



An
Bord
Pleanála

Inspector's Report ABP-315934-23

Development	Demolition of buildings, construction of part three and part four storey building comprising of 27 apartments with all associated site works.
Location	'Cairnlea', Glenamuck Road, Carrickmines, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22A/0944.
Applicant	Daly Real Estate Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Refused.
Type of Appeal	First Party.
Appellant(s)	Daly Real Estate Limited.
Observer(s)	1. Yvonne McKenna.
Date of Site Inspection	25 th day of April, 2024.
Inspector	Patricia-Marie Young.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.25ha and it consists of residential plot containing a detached attractive 1950s bungalow and separate garage structure with attached lean-to that occupies the south corner of the junction serving the Cairnbrook residential scheme and the Glenamuck Road South. The site is located on the southern side of Glenamuck Road South, c400m to the southwest of its intersection with the R842 roundabout that provides connection to Junction 15 of the M50 to the north and also connectivity to Golf Lane, in Carrickmines, Dublin 18.
- 1.2. The existing dwelling on site is called 'Cairnlea' and it is setback over 20m from the site's roadside boundary with the Glenamuck Road South. At the time of inspection though this dwelling was in poor repair and the surrounding garden was unkempt, however, the dwelling itself appeared to be in habitable use.
- 1.3. The roadside boundary of the site contains a dense mature and unkempt mainly evergreen hedging. On the southernmost end of this boundary there is a vehicle entrance that provides access onto what was at the time of inspection a heavily trafficked Glenamuck Road South via a culvert. To the north and south of this there is a deep drainage ditch which contained flowing water. This open drain is bound by a restricted in width pedestrian pathway that runs alongside the southern carriage edge of Glenamuck Road South. The entrance is flanked by two pillars from which metal gates are hung. A driveway runs in a southerly direction towards the detached garage which is in proximity to the southwestern boundary of the site. Alongside the front of the garage the driveway changes to a northerly direction running alongside the front elevation of the existing dwelling where it terminates.
- 1.4. The north-eastern boundary of the site mainly comprises of a row of mature coniferous trees. It also contains some temporary metal screening and a concrete block wall section. This boundary runs alongside a small well maintained linear pocket of open space which is associated with the residential scheme of Cairnbrook and demarcates its junction with Glenamuck Road South. The carriageway adjoining this space also contains a number of on-street car parking spaces.
- 1.5. The rear boundary of the site contains a mixture of mature overgrown hedges and is bound by Cairnbrook Avenue. No.s 61 to 68 Cairnbrook Avenue, a three-storey block adjoins this boundary.

- 1.6. The southwestern boundary of the site also contains mature and overgrown hedge planting, a number of trees and a solid boundary wall. On the opposite side of this boundary is the residential scheme of Inglenook Wood. The nearest residential block within this scheme is three storeys in its height (Note: No.s 20 to 28 Inglenook Wood) and the semi-detached two storey with attic level pair of No.s 18 & 19 Inglenook Wood. The semi-detached pair are located towards the rear of the site. In between the multi-unit block of No.s 20 to 28 Inglenook Wood and the neighbouring group of three semi-detached pairs, which includes No.s 18 & 19 Inglenook Wood, is a linear pocket of open space and a cul-de-sac. This cul-de-sac terminates alongside the southwestern boundary of the site.
- 1.7. The site has a rectangular shape with a north-west to south-east axis. The overall ground levels of the main area of the site can be described as relatively flat with the rear portion of the site in the vicinity of No.s 18 & 19 Inglenook Wood being heavy underfoot and having a prevalence of indigenous water loving plants.
- 1.8. At the time of inspection construction had commenced on the residential scheme permitted by the Board under appeal case ABP-310089-21 (See: Section 4.3 of this report below).

2.0 Proposed Development

2.1. Planning permission is sought for the following:

- (i) Demolition of existing single storey dwelling and garage (Note: 173m²).
- (ii) Construction of part three, part four storey over part-basement apartment building comprising 27 no. apartments (1 no. studio, 13 no. one-bed, and 13 no. two-bed units). Each apartment will be provided with living/ kitchen/ dining room, bathroom, bedrooms, and storage (Note: 2,373m²).
- (iii) Provision of terraces/balconies for each apartment.
- (iv) Provision of 16 no. car parking spaces (including 1 no. mobility spaces and 1 no. Go Car space) and 2 no. motorbike spaces.
- (v) 28 no. resident bike parking spaces, 6 no. visitor spaces and 2 no. cargo bike spaces.
- (vi) Provision of plant room at basement level.

- (vii) Upgrade of existing access point to provide vehicular and separate pedestrian access to site.
- (viii) All associated site and infrastructural works, including foul and surface water drainage, landscaping, boundary treatments, bin stores, and plant areas necessary to facilitate the development.

This application is accompanied by a letter of consent from the contended owners of 'Cairnlea'; the Planning Authority's Housing Department response to the applicants Part V proposal; a confirmation of feasibility from Irish Water as well as the following documents:

- Planning Report
- Design Statement
- Flood Risk Assessment
- Outline Construction Management Plan
- Civil Engineering Report
- Transport Statement
- Daylight & Sunlight Assessment
- Screening for Appropriate Assessment
- Arboricultural Report

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 1st day of February, 2023, the Planning Authority decided to REFUSE permission for the following single stated reason:

"The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity, width, alignment, and structural condition of the road prevail. In accordance with the

Kilternan Glenamuck Local Area Plan, the area has reached capacity in terms of permissible residential unit numbers and no further development can take place until additional infrastructure is provided. As such the proposals are contrary to and would materially contravene Section 10.6 of the Kilternan Glenamuck Local Area Plan and SLO 80 of the Dun Laoghaire-Rathdown Development Plan 2022-2028 . The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report is the basis of the Planning Authority's decision. It includes the following comments:

- Chapter 10 of the Kilternan-Glenamuck LAP requires that residential development in excess of 700 units shall require completion of the constructed Glenamuck District Distributor Road Scheme roads. To date the Planning Authority records, indicate that permission has been granted for 1,505 dwelling units. The quantum of the development has been permitted significantly exceeds the unit threshold and has put very significant pressure on the existing road infrastructure. It is therefore the position of the Planning Authority that at this stage there is no capacity in the existing road infrastructure to accommodate further movements generated from new residential units.
- The demolition of the existing dwelling is acceptable subject to safeguards.
- There are constraints to higher densities which are relevant in this case. This is due to infrastructural shortcomings including capacity of the local road network and the lands in this area have been deemed suitable for a density of between 45-55 units/ha. The density of this scheme does not accord with the LAP density and is contrary to Policy Objectives PHP18, PHP20 and the site's zoning objective.
- Concern is raised that the proposed scheme does not include a proportion of larger units. In this point it is noted that Section 12.3.3.1 provides that mixture of units be provided that reflects existing and emerging household formation, housing demand patterns and trends. Additionally, concern is raised in relation to the lack of a

statement outlining how the scheme has been designed for the needs of older people and/or persons with disability.

- It is considered that the proposed development fails to comply with Policy Objective PHP27 of the Development Plan in relation to Housing Mix.
- The scheme would require an additional provision of external storage and most unit's do not exceed the internal minimum storage requirements.
- The four-storey height of the building is deemed to be acceptable.
- Acceptable separation distances between the proposed building and existing residential properties in the vicinity are provided.
- No adverse overlooking or overshadowing arises.
- The public open space has not been clearly stated.
- There are no substantive issues arising to the trees to be removed, those to be retained and compensatory planting.
- 27 car parking spaces are required under Table 12.5 of the Development Plan.
- The number of bicycle spaces does not meet the minimum requirement.
- There are a number of items for which further information would be required, however, it is not recommended to request further information on the substantive basis for refusal.
- No AA or EIA issues arise.
- Concludes with a recommendation for refusal of permission.

3.2.2. **Other Technical Reports**

Transportation: Concludes with a recommendation for refusal. The following comments are noted:

- The construction of the Glenamuck District Road Scheme will create a link to the Glenamuck District Road Link (GDDR) with the Glenamuck Road North and Ballyogan Road. This scheme has gone out to tender, however, there are ongoing issues with delivery of capital projects. This development is premature until these schemes are provided and therefore a refusal of permission is recommended.

- Additionally, a number of recommendations are made for which further information is sought. With this including a revised 2m wide footpath on Glenamuck Road South; evidence and assurance for the visibility splay to the right across the boundary and open space of Cairnbrook Avenue which is not taken in charge can be provided and maintained; revised parking space dimensions to meet standards; construction management plan; bicycle provision to meet required standards through to demonstration that the scheme is DMURS compliant.

Drainage: Concludes with a recommendation for further information to deal with surface water through to foul water drainage details.

Environment Enforcement: Concludes with a recommendation for further information to deal with a number of their concerns. Including the lack of relevant detail in the Outline Construction Management Plan; clarification sought on construction and demolition waste management, construction management, noise, and operational waste. This report also includes a number of recommendations.

Parks: No objection, subject to safeguards. Of note, the safeguards recommended include but are not limited to an arboricultural consultant be engaged for the entire period of construction, tree protection zones, that tree and vegetation clearance shall take place outside the bird breeding season (March 1st – August 31st), as per section 40 of the Wildlife Act 1976, as amended by Section 46 of the Wildlife (Amendment) Act 2000 unless a derogation licence is held and a Tree Bond.

Housing: This report notes that the proposed development is compliant with Part V requirement for the proposed development by way of its proposal to transfer of 5 residential units on site at a total indicative cost of €1,950,979 inclusive of VAT comprising; 3no. 1-bedroom units at an average indicative cost of €318,961 per unit and 2no. 2-bedroom units at an average indicative cost of €497,048 per unit. It recommends that in the event of permission that a condition be attached requiring the applicant/developer to enter into an agreement in accordance with Part V.

Public Lighting: Concern is raised that no lighting design is provided for the proposed development and there is a lack of details in relation to EV charging.

3.3. Prescribed Bodies

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

3.4. Third Party Observations

3.4.1. No. Third Party submissions were received by the Planning Authority during their determination of this application. A number of the concerns raised in these submissions are raised by the Third-Party Observation received by the Board (See: Section 6.3 below). Issues raised in addition to those on the appeal include:

- This development would adversely impact the established residential amenities.
- The timber fence boundary treatments are not appropriate solution.
- The four-storey height is not appropriate. Removal of the fourth floor would reduce overlooking and overshadowing.
- The density of the scheme is excessive.
- The scheme would accommodate 79 persons yet there is a limited provision of car parking spaces, and the lack of spaces would overspill onto the surrounding area.
- The local schools would need to increase their capacity to cater for this development.
- There are no local parks in the vicinity of the site and inadequate green space is proposed within this scheme.
- Construction activities would give rise to undue nuisances on properties in its vicinity.
- Proposed development would devalue properties in its vicinity.

4.0 Planning History

4.1. Site

P.A. Ref. No. D18A/0825:

On the 23rd day of Oct, 2018, permission was **refused** for a development consisting of the demolition of an existing dormer bungalow, together with a detached garage and shed, and the construction of 8 no. new 3 storey semi-detached houses (4 x 2 units each) with a relocated vehicular entrance, a new pedestrian entrance in the same location and associated site works including a new boundary walls, the removal of a

line of evergreen trees along the northern boundary and the culverting of an existing ditch along the southern boundary. The stated reasons for refusal read:

- “1. *The proposed development, at a density of thirty (29) units per hectare, is not considered to be of a sufficiently high density as envisaged by the Kiltiernan/Glenamuck Local Area Plan 2013 and the 2016-2022 Dún Laoghaire-Rathdown County Development Plan at this location. The proposed development would therefore contravene Section 4.2 ‘Residential Density’ of the Kiltiernan Glenamuck Local Area Plan and Policy RES3 ‘Residential Density’ of the 2016-2022 Dún Laoghaire-Rathdown County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed public open space provided for the residential development is considered to be substandard and unacceptable by reason of its design, usability and location would, therefore, not provide an acceptable standard of open space for the future occupants of the development. The proposed development therefore fails to comply with Policy OSR5 (Public Open Space Standards) and Section 8.2.8.2 (Public/Communal Open Space- Quantity (i) Residential/Housing Developments of the Dun Laoghaire Rathdown County Development Plan, 2016-2022. The proposed development would, therefore, seriously injure the amenities of future occupants and is contrary to the proper planning and sustainable development of the area.*
3. *The proposed development by reason of its design, layout and location in relation to the lack of connection to the adjacent development would constitute haphazard piecemeal development. The proposed development therefore contravenes Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and also fails to comply with the recommendations of both Sustainable Residential Development in Urban Areas (2009), and the Urban Design Manual - A Best Practice Guide (2009) The proposed development would, therefore be contrary to the proper planning and development of the area”.*

4.2. Adjoining Site to the south

- **ABP-244520 (P.A. Ref. No. D14A/0765)**

Address: Inglenook Wood Residential Scheme (formerly Saxaroon and Inglenook, Glenamuck Road, Carrickmines, Dublin 18)

The decision of the Planning Authority to refuse permission for the demolition of two houses and construction of 16 houses and 12 apartments and all associated development work was overturned on appeal to the Board. Decision date: 01.07.2015.

