion |
| No | | N/A | | No EIAR or Preliminary Examination required |

| | | | | |
|-----|---|--|--|----------------|
| Yes | ✓ | 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended | Is significantly below the quantity, area and limit of this class. | Proceed to Q.4 |
|-----|---|--|--|----------------|

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

Inspector: _____ Date: _____

Appendix 2 - Form 2 - EIA Preliminary Examination

| | | |
|--|--|------------------------------|
| An Bord Pleanála Case Reference | ABP-315449-23 | |
| Proposed Development Summary | A) Construction of 32 apartments with all relevant associated site works including but not limited to basement parking, new vehicle and pedestrian entrance, landscaping, and screening workings (which boundary and curtilage partially meets the attendant grounds of 'Abingdon House', a Protected Structure). B) Demolition of the existing two storey dwelling house 'Conna', along with demolition of single storey corrugated metal roofed sheds at northwestern boundary, retaining existing access, as a pedestrian access onto Shanganagh Road. | |
| Development Address | 'Conna', Abingdon Park, Shanganagh Road, Shanganagh, Shankill, Co. Dublin. | |
| <p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p> | | |
| | Examination | Yes/No/ Uncertain |
| <p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions, or pollutants?</p> | <p>It is consistent with the nature of development deemed to be permissible on brownfield/infill sites under the applicable Development Plan which seeks to promote compact more efficient use of accessible lands at higher density on 'A' zoned lands.</p> <p>This mono-use development would produce standard expected waste, emissions/pollutants that correlate with the removal of an existing dwelling house, its associated outbuildings and excavation/regrading of lands to accommodate a basement level for the apartment building. The nature and scale of the proposed development is not exceptional. It is of a type that can be dealt with during demolition, construction, and operational stages by standard as well as best practice measures and controls.</p> | <p>No.</p> <p>No.</p> |
| <p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> | <p>This brownfield/infill existing residential site forms part of the suburban area of Shanganagh/Shankill and whilst it is a departure from the low scale and low-density existing development that bounds and neighbours the site it is comparable to permitted developments in the vicinity, including the recently permitted Build to Rent SHD residential scheme (Note: ABP-308418-20) on the adjoining land to the immediate south. It is also consistent with emerging pattern of more compact, denser, and taller buildings within the wider</p> | <p>No.</p> |

| | | |
|--|--|-----------------------|
| <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p> | <p>setting on residentially zoned land that seek to make more efficient use of this accessible serviced location in a sustainable climate resilient manner.</p> <p>The size and nature of development is consistent with the land use zoning objective and vision for the quantum of development considered to be appropriate at this location where it has been demonstrated no adverse amenity or other undue impacts would arise from it on its surrounding context.</p> <p>The proposed development would together with other redevelopments in its vicinity, in particular the permitted build to rent scheme on the adjoining lands to the south (Note: ABP-308418-20), would give rise to a change in their local context. Notwithstanding, it is demonstrated that the cumulative impacts on its setting would accord with that envisaged and planned for with the redevelopment of these residentially zoned lands under the current Development Plan. It is therefore not envisaged that the proposed development would give rise to significant cumulative considerations having regard to other existing and/or permitted projects in its vicinity in a suburban cityscape where change is to be expected and planned for.</p> | <p>No.</p> |
| <p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p> | <p>The nearest ecologically sensitive site is situated c2km to the southwest of the nearest such site. This is Rockabill to Dalkey Island SAC (Site Code: 003000). Having regard to the nature and scale of development sought, the lack of any hydrological or other link to this site, the nature of the landscape in between, the capacity of the existing infrastructure to accommodate the foul drainage and water supply of the scheme once operational I am satisfied that the proposed development would not give rise to any potential to significantly impact on an ecologically sensitive site or location. With this including having regard to the proximity of the site to Loughlinstown Woods, pNHA (Site Code: 001211) which is located 0.1km to the northwest of the site as the bird would fly.</p> <p>The proposed development relates to a brownfield/infill site within a serviced suburban setting with significant development between it and the nearest environmentally sensitive area (i.e. Rockabill to Dalkey Island SAC). With no pathway connecting it to this area and given the significant distance between the two, the serviced nature of this location and heavily developed nature of the urbanscape that characterises the landscape in between there is no likelihood that the proposed development would have the potential to significant affect on the Rockabill to Dalkey Island SAC or any other environmentally sensitive area in the wider geographical area, including Loughlinstown Wood, pNHA, which is located in closer proximity to the north west of the site.</p> <p>Were it to be considered that the demolition, excavation, construction through to operational phases of the development to give rise to any contaminant, which is not considered the case, having regard to the topography, the geology, and other locational factors through to characteristics of this suburban area such contaminants would be highly likely diluted to an</p> | <p>No.</p> <p>No.</p> |

| | | |
|---|---|---|
| | <p>imperceptible level before they would reach the SAC or the pNHA.</p> <p>I am satisfied that the proposed development would have the potential to significantly affect in an adverse manner or otherwise the environmental sensitivities of any European site or as said the pNHA in proximity to the site.</p> | |
| Conclusion | | |
| <p>There is no real likelihood of significant effects on the environment.</p> <p><u>I concurred with this statement.</u> Based on best scientific data, locational factors, the nature of development sought, the history of the site including when regard is had to its past residential uses, the lateral separation distance between the site and the nearest sensitive receptor as well as the serviced highly suburban/urbanised development in between, there is no real likelihood of significant effects on the environment should permission be granted for the proposed development either as originally sought or as revised which is the case with the proposed development that is before the Board for its determination.</p> | <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>NO.</p> | <p>There is a real likelihood of significant effects on the environment.</p> <p>NO.</p> |

Inspector: _____

Date: _____