4.3. Vicinity of the Site – Recent / Relevant

- **ABP-303945-19/ ABP-304174-19**

Address: Lands in vicinity of Glenamuck Road, Ballycorus Road and R117 (Enniskerry Road) in the townlands of Carrickmines Great, Glenamuck South, Glenamuck North, Jamestown, Kingstown and Kiltiernan (Note: just under c100m to the north of the site at its nearest point). The Board granted permission for Glenamuck District Roads Scheme which will connect the existing R117 Enniskerry Road with the Glenamuck Road and new link distributor road which will connect to the Ballycorus Road and the R117 Enniskerry Road (alternative north-south route). Decision date: 18/12/2019.

- **ABP- 310089- 21 (P.A. Ref. No. D21A/0100)**

Address: c.1.08 ha site on lands known as The Leys, Glenamuck Road South, Dublin 18, D18 H3E3 (Note: c27m to the northeast of the site on the opposite side of Glenamuck Road). On appeal to the Board permission overturned the decision of the Planning Authority to refuse permission for a development consisting of the demolition of existing dwelling and ancillary outbuildings and construction of residential development comprising 61 no. dwellings, new vehicular and pedestrian access, parking at surface and basement level and all ancillary site works. Decision date: 12/11/2021.

I note to the Board that the Planning Authority similarly to the development sought under this application refused permission for this development.

Their stated reason for refusal reads:

“The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in significant intensification of vehicular traffic where deficiencies in capacity,

width, alignment, and structural condition of the road prevail. In accordance with the Kiltiernan Glenamuck Local Area Plan, the area has reached capacity in terms of permissible residential unit numbers and no further development can take place until additional infrastructure is provided. As such the proposals are contrary to and would materially contravene Section 10.6 of the Kiltiernan Glenamuck Local Area Plan. The proposed development is therefore considered to be contrary to the proper planning and sustainable development of the area."

- **ABP PL06D.249144 (P.A. Ref. No. D17A/0520)**

Address: Drumkeen, Glenamuck Road, Carrickmines, Dublin 18 (Note: c103m to the north of the site on the southern side of Glenamuck Road). On appeal to the Board permission was granted for the demolition of existing dwelling and construction of 15 3-storey houses, new access, connection to drainage and new boundary. Decision date: 07/02/2018

Of further note in relation to the Drumkeen site and the residential properties of Dunluce" & "Mulberry", Glenamuck Road, Carrickmines, Dublin 18, were subject to an SHD consultation under ABP-304985-19. This enlarged the site with it being within 28m to the north of the subject site, i.e., at the opposite side of the Cairnbrook junction with Glenamuck Road. This development consisted of demolition of 3 no. houses and construction of 165 no. apartments with all associated site works. On the 25th day of September, 2019, the Board determined that this case: required further consideration/amendment.

- **ABP-314281-22 (SHD)**

Address: Glenamuck Road South, Carrickmines Great, Dublin 18 (Note: c187m to the south of the site). The Board refused a 7-year permission for the demolition of existing buildings on site, construction of 167 no. residential units (69 no. houses, 98 no. apartments), creche and associated site works for three reasons:

The first related to the proposed developments failure to comply with Policy PHP27 of the Development Plan which related to the unit mix.

The second related to related to the design, layout and standard of the residential scheme proposed.

The third related to the proposed development being contrary to Policy Objective GIB18 of the Development Plan which relates to the protection of natural heritage and the environment. It was considered that the Board cannot be satisfied that the proposed development would not result in adverse impacts on important habitats with affinity to Annex 1 habitats and wetland and grassland habitats with affinity to Annex 1 habitats. Decision date: 31/08/2023.

- **ABP-314057-22 (P.A. Ref. No. D21A/1002)**

Address: 'Tandesann', Glenamuck Road South, Carrickmines, Dublin 18. (Note: c184m to the southwest of the site at the southern side of Glenamuck Road). On appeal to the Board permission was granted for residential development of 4 units and associated site works. Decision date: 25/09/2023.

- **ABP-313963-22 (SHD)**

Address: Ashwood Farm, Glenamuck Road South, Carrickmines, Dublin 18. (Note: 273m to the southwest of the site at its nearest point). Permission was refused for a development consisting of 305 no. residential units (289 no. Build to Rent apartments, 16 no. houses), creche and associated site works. The first reason for refusal related to density being contrary to the permitted medium density at this location and in area with limited services to absorb the quantum of development proposed. The second reason for refusal related to the excessive height of the proposed development. The third reason for refusal considered that a development of this quantity was premature pending the completion of the Glenamuck District Distributor Road Scheme and the fourth reason for refusal considered that the proposed development did not provide for a suitable high quality of urban design, particular with reference to its address of the permitted Glenamuck District Distributor Road. Decision date: 31/07/2023.

- **ABP-303978-19 (SHD)**

Address: Glenamuck Road South, Kilternan, Dublin 18. (Note: over 600m to the southwest of the site). Permission was granted for a development consisting of 30 no. houses and 173 no. apartments with all associated site works. Decision date: 26/06/2019.

5.0 Policy Context

5.1. Development Plan

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. 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.

5.1.3. 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.

5.1.4. 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.

5.1.5. 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.

5.1.6. 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.

5.1.7. 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.

5.1.8. 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.

5.1.9. 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.

5.1.10. Figure 2.9 Core Strategy Map indicates that Kiltiernan and Glenamuck are 'New Residential Communities'.

5.1.11. Chapter 4 of the Development Plan indicates that there is a need for another school in the Kiltiernan and Glenamuck Local Area Plan area.

5.1.12. Table 5.3 of the Development Plan sets out 6 Year Road Objectives/Traffic Management/Active Travel Upgrades. This table includes:

- Glenamuck District Roads Scheme
- Glenamuck Road South
- Enniskerry (Stepaside to Glenamuck District Roads)

5.1.13. Table 5.4 of the Development Plan sets out the Long-Term Road Objectives/Active Travel Upgrades. The Table includes 'The Park, Carrickmines to Glenamuck District Distributor Road).

5.1.14. Section 5.8.1 Policy Objective T23 of the Development Plan sets out that it is a policy objective, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network.

5.1.15. Section 5.8.2 Policy Objective T24 of the Development Plan sets out that it is a policy objective to promote, facilitate and cooperate with relevant transport bodies, authorities, and agencies to secure improvements to the County's Motorway and National Road network to provide, protect and maintain for the safe and efficient movement of people and goods both within and through Dún Laoghaire-Rathdown.

5.1.16. Section 5.10 sets out that a Section 49 Scheme has already been approved and is currently operational for the Glenamuck District Distributor Road linking the Kiltiernan/Glenamuck area to the M50 Motorway network. The site forms part of the area where this contribution is payable.

5.1.17. SLO 80 of the Development Plan sets out that is an Objective of the Council to accord with the policies of the adopted Kiltiernan/ Glenamuck Local Area Plan.

5.2. Local – Local Area Plan

5.2.1. The site forms part of the parcel of land for which the Kiltiernan Glenamuck Local Area Plan, 2013, was applicable. This LAP was extended to September, 2023, and has now expired. Notwithstanding, the Development Plan provides that it will continue to be used as a guide for development in the area until a new local area plan is in place for the area. At the time this report was the draft Kiltiernan Glenamuck Local Area Plan, 2024, it is at pre-draft phase. Table 2.16 of the Development Plan indicates that this plan is broadly consistent with the current Core Strategy.

5.2.2. The land use zoning of the site corresponds with the Development Plan and is zoned 'A' (Note: *'to protect and/or improve residential amenity'*). It is also indicated in the accompanying LAP Maps as forming part of land parcel 31b.

5.2.3. The main LAP map shows that the site is in a Medium to High Density area and that there is an indicative access road running through the site running from Glenamuck Road alongside the northern elevation of the dwelling and turning in a southerly direction along the rear boundary of the site and linking in with the adjoining sites to the south from where it would continue southwards.

5.2.4. Table 4.1 of the LAP identifies a density of between 45 – 55 dwelling units per hectare, a height of between 2 to 4 storeys for the site's location and a mix of apartments / houses.

5.3. Local – Other Documents

- Trees and Urban Forestry Strategy, 2011-2015 (currently being updated).
- The Benefits of Trees Booklet.
- Standards for Cycle Parking and Associated Cycling Facilities for New Developments, 2018.
- Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2023-2028.
- Dún Laoghaire-Rathdown County Council Guidelines for Naming and Numbering.
- Dún Laoghaire-Rathdown County Council Play Policy, 2023-2028.

- Dún Laoghaire-Rathdown County Council Climate Action Plan, 2024-2029.

5.4. Regional

5.4.1. **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.

5.5. National

5.5.1. **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.

5.5.2. **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, and supporting social inclusion.
- Increasing new housing supply.
- Addressing vacancy and efficient use of existing stock.

This plan contains 213 actions which will deliver a range of housing options for individuals, couples, and families.

5.5.3. **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.

5.5.4. **Climate Action Plan, 2024.**

Climate Action Plan 2024 is the second statutory update to the plan since the Climate Action and Low Carbon Development (Amendment) Act, 2021, was signed into law, committing Ireland to 2030 and 2050 targets for reducing greenhouse gas (GHG) emissions.

5.5.5. 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 Irelands commitment to a 51% reduction in our carbon emissions by 2030 and to reach net zero by 2050.

5.5.6. 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.

5.5.7. Having regard to the nature of the proposed development, the following plans and strategy documents are also relevant:

- Sustainable Residential Development and 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 and Streets (DMURS) (2019).
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection Guidelines for Planning Authorities, (2011).
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.
- European Union (Energy Performance of Buildings) Regulations, 2021,
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (3rd Edition, 2022).
- Cycle Design Manual, (2023).
- Transport Strategy for the Greater Dublin Area, 2022-2042.

5.6. Natural Heritage Designations

- 5.6.1. The site is located c4.1km to the north of Knocksink Wood SAC (Site Code: 000725); c4.4km to the north of Ballyman Glen SAC (Site Code: 000713); c6km to the north east of Wicklow Mountains SAC (Site Code: 002122); and c6.1km to the south west of Rockabill to Dalkey Island SAC (Site Code: 003000), as the bird would fly.
- 5.6.2. I also note that the site is located c0.5km to the north of pNHA Dingle Glen (Site Code: 001207).

5.7. EIA Screening

- 5.7.1. The proposed development comprises of the demolition and removal of existing buildings on site together with the removal of mainly hedgerow species from the boundaries of the site. Within the site itself there are only two mature trees present with the site being bound by mature trees on its northern side. The existing buildings on site consist of a detached 1950s dwelling house and detached garage. Their removal would facilitate the proposed basement apartment building that would contain 27 dwelling units and all associated site works on a 0.25ha site.
- 5.7.2. 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.
- 5.7.3. The number of dwelling units proposed is considerably below the threshold of 500 dwelling units noted above. The site itself is located within Carrickmines Great and forms part of the parcel of land to which the Kiltiernan Glenamuck Local Area Plan, 2013, was applicable, in Dun Laoghaire Rathdown. It therefore forms part of metropolitan area of Dublin city and does not form part of a business district. The site at 0.25ha in size is considerably below the applicable threshold of 10 hectares.
- 5.7.4. 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 demolition works this relates to a modest in area single storey dwelling and single storey garage structure with side lean to. The documentation on file indicates that the demolition area totals 173m². It appears to be in habitable use. It is deemed to be of no architectural or other merit.

- 5.7.5. 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. Under the now expired LAP it was similarly zoned and deemed suitable for medium to high density residential development (Note: 45-55 dwelling units per hectare at this location subject to safeguards).
- 5.7.6. The buildings and structure removal through to the site excavation works to facilitate the proposed basement building could be undertaken in a reasonable and safe manner complying with final Construction Environmental Management Plan (CEMP), Demolition Plan through to Operative Waste Management Plan for the project.
- 5.7.7. This serviced brownfield site does not form part of any European site and is situated at a significant lateral separation distance from the nearest such site. As set out in Section 5.6.1 above the site is located c4.1km to the north of Knocksink Wood SAC (Site Code: 000725) as the bird would fly.
- 5.7.8. 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 public infrastructure, including foul drainage, has sufficient capacity to accommodate the scale of development proposed subject to standard safeguards. I consider that the issues arising from the proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive.
- 5.7.9. The applicant submitted a Screening for Appropriate Assessment Report which concluded that the site is not likely to result in a significant effect on any European Site either alone or in combination with other plans and projects, thus Stage 2 Appropriate

Assessment was not required. Additionally, this application is accompanied by a number of other documentations including Surface Water Management Details; Foul Drainage Details; Outline Construction Management Plan; Arboricultural Report; and a Flood Risk Assessment. 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.

5.7.10. I have assessed the proposed development having regard to the above criteria and associated sub criteria having regard to the Schedule 7A 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. See attachment 1 and 2 below.

5.7.11. I recommend to the Board that the proposed development would not be likely to have significant effects on the environment and that the preparation as well as submission of an Environmental Impact Assessment Report would not therefore be required in this case.

5.7.12. This 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 building on site is not designated for 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 is 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 existing pattern of development in this area and its setting within an existing built-up emerging serviced area that is becoming increasingly more suburbanised.
- 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 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).

Conclusion:

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.

5.8. Built Heritage

- 5.8.1. The site is located c0.4km to the west of DU02252: Cross and c0.8km to the west of DU02408: Linear earthwork. There are several other Recorded Monuments in the wider vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party Appeal received by the Board on the 28th day of February, 2023, can be summarised as follows:

- They seek to make a more efficient use of this suburban residentially zoned site which is near various public transport services.
- This development accords with local and planning provisions as well as guidance.
- The Planning Authority's reason for refusal are not justified and it is not accepted that this development is premature.
- The Board has set a precedent in this area for permitting residential development in the immediate vicinity that exceed the Kilternan/Glenamuck LAP, cap.
- The Glenamuck District Road Scheme is due for completion in 2025.
- The site is in proximity to employment opportunities, retail, and other services as well as amenities that are synergistic to residential development.
- There are several trees on the site boundaries. They are poor in quality.
- The building on site is an unremarkable example of development dating to the 1950s. It is not a Protected Structure, and the area is not an Architectural Conservation Area.
- The area is served by a number of bus routes.
- This development would have a negligible impact on the operations of the Glenamuck Road as was determined to be the case considered by the Board under ABP-310089.
- The LAP cap has been amended to 1,050 units.
- This proposal would result in a modest increase in traffic in peak hours.
- The Planning Authority incorrectly sets out that the threshold has been exceeded by 805 units as opposed to the actual figure of 455 units. 27 units in this context would result in a negligible effect on the road network.

- The LAP as extended sets out that this area is suitable for higher density of 45 to 55 dwelling units per hectare. With this indicated to be achieved in buildings ranging in two to four storeys in height.
- This proposal has a density of 108 units per hectare which is higher than the advisory density for this location, but it is a site that is located within 900m of a LUAS stop and there is a bus route in its immediate setting. It is therefore a suitable site for a higher density.
- The proposed development has been designed and scale to avoid appearing visually obtrusive whilst mitigating against appearing visually obtrusive together with the proposed block and the separation distances adopted between the application site and the existing dwellings to the south as well as east. Additionally, the existing stand of trees and the proposed tree planting will serve to prevent negative visual impact.
- The car parking provision includes 1 No. Go Car Space with this noted in the accompanying Traffic and Transport Assessment provided with this application replacing approximately 20 no. private cars.
- The traffic concerns raised in the Planners report have been addressed in Attachment B of this submission.

6.2. Planning Authority Response

- 6.2.1. On the 28th day of March, 2023, the Board received the Planning Authority's response which requests regard to be had to their Planning Officer's report on file and having considered the grounds of appeal it would not justify a change of attitude towards the proposed development.

6.3. Observations

- 6.3.1. On the 19th day of April, 2023, the Board received an observation from Yvonne McKenna. It can be summarised as follows:
- The Observer objects to the grant permission for the proposed development.
 - There are badgers nesting on the site and beside the site with this location being one that contains a number of protected bird and animal species.

- The proposed building is of a height that it will obstruct and impede views and light to their property.
- The proposal would result in the removal of trees that have been in place for years.
- The proposal would give rise to an increase in traffic in the area and would add to the tail backs on this road heading to the M50.
- The car parking provision is inadequate.
- The infrastructure of this area is at capacity.

7.0 **Assessment**

7.1. **Introduction**

- 7.1.1. I have carried out an inspection of the site and its setting, carried out an examination of all documentation on file, including *inter alia*, the First Party appeal, the response of the Planning Authority and the Third-Party Observations received by the Board together with I have had regard to relevant local through to national planning policy provisions and guidance. From this examination it is my considered opinion that the key issues in this appeal case relate to the Planning Authority's given reason for refusal alongside the biodiversity and residential amenity concerns raised by the Observer.
- 7.1.2. I therefore propose to assess this appeal case on the following broad headings:
- Principle of Proposed Development
 - Reason 1 of the PA Refusal - Prematurity
 - Compliance with Planning Provisions
 - Other Matters Arising
- 7.1.3. The matter of 'Appropriate Assessment' also requires examination. This matter is dealt with separately under Section 8 of this report below.
- 7.1.4. For clarity I also note 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.

- 7.1.5. This includes matters such as internal qualitative standards of the proposed apartment units which generally accord with required relevant design and layout at a local through to national level, drainage, landscaping, demolition/construction and operational waste management, construction management plan details, restriction of additional structures at roof level, Part V, external materials and treatments, lighting through to naming of the scheme were it to be permitted subject to standard safeguards.
- 7.1.6. On a further point of clarity in relation to relevant local planning policy provisions I note that the site area lies within the boundaries of the Kiltiernan Local Area Plan, 2013 – 2019. This plan was extended until September 2023 and has now expired.

7.2. Principle of the Proposed Development

- 7.2.1. 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."*
- 7.2.2. The proposed development as revised is for demolition of an existing 1950s detached dwelling and a detached garage with side lean to. Whilst attractive in its own right the 1950s dwelling is not afforded any architectural protection or considered to be of any other specific merit. It and the existing detached garage are in a poor state of upkeep and in need of modernisation.
- 7.2.3. In relation to the principle of demolition of the buildings on site I note that Section 3.4.1.2 Policy Objective CA6 of the Development Plan which deals with the matter of 'Retrofit and Reuse of Buildings' states that: *"it is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES)."*
- 7.2.4. Notwithstanding the provisions of Policy Objective Section 3.4.1.2 Policy Objective CA6, Section 3.4 of the Development Plan provides some flexibility on this matter. It sets out where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, demolition may be considered to be acceptable to the Planning Authority.

- 7.2.5. Further, having regards to Section 12.3.9 of the Development Plan which deals with the matter of demolition I note that the existing dwelling on site is not an exemplar of twentieth century dwellings and the site is not one that exceeds 0.4ha.
- 7.2.6. In these circumstances the demolition of the existing dwelling allows for an increased density of residential to be achieved at this service residentially zoned location. A location which is within c1.3km of a Luas Green Line Stop and Glenamuck Road South accommodates a number of Dublin Bus routes along it. In relation to the Dublin Bus service from an examination of it I consider that there is a low frequency bus services operating along this road and serving the Kiltiernan-Glenamuck area, including in terms of connectivity with the nearest Luas stop through to the wider metropolitan region of Dublin.
- 7.2.7. The site is within walking distance of 'The Park' Shopping Centre and the M50 corridor. The current Development Plan under SLO 82 seeks to provide a neighbourhood centre with a net retail floorspace cap of 6000-sq.m. as well a leisure facility to meet the existing and future needs of this under rapid growth area to the northeast of the 'The Park' quadrant to serve local need. As well as crucially the Kiltiernan/Glenamuck area is a location that is identified in the Development Plan's Core Strategy Map as one of the 'New Residential Community' location and Dublin MASP identifies strategic residential as well as employment corridors based on their current and future development capacity. With this including Kiltiernan-Glenamuck similarly as new residential communities within the Metrolink / Luas Green Line Corridor (Note: Section 1.5.2.5).
- 7.2.8. The proposed development seeks to provide in place of the existing buildings on site a part basement part three and part four storey apartment building that would accommodate 27 apartment units. Residential use is permitted under the site's residential zoning objective, subject to safeguards.
- 7.2.9. 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.

7.2.10. Additionally, Policy Objective CS11 – Compact Growth to deliver 100% of all new homes, which 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.

7.2.11. It is also of further note that Section 2.6.1.3 of the Development Plan sets out a provision for a new LAP for Kiltiernan-Glenamuck and that an examination of this now expired LAP was consistent with the objectives of the said Plan and its Core Strategy.

7.2.12. In this regard I note the following from Table 2.11- Core Strategy Table:

Figure 4 (Extract from Table 2.11 of the Development Plan)

Location	RDCA* Existing Zoning Ha	RDCA* Existing Residential Yield	County Development Plan, 2022-2028, Proposed Zoning Ha	County Development Plan, 2022- 2028, Proposed Residential Yield
Kiltiernan- Glenamuck	59.34	2,015	59.34	2,015

*RDCA - Residential Development Capacity Audit

7.2.13. This section of the Development Plan also sets out that: *“based on allocated future population growth for DLR it is considered that broad equilibrium exists between the supply of zoned land for primarily residential purposes, and the projected demand for new housing. On this basis it is recommended that the existing quantum of land zoned for primarily residential use in the County, excluding the lands identified in this Plan for ‘Sustainable Neighbourhood Infrastructure’, is maintained for the County Development Plan period 2022-2028 and that additional zoning of land for residential purposes is not required”*.

7.2.14. I further note that Policy Objective CS2 states that: *“it is a Policy Objective to support the delivery of the Core Strategy in accordance with the Core Strategy Map illustrated in Figure 2.9 and the Core Strategy Table detailed at Table 2.11”* and Policy Objective CS3 – Supply of Zoned Land states that: *“it is a Policy Objective to ensure that*

sufficient zoned land continues to be available to satisfy the housing requirements of the County over the lifetime of the Plan”.

7.2.15. Conclusion

Having regard to the zoning objective of the site and the Development Plans Core Strategy which identifies Kiltiernan/Glenamuck as a future ‘New Residential Community’ location, I am satisfied that the general principle of demolition of the existing dwelling and garage structure on site to facilitate residential development is acceptable, subject to safeguards.

7.3. **Reason 1 of the PA Refusal - Prematurity**

- 7.3.1. The Planning Authority refused permission for the proposed development on the basis that it considered it to be premature by reference to the existing road network deficiencies and having regard to the period within which the constraints involved are expected to cease. In this context they considered that the proposed development is one that may be expected to result in significant intensification of vehicular traffic where there are deficiencies in the capacity, width, alignment through to structural condition. A road that had reached its capacity in terms of permissible residential unit numbers having regard to the provisions of the Kiltiernan Glenamuck Local Area Plan. With this plan setting out that no further development can take place until additional infrastructure is provided. On this basis it was considered that the proposals are contrary to and would materially contravene Section 10.6 of the Kiltiernan Glenamuck Local Area Plan and SLO 80 of the Dun Laoghaire-Rathdown Development Plan 2022-2028. For these reasons, the Planning Authority considered that the proposed development would be contrary to the proper planning and sustainable development of the area.
- 7.3.2. The Third-Party Observer to this appeal raised concerns that the infrastructure of this area is at capacity and that the proposed development would give rise to an increase in traffic that would add to tail backs on the Glenamuck Road South heading towards the M50.
- 7.3.3. The current main transport routes through the Kiltiernan/Glenamuck area comprises of the Glenamuck Road (R842) with the site occupying a corner position on the southern side of this road to the south west of its junction with the entrance to the

Cairnbrook residential scheme and just under 400m to the south west of its junction with the roundabout that also serves Golf Lane and Glenamuck Road North.

- 7.3.4. It is a heavily trafficked road that links with the R117 (Enniskerry Road) to the southwest and it is one of the primary routes that provides access to and from Junction 15 of the M50 for its surrounding hinterland. Yet at present it is deficient in its width, poorly surfaced and provides limited qualitative active travel routes along it. This is despite significant development that has in recent decades occurred along it. Particularly during the period of the now expired Kiltiernan-Glenamuck LAP and with Glenamuck Road South currently catering for the construction traffic arising from the implementation of the 61 no. dwelling units granted permission on appeal to the Board under appeal case ABP-310089.
- 7.3.5. Since the Planning Authority's determination of this application the aforementioned LAP has expired, and the preparation of the Kiltiernan-Glenamuck Local Area Plan 2024 is at Pre-Draft Public Consultation.
- 7.3.6. The now expired LAP and the current Development Plan acknowledges that upgrades to the road network are required. Alongside improvements to active travel routes and public transport upgrades are also required to enable planned residential development envisaged for this area.
- 7.3.7. Section 5.8.1 of the Development Plan including Policy Objective T23 which sets out that: *"it is a Policy Objective, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities, subject to the outcome of environmental assessment (SEA, EIA and AA), flood risk assessment and the planning process"*.
- 7.3.8. Of note Table 5.3 of the Development Plan includes Glenamuck District Roads Scheme and Glenamuck Road South as two of the 6 Year Road Objectives/Traffic Management/Active Travel Upgrades identified and Table 5.4 of the Development Plan including The Park, Carrickmines to Glenamuck District Distributor Road as part of the Long-Term Road Objectives/Traffic Management/Active Travel Upgrades.
- 7.3.9. Further Section 5.8 of the Development Plan sets out that priority of certain road schemes in Table 5.3 may be transferable to Table 5.4 and vice versa subject to the availability of resources.

7.3.10. Since the adoption of the Dún Laoghaire-Rathdown County, 2022-2028, the Glenamuck Distributor Road Scheme (GDRS) is now an approved road infrastructure scheme with the works associated with its provision appointed to a Third-Party contractor. Available information on this scheme indicates that its construction works will commence in Q2 of 2024 and with the construction phase indicated to take two years from the date of its commencement. With its completion anticipated to enable the delivery of housing in the Kiltiernan-Glenamuck LAP area. Alongside providing improved road safety, modal split, permeability, place-making, public transport, connectivity through to promotion of economic development of this area. (Note: the Board under appeal cases ABP-303945-19 and ABP-304174-19, with the site being located c100m to the south of the Glenamuck District Road Schemes route). Overall, the scheme will include the following works:

- *Construction of distributor road connecting the existing R117 Enniskerry Road with the Glenamuck Road East/Golf Lane roundabout. This road will consist of c890m of four lane dual carriageway and c660m of two-lane dual carriageway.*
- *Construction of the Glenamuck Link Distributor Road. This consists of c1800m of two-lane single carriageways, connecting to the new distributor road to the R117 Enniskerry Road south of Kiltiernan. This link distributor road would have junctions with the Glenamuck Road as well as the Ballycorus Road and Barnaslingan Lane.*
- *Upgrading of the southern section of Glenamuck Road including the Golden Ball junction.*
- *Construction of Glenamuck Park which would include two ponds, natural play areas, landscaping, installation of paths and lighting.*
- *All associated site works and landscaping.*

7.3.11. In relation to the planning precedents in the vicinity of the site, I note that the Boards recent determination of residential applications in the vicinity of the site, in particular on Glenamuck Road South, appeal case ABP-310089-21, which as said related to a First Party appeal under which permission was refused for the 61 no. dwelling units and their associated works for the same substantive reasons to that of the development sought under this application. This particular site related to a parcel of land located on the opposite side of Glenamuck Road South, c27m to the northeast of the subject site. The Board Direction set out that the proposed development would be

acceptable in terms of traffic and pedestrian safety and convenience as well as they did not consider that it would be in material contravention of the Kiltiernan-Glenamuck Local Area Plan, 2013-2019, in terms of its phasing whereby 700 units were allowed for Phase 1.

7.3.12. In this case the Board invoked Section 37(2)(b) of the Planning and Development Act, 2000, as amended, for the following considerations that are summarised as follows:

- 1) In relation to Section 37(2)(b)(iii) of the said Act and having regard to NPF NPO 3(b) which seeks to deliver at least 50% of all new homes targeted in the five cities and suburbs, including Dublin, within their existing built-up footprints, the proposed development would supply 61 no. high quality residential units in compliance with the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities.
- 2) In relation to Section 37(2)(b)(iv) of the said Act it noted that the Board had previously granted permission in the immediate vicinity of the subject site. Including 197 dwelling units under ABP-306160-19 and 203 dwelling units under ABP-303978-19 on the eastern side of the Enniskerry Road as well as 116 dwelling units and a childcare facility on the adjoining lands to the south under ABP-307043-20. It was considered that the proposed development would reflect the pattern of these permitted developments.

7.3.13. It is of further, in relation to recent residential schemes considered by the Board since the determination of ABP-310089-21, the Board granted permission for residential development of 4 units and associated site works on the southern side of Glenamuck Road South c184m to the southwest of the site at the southern side of Glenamuck Road. It also refused permission at Ashwood Farm c273m to the southwest of the site for a development consisting of 305 no. residential units, creche and associated site works. The third reason for refusal considered that a development of this quantity was premature pending the completion of the Glenamuck District Distributor Road Scheme. This scheme gave rise to other substantive reasons and considerations as set out under Section 4.3 of this report above.

7.3.14. Having regards to the above, in particular the fact that works are imminent on the Glenamuck District Distributor Road scheme as set out above, having regard to the Development Plan provision which includes further improvements over the life time of

the Development Plan of the Active Travel routes along the Glenamuck Road with I note public transport improvements in the area including the Metrolink and Luas Green Line Corridor improvements, having inspected the site and the pattern of development of its setting with regard had to its planning history, having regard to the quantum of development proposed alongside other relevant planning provisions I consider that the proposed development is of a modest scale and is one that is not likely to generate high levels of traffic when operational.

7.3.15. Further if permitted and implemented as proposed, it's completion would likely occur after the completion of construction works associated with the Glenamuck District Distributor Road. With this diverting a significant volume of traffic using Glenamuck Road South to access and egress from Junction 15 of the M50. As well as using this road as a through route to access the N11 and other areas of the metropolitan south Dublin to the east of the nearby M50 corridor. Also, it would likely divert traffic generated to the west and southwest of Glenamuck Road gaining access to 'The Park' and the facilities as well as amenities located along Ballyogan Road. With this road containing childcare, medical centre, recreational pitches through to schools. Additionally, it contains the nearest Green Line Luas stop to the site. As such the stretch of Glenamuck Road South to the southwest of the Glenamuck Road /Golf Lane roundabout and to the northeast of the R117 Enniskerry Road would largely function as an access road to the wider road network for the existing and under construction development that aligns with it. With recent permitted and under construction developments also including improvements to pedestrian access along this route.

7.3.16. Moreover, as discussed in the previous section of this assessment, the local through to national planning provisions in a consistent manner support residential development at this location, subject to safeguards, through to the site is located c190m to the south west of the site of Bus Stops 3277 (The View) south side of Glenamuck Road South and Bus Stop 7324 (The View) on the norther side of said Road which serves Bus Route 63 and 63A (Note: service every half hour during peak hour providing connection to Dun Laoghaire and the village of Kiltiernan). I also consider it likely that the main direction of traffic generated by the proposed development would be northwards towards the said roundabout from which access to the M50, south Dublin, the Park (which in time is to include a Neighbourhood Centre) and not southwards to the Enniskerry Road (R117). Notwithstanding, I consider that the traffic using the

Glenamuck Road South and its R117 junction would decrease on foot of the changes in traffic movements associated with the Glenamuck Distributor Road Scheme.

- 7.3.17. On the matter of Material Contravention, the Planning Authority's considered that the proposed development was contrary to and would materially contravene Section 10.6 of the Kiltiernan Glenamuck Local Area Plan and in turn SLO 80 of the Dun Laoghaire-Rathdown Development Plan 2022-2028.
- 7.3.18. SLO 80 of the Development Plan sets out that it is an objective of the Council to accord with the policies of the adopted Kiltiernan/Glenamuck Local Area Plan.
- 7.3.19. Though I note that Chapter 2 considered that the provisions of this local area plan, which was still applicable at the time of the adoption of the Development Plan, was broadly consistent with the Core Strategy with this strategy aligning with regional and national planning provisions, as mentioned previously in this assessment the said local area plan has expired and the replacement/new plan has yet to be adopted. Additionally, since the adoption of the Development Plan there has also been changes to national planning provisions. Including but not limited to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) which in itself sets out greater densities for this type of location under Table 3.1 through to the National Planning Framework is under review. These alone have the potential to give rise to significant changes to the provisions of the next local area plan for the Kiltiernan/Glenamuck area, including but not limited to the matter of density and the significant change of the implementation of the Glenamuck Distributor Road Scheme as set out above.
- 7.3.20. Given the current local planning policy context at the time this report was prepared, in particular given that said LAP has expired, there is no replacement or newly adopted LAP that supersedes it with similar requirements of capping the number of units in the Glenamuck Kiltiernan LAP area until such time as completion of the said distributor road scheme.
- 7.3.21. Based on the above, I am satisfied that the proposed additional units sought under this development is not a material contravention of it and in turn the objectives of SLO 80 of the Development Plan.
- 7.3.22. What is an issue in my view is given that the site is located over c1.3km from the nearest Luas stop, the poor standard of pedestrian and cycle linkage in between, the

low frequency and limited service of the easily accessible from the site Dublin Bus Stops on Glenamuck Road South, the lack of many essential amenities, services and the like that are beneficial to a sustainable climate resilient residential development scheme within easy walking distance by foot or by bicycle together with the requirements of Section 12.4.5.1 of the Development Plan, is that this 27 dwelling unit scheme proposes 16 no. car parking spaces, i.e. a 0.6 ratio of number of spaces to units proposed. With this number also serving the car parking requirements of not just future occupants parking demands, but also visitors, maintenance, and service vehicles.

7.3.23. Having regard to the site location in Parking in Zone 2 Section 12.4.5.1 of the Development Plan states that: *“within parking zone 2 maximum standards shall apply for all uses except for residential where the standard is required. For residential uses reduced provision may be acceptable dependent on criteria set out in Section 12.4.5.2 below.”*

7.3.24. In this regard, Table 12.5 sets out a requirement of 1 car parking space for each of the type of unit mix proposed under this scheme. As there are 27 dwelling units proposed this would give rise to a requirement of 27 car parking spaces where near to public transport.

7.3.25. I am cognisant that Section 12.4.5.2 of the Development Plan sets out that the Planning Authority may allow a deviation from the maximum or standard number of spaces specified under Table 12.5 in Zone 2.

7.3.26. It provides an example of this would be in instances of small infill residential schemes of up to 0.25ha. But it indicates that in all cases where a deviation from the maximum or standard specified in Table 12.5 is being considered the level of parking permitted and the acceptability of proposals will be at the discretion of the Planning Authority having regard to the specified criteria which I propose to now examine in turn below:

- Proximity to public transport services and level of service and interchange available

As discussed above there is a low frequency bus service within walking distance of the site with this providing limited access to the wider metropolitan area of Dublin city including Bus Routes 63 and 63A do not provide connectivity to the Luas Green Line Stop on Ballyogan Road. With this stop being c1.3km walking distance from the site

with the intervening active travel infrastructure for pedestrians and cyclists currently poor.

It is unclear when the improvements to Glenamuck Road South will occur, and the Development Plan also includes a provision for infrastructural improvements that are listed under Table 5.3 to be deferred beyond the 6-year time frame objective.

There are anticipated future public transport improvements that relate to the Metrolink and the extension of the Green Line Luas Corridor including expansion of the Green Line frequency and capacity of services under Phase 2 of its proposed improvements. There is no definitive time for completion of either public infrastructure improvement.

The site itself is located on the urban fringes and though the Glenamuck Distributor Road Scheme will give rise to less heavily congested with vehicles Glenamuck Road South it would still be a location upon completion of this scheme that is heavily dependent on the use of private cars for access to employment, retail, education, community, medical and other essential as well as synergistic land uses with the surrounding area being essentially residential in character. Through to there is no timeframe for the provision of the Neighbourhood Centre at 'The Park'.

Thus, I do not consider that the site is one that is well served by public transport or that the site is one that is within easy reach of synergistic and supportive land uses to residential development.

- Walking and cycling accessibility/permeability and any improvement to same.

As above.

To this I also add that the proposed development in terms of its layout does not seek to maximise permeability with its setting. With the design including no direct link to the main cul-de-sac access road serving Cairnbrook or the adjoining cul-de-sac in Inglenook Wood. Yet at the time this application was lodged the local area plan had not expired and this included permeability through the site, in particularly permeability to Inglewood Nook. Further the Planning Authority's transportation report sought improvements to the public domain treatment along the Glenamuck Road South boundary of the site.

In this relation to these points, I note that Section 4.4.1 of the Development Plan on the matter of 'Quality Design & Placemaking' refers to the 'Design Manual for Urban

Roads and Streets' (2013), including it emphasises on how the delivery of permeability can assist the promotion and delivery of sustainable communities.

Further, Policy Objective PHP35 sets out that the guidance of this manual will be promoted. It will also seek to ensure that development proposals are cognisant of connectivity as part of their detailed design.

Additionally Strategic Outcome No. 2 of the Development Plan seeks: *"to improve permeability for the pedestrian and cyclist"* and Section 5.6.1 Policy Objective T11 states that: *"it is a Policy Objective to secure the development of a high quality, fully connected and inclusive walking and cycling network across the County and the integration of walking, cycling and physical activity with placemaking including public realm permeability improvement"*.

I am not satisfied that the proposed design and layout is a qualitative one in terms of maximising permeability and connectivity for walking and cycling with its site context or that the improvement to the roadside boundary with Glenamuck Road South is sufficiently qualitative. Notwithstanding, these concerns could be dealt with by way of suitably worded conditions should the Board be minded to grant permission.

- The need to safeguard investment in sustainable transport and encourage a modal shift

It could be considered that the reduced provision of car parking would necessitate occupants to be less reliant on use of a private car and to instead use public transport as well as active travel modes instead. Notwithstanding, at this location given the low frequency and limited connectivity offered by Dublin Bus Routes 63 and 63A, the pattern and type of development in easy walking distance of the site, I am not convinced that the proposed management of the limited 16 no. car parking spaces by a management company through to the fact that the car parking provision on the site would not be an automatic entitlement would be sufficient to overcome the likelihood that this development could give rise to an overspill of car parking generated by residents through to visitors of the scheme onto the adjoining public road network.

With this road network containing a limited number of on-street publicly provided car parking in the immediate vicinity of the site, i.e., on the southern side of the main access road serving the residential scheme of Cairnbrook. Further, when in use there are no restrictions on their use.

It is my view that at this location though the proposed development consists of a modest 27 dwelling units that any overspilling of car parking could result in undue demands on the limited on-street unrestricted in usage car parking spaces provided as part of the Cairnbrook residential scheme and possibly onto the adjoining substandard Glenamuck Road South.

Though I acknowledge that the proposed scheme, if permitted, would give rise to Section 49 contribution towards the provision of public transport improvements and there is potential for improvement to the adjoining public road network subject to revised treatment of the roadside boundaries to include a more generous in width pedestrian footpath. Notwithstanding, I am not convinced that the proposed development given the lack of sufficient car parking spaces would not give rise to an overspill of on-street car parking that would adversely impact on the efficiency and function of the public road network at this location. Or that it is one that would encourage a modal shift away from dependency on private car for most day-to-day journeys generated by its future occupants.

- Availability of Car Sharing and Bike / e-Bike Sharing Facilities

Section 3.7 of the Transport Statement sets out that there would be an on-site car club space and to dedicate one space per a car share operator such as 'Gocar'. The details in relation to the same are not definitive. The proposed development includes the provision of secure parking and charging facilities for two e-bikes.

- Existing availability of parking and its potential for dual use

As discussed above there are limited on-street parking spaces present on the access road serving the adjoining Cairnbrook residential scheme. Outside of this provision which is a provision that has been designed to meet the needs of this scheme there is no other availability of on-street publicly available car parking.

Additionally, the parking provision in the adjoining scheme of Inglenook Wood is strictly monitored for private use of its residents. As such there is in my view limited, if any, potential within the surrounding setting of the site to accommodate sustainable dual use parking for any overspill of car parking arising from the proposed development. Moreover, it would be unreasonable to burden the adjoining residential schemes on-street provision of car parking spaces for dual use car parking arising from the proposed development.

- Particular nature, scale, and characteristics of the proposed development

The site is a modest in size, i.e., 0.25ha which I note the Development Plan sets out car parking space provision deviations may be more appropriate for smaller infill proposals.

Further the scheme proposes 27 dwelling units and as such would give rise to 26 additional units on this site which currently contains a modest single storey 1950s dwelling.

Notwithstanding, given the concerns above I am not considered that the nature, scale, and characteristics of the proposed development, one that is of a density of 108 dwelling units per hectare which is circa double the 45 – 55 dwelling units per hectare permitted at this medium density location under the recently expired local area plan.

With the density of permitted recent developments being largely consistent with this density that the provision of 27 dwelling units at a density of 108 dwelling units per hectare is at odds with its setting, including the emerging character of the Kiltiernan/Glenamuck area as a medium density New Residential Community on the outskirts of metropolitan Dublin where there are other deficiencies in services, infrastructure, and amenities.

In this regard I note that the Development Plan sets out under Section 12.3.1.1 that higher densities should be provided in appropriate locations and under Section 12.3.3.2 while the general principle on the grounds of sustainability is to optimise density of development, density should be in response to type of site, location, and accessibility to public transport.

Additionally, Policy Objective PHP18 on the matter of ‘Residential Density’ states that: it is a policy objective to: *“encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area”*.

Having regard to the above and the concerns raised in this assessment in relation to the quality of the overall design and layout of the proposed development I am not satisfied that the modest size of the site alone given the high density of the proposal is one that can be sustainably absorbed at this location or that the proposed

development would be of a density that was consistent with the emerging character of the Kiltiernan/Glenamuck area.

- The range of services available within the area.

As discussed above the range of services within the area is low and the surrounding locality is predominantly residential in character.

- Capacity of the surrounding road network

As discussed above the completion of the Glenamuck Distributor Road Scheme will likely significantly reduce traffic flow in both directions on the Glenamuck Road South. Against this context the proposed development and having regard to the anticipated traffic the proposed development would generate as set out in the accompanying Transport Statement is likely to be also low. With the mix type consisting of modest mix of studio, one-bedroom and two-bedroom dwelling units. I am therefore satisfied that there is capacity in the surrounding road network to accommodate the traffic generated by the proposed development. Additionally, should the Board be minded to grant permission a suitably worded condition restricting occupation of the proposed scheme until completion of the above stated scheme as a precaution could be imposed.

- Urban design, regeneration and civic benefits including street vibrancy

I am not satisfied that the proposed development would give rise to any significant qualitative urban design, regeneration and civic benefit outcome including street vibrancy. This is on the basis that I consider that this proposal is one that is of a density that is at odds with the emerging character of the area, provides poor permeability with the public domain of Cairnbrook and Inglenook Wood, is likely to generate an overspill of parking, it is a missed opportunity to provide a building that responds more appropriately to its corner site including for example having dialogue to address the row of poor quality deciduous trees that fall outside of the north eastern boundary of the site. Through to a development that responds more appropriately with the building line of Inglenook Wood and Cairnbrook. I am also not convinced that the overall landscaping and boundary treatment is of sufficient quality to address the site's corner location, the adjoining public domain, and semi-private/private domains of the adjoining residential schemes of Inglenook Wood and Cairnbrook.

- Robustness of Mobility Management Plan to support the development

As above, I am not satisfied that the mobility management measures provided with the proposed development are sufficient to overcome the under provision of car parking proposed for this number of units at this location and setting. Particularly given that the nearest Luas stop is c1.3km from the site, there is a low frequency and poor connectivity offered by Dublin Bus Route 63 and 63A on Glenamuck Road South through to there is currently no Neighbourhood Centre provided for the Kiltiernan/Glenamuck Area, the Development Plan sets out that there is need for a new school to serve this area, the site is remote from employment opportunities, retail, amenity and other synergistic as well as supportive to residential land uses.

- The availability of on street parking controls in the immediate vicinity

As discussed above.

- Any specific sustainability measures being implemented including but not limited to: the provision of bespoke public transport services and the provision of bespoke mobility interventions

There are standard sustainability measures proposed, i.e., possibility of a car sharing provision, electric cargo bike parking, all car parking spaces provided will have capabilities for electric charging through to 32 on-site cycle parking spaces as set out in their Transportation Report. This is at variance with the Planning Report and the Public Notices accompanying this application which indicate a provision of 28 no. resident and 6 no. visitor spaces provided at two locations on site, i.e., residents provision to the rear and the visitor provision along the northern façade of the proposed building.

It is of note that Section 12.4.6 of the Development Plan on the matter of Cycle Parking sets out that the 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) or any subsequent review of these standards are applicable and that these are minimum cycle parking standards. The proposed development having regards to the standards set out in this document, i.e., Table 4.1 gives rise to a minimum requirement of 32.4 cycle spaces.

The proposed development depending on which figure provided with this application provides either a modest under provision of 0.4 cycle spaces or a modest 1.4 space

above minimum standard of bicycle spaces for occupants of the proposed 27 dwelling units.

However, I note that the Planning Authority's Transportation Division set out that there was an under provision of cycle spaces and that 40 such spaces for residents and 13 for visitors would be required. At a location that is c1.3km from a Luas Green Line stop and where there is a low frequency and limited connectivity public bus provision serving existing and future residential development located along Glenamuck Road South. I do not consider this number of spaces unreasonable given the low number of car parking spaces, the type of dwelling mix through to the remoteness of the site to many essential amenities, services and the like.

I also note that the standards set out in the said document include that cycle parking should always be placed as close as possible to the main entry/exit points. This is not the case with the placement of the Bicycle Station 1 positioned immediately alongside the northern elevation. The design and placement of this structure *albeit* modest when taken together with the placement of the bin storage also gives rise to a diminished elevation treatment facing onto the public domain of Cairnbrook and its junction with Glenamuck Road South. An elevation that is likely to be more visually exposed due to the poor structural condition through to life span of the coniferous trees that bound the northeastern boundary. Separating the site from the well maintained and attractive linear strip of green space that runs alongside the southern side of Cairnbrook's junction with Glenamuck Road South.

Of further concern in relation to cycle parking provision Section 12.4.6.1 of the Development Plan requires that residential scheme above 5 units or more shall be accompanied by a Cycle Audit as part of the planning application.

It further clarifies that the Cycle Audit must be prepared by a suitably qualified person and shall clearly demonstrate, in plan format, how all the requirements of Council's Standards for Cycle Parking and Associated Cycling Facilities for New Developments, are met within the development. Such an audit has not been provided.

As such whilst the Glenamuck District Roads Scheme implementation is a welcomed improvement that will positively impact traffic flow along Glenamuck Road South which is at capacity with substandard active travel infrastructure this location is that additional sustainable transport modes, in particular public transport improvements is critical to

ensuring sustainable climate resilient residential development in this emerging residential community/neighbourhood. Through to is a more appropriate level of on-site bicycle parking spaces for future occupants and visitors.

Further, the Planning Authority's Transportation Division raised concerns not only in terms of the inadequate width of replacement footpath along the Glenamuck Road South but also raised concerns in relation the substandard dimensions of the car parking spaces proposed. In this regard, they requested revisions to the scheme showing dimensioned parking spaces 5.5m x 3.0m parallel visitor car parking spaces and perpendicular car parking spaces to a minimum of 4.8m x 2.4m. I note that these dimensions are consistent with Section 12.4.5.7 of the Development Plan.

My last comment is that Section 12.4.5.6 of the Development Plan sets out that apartment developments should allocate car parking spaces to residential units and visitor car parking. There are no visitor parking spaces proposed or any dedicated loading/unloading space for service, maintenance vehicles and the like.

Having regards to the above I am not satisfied that the shortfall in car parking space provision is an acceptable sustainable design solution for any new additional residential development at this location. Further, I consider that the shortfall of car parking spaces together with the proposed development not providing what could be considered as adequate bicycle parking has been robustly justified as an acceptable provision by the mobility management measures proposed for this residential scheme once operational in the documentation provided. Moreover, I am not satisfied that the proposed development includes any bespoke public transport services and the provision of bespoke mobility interventions.

7.3.27. Based on the above considerations I am not satisfied that the proposed development is one that satisfies the Development Plan criteria set out under Section 12.4.5.2 of whereby a shortfall of car parking spaces would be deemed to be acceptable.

7.3.28. I raise a final traffic related concern in relation to the proposed development. I am not convinced that the drawings submitted with this application demonstrate that the minimum visibility splay in a northeastern direction towards its junction with Cairnbrook can be achieved and maintained. There is no consent from the owners of this adjoining piece of land which consists of the green space and linear strip of coniferous trees. With these trees at the time of inspection impairing visibility which in the absence of

consent of those with a legal interest the proposed modified entrance would not achieve the minimum sightlines onto Glenamuck Road South. It is of note that this adjoining strip of land and the mature coniferous trees thereon have not been taken in charge by the Council. On the basis of the information provided I am not satisfied that the proposed development would not give rise to undue road safety and traffic hazards for road users of the Glenamuck Road South in the absence of the meeting the minimum required sightlines despite this road having a posted speed limit of 50kmph and the improvements that would arise as part of the Glenamuck Road Distributor Scheme which would likely reduce the level of traffic journeying on it.

7.3.29. Conclusion:

Having regards to the above considerations the refusal of permission on the basis set out by the Planning Authority in their decision notification is not warranted. Notwithstanding, I am not satisfied that the under provision of car parking spaces and the sightline of the proposed modified entrance from which sole access and egress from the public domain for all vehicles, pedestrians and cyclist's movements would be dependent upon gives rise to an acceptable standard of residential development in this case.

This is on the basis that the car parking provision for the proposed development, in particular the lack of sufficient on-site car parking spaces, would be seriously deficient and would be inadequate to cater for the parking demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which would have the potential to create serious traffic congestion.

Further, it is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate onto the substandard Glenamuck Road South at a point where sightlines are restricted in northerly direction from the proposed modified entrance.

These two concerns are sufficient basis in my view to warrant refusal of permission of the development sought under this application.

7.4. Compliance with Planning Provisions - Density / Mix / Building Height

- 7.4.1. In relation to compliance with relevant planning provisions my main concern relates to the density of the proposed scheme which as set out above is given as 108 dwelling units per hectare. With this based on the proposed developments 27 dwelling units on this 0.25ha site. I note that the Planning Officer in their report considered that the density of the proposed scheme conflicted with that provided for this location under the Local Area Plan, which I note was a density of between 45 to 55 dwelling units per hectare (Location: 31B). I also propose to examine the matters of amenity impact, dwelling mix, building height through to services in this section of my assessment.
- 7.4.2. As previously noted, the Local Area Plan for the Kiltiernan and Glenamuck area has expired, and the Development Plan under Section 12.3.3.2 sets out a general principle of optimising density on the grounds of sustainability in response to the type of site, its location through to accessibility to public transport. With Policy Objective PHP18 promoting compact urban growth through consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations alongside the development management criteria set out under Chapter 12 of the said Plan.
- 7.4.3. Further, under this policy objective it also seeks to encourage higher residential densities provided that proposal is of a high-quality design and that they ensure that an appropriate balance is reached between the protection of existing residential amenities and the established character of the surrounding area.
- 7.4.4. I also note again that the site is zoned 'A' under the Development Plan which has an objective: *"to provide residential development and improve residential amenity while protecting the existing residential amenities"* and the site is in an area identified under the Core Strategy Map (Note: Figure: 2.9) as a 'new residential community'. As such Policy Objective CS2 – Core Strategy is applicable. With it setting out that: *"it is a Policy Objective to support the delivery of the Core Strategy in accordance with the Core Strategy Map illustrated in Figure 2.9 and the Core Strategy Table detailed at Table 2.11."*
- 7.4.5. As set out in Figure 4 above the existing residential yield in this area under the lifetime of the plan is 2,015 RDCA units as is the proposed residential yield. With the area of land remaining unchanged (Note: 59.34ha).

- 7.4.6. At the time the Planning Officer prepared their report they calculated that permission had been granted for 1,505 No. Units. Having regard to the planning history of the permitted number of dwelling units has not exceeded at this point in time the 2,015 RDCA unit cap/housing target for the Kiltiernan/Glenamuck local area plan for the Plan period. However, it is a concern that the high density proposed is at variance of the density provided for this location under the expired local area plan and the pattern of emerging residential development permitted in this metropolitan fringe area where there are constraints that require consideration for proposals of higher density.
- 7.4.7. Since the adoption of the Development Plan the Compact Settlements Guidelines have been adopted and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, have been amended (Note: 2023).
- 7.4.8. In relation to the Compact Settlements Guidelines on the matter of density it sets out a two-step refining process for determining the appropriateness of a proposed developments residential density.
- 7.4.9. Firstly, a site is categorised according to its 'City' location (as per definitions in Table 3.1 of the guidelines) and its level of accessibility (as per Table 3.8). These determine an appropriate density range. With I note Section 3.3.1 of the said Guidelines specifically related to Cities and Metropolitan (MASP) Areas.
- 7.4.10. Secondly, site-specific analysis is undertaken to further refine the residential density acceptable for the site.
- 7.4.11. In relation to the first step Table 3.1 I consider that the site forms part of the determining area 'City - Suburban/Urban Extension Suburban areas' due to it relating to the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century. Having regards to the considerations set out above I do not consider the other two determining area correlate with the site characteristics of the site, its location, pattern of development through to accessibility particularly in relation to public transport. In relation to such areas, it is a policy and objective of the said Guidelines that residential densities in the range 40 to 80 dwelling units per hectare (net) shall generally be applied at suburban and urban extension locations in Dublin. It also sets out that densities of up to 150 dwelling units per hectare (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

- 7.4.12. In relation to the second step Table 3.8 relates to accessibility and allows for a more nuanced consideration of the site in relation to public transport accessibility through to improvements expected to the same. This matter I have discussed above and consider that the site is one that is located above 1km from the nearest Luas Stop and there is a low frequency and poor connectivity public bus servicing serving residential properties along Glenamuck Road South. With the active travel links between the nearest Luas stop and bus stops also currently of a poor quality and lacking cohesion. I note that using Google Maps the site is c16mins to walk to the Luas Stop at Ballyogan and whilst the site is within c3 to 4minutes walk of The View Bus Stops to the north east on Glenamuck Road South as discussed, the 63 and 63A bus service is one every half hour during peak hour and provides limited connectivity to the surrounding hinterland through to the wider metropolitan area of Dublin.
- 7.4.13. I therefore consider that the present situation and circumstances of the site through to have regard to improvements to the public transport at this location in my considered opinion supports it being a 'Peripheral Location' having regard to the attributes and determinants of accessibility set out under Table 3.8.
- 7.4.14. Further to this Section 3.4.2 of the said Guidelines also provides for consideration of character, amenity, and the natural environment in determining appropriateness of a proposed developments density.
- 7.4.15. It states that: *"new development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment."*
- 7.4.16. Having inspected the site setting I found whilst there is an emerging pattern of more medium scaled residential schemes of two, three and limited four storeys in height overall the character of this area is still retaining its low scale, low rise and low density residential development with many sites being similar to that of the current site context. That is to say, consisting of a detached house on a generous garden plot that has the characteristics of one-off dwellings in more rural, fringe and city hinterland locations. But as said change is occurring at pace in this emerging new residential community. With this including amalgamation through to subdivision of previously low density residential developed plots through to parcels of green field land to accommodate more compact and dense forms of residential development serve by more modest

private amenity space provisions. With the new building forms including multi-unit buildings like that present on the adjoining Inglenook Wood residential scheme to the immediate south of the site.

7.4.17. I however consider that the departure from the medium rise scaled developments by way of almost doubling what has been permitted up to recently, including by the Board in this locality. For example, the Board more recently granting permission as said for a 61 dwelling unit scheme with a density of 56 dwelling units per hectare through to occupying a larger site area of 1.08ha, a size which at this location is more able to absorb a departure in density with this added to by it bounding the route of the Glenamuck Distributor Road Scheme. A location where taller buildings are deemed to be accessible addressing its corridor. Moreover, under ABP-314057-22 the Board permitted 4 dwelling units on a 0.26ha to the southwest of the site.

7.4.18. Having regards to the historic environment, the site does not contain a Protected Structure. Nor does it adjoin or form part of the visual curtilage of any Protected Structure or building listed in the NIAH survey. It is notwithstanding situated in an area containing several Recorded Monuments with the nearest located c0.4km to the west of the site as the bird would fly, i.e., DU02252: Cross. The receiving area is one where the lands to the south, west and northwest rise and the character of the landscape is mountainous with the density of residential development becoming less dense and with agricultural activities becoming more prevalent. The receiving area, including the site which is largely uncovered by buildings has the capacity to contain unknown subsurface archaeological deposits and the site is likely to be visible from further distances given the rising nature of the landscape to the south, west and northwest, through to a location where recent permitted developments have correlated with medium densities given the constraints of this location despite it being a new emerging residential community. I consider that the density of the proposal, which is reflected in its height, scale, and massing through to the lack of available space to accommodate a minimum provision of car parking space is excessive given the low to medium scale density, heights and patterns of residential development that characterises its receiving area, including those currently being implemented and/or recently completed in the setting of Glenamuck Road South.

7.4.19. In respect of protected habitats and species, site surveys undertaken for the Appropriate Assessment Screening Report do not record any protected habitats or

species at the site. These findings despite the concerns raised by the Observer to the presence of badgers on the site itself correlate with what was observable on the site.

7.4.20. My observations which included a detailed inspection of the site, and its boundaries did not find any presence of badgers or any other protected species. With the site containing overgrown former manicured lawns and site boundaries with limited trees within the red line area of the site.

7.4.21. The Tree Survey accompanying this application notes that: *“the bulk of the site supports no vegetation of note, with all larger vegetation being located at or adjoining the boundaries. The site’s north-west, south-west and southeastern boundaries supports remnants of hedge material, but the site’s north-eastern boundary supports a substantial but dilapidated tree line dominated by conifers and Monterey Cypress in particular.”* It identifies only two trees within the red line area of the site.

7.4.22. Overall, the habitats on site are categorised as having low to limited ecological value including the trees on and adjoining the site.

7.4.23. Additionally, the accompanying Appropriate Assessment Screening Report determines there are no connections to or effect on any designated European sites. While there are protected species of note in this area, I concur that the site as defined, is of low biodiversity value but in saying this any grant of permission should as a precaution include appropriate protection by way of condition on the tree root zoned identified by the author of the Tree Survey, in particular the limited trees to be retained and the line of coniferous trees running alongside the north western boundary of the site. With the latter tree line being outside the red line area of the site and this application is accompanied with no consent for interference with these existing natural features. As such, I consider there to be no impediment to the development of the site due to biodiversity, subject to safeguards, including tree protection zone and a tree bond in the event of a grant of permission. The latter would correlate with the recommendations of the Planning Authority’s Park’s Division.

7.4.24. In respect of daylight/sunlight of residential properties, the Sunlight and Daylight Access Analysis (SDAA) assesses the impact of the proposal on properties in its vicinity. This analysis found that there would be minimal impact to the daylight and sunlight of adjacent dwellings with no perceivable reduction in either daylight or sunlight. It did however find that there would be a minimal reduction in the sunlight to

the private and public amenity spaces of the adjacent properties through these areas still accorded with or exceeded the recommendations of the BRE guidelines. In relation to the residential amenity of future occupants the assessment of the dwelling units found that they accorded with the recommendations of BR209:2022 BS EN 17037 with 100% of the dwelling units habitable rooms achieving the minimum and exceeding the minimum and target illuminance levels. It sets out that the dwelling unit's rooms would be bright and well-ventilated, and that the amenity open space would have sufficient sunlight to accord with standards for achieving a bright and pleasant space for its future users.

- 7.4.25. I am therefore of the view that the proposed development would not give rise to any undue diminishment of sunlight and daylight to adjoining properties or would it give rise to any undue overshadowing given the lateral separation distance, the orientation through to the overall built form of the proposed apartment building. With this added to by lateral separation distance between the proposed building and the existing adjoining properties of Inglenook Wood and Cairnbrook alongside the staggered and graduated flat roofed built form which in relation to the adjoining multi-unit building of Inglenook Wood (Note: No.s 20 to 28) and the two storey with attic level adjoining semi-detached pair of No. 18 & 19 Inglenook Wood being 0.163m higher through to 1.507m higher than adjoining Cairnbrook Avenue properties (Note: No.s 61 to 68) adjoining the rear boundary of the site.
- 7.4.26. Further, the proposed scheme exceeds the minimum provision of dual aspect apartments as well as demonstrates adequate levels of daylight and ventilation for future occupants of the proposed apartment building. With the latter added to by the floor to ceiling heights of this proposed four level above ground building (Note: these vary from 2.9 to 3.2m at ground level; 2.7 to 3m at first and second floor level; and 2.7m to 3.15m at third floor level).
- 7.4.27. It is also of note that the proposed apartment building meets the lateral separation distance requirements of SPPR 1 - Separation Distances of the Compact Settlements Guidelines. I note this SPPR permits a lower minimum separation distance of exceeding 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level in comparison to the Section 12.3.5.2 of the Development Plan which provides a more generous 22m which the proposed development didn't meet in relation to the eastern

elevation and the rear of No.s 61 to 68 Cairnbrook Avenue. I consider that the separation distances are such that no undue overlooking would arise given the pattern of existing development adjoining the site to the south in terms of the multi-unit block of No.s 20 to 28 Inglenook Wood and the adjoining Cairnbrook Avenue properties (Note: No. 61 to 68). A location where a medium density of residential development is permissible on residentially zoned land and where there is a level of perception of being overlooked as well as a level of overlooking that can be excepted at medium level density residentially developed locations.

- 7.4.28. I also raise it as a concern the dwelling mix of the proposed scheme, i.e., 1 Studio, 13 No. 1-Bed, 1 2-Bed 3-Person, and 12 No. 2-Bed 4-Person apartment units.
- 7.4.29. On this point I note that the Planning Authority whilst considering that the mix was consistent with the Apartment Guidelines having regard to the flexibility provided under SPPR 2 (Note: this allows a flexibility on sites of up to 0.25ha for the first 9 units to be carried forward and that the parameters of SPPR 1 shall apply from the 10th residential unit to the 49th residential unit). Given this flexibility 9 of the 1-bed units can be discounted and as such the proposed scheme would not exceed 50% provision of such units. They notwithstanding raised concern that the scheme did not include sufficient choice and mix of unit type with the scheme not including any larger dwelling units, i.e., three bedroom and the like. In this regard they referred to Policy Objective PHP27 and considered that the applicant had not demonstrated to their satisfaction that the proposed development in terms of unit mix complied with the requirements of this policy objective by providing a choice of housing units and type that reflected the differing household needs of the County. With I note the Development Plan being informed by the demographic and housing analysis carried out as part of the HNDA (Note: Housing Need Demand Assessment).
- 7.4.30. The HNDA which is set out in Appendix 2 of the Development Plan indicates that residential proposals should provide for a mix of unit types and sizes. That schemes should contain an acceptable proportion of larger flexible housing units to ensure that such developments provide suitable and viable long term adaptable options for families. As well as housing mix in any new development should also have regard to the provisions of 'Housing Options for Our Ageing Population, Policy Statement', (2019), and seek to provide suitable accommodation for older people.

- 7.4.31. I note that Appendix 2 raises concerns that there has been an over provision of one- and two-bedroom units and a significantly lower percentage of three- or more bedroom dwelling. Whereas examination of the CSO Pilot Data on Dwellings in the County having regard to this survey and the 2021 Census show 46% of the population living in three-bedroom dwelling units, 30% in four bedroom and 9% in five plus bedroom dwelling units.
- 7.4.32. Further Section 2.83 of Appendix 2 sets out that given the high number of apartments being proposed and delivered in the County it is considered appropriate to include a policy objective in the Plan in order to ensure adequate mix on the size/type of units being provided in such schemes so as to match supply with demand, to avoid the delivery of large-scale monotype schemes and to ensure the delivery of liveable, mixed, and sustainable neighbourhoods. However, I note that the 27-unit number of this scheme falls significantly below the provisions set out under Table 2.9.1: Mix Requirements for Residential Scheme. This applies to 50+ dwelling unit's schemes in locations like those forming part of new residential communities.
- 7.4.33. Having regard to the above I concur with the Planning Authority's Planning Officer that the proposed mix of apartment units has not been justified by any evidentiary proof by the applicant and it does not reflect the housing demand analysis carried out for the County. It raises concerns over provision of one- and two-bedroom units given the housing demands of this area, the lack of three or larger dwelling units proposed and lack of any analysis of the suitability of the proposed development for older persons.
- 7.4.34. Based on the above it is my opinion that an appropriate density for the site would be residential densities in the range 40 to 80 dwelling units per hectare (net) having regards to the above examination of the receiving environment and the proposed development relative to Table 3.1 - City - Suburban/Urban Extension Area. I consider that density above this would be inconsistent with the constraints of the site, its setting, and the emerging permitted pattern of development in this area. Including when regard is had to the established and emerging density patterns deemed to be acceptable under recent permitted grants of permission for the Glenamuck/Kiltiernan new residential community. It would also give rise to an undesirable precedent for higher densities that are located at peripheral locations where there is likely to be a high level of car dependency for the foreseeable future; where there is an under provision of car parking on site; where there is a mix and type of dwelling unit that no justification is

provided for; particularly in terms of excluding any three or more bedroom units; and, where there are limited services, amenities, community, educational facilities and the like within close proximity to the site to reach by way of qualitative active travel routes for future occupants of the scheme.

- 7.4.35. On the matter of building height, the part three and part four storey building over modest basement level as already mentioned does not significantly deviate from the building height of the adjoining Inglenook Wood and Cairnbrook residential schemes. It is also a height that is consistent with the two to four storey height deemed to be acceptable in the now expired local area plan. With this plan having been informed by a detailed understanding of the Kiltiernan/Glenamuck area, including plot 31B which the site forms part of.
- 7.4.36. In relation to the Development Plan, in particular Policy Objective BHS3 and the Building Height Strategy contained in Appendix 5, the site is one that is located in 'Residential Suburban Area' where: *"it is a policy objective to promote general building height of 3 to 4 storeys, coupled with appropriate density in what are termed the residual suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing amenities including residential amenity and the established character of the area"*.
- 7.4.37. Having regard to the Building Height Guidelines it is considered that the Glenamuck area is one that could be defined as a suburban/edge location where it identifies a mix of 2, 3 and 4 storey developments appropriate (Note: Section 3.6). With such heights integrating with existing, historical neighbourhoods and where four storey buildings or more can be accommodated alongside existing larger buildings, trees, parkland, river/sea frontage through to wider streets.
- 7.4.38. Though occupying a modest corner site, the building line chosen as part of the proposed development concept is one that seeks to maintain the existing natural features present addressing Glenamuck Road South and Cairnbrook as far as possible. With greater building line setbacks than the existing buildings fronting these roads.
- 7.4.39. As such the boundary treatments and setbacks though recessing the proposed apartment building which would have a maximum four storey parapet height of 12.95m and lower three storey parapet height of 9.95m would largely obscure views towards

this building, with this added to by the evergreen nature of these roadside boundaries. As such the containment of the adjoining roads is one whereby the Glenamuck Road South would maintain its modest width and there would be no additional built containment of the southern side of the access road serving the Cairnbrook residential scheme.

- 7.4.40. Whilst the site offers an opportunity to create a more qualitative built and natural feature design and layout response to the road frontages of Glenamuck Road South and the entrance junction of Cairnbrook residential scheme onto the Glenamuck Road South, the building height of the proposed building is one that is consistent with the building heights that characterise this location. Additionally, this corner site is not one that would be visible or front the Glenamuck Distributor Road Scheme where greater heights above four storeys are open for consideration subject to safeguards.
- 7.4.41. Given the consistency of the building height of the proposed apartment building with existing and permitted buildings in its setting, particularly having regard to the similarity in building height with the multi-unit No.s 20 to 28 Inglenook Wood and its semi-detached pair of No.s 18 & 19 through to the similarity in height with the adjoining and neighbouring residential buildings in the Cairnbrook residential scheme I consider that a detailed examination of the appropriateness of the building height at this location under the performance criteria set out under Section 5 of the Building Heights Strategy of the Development, criteria that are consistent with the Building Height Guidelines, is not warranted.
- 7.4.42. Finally in relation to serving the proposed development Irish Water has indicated no objection to the proposed development subject to safeguards with the application accompanied by a Confirmations of Feasibility. This document confirms that there is sufficient capacity for water supply and wastewater drainage alongside that infrastructure upgrades are not necessary to facilitate the proposed development. The proposal also incorporates SuDS measures and on-site attenuation infrastructure. In relation to surface water drainage measures I note that the Planning Authority's drainage Division concluded that further information was required to deal with the adequacy of the surface water measures proposed. In the absence of this information, it is unclear if the surface water measures are site suitable and sufficiently robust to meet best standards.

7.4.43. Conclusion

I consider that the development of the site at the proposed density and residential mix is contrary to Policy Objectives PHP18 and PHP27 as well as Appendix 2 of the Development Plan. Further I consider that the proposed density is contrary to Objective 3.1 of the Compact Settlements Guidelines, and would adversely affect the character of the area, as well as future residents of the scheme. It would also give rise to an undesirable precedent for higher density above that appropriate for this emerging medium density new residential community given the constraints of its setting. It also gives rise to a missed opportunity for a site appropriate response to a visible corner site. I therefore conclude that this is substantive reason for permission to be refused.

7.5. Other Matters Arising

7.5.1. Placemaking & Enhancement of Public Realm:

Having regards to the concerns raised in the main assessment of this report above, I note to the Board that Section 4.4.1.1 Policy Objective PHP35 which deals with the matter of Healthy Placemaking states that is a policy objective to: *“ensure that all development is of high-quality design with a focus on healthy placemaking consistent with NPO 4, 26 and 27 of the NPF, and RPO 6.1, 6.12, 9.10 and 9.11 of the RSES”*. As part of this policy objective, the Development Plan also seeks that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding, and detailed design.

Additionally, Section 4.4.1.3 Policy Objective PHP37 of the Development Plan which deals with the matter of ‘Public Realm Design’ sets out that it is a Policy Objective that: *“all development proposals, whether in established areas or in new growth nodes, should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved”*.

I am not satisfied that the proposed development is one that, if permitted, would optimise in a successful context appropriate manner its corner location in terms of both its design response to its streetscape scene. Through to achieving a qualitative landscaping outcome that added in the medium to long term provide qualitative natural features that would enhance the visual amenities of this area. As well as also positively

contribution to urban greening and biodiversity in a manner that would be consistent with Development Plan provisions.

In relation to this concern the design and landscape response is one that in my view fails to achieve a qualitative streetscape outcome through to the response to the site boundaries that adjoin the neighbouring Cairnbrook and Inglenook Wood residential scheme is of limited medium to long term value with it including non-permeant timber boundaries through to limited visual softening by way of additional qualitative tree planting and planted boundary treatments. Improvements could, however, be achieved through suitably worded conditions. Notwithstanding, in my view they would not be sufficient to overcome the overall concern that the proposed design and layout concept is one that does not achieve a sufficiently qualitative placemaking and public realm enhancement outcome for this corner site within a new residential community where the Glenamuck Road South is one of the key routes through the Kiltiernan/Glenamuck area.

Further, it would be appropriate in this situation that dialogue is had with the legal owner of the row of conifers that bound the northeastern boundary of the site given the findings of the Tree Survey accompanying this application.

With my observation of these trees finding that they are by and large in poor structural condition and are likely to be towards the end of their lifespan.

There is no evidence provided by the applicant that they have had dialogue with those who are legal owners of the adjoining land, which is not taken in charge, as part of achieving a qualitative built and natural feature response to the northeastern corner of the site. In turn a response that would result in more positive containment and visual contribution to its streetscape scene as appreciated from the public domain.

When this is taken together with the building line being at variance to the adjoining Inglewood and Cairnbrook residential schemes together with the other concerns raised including but not limited to density, I am not satisfied that the proposed development is one that is consistent with Section 4.4.1.1 Policy Objective 35 and Section 4.4.1.3 Policy Objective PHP37 of the Development Plan. As such the proposed scheme as said represents a missed opportunity to achieve a high quality placemaking and public realm response for this visible corner site.

7.5.2. Badgers:

The Third-Party Observer raised concerns relating to impacts of the proposal on badger activity on the site. On this matter I am cognisant that Badgers and their setts are afforded protection under the Wildlife Act, 1976, and the Wildlife Amendment Act, 2000.

There is no Ecological Appraisal prepared as part of the documentation accompanying this application and the Planning Authority raised no specific concerns in relation to the presence of Badgers on this site or any other concern in relation to the proposed development having the potential to give rise to any adverse impact on any protected species.

On site I found no evidence of badger foraging, nests, mammal pathways or evidence to support badger activity within the site area of what is a detached dwelling house on a large garden plot surrounded by residential development and bound by the heavily trafficked Glenamuck Road South and the less trafficked adjoining access road serving the Cairnbrook residential scheme.

Overall, the site as observed was one of low ecological value within the red line area. With the main natural features relating to the adjoining stretch of coniferous trees that runs alongside the northeastern boundary of the site.

I accept that though this area is one that is rapidly changing due to it being designated as a new residential community under the Core Strategy Map there are habitats within the surrounding area that are likely suitable habitat for badgers and other protected species due to its once more rural fringe location on the lower slopes of the Wicklow Mountains. As such I cannot rule out with certainty based on my inspection of the site setting and having examined the documentation provided with this application that the site is one where badger activity may arise.

I note that the design scheme seeks to largely maintain the existing natural features along the boundaries of the site's redline area, provide additional planting along these boundaries through to seeks to maintain the linear row of trees outside of the red line area that run alongside the northwestern boundary by tree protection measures.

Notwithstanding, I recommend that the Board should it be minded to grant permission for the proposed development to include a suitably worded condition for a pre-construction mammal, bird species through to amphibian survey, to ensure that species of conservation importance are not present on the site and if present that

appropriate mitigation measures are incorporated into the design and layout. In relation to this survey, I consider the inclusion of amphibians as part of the survey is appropriate and reasonable given the deep ditch running alongside the Glenamuck Road South boundary of the site with it at the time of inspection containing flowing water in a northerly direction. There also appears to be a high-water table towards the rear of the site with a drainage ditch appearing to be present on the southern boundary which connects to the drainage channel running alongside the roadside boundary of Glenamuck Road South.

Subject to such survey as a precaution I am generally satisfied that this site is one of low ecological value and it is unlikely to have any value for any Annex I or Annex II species or red listed birds. It is not apparent that the proposed development would give rise to any direct or indirect impact on a badger sett or its tunnels. Through to I consider that the loss of this overgrown mainly in grass garden plot will have insignificant impacts in terms of foraging for badgers that may be present in the surrounding setting.

As said the site is residentially zoned under the operative Development Plan and in an emerging new residential area on the fringes of metropolitan Dublin where more compact and dense residential development of brownfield sites, subject to safeguards, is encouraged in local, regional through to national planning policy provisions as well as guidance.

On balance, I do not consider that the proposed development will have any significant, negative, short to long-term impact on the biodiversity of the site or its setting subject to safeguards.

7.5.3. Obstruction of Views:

The Third-Party Observer in this appeal case raises concerns that the proposed development would block views from her property which in turn would diminish their residential amenity. The site to which this application is zoned residential, forms part of an emerging new residential community where change is to be expected and as such residential development is permissible including those of additional height through to density, subject to safeguards.

Having regards to the main assessment above it is my view that the proposed development would not give rise to undue diminishment of light or overshadowing, it

would not give rise to undue overlooking through to that the separation distances between the proposed development and adjoining properties in its vicinity are consistent with the minimum national standards deemed to be acceptable with the proposed development being of a height that is not dissimilar from buildings in its immediate setting and therefore could not be reasonably be considered to be visually overbearing when viewed from its surrounding context.

In this regard, though I accept that the proposed development would give rise to a change in context from the existing development on site. I consider that the residential amenity impact of the proposed development in general is one that is not exceptional in this type of locality or could the scale of impact on properties in its vicinity to be materially adverse.

Whilst it may be the case that the Observer has the benefit of attractive views from their property over the surrounding landscape that add to their enjoyment and positively enhance their occupation of their dwelling, the legal position in Ireland is that property owners do not have a right to a view and there is no protection afforded to views in relevant local through to national planning provisions.

As such this concern is not one that would sustain or warrant a refusal of permission.

7.5.4. Vegetation Removal:

Should the Board be minded to grant permission for the proposed development I recommend that it include a suitably worded condition that limits vegetation clearance to take place outside of the bird breeding season only, i.e. March 1st – August 31st, as per Section 40 of the Wildlife Act 1976, as amended by Section 46 of the Wildlife (Amendment) Act 2000 unless a derogation licence is held.

7.5.5. Residential Amenity:

In terms of residential amenity for future occupiers, whilst I concur with the Planning Authority's Planning Officer that improvements could be made to the storage provisions for future occupants, I am otherwise satisfied that the level of amenity being afforded to future occupants would be satisfactory and comply with relevant national and local standards, without detriment to the residential amenities of adjoining and neighbouring properties in its vicinity. I am generally satisfied in this regard. I have no

information before me to believe that the proposal would give rise to devaluation of property in its vicinity.

7.5.6. **Public Open Space:**

Table 12.8 of the Development Plan requires the provision of a minimum 15% of the site area for residential schemes to be designed as public open space. With Section 12.8.3.1 stating that: *“all residential schemes must provide a minimum provision of public open space in accordance with the table above, which has regard to the content of the Section 28 Guidelines ‘Sustainable Residential Development in Urban Areas’ (2009)”* and *“to qualify as public open space the area must be designed and located to be publicly accessible and useable by all in the County; generally free from attenuation measures; and capable of being taken in charge (i.e. must accord with the Council policy on taking in charge of open spaces)”*.

The proposed residential scheme does not include any public open space and as stated previously it is designed and laid out to not maximise permeability and connectivity to its surroundings. With one entrance serving the site for all vehicle, pedestrian through to cycle movements and no connectivity to the adjoining circulation and open spaces associated with Inglenook Wood and Cairnbrook residential schemes.

Whilst I am of the view that the design and layout of this modest residential scheme on a modest 0.25ha site area does not achieve qualitative permeability and connectivity to its surroundings, including to the access road serving Cairnbrook, which arguably would reduce the distance for occupants walking to the public transport provisions to the north east and north of the site. But also, to the adjoining cul-de-sac of Inglenook Woods on the southern boundary of the site. Notwithstanding, the Development Plan provides flexibility in certain instances where it may not be possible to provide the above standards of public open space (Note: Section 12.8.3.1) for high density urban schemes on smaller urban infill schemes that may provide adequate communal open space but no actual public open space. In this instance the communal through to private amenity space provision meets the minimum requirements of the Development Plan (Note: Table 12.7; Section 12.8.3.2 and Section 12.8.3.3 of the Development Plan respectively).

In this regard it provides under Section 12.8.3.1 “*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.*” The Planning Authority considered that this was an instance where such a contribution would be acceptable due to the constrained area of the site.

It is of note that as part of the Glenamuck Distribution Road Scheme that this includes the provision of need public open space to part serve the needs of this new residential community.

Should the Board be minded to grant permission for the proposed development I recommend that the matter of the lack of public open space be dealt with by way of a Section 48 contribution.

7.5.7. Built Heritage and Archaeology:

There are no Recorded Monuments within the site and no archaeological features, structures or deposits were identified thereon or were visible during my inspection of the site. However, the site is one where there are modest existing buildings thereon and in a setting that contains a number of Recorded Monuments in its setting. Should the Board be minded to grant permission as a precaution I recommend that it includes a suitably worded condition for archaeological monitoring of topsoil stripping and excavations, with I note additional in-depth excavations required to facilitate the proposed basement level by a suitably qualified archaeologist, during the construction stage. With this providing for the specific details of the same to be agreed with the Planning Authority prior to the commencement of development. Such a condition I consider is reasonable in the interests of conserve the archaeological heritage of the area, to secure the preservation (*in-situ* or by record) and for the protection of any archaeological remains that may exist within the site.

7.5.8. Section 49 Contribution:

Should the Board be minded to grant permission I note that the site is located where the Glenamuck Section 49 Development Contribution Scheme is applicable. In this regard the proposed development is not exempt from contribution payment.

8.0 AA Screening

8.1. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended) and based on objective information, I conclude 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.

8.2. This conclusion is based on:

- An examination of the findings and conclusion of the documentation titled 'Screening for Appropriate Assessment', dated 24th day of June, 2022, submitted with this application. This report is a Stage 1 Appropriate Assessment of the proposed development. It identifies a potential zone of influence of 5km and along associated watercourses. The NPWS sites considered were Knocksink Wood SAC; Ballyman Glen SAC, and Rockabill to Dalkey Island SAC. Its findings can be summarised as follows:

- In terms of direct impacts this report notes that the site is not located within any Natura 2000 site so there is no risk of habitat loss, fragmentation, or any other direct impacts.
- In relation to indirect impacts this report considers that construction works generate fine sediments and may cause accidental spills of oil or other toxic chemicals, which can be harmful to aquatic / marine habitats and species. It is not however considered that there are viable surface water or other pathways between the site and any Natura 2000 sites. It is therefore considered that the risk from pollutants arising during the construction phase is negligible even in the worst-case scenario and including in the absence of standard site-management measures.
- In relation to the foul water from the proposed development it is noted that this will be discharged to a local authority foul sewer from which it would be pumped to the Ringsend Waste Water Treatment Plant which is the responsibility of Irish Water to provide adequate treatment of and to assess any potential impacts it may have on the Natura 2000 network.

- During operation of the proposed development that rainwater captured from buildings and impermeable surfaces will be channelled to an attenuation tank and discharged to the drainage channel on the northwest boundary of the site. In relation to the latter, it is noted that there is no viable surface water pathway between the site and any Natura 2000 sites.
 - In relation to in-combination effects it notes that there are a number of large residential developments in the surrounding area that have permission or are in the construction phases. It considers that the proposed development will not have any impacts on nearby watercourses of Natura 2000 sites and there is no risk of any in-combination effects with any other development.
 - It concludes that having regard to Article 42(7) of the European Communities (Bird and Natural Habitats) Regulations 2011, it can be excluded on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site, and therefore AA is not required. It further notes that no mitigation measures have been considered in reaching this conclusion.
- The subject appeal site, with a site area of 0.25ha, is a brownfield site with availability for new connections to water supply and foul drainage infrastructure.
 - It is not located within; it does not adjoin or is it in close vicinity to a Natura 2000 sites. The list of Natura 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 in summary consisting of the demolition of existing buildings on site, excavation, and all associated ancillary works as well as services accommodating the proposed apartment building which would include a basement level. New water supply and foul drainage connections.
 - 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.
 - No objections or capacity issues are raised by Uisce Éireann in relation to the new water supply and foul drainage.

- There is no evidence to support the presence of direct hydrological pathway or ecological connection between the subject site and any European Sites.
- All surface water runoff from the development will be contained onsite and/or discharged 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 Natura site or sites within the potential zone of influence or beyond.
- 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.

Therefore:

Having regard to the nature and scale of the proposed development on these suburban and serviced lands, the intervening land uses, and absence of a pathway to, and the distance from, any European site, no Appropriate Assessment issues arise. Further, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

9.0 Recommendation

- 9.1. I recommend permission be REFUSED for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. It is considered that the proposed design and layout of the proposed apartment development on this site at the high density proposed would be inconsistent with the prevailing and emerging density in the vicinity, and would due to the constraints of the site, being one that is highly dependent on private car, given the public

transport provisions through to the site's remoteness from employment opportunities, retail, educational, community and other synergistic as well as supportive land uses that result in sustainable urban neighbourhoods would result in overdevelopment of the site in a manner that would be inconsistent with Section 3.4.2, Table 3.1 and Table 3.8 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024, for determining area 'City -Suburban/Extension Suburban Areas'.

It is further considered that the density of the proposed development would be inconsistent with Policy Objective PHP18 of the Dún Laoghaire Rathdown County Development Plan, 2022-2028, which encourages higher residential densities where regard is had to established character of the surrounding area.

The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the subject site has the potential to accommodate a more comprehensive, high density and more appropriate streetscape intervention for its visible corner location which addresses Glenamuck Road South and the southern side of the junction serving the Cairnbrook residential scheme onto the Glenamuck Road South.

The proposed development is therefore considered to be contrary to Section 4.4.1.1 Policy Objective PHP35 'Healthy Placemaking' of the Dún Laoghaire Rathdown Development Plan, 2022-2028, which seeks to achieve high quality with a focus on healthy placemaking outcomes through to ensure that development proposals are cognisant of the need for proper consideration of context.

Further, it would be contrary to Section 4.4.1.3 Policy Objective PHP37 'Public Realm', which seeks that all development proposals should contribute positively to an enhanced public realm and should demonstrate that the highest quality in public realm design is achieved.

The proposed development would not achieve an appropriate sense of healthy place making and public realm treatment for its corner location, a location that merits a more qualitative design and layout response.

For these reasons, the proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.

3. It is considered that the car parking provision for the proposed development and, in particular the lack of sufficient on-site car parking spaces, would be seriously deficient, and would be inadequate to cater for the parking demand generated by the proposed development, thereby leading to conditions which would be prejudicial to public safety by reason of traffic hazard on the public roads in the vicinity and which has the potential to give rise to traffic congestion on the adjoining streets in its vicinity which cannot safely absorb additional overspilling of car parking. For these reasons, the proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.
4. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate onto the substandard in width Glenamuck Road South at a point where sightlines are restricted in a northerly direction. For these reasons, the proposed development would, therefore be, contrary to the proper planning and sustainable development of the area.

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

4th day of July, 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315934-23			
Proposed Development Summary	Demolition of buildings, construction of part three and part four storey building comprising of 27 apartments with all associated site works.			
Development Address	'Cairnlea', Glenamuck Road, Carrickmines, Dublin 18.			
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	<input checked="" type="checkbox"/>	
		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	<input checked="" type="checkbox"/>	Is of a class but does not exceed the relevant quantity, area, or limit of that class. (Note: 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended).	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	<input checked="" type="checkbox"/>	The proposed development is of a Class specified, i.e., 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended.	It is subthreshold given the unit number is 27 in total and the site area significantly falling below the area	Proceed to Q.4

			threshold (Note: 0.25ha site area).	
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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-315934-23	
Proposed Development Summary	Demolition of buildings, construction of part three and part four storey building comprising of 27 apartments with all associated site works.	
Development Address	'Cairnlea', Glenamuck Road, Carrickmines, Dublin 18.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions, or pollutants?	<p>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 serviced accessible residentially zoned lands.</p> <p>This mono-use development would produce standard expected waste, emissions/pollutants that correlate with the removal of an existing converted coach house dwelling, storage structures and the like. The nature and scale of the proposed development is not exceptional, and it is of a type that can be dealt with during demolition, construction, and operational stages by standard best practice measures and controls.</p>	<p>No.</p> <p>No.</p>
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	<p>There is an emerging pattern of more compact, denser, and taller buildings within the wider setting in the former Kiltiernan Glenamuck LAP. Whilst it is circa more than twice the density of development at this location having regard to the wider emergent pattern of development despite this density concern it is a modest in scale residential development of 27 dwelling units that is not exceptional in its environment.</p> <p>It has been demonstrated that the proposed development would not give rise to cumulative impacts on its setting having regard to other existing and/or permitted projects.</p>	<p>No.</p> <p>No.</p>
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or	<p>The nearest ecologically sensitive site is located c4.1km to the south of the site (i.e., Knocksink Wood SAC (Site Code: 000725)) as the bird would fly. 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,</p>	<p>No.</p>

location?	the capacity of the existing infrastructure to accommodate the foul drainage and water supply of the scheme once operational together with the surface water drainage measures I am satisfied that the proposed development would not give rise to any potential to significantly impact on any ecologically sensitive site or location.	
Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	<p>The proposed development relates to a brownfield/infill site within a serviced setting. There are no pathway connecting it to the nearest environmentally sensitive area and there is a significant lateral separation in between with the intervening area mainly brownfield serviced urban lands.</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 likely to be the case, having regard to the topography, the geology, and other locational factors through to relevant characteristics and attributes of the intervening landscape the contaminants would be diluted to an imperceptible level before they would reach the SAC or any pNHA in the vicinity.</p> <p>I am satisfied that the proposed development would not 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>	No.
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p><u>I concurred with this statement based on scientific data and having regards to the assessment above.</u></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: _